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House of Representatives

The House met at 10 a.m.

The Reverend James Rousakis, Holy Trinity Greek Orthodox Church, Clearwater, Florida, offered the following prayer:

Almighty God, being glorified at all times, knowing that we can do nothing without divine guidance, send Your blessings and direct to divine wisdom and power the Members of the United States House of Representatives that they may accomplish their task faithfully and diligently, being profitable to the United States of America, a continuous example to the world of freedom and human rights. Be their light when the day is dark; their fortress in the hour of temptation; a house of defense to save them; their strength when the flesh is weak and the spirit depressed; their courage in the hour of danger and adversity and their hope when all other hope fails. Grant them perfect health of mind and body. Direct their thoughts in the way of truth that they may enact, order and enforce those laws that are true and just. Enlighten them to govern and lead the United States of America in the way of prosperity and righteousness. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. POE led the Pledge of Allegiance as follows:

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

WELCOMING REV. JAMES ROUSAKIS

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

There was no objection.

Mr. BILIRAKIS. Madam Speaker, I rise today to welcome a good friend and inspired leader from Tampa Bay, Father James Rousakis of Holy Trinity Greek Orthodox Church in Clearwater, Florida.

I have known Father James for nearly 20 years and have become a big admirer of him, as well as his wonderful wife, Presvytera Vasiliki, an incredible woman who is just as much a leader at Holy Trinity Greek Orthodox Church as Father James.

When I asked Father James what compelled him to a life in the church when he was on a completely different career path at age 23, he said he was attending Holy Thursday church services during Easter and a compelling voice said over his left shoulder, ''You need to be here every day!'' Listening to that voice, Father James became ordained as a priest in 1971, and the rest is history.

He has served the Orthodox faithful in Rochester, New York; Atlanta, Georgia; Portland, Maine; Indianapolis; and now Clearwater Florida. As Vicar of the Tampa Bay Greek Orthodox Church for the Metropolis of Atlanta, Father James Rousakis will begin his 18th year of pastorship in my district. With his boundless energy, Father James has helped to foster incredible growth in the membership and ministries at Holy Trinity.

Madam Speaker, I wish Father James many more years of compassionate and enlightened service in the Tampa Bay area, and am glad that he didn't ignore that profound voice 45 years ago.

Welcome, Father James.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches from each side of the aisle.

LIHEAP

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

Mrs. MCCARTHY of New York. Madam Speaker, last winter our Nation experienced record high heating bills, and this summer's cooling bills are expected to follow suit. LIHEAP is authorized at $5.1 billion, and the program has never been fully funded. Concerns are high across the Nation that LIHEAP will not be able to help those people that need the most help because it is set to run out of money before the most intense periods of the heating and cooling seasons start.

Congress and the President can act by fully funding LIHEAP through authorizing the spending of $3.12 billion in the second economic stimulus package. With this action, Congress and the President would send a clear message to the Nation: We do care about those that are most vulnerable. LIHEAP works not only to protect our Nation's vulnerable, low-income populations but also to stimulate the economy so that those families can spend money more fully for other things.

Fully funding LIHEAP should be a top priority for this Congress, and we should fully fund the program in the second stimulus package. We have an opportunity to help those that are having a hard time to get by during these times.

PRIME MINISTER SINGH'S MAJORITY REMAINS

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

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Mr. WILSON of South Carolina. Madam Speaker, yesterday India's Parliament held a confidence vote on Prime Minister Manmohan Singh's majority coalition. Prime Minister Singh's majority prevailed. This is good news for the U.S.-India civilian nuclear agreement that is currently under consideration by the International Atomic Energy Agency and Nuclear Suppliers Group.

A minority party of the Indian Parliament called for the vote in opposition to Prime Minister Singh's decision to send the nuclear agreement to the IAEA for consideration. Yesterday's victory provides a political mandate for the agreement between the United States and India which will strengthen our partnership as well as further the advancement of nuclear energy, which is good jobs and stable power for the people of India.

As the citizens of my home State of South Carolina know, nuclear energy is a clean and renewable energy source. For over 30 years, over 50 percent of electricity generated in our State has come from nuclear power.

As a long-time supporter of the civilian nuclear agreement, I am grateful that we will continue to step closer to having the agreement implemented.

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

LIHEAP

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

Mr. KUCINICH. In the face of rising demand for help with home energy costs, the Ohio Department of Development reports that it has $17 million less than last year to help low-income households pay energy bills. Cuyahoga County was forced to cut assistance checks this summer from $175 to $100.

The Low Income Home Energy Assistance Program funds have helped millions of Americans stay cool in the summer and warm in the winter. However, LIHEAP dollars have been stretched to the breaking point as more and more people find it impossible to pay their energy bills. It's outrageous that the most vulnerable Americans—children, the disabled, and elderly—go hungry and develop long-term health problems as the profits of oil and other energy companies skyrocket.

I support a second stimulus package that includes $3.12 billion for the LIHEAP program. But I believe we must also redouble our efforts to address the economic policies that create and perpetuate energy insecurity.

Support a second stimulus package for these Americans who rely on the LIHEAP program.

THE CITY BY THE BAY CATERS TO CRIMINAL ILLEGALS

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

Mr. POE. Madam Speaker, I bring you an update from the City by the Bay. San Francisco recently spent $50 million proudly advertising that it was a sanctuary city. I now give you the results of this very successful PR campaign, because it has worked.

This week's example is illegal Edwin Ramos. He loves San Francisco because even though he has been arrested twice for felonies, the compassionate folks of San Francisco never wanted him deported back to El Salvador. So he stuck around, got arrested for a gun charge this spring, and still wasn't sent home.

So last week he got a bit of road rage and gunned down Anthony Bologna and his two sons, Matthew and Michael, while they were returning from a family picnic. Mrs. Bologna blames the city for the murders because it ''caters to illegals''. I hope the mayor of San Francisco is proud of his sanctuary policy for illegals because it's cost three lives.

Mrs. Bologna should have a wrongful death cause of action against the City of San Francisco, especially the mayor, for its sanctuary policy. And Congress should prohibit all Federal funds from going to cities like San Francisco that proudly ignore American immigration laws and welcome foreign outlaws like Ramos.

And that's just the way it is.

RELEASE OIL FROM SPR TO BRING DOWN PRICES TODAY

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

Mr. ARCURI. Madam Speaker, Americans are paying the price for President Bush's lack of an energy policy. It's this lack of a policy that has produced record prices for consumers and record profits for Big Oil. This President has the authority to send oil into the American market by opening the Strategic Petroleum Reserve, an action that would put oil on the market in 13 days and would provide relief at the pump immediately.

But instead of providing American drivers with relief from $4-a-gallon gas, the administration has decided instead to give their friends in Big Oil one last gift before they leave office. The President's action to lift the offshore drilling moratorium will do nothing to lower prices at the pump now. In fact, his own Energy Information Administration says opening up new areas for drilling won't lower gas prices for 20 years, and even then by only a couple of pennies.

Madam Speaker, deploying some oil from the Reserve would increase the supply of oil and help bring down the cost of gasoline. With so many Americans struggling in today's economy, it's time President Bush stands up for consumers and taps into the Strategic Petroleum Reserve.

A MORE RESPONSIBLE APPROACH TO THE HOUSING AND FINANCIAL MARKETS IS NEEDED

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

Mr. NEUGEBAUER. Madam Speaker, later today the House will consider legislation that will negatively impact our Nation's housing and financial markets, not to mention the taxpayers, for years to come.

The majority has combined some reforms that are long overdue. One of those is to make Freddie Mac and Fannie Mae have a stronger regulator and to modernize FHA to make it relevant and more effective for borrowers across our country. Unfortunately, this bill also includes provisions that would put the taxpayers on the hook for people that may have borrowed money that they shouldn't have borrowed and for lenders that made loans that shouldn't have been made. It also diverts billions of dollars from Freddie Mac and Fannie Mae at a time when we're saying that they may not be adequately capitalized.

Madam Speaker, at a time when Americans are having a hard time making their mortgage payments and dealing with high food prices, they do not want to be saddled with their neighbor's house payment.

I urge my colleagues to defeat this legislation.

□ 1015

DEMOCRATS URGE PRESIDENT TO RELEASE OIL FROM THE STRATEGIC PETROLEUM RESERVE

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

Mr. MURPHY of Connecticut. Madam Speaker, since President Bush took office, the price of oil has skyrocketed from $30 a barrel to a recent high of $150 a barrel. These prices are debilitating millions of American families who can't even afford to go to the grocery store.

Two months ago, Congress forced the President to take action and stop filling the Strategic Petroleum Reserve, which is already at its highest levels ever. On July 1 we stopped putting oil into the reserve, which could lower prices at the pump anywhere from 10 to 25 cents. This action will have real results for the American people.

And now Democrats are urging the President to release oil from that reserve to provide additional assistance right now to American consumers.

Some say that we should only use oil from the reserve in an emergency.

Madam Speaker, I suggest that if families not being able to put food on the table or freezing this winter isn't an emergency, I don't know what is.

AMERICA WILL VOTE TO DRILL

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

Mr. PENCE. Well, back in Indiana, Hoosier families are hurting. Pain at the pump is harming the vitality of our families, our family farms, and small businesses, and the time has come for Congress to act.

Madam Speaker, we've heard from many of our Democrat colleagues that the answer is to go deeper into our Strategic Petroleum Reserve. I believe the answer is to go deeper into the reserves that are in the Outer Continental Shelf, in Alaska, and in the Gulf of Mexico.

The American people know the only way to lessen our dependence on foreign oil is to lessen our dependence on foreign oil by giving the American people more access to American oil.

I joined all my Indiana colleagues this past Monday at a press conference in Hoosier State urging you, Madam Speaker, to bring to this floor a vote on allowing American oil companies access to the Outer Continental Shelf. The President's lifted his executive ban. Now the only thing standing in between the American people and more access to American oil is one up-or-down vote on the floor of the Congress.

I urge you respectfully, Madam Speaker, bring the bill to the floor to allow the American people access to the reserves in this Outer Continental Shelf, and that bill will pass. If Congress is allowed to work its will, America will vote to drill.

JOB LOSSES CONTINUE FOR SIX CONSECUTIVE MONTHS AS ECONOMY GETS WORSE

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

Mr. CLEAVER. Madam Speaker, our economy has now lost 430,000 jobs this year. The latest employment numbers show 62,000 jobs lost last month alone. This only adds to the growing financial insecurity among America's middle income families.

For the past 7 years, this administration has been supporting the same old policies that got us into this recession. The 3.8 million Americans who continue to struggle to find work in this sluggish economy can no longer afford the poisonous policies of the past. They can't afford to drive their kids to school because of over $4 a gallon in gasoline.

A Teamster told me at home last weekend that it cost him $1,000 to fill his rig. He can't afford to stay in the business. No one can afford to buy groceries because the price of milk and bread has soared past inflation.

And while Senator JOHN MCCAIN's chief economic adviser says Americans are simply whining about the economy, Democrats believe that we need to actually do something.

Madam Speaker, this new law that we passed 13 weeks ago to help 1.6 million Americans will help middle class families.

WISHFUL THINKING WON'T BRING DOWN GAS PRICES

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

Mr. SMITH of Nebraska. Madam Speaker, I say that wishful thinking on the part of Congress will not bring down gas prices. I truly believe, and evidence shows, that action to bring about more supply will bring down gas prices.

More supply perhaps from the Strategic Petroleum Reserve? Maybe, but not without replacing those reserves, and we know we can do that with Outer Continental Shelf drilling, as well as responsible, environmentally sensitive drilling in Alaska. We can do that.

Consumers will benefit, such as the single mom in my district who called and told me that a one-way drive to work so that she can feed her family is 40 miles, one way. There's no option of a subway. There's no option of public transportation. She has to pay for it. These gas prices are hurting her and her family.

And, Madam Speaker, we can do better. We must do better.

INCREASE LIHEAP FUNDING

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

Mr. YARMUTH. Madam Speaker, there's one thing on which everyone in this Chamber agrees, it's that we're in an energy crisis, and the American people are paying the price.

So, as we consider a second stimulus package to provide immediate relief and spur long-term growth, I urge my colleagues to also offer assistance where we know people need it: immediately paying for energy.

The Low Income Home Energy Assistance Program, LIHEAP, provides critical heating and cooling assistance to millions of hardworking, low-income Americans across this country, and now, in the middle of a hot summer and trying economic times, this assistance is more important than ever.

In Kentucky, 300,000 people qualify for LIHEAP, but because we have yet to fully fund the program, only a third are receiving the help they need, leaving 192,000 Kentuckians underserved, forced to choose between food for their children and critical cooling and heating needed to get through a long summer and winter.

Eligible families spend, on average, a fifth of their incomes on energy. I urge my colleagues to fully fund LIHEAP and provide desperately needed help to struggling American families.

ENERGY

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

Mr. BURGESS. Madam Speaker, this is energy morning here on the House floor, and I'm no different from anyone else.

We're hearing a lot this morning about opening the Strategic Petroleum Reserve. Well, if we're willing to say supply matters—and I'll agree with that, yes, supply does matter—opening the Strategic Petroleum Reserve only make sense if it's part of a comprehensive plan, and yes, this is an emergency. This is an emergency that requires all hands on deck.

Supply is critical. Access to new supply in the Outer Continental Shelf in the Gulf of Mexico is critical, as are alternative sources of energy, as are conservation measures.

Today, this morning, I'm asking the majority party to work with us and help the people who are impacted most by the rising energy prices, the people who can least afford it. That includes the vulnerable, the elderly, the impoverished.

It's time to stop pandering to wealthy environmentalists and start addressing the problems caused by impeding domestic production of energy. Stop protesting the siting of transmission lines for wind, solar, and hydroelectric power. Allow the rigs and pipelines to function, and allow the American workforce and American ingenuity to go to work and get this done for America.

Please stop the restrictions for responsible exploration for our natural resources like coal, natural gas, and crude oil. End the heavy-handed restrictions on energy exploration.

LIHEAP

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

Mr. SARBANES. Madam Speaker, in the wake of skyrocketing energy prices, I rise today to urge this Congress to fully fund the Low Income Home Energy Assistance Program, known as LIHEAP, as part of the economic stimulus legislation that's being considered.

Americans are feeling the pinch. Sixty percent of families are cutting spending as they struggle to pay for rising electric bills and gas prices. Let me speak directly about the situation of one Maryland family.

Mr. Delatore works part time as a counselor and gets partial disability because of complications from cerebral

palsy. He's had a tough time making ends meet, especially in the last year. Mr. Delatore is a LIHEAP recipient. He has expressed severe anxiety that he can barely afford to buy what he needs. Without energy assistance, he will be pushed over the edge.

Madam Speaker, many families are living close to the economic edge, and they rely on this LIHEAP support, this critical support, to make ends meet. We have to fully fund this program.

REAL ENERGY SOLUTIONS

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

Mr. SULLIVAN. Madam Speaker, everywhere I go across the First Congressional District, my constituents have the same question on their minds: If record-high gas prices that are breaking the backs of families across the Nation won't entice Congress to act now, then what will?

By failing to allow an up-or-down vote on legislation to increase the production of American-made energy, my friends on the other side of the aisle remain the only obstacle to putting America on a path to energy security and decreasing our dependence on foreign oil.

The American people overwhelmingly support a commonsense, all-of-the-above solution to solve this crisis and address our growing energy needs.

The longer we delay in passing a comprehensive energy plan, the longer American families and small businesses will continue to pay more than they should for a tank of gas.

It's time for the majority to live up to their promise and allow a vote on the energy future of this country.

INCREASED FUNDING FOR LIHEAP MUST BE A NATIONAL PRIORITY

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

Ms. SHEA-PORTER. Madam Speaker, it may be July, but New Hampshire families are already worried about how are they going to heat their homes this winter. The cost of heating oil has been rising dramatically all year. With $5 a gallon heating oil forecast, the average New Hampshire family could be spending $4,000 to heat their homes. This is a daunting figure for most families.

With so many households relying on heating oil and with the Bush administration recommending a $500,000 cut to the Low Income Heating Energy Assistance Program, LIHEAP, for fiscal year 2009, Congress simply must step in and provide the kind of funding relief Americans need.

I have introduced legislation that would provide $9 billion in emergency funding for LIHEAP, as well as an additional $1 billion for weatherization programs. Not only would this proposal ensure that Northern States receive increased aid to get through the long winter, but it would also help the Southern States get through their hot summers.

Increased funding for LIHEAP must be a national priority. The administration's effort to slash funding is absolutely inexcusable. Congress must step in and provide adequate funding.

THE AMERICAN PEOPLE DESERVE ACTION ON ENERGY

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

Ms. FOXX. Madam Speaker, I've listened to these Democrats talk. It's their typical response: more government funding and creating dependency on the Federal Government.

In 2006, Democrats promised relief from high priced gas prices. Since they gained control of Congress, gas prices have more than doubled. We continue to wait for the Democrats to unveil an energy plan that will actually lower prices for Americans at the pump. So far, all we hear is drilling takes too long.

That's the kind of shortsighted thinking that got us into this reliance on foreign oil in the first place. They don't want to hear about long-term solutions.

So I have good news for you. Even the announcement of drilling will immediately affect the market price of oil.

President Bush announced the lifting of an executive moratorium, and the next day, oil dropped $8 a barrel. The market responds to information, and it will respond even to the announcement.

A second good piece of news for those who don't want to begin a long-term solution is there is already a pipeline in Alaska. It doesn't hold anywhere near its full capacity. Let's fill it with oil from ANWR. We'll see a price change soon.

What the American people deserve is action. The message to the Democrat majority is do it here, do it now, do it for America.

DRILLING IS NOT THE ANSWER TO HIGH GAS PRICES—DEMOCRATS WORKING ON REAL SOLUTIONS

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

Mr. PAYNE. Madam Speaker, we cannot drill our way to either energy independence or to lower prices at the pump. The Bush administration's own Energy Information Administration says that opening up new areas for drilling would not affect production or prices for nearly 20 years, and even then it concludes that ''any impact on average wellhead prices is expected to be insignificant.'' So much for the Republican energy plan.

In stark contrast, House Democrats have taken action and passed legislation that will make America more energy independent and help provide relief to Americans struggling with high gas prices. For the first time in 32 years, we passed a landmark law that will require more fuel efficient vehicles, which will produce nearly $1,000 in savings for the average American family at the gas pump. This is the kind of relief that my constituents in New Jersey want.

Democrats also forced the President to stop sending oil to the Strategic Petroleum Reserve, and now we are standing and urging him to start releasing oil from the reserve.

□ 1030

REPUBLICANS TO INTRODUCE COMPREHENSIVE ENERGY SOLUTION

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

Mrs. BLACKBURN. Madam Speaker, in a recent Reuters/Zogby poll, we learned that 75 percent of Americans support drilling for oil offshore. In other polls, between 68 and 76 percent of all Americans favor immediate oil and gas exploration onshore.

Last week, after reading those polls, the Democrat leadership decided they would take some action and brought forward a faulty bill to try to improve their image. Of course, the bill failed.

Now we do have agreement on one issue, Madam Speaker—that we should be drilling. Republicans are not waiting for others to take action. We are continuing to take action and continuing to bring forward possible solutions to this problem.

Today is one of those. We will introduce a comprehensive energy solution this afternoon that would address America's energy concerns and begin to look at short-term, mid-range and long-range planning for our Nation's energy supply.

What a plan. What a concept. Develop a comprehensive plan to make certain that we address the price at the pump.

ANOTHER QUARTER OF RECORD-BREAKING PROFITS FOR BIG OIL

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

Mr. OLVER. Madam Speaker, while Americans pump billions of dollars into their gas tanks every week, Big Oil has just completed another quarter of record-breaking profits.

The companies claim they are looking for new oil to bring down the price at the pump, but what they spend on exploration is small compared with their stock buybacks and shareholder dividends. That's great for their investors, but no help for millions of Americans who drive to work every day.

Come to think of it, why would they bring to market the 4 million already

leased and easily developable acres of the National Petroleum Reserve in Alaska, only to have their profits plunge while trying to reduce gas prices?

Last week, Democrats in Congress supported legislation to increase domestic oil production by requiring oil companies to drill on leases they control or lose those leases to companies that would drill.

The Republicans once again voted no. Republicans won't require oil companies to drill, but they have no problem handing them more leases to hoard while gas pump prices and oil company profits soar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. TAUSCHER). 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.

APPROVING RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. LEVIN. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 93) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 93

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENEWAL OF IMPORT RESTRICTIONS UNDER THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) RULE OF CONSTRUCTION.—This joint resolution shall be deemed to be a ''renewal resolution'' for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 2. CERTAIN COBRA FEES.

Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking ''September 30, 2017'' and inserting ''October 7, 2017''.

SEC. 3. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 0.25 percentage points.

SEC. 4. EFFECTIVE DATE.

This joint resolution and the amendments made by this joint resolution shall take effect on the date of the enactment of this joint resolution or July 26, 2008, whichever occurs first.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. LEVIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

The bill before us will renew the import ban on products of Burma. While there can be concerns about the universal effectiveness of unilateral sanctions, Burma clearly presents a unique situation. There is overwhelming evidence that Burma continues to blatantly disregard human rights and suppress democracy, and it is therefore important to continue the import ban for another year.

Under the military regime that rules Burma today, Nobel Laureate Aung San Suu Kyi remains under house arrest, which the military regime extended yet again in May. She has been detained for 12 of the last 18 years without being charged or tried. The government is also detaining almost 2,000 other civic activists indefinitely and without charge. The detention of Aung San Suu Kyi and these other activists would be reason enough to renew the sanctions. Unfortunately, there are many more examples of human rights abuses in Burma.

Government security forces killed and injured hundreds of demonstrators during their suppression of pro-democracy protests in September. These forces have also committed other extrajudicial killings, as well as disappearances, rape, and torture in the past year.

Regime-supported organizations and militias have harassed, abused and detained human rights and pro-democracy activists. The government regularly tramples on the Burmese people's privacy and their freedom of speech, press, assembly, association, religion and movement.

Violence and discrimination against women and ethnic minorities; recruitment of child soldiers; and trafficking in persons, especially women and girls, persist. Workers' rights remain restricted and forced labor, including that of children, continues to be a problem.

The military regime's handling of tropical cyclone Nargis this past spring also underscores the poor human rights situation in Burma. The regime did little to warn citizens about the calamitous cyclone. Almost 150,000 people are dead or missing. Nor did the regime provide adequate assistance to hundreds of thousands who survived the cyclone.

While dozens of nations, including our Nation, responded immediately to the cyclone and attempted to provide humanitarian assistance, the government initially denied them permission to enter the country. It continues to severely limit their ability to provide assistance.

As a result, the Burmese people unnecessarily suffer. In light of Burma's continuing dismal record and the lack of any concrete steps to provide basic human rights to its citizens or to implement basic democratic reforms, I urge my colleagues to extend the ban on the import of Burmese products for another year.

I also hope the European Union, ASEAN and other nations around the world will continue to work with the U.S. to increase pressure on the Burmese regime. This week's ASEAN meetings in Singapore offer the opportunity to do so.

I would also like to submit the following letters for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 9, 2008.

Hon. HOWARD BERMAN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H. J. Res. 93, which renews the import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (P. L. No. 108–61). This legislation was introduced on June 5, 2008.

As you know, the Committee on Ways & Means has jurisdiction over import matters, such as the import ban imposed by the Burmese Freedom and Democracy Act. Accordingly, certain provisions of H. J. Res. 93 fall under the Committee's jurisdiction.

The import ban imposed by this Act must be renewed annually by Congress to remain in effect. Last year, the Committee allowed the renewal legislation to proceed to the floor without a Committee markup. To again expedite this legislation for floor consideration, the Committee will forgo action on this bill and will not oppose its consideration on the suspension calendar. This is done with the understanding that it does not in any way prejudice the Committee or its jurisdictional prerogatives on this, or similar legislation, in the future.

I would appreciate your response to this letter, confirming our understanding with respect to H.J. Res. 93, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 9, 2008.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H. J. Res. 93, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

I appreciate your willingness to waive consideration of this legislation in the interest of expediting its consideration. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Ways and Means. I agree that the inaction of

your Committee with respect to the bill does not in any way prejudice the Committee on Ways and Means or its jurisdictional prerogatives on this or similar legislation in the future.

I concur that our exchange of letters be included in the Congressional Record.

Cordially,

HOWARD L. BERMAN,
Chairman.

Madam Speaker, I now reserve the balance of my time.

Mr. HERGER. Madam Speaker, I rise in support of H.J. Res. 93, to extend import sanctions against Burma for another year. Conditions are getting worse, not better, in Burma.

This past year has been particularly repugnant on all fronts. The U.N. General Assembly expressed grave concern with the ongoing systematic violations of human rights and fundamental freedoms in Burma.

In response to peaceful civic protests in August and September of 2007, the regime killed 30 people, according to U.N. estimates. Other sources reported hundreds of deaths. Harassment, beatings and other violent attacks on demonstrators were routine.

The U.N. Human Rights Council strongly deplored these mindless acts, and the U.N. Security Council, which includes China, unanimously condemned them as well. The ASEAN countries, Burma's neighbors, proclaimed their revulsion.

As for promoting democracy, there too Burma went in the wrong direction, ignoring the requests of the U.N. special adviser to release opposition political prisoners. The regime imposed on its people a smoke-and-mirrors democratic process, criminalizing criticism of its sham constitution and forcing an unfair referendum on communities devastated by the cyclone. This is not the scorecard of a country for which we should lift sanctions.

I must say, however, that I seriously question the usefulness of unilateral action. Our Burma import sanctions have been in place for 5 years. During that time, the repressive ruling regime has shown no progress toward democracy and respect for human rights.

That said, in light of the events of the past year, I believe that we have no choice but to continue these sanctions, not only to remind Burma's leaders that their actions are inexcusable, but also to communicate to the impoverished Burmese people that we have not abandoned their cause.

While I am an admitted skeptic when it comes to import sanctions, the Burma sanctions are structured to epitomize their effectiveness. They require the administration to report annually on whether conditions in Burma are improving, and whether U.S. national security, economic and foreign policy interests are being served.

The President may waive the sanctions in the national interest. Finally, they are not self-executing. The sanctions will sunset next July unless Congress votes to extend them. Most importantly, our sanctions, which this Chamber voted last week to strengthen even further, are driving other countries to take a tougher stance.

This past year, Canada imposed new export, import and investment restrictions on Burma. Australia instituted new financial measures, and the EU sharpened its import sanctions, targeting Burma's profitable extractive industries.

We still need to see much more from China, the ASEAN nations and India. For us to force change in Burma, the action must be multilateral, and continued efforts to build international pressure are critical to my future support for these import sanctions. In the meantime, Madam Speaker, I support this resolution.

I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, it is now my privilege to yield as much time as he shall consume to the lead sponsor of this resolution, the distinguished colleague from New York, a member of our committee.

Mr. CROWLEY. I thank my friend from Michigan for yielding me this time. I want to thank my colleagues on both sides of the aisle for expressing their support for what I believe is a very valuable piece of legislation.

Madam Speaker, I rise in strong support of the renewal of the sanctions on the Burmese junta. I am proud to follow in the footsteps of the previous author of this important legislation, the late Tom Lantos. It was Tom's drive and energy that ensured that this legislation was passed in the past Congresses, and I am now pleased that I am able to pick up the mantle and to be the lead sponsor of this legislation as it moves forward.

Like Mr. Lantos, I believe that the United States has a moral obligation to stand up for those citizens of the world who cannot stand up for themselves. For many years now, the Burmese military junta has committed endless atrocities toward rival factions and ethnic groups inside their borders. Over 1 million of the Burmese people have been forced to relocate from their homes. More than 2,700 villages have been annihilated while junta leaders deny much-needed humanitarian aid to reach refugees as a result of Cyclone Nargis. Millions have been subjugated into forced labor, what the International Labor Organization calls, and I quote, a modern form of slavery.

The junta is one of the few remaining repressive regimes still in power in the 21st century. The entire world witnessed the repression that existed only last fall in Burma when the military junta smashed a burgeoning democracy movement. Once again, it was demonstrated when the military junta denied humanitarian assistance to its own people during Cyclone Nargis.

President Bush and the First Lady continue to bring attention to the people of Burma's struggle for freedom and democracy, and I congratulate and commend both of them for that.

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Most recently, the President signed the Congressional Gold Medal of Freedom for Aung San Suu Kyi, which again further demonstrates the commitment of the President and of Congress in terms of bringing notoriety to her cause. But we need to pressure our allies, specifically the European Union and the Association of Southeast Asian Nations, known as ASEAN, as well as, I believe, China and India, to do more to clamp down on the junta's finances and international travel.

If we ignore this terrible situation, it will only continue to worsen. The time to act against these Burmese atrocities is upon us. Times such as now are when a strong voice is needed to push the world in the right direction. As a collective group, we can come together to save lives and to save a culture from being swallowed by inhumanity.

I want to again thank my colleagues on the other side of the aisle, who may have some skeptical thoughts about the imposition of sanctions, but I think you've already alluded to other countries and what they're doing now as a result of what we did, maybe unilaterally. But we are making a difference by not ignoring the plight of the people of Burma, who are being held, in many respects, in bondage by their own government.

And so I applaud you for recognizing the effects that these sanctions have had and will continue to have and will grow. We're looking for more partners in this effort. And I believe by passing this legislation today, it demonstrates our further commitment towards the people of Burma, who have very few people in the world looking out for them but the United States. So I congratulate you all for supporting this legislation and I urge all my colleagues to support this bill.

Mr. SHAYS. Madam Speaker, I rise in support of H.J. Res. 93, which would reauthorize the Burmese Freedom and Democracy Act.

The devastation caused by Cyclone Nargis in May has been heart wrenching to watch. Despite the significant progress that has been made over the last three months with the support of the international community and numerous non-governmental organizations, the junta has frustrated our efforts to do more to help the people of Burma. We must continue to assist the humanitarian needs of the most vulnerable communities.

As a member of the Congressional Human Rights Caucus, I am particularly concerned about human rights in Burma. The violence against thousands of protesters led by Buddhist monks last September, which was triggered by the unannounced decision of the Burmese military junta to remove fuel subsidies, should be of great concern to everyone.

We must call on the Burmese junta to end its human rights abuses against members of Burma's ethnic minorities immediately, and until then, we should continue to impose tough economic and diplomatic sanctions against Burma.

I urge the support of H.J. Res. 93.

Mr. KING of New York. Madam Speaker, today I rise in support of H. J. Res. 93, a resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act (P.L. 108–61). I am proud to have once again introduced this legislation; this year with the gentleman from New York, Mr. CROWLEY.

In 2003 Congress passed the Burmese Freedom & Democracy Act, legislation that I co-authored with my friend, the late Tom Lantos. President Bush signed this bill into law and we have reauthorized these import restrictions every year since. The legislation bans imports from Burma and the issuance of visas to those officials affiliated with the State Peace and Development Council, SPDC, the military junta that rules Burma and brutally represses its people. This law also bans U.S. financial transactions that involve individuals or entities connected with the SPDC.

These sanctions are critically important to keeping the pressure on the Burmese junta. The government continues to have one of the worst human rights records in the world and routinely violates the rights of Burmese citizens, including the systematic use of rape as a weapon of war, extrajudicial killings, arbitrary arrests and detention, torture, as well as slave and child labor. The Burmese regime has destroyed more than 3,000 ethnic villages, displaced approximately 2,000,000 Burmese people, more than 500,000 of which are internally displaced, and arrested approximately 1,300 individuals for expressing critical opinions of the government. And it continues to hold Aung San Suu Kyi, the head of the National League for Democracy and the democratically elected leader of Burma, under house arrest.

And just when you thought it couldn't get any worse, it does. In August 2007, after the SPDC cancelled fuel subsidies resulting in skyrocketing fuel prices, student leaders, democracy leaders, and Buddhist monks marched peacefully through the streets to demand human rights, freedom, and democracy. But the military responded by attacking these protestors. Hundreds of innocent people were killed, arrested, imprisoned, or tortured as part of this violent crackdown.

Then in May 2008 came Cyclone Nargis. Hundreds of thousands of Burmese citizens lost their lives because the government did not inform them a storm was approaching and, even worse, delayed and prevented humanitarian aid from reaching its people.

We must continue to stand with the Burmese people and expose the despicable and reprehensible actions of the SPDC. Sanctions are critical to putting pressure on the junta, Just last week the House passed the Burmese Democracy Promotion Act (H.R. 3890) which would ban the importation of Burmese gems into the United States and freeze the assets of Burmese political and military leaders. But we need to urge others to do the same. The Association of Southeast Asian Nations, ASEAN, the European Union, EU, and the United Nations Security Council, UNSC, must all impose multilateral sanctions against Burma's military regime including a complete arms embargo.

I urge adoption of the resolution.

Mr. HERGER. Madam Speaker, I urge an ''aye'' vote on this and yield back the balance of my time.

Mr. LEVIN. Madam Speaker, I yield back the balance of my time with the hope that we will pass this. And I think Mr. CROWLEY noted the efforts of our late colleague and close friend, Tom Lantos. He paved the way on this, and I think we need to follow in that path.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the joint resolution, H.J. Res. 93, as amended.

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

A motion to reconsider was laid on the table.

AMENDING THE INTERNAL REVENUE CODE OF 1986 TO RESTORE THE HIGHWAY TRUST FUND BALANCE

Mr. LEWIS of Georgia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6532) to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6532

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

SECTION 1. RESTORATION OF HIGHWAY TRUST FUND BALANCE.

(a) IN GENERAL.—Subsection (f) of section 9503 of the Internal Revenue Code of 1986 (relating to determination of trust fund balances after September 30, 1998) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs 2 ems to the right,

(2) by striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—For purposes'',

(3) by moving the flush sentence at the end of paragraph (1), as so amended, 2 ems to the right, and

(4) by adding at the end the following new paragraph:

''(2) RESTORATION OF FUND BALANCE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated to the Highway Trust Fund $8,017,000,000.''.

(b) CONFORMING AMENDMENT.—The last sentence of section 9503(f)(1) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by striking ''subsection'' and inserting ''paragraph''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Louisiana (Mr. MCCRERY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Madam Speaker, may I ask unanimous consent to give Members 5 legislative days to revise and extend their remarks on the bill, H.R. 6532.

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

There was no objection.

Mr. LEWIS of Georgia. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, first let me thank my colleagues, Chairmen RANGEL, OBERSTAR and DEFAZIO, for acting on this important issue.

Madam Speaker, our roads need repair. Our State and local governments are struggling to make ends meet. Our drivers suffer when highway projects are delayed.

This bill is a temporary fix for the estimated $4 billion shortfall in the highway trust fund.

This bill should fully fund the highway trust fund through 2009, but we still need a long-term bipartisan solution. I want to be clear, no money, but no money is spent under this bill. That process is left up to the appropriators. This legislation simply amends the Internal Revenue Code provision only.

Madam Speaker, transportation is the number one issue for many citizens in my district. Commuters sit in traffic for about 60 hours every year. Early this year, Forbes magazine declared the Atlanta metro area as the worst city for commuters in the country; the worst, Madam Speaker. If we fail to act today, our citizens, our States and our economy will suffer. We must act, and we must act today. We must act now.

I urge my colleagues on both sides of the aisle to vote in support of H.R. 6532.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in opposition to H.R. 6532.

I would say to my good friend, the chairman of the Transportation Committee, that I agree with him that the current financing structure for our transportation needs is inadequate. The bill before us today, though, I think just puts off the day that we will finally come to grips with the inadequacy of that financing structure and deal with it. And we should be dealing with the fundamental problem here and not just putting a patch, a temporary band-aid on it, such as this $8 billion transfer will do.

So while I'm in agreement with the underlying, I suppose, motive for this bill, I think it is ill-advised because of the precedent that is sets. And it puts off to another day—which is easy for us to do—grappling with the real serious problem of fundamental inadequate funding of our transportation system through the trust fund.

So with that, Madam Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I yield 3 minutes to the gentleman from Minnesota, chairman of the Transportation Committee, Mr. OBERSTAR.

Mr. OBERSTAR. I thank the distinguished gentleman from the Committee on Ways and Means, whom we all admire and revere for his civil rights leadership. And we're delighted that he is bringing this legislation to the floor.

I certainly appreciate the fiscal concern expressed by the distinguished

gentleman from Louisiana, Madam Speaker. He's right in this sense, that we have a long-term problem in the highway trust fund. And we're going to address that issue next year in the authorization of the Surface Transportation bill that the Committee on Transportation and Infrastructure will bring through committee and to the House floor in good order, well before the expiration date of the current law. But meanwhile, there is a short-term problem.

In 1998, when I think everybody I see on the floor who was serving in the House at that time, voted for what we affectionately know as TEA–21, the Transportation Equity Act for the 21st Century, to put firewalls around the highway trust fund to ensure that those revenues would be invested in transportation and not held back in reserve to make deficits look smaller, as had been done from the time of President Lyndon Johnson in 1968 to 1998.

As part of the agreement worked out by then chairman of our committee, Bud Shuster, with House Republican leadership, the Speaker, the Appropriations Committee, the Budget Committee, and on our side with the Clinton administration, we agreed to give up $29 billion of surplus in the highway trust fund for long-term debt reduction and short-term deficit reduction, and also to give up interest paid on revenues deposited in the highway trust fund from the collections every 3 months—as is the practice—it would give that interest up as well. Eight billion dollars was transferred to make the deficit look smaller, and the rest went to long-term debt reduction.

At the time, we had not only a balanced budget, but a budget in surplus. The prospects for the economy were shining. It was a rising economy. There were revenues galloping into the highway trust fund. But the economy has taken a bad turn. It has taken a bad turn on the backs of the cornerstone of the highway trust fund, which is the highway user fee. And for the first time since 1956, the establishment of the highway trust fund and the Interstate Highway Program, we have seen a decline in——

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

Mr. LEWIS of Georgia. Madam Speaker, I yield the gentleman an additional minute.

Mr. OBERSTAR. We have seen a decline in vehicle miles traveled. And that has meant a leveling off of revenues into the highway trust fund.

We need this temporary adjustment to prevent a longer term shortfall in the highway trust in which the Association of Highway and State Transportation Officials said could be a $14 billion cut in Federal highway funding in the next year.

Now, we already have 8.2 percent unemployment in the building trades, 785,000 construction workers are out of work today. If you think the housing situation is bad, this will be worse if we have a huge hole in the highway trust fund.

I assure my very sincere and genuine colleague from Louisiana, who has been a very fiscally responsible person, that this is a long-term, fiscally responsible action that we're taking here to close the hole in the highway trust fund, give us a little breathing space until next year, and come back with a longer term solution.

Mr. MCCRERY. Madam Speaker, I yield 3 minutes to the distinguished ranking member of the Transportation Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman for yielding.

Madam Speaker and my colleagues, let me tell you the situation we're in. The highway trust fund is basically busted; it's busted for several reasons.

First of all, we depend on 18.4 cents of tax to come in on every gallon of gasoline to that fund. People are driving less, so there is less money coming into the fund. The fleet out there of cars and trucks are more efficient; people are buying more efficient hybrids. There are nine million hybrids, which are going further on one gallon and paying literally less; so we have less money coming in. We're also using more alternative fuels.

What's going to happen, folks—and I have many of my conservative colleagues on this side of the aisle coming to me—$8 billion for the highway trust fund, why should I support this? I'm telling you, folks, we have no alternative but to support this right now.

I think Mr. MCCRERY is correct, that we do have a problem; we need to solve the funding problem. We can't do that today. But what we've got to do today is make certain that this trust fund is sound; otherwise, in States across the country, hundreds of projects in Members' districts, the Department of Transportation Secretaries are going to be telling you we're closing down projects. Madam Speaker, 380,000 jobs could be lost. We could have a shortfall of as much as $14 billion in funding transportation. We've got to do this now.

Now, the estimate came out last spring that we would be $3 billion short. We're going to get an estimate this week that will show us $5 to $6 billion short. That means the Federal Government is going to tell your States and your Secretaries to start closing down these projects if we don't have the Federal money to back the obligation that we made as a Federal Government to them.

Unfortunately, the bill has come due, and we've got to pay it today. And this is a national crisis. This is a transportation situation. We've all got to work with each other and come up with a solution.

Mr. MCCRERY is right, in the long term we've got to resolve the funding problem, the basic funding problem. Next September 30, the current legislation and policy we work on expires. I know Mr. OBERSTAR and I and others will work to come up with a formula that guarantees the solvency of this system.

This is absolutely essential. I wish, as one of the strongest conservatives in the House, to have some other alternative to bring you today, but I do not have that.

I thank the Ways and Means Committee for their cooperation, Mr. OBERSTAR for his cooperation. We must go forward, meet this obligation, and fund these projects.

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Mr. LEWIS of Georgia. Madam Speaker, I'm pleased to yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), chairman of the Highways and Transit Subcommittee.

Mr. DEFAZIO. I thank my good friend and colleague for yielding the time.

Madam Speaker, this is an extraordinarily serious problem. Americans today are already familiar with the problems of our transportation infrastructure. On a daily basis, trucks are detoured because of weight-limited bridges. Individuals are sitting idling in traffic in congestion because of inadequate and obsolete infrastructure. People are flooding on to transit at a record rate. Transit ridership is reaching levels that haven't been seen since we had a decent system of transit in this country 50, 60 years ago.

But the stress on the system is extraordinary. People are trying to escape the high cost of gas. But our transit systems are struggling to pay the bills themselves. So this is not the time to begin to reduce our already pathetic and inadequate investment in our transportation infrastructure in the United States. The gas tax was 18.4 cents a gallon in 1993 and gas was a buck a gallon. Today, the gas tax is 18.3 cents a gallon, and gas was $4.29 in my district last weekend. And that is not the cause of the run-up in price. And the buying and purchasing power of that small amount of tax is about half of what it was 15 years ago. So this is not the time to begin to think about even less investment. And that is what looms before us if this bill doesn't pass today and isn't signed into law by the President.

Less investment. My colleague, EARL BLUMENAUER from Oregon, corrected me after his speech. I said, you know, America is falling to a third-world status in terms of its investments in transportation infrastructure. He said, no, actually that was pretty insulting to a lot of third-world countries who are investing more than we are. So I have begun to call us ''fourth world.'' That is a formerly first-world infrastructure falling even behind many countries in the third world in terms of investment.

150,000 bridges in America are either functionally obsolete or structurally deficient. I think we should post every one of those bridges with a sign so people know every time they drive over it.

This is not the time to begin to talk about doing less work to maintain our bridges and deal with the structural deficiencies and the functional obsolescence. This is not the time to begin to pull back on meeting our commitments to surface transportation infrastructure.

I'm so pleased that the Ways and Means Committee has chosen to act and replace funds that were raised out of the gas tax, intended to be only spent on transportation infrastructure, but transferred to the general fund and spent on who knows what. This will put us back in compliance with the law and the principles of the United States of America.

As we raise money dedicated to transportation, to be spent on transportation, there is a lot of investment that can be done. This is a needed bill. Pass this bill today.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

This Congress, more than anything else, I think is being defined as the ''bailout Congress.'' We're going to be bailing out the housing industry to the tune of billions and billions and billions of dollars later today. And before we get to that, we're going to be bailing out the highway trust fund to the tune of $8 billion.

Let me just remind Members that the TEA-LU, the last highway authorization bill, the bill with the infamous Bridge to Nowhere in it, contains 6,300 earmarks. Many of these earmarks were for museums, bypasses, trollies, parking facilities, landscaping, recreational facilities, highway beautification, street scaping, hiking trails and visitor centers. Billions and billions of dollars went to these items. And yet we are going to be taking $8 billion from the highway trust fund. If you start doing that, Katy bar the door on projects like these that have run rampant already and will continue to.

Now we have billions of dollars that have been unobligated, that have not yet been obligated. We should take that funding from those earmarks, from many of those 6,300 earmarks that have not been obligated, and apply it to this funding shortfall instead of robbing the general fund. Once we start robbing the general fund for these projects, Katy bar the door. We simply won't stop. This is a bad thing to do. We shouldn't reauthorize this.

Mr. LEWIS of Georgia. Madam Speaker, I'm pleased to yield 4 minutes to the gentleman from Oregon, a member of the Ways and Means Committee, Mr. BLUMENAUER.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this critical legislation.

I rise in strong opposition to my friend from Arizona's assessment and in strong support for this legislation adjustment. The United States does have more and better infrastructure than any country in the world. The problem is that much of that infrastructure is fraying. It is being worn out. And it's not equal to the challenges that we have today for our own communities, much less to the international competition that we're facing around the world. We are facing a situation today with a highway trust fund that is going into deficit and it's going to be more serious over time.

It would be the height of irresponsibility for this Congress to fail to keep pace with the needs of those programs. As my friend, Mr. OBERSTAR, who knows more about this than anybody in Congress, provided the context for the trust fund, and he could go on at great length about how the general fund, for years, was robbing the highway trust fund, using that to prop up and to disguise the nature of our true deficit.

The fact is that uncertainty today with significant projects around the country in virtually every one of our States is going to have significant consequences in those communities if they're not cleared and move ahead. Many of these have complex funding projects. I was in southern Ohio and Kentucky this weekend where they're looking at a multi-State, multiyear project. If we have a cloud over our ability to keep these commitments, it slows and it confuses. It is going to cost jobs. It is going to cost economic activity. I think you can make an argument that it actually will end up costing the general fund money over time because of the hundreds of thousands of jobs that will be in limbo.

I hope to continue to work with the Ways and Means Committee and the Transportation and Infrastructure Committee to have a sustainable path to meet our transportation objectives in the future. Indeed, I hope to introduce legislation this summer for a water trust fund to be able to help some of those other responsibilities.

It is important for us not to back away from our commitment to State and local partners. Time does not permit to talk about the potential byplay where ultimately it's not going to make any difference in terms of the deficit. It's just going to unravel projects and create problems down the line.

Last but not least, the notion that somehow those Member-requested projects, God forbid, for street cars, for hiking paths, for bike trails that are among the most requested, the most popular, the most important, and I would daresay in a time of $4.50 a gallon gasoline and morbidly obese fourth graders, having bike and pedestrian activities not only saves energy, it's good for health. It's good for the economy of this country.

I would strongly urge that each and every Member support this important legislation. And, more important, that they commit themselves to work with the Ways and Means Committee and the Transportation and Infrastructure Committee to deal with the long-term financial and the long-term vision of how we're going to renew and rebuild America at a time of energy shortage, at a time of water stress and at a time of economic uncertainty. This is a way to make this system work better. I strongly urge its support.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Thank you, Mr. Ranking Member, for yielding to me.

I have deep respect for people on both sides of this issue but no one knows this issue better than Mr. BLUMENAUER in my judgment. We need to rebuild and renew America. We have a huge problem with our water infrastructure, our energy infrastructure and our transportation infrastructure.

I was part of balancing the federal budget in 1997. I was on the Budget Committee for 10 years. And it is a fact. We took $29 billion to help balance the budget. It came from the Highway Trust Fund. We need to be putting that money back. Certainly, $8 billion should go back.

These are American jobs creating a long-term investment. We don't have a capital budget in this country. And so we don't start to think in the ways we need to about investing. Roads and bridges are investments. The Mianus bridge in Connecticut collapsed down and three people died. It was a huge disaster on I–95. We need to not only continue to maintain our highways, roads and bridges, but we need to upgrade them as well. And, in fact, just to maintain what we have, we need to rebuild. We need this money. It must go back into the trust fund.

And I would just say for those who talk about a stimulus package, there is no better stimulus package than putting American construction workers back to work, rebuilding our infrastructure.

Mr. LEWIS of Georgia. Madam Speaker, I'm pleased to yield 2 minutes to the gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Thank you so much, Mr. Chairman.

Madam Speaker, the American people are so frustrated right now with Congress. And this is one of the things. People ask me does anything surprise me. And I say no, it's about as crazy as I thought it would be on a given day. But a couple of weeks ago, I have to tell you that I was just shocked. This very bill that we're talking about today was brought in the FAA bill. The Parliamentarian said, it's germane. And we said we have a shortfall between now and 2009. Sure we have long-term problems, but we have this shortfall right now that has to be addressed. We got left with this train wreck, and we're trying to clean it up.

And when the good people in Kansas, and this certainly made the news, learned that because that got taken out of the FAA bill, quite honestly along partisan lines, it not only affected what people thought about our

ability to govern, but they wonder what on earth Congress was doing to not take care of this. And they understood ultimately that this was all about politics.

Today, we have brought this back together. Mr. MORAN, my colleague from Kansas, and I have worked together and said, we're going to try to bring America together to do this very, very commonsense fix. Everybody knows we're using less and less gas. Hallelujah. And there's less money going into the trust fund. Everybody knows that the price of construction is skyrocketing and we have to do this. Let's get on with it. It's going to affect $120 million of funds right there in Kansas.

But I will tell you what else it does. It affects people's ability to think, can Congress come together and work? I believe that we can.

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

Mr. LEWIS of Georgia. I yield the gentlelady 1 additional minute.

Mrs. BOYDA of Kansas. We have to do two things. We have to fix this. But today we have an opportunity to show the American people that we will put partisan politics aside and we are going to do the right thing for the American people.

I think we have got a twofer today. I strongly suggest and urge my colleagues on both sides of the aisle to support this bill and do the people's work.

Mr. MCCRERY. Madam Speaker, I yield 3 minutes to the distinguished ranking member of the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Madam Speaker, if this were about politics, then the easy thing to do would be just to vote for it. That's the political thing to do.

I rise in opposition to this bill because it would increase the deficit, because it's coming to the floor with less than a day's notice and no opportunity for amendment.

Madam Speaker, I support the highway program. But that is not what this debate is about. I understand how critical highway funding is for our Nation's roads and our bridges. We had a really rough winter in Wisconsin. We need to get back to work to fix those roads. It's also not a debate about whether the highway trust fund shortfall should be fixed. It should be fixed. It's about how we should pay for it, or if we pay for it.

I support fixing it in a responsible way, which I don't believe this bill does. Because of my concerns, I introduced legislation earlier this year that would have fixed this program, this deficit, in a fiscally responsible way.

In 1998, Congress passed a law called TEA–21 that gave the highway trust fund special protections in the budget process. This is what Bud Shuster, the chairman of the committee at the time, said about the bill: ''This is an historic piece of legislation, Mr. Speaker, because now the American people will know that the trust is being put back in the highway trust fund. When the average American drives up to the gas pump and pays his 18.3 cents Federal tax, that money is free to be spent. It is a guarantee. It is an ironclad guarantee. Should there be more revenue going into the trust fund, that money will be available to be spent. Should there be less revenue going into the trust fund, then we will have to reduce the expenditures. It is fair, it is equitable and it is keeping faith with the American people.''

Madam Speaker, this bill moves from funding highways with gas taxes to relying on borrowed money. If the highway trust fund is going to get access to the general fund, as it is in this bill, then it should compete for these resources with all other discretionary programs.

□ 1115

It should be budgeted for, but that is not what is happening here. My fear is that this transfer will be just the start, that we will be back here for a fix in 2010 with a bigger shortfall because as CBO says, the highway trust fund has not just hit a temporary rough patch, it is permanent red ink going into the future. The current shortfall is between $1.4 billion and $3.3 billion, and then it gets bigger year after year, well over a $300 billion shortfall over the next 10 years. Undoubtedly, when we get updated numbers from CBO and OMB, the shortfall will get even bigger.

If highways are to continue to enjoy special budgetary status as trust-funded programs, then this general fund transfer should be offset or repaid.

I want to work with supporters of this bill to find a way that avoids an increase in the deficit that this bill would cause. If Congress decides not to offset this transfer, then Congress should revisit the budgetary treatment for highways and reform it such that highways compete for funding in the annual budget process just as all other government programs do.

I urge my colleagues to think about this. Let's come up with a funding mechanism that guarantees we fix this shortfall, and let's do it in a fiscally responsible way where we actually honor the integrity of the budget process.

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

Mr. MCCRERY. Madam Speaker, it is a pleasure to yield 1½ minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Madam Speaker, I rise in support of H.R. 6532, a bill that will restore funding to the highway trust fund and ensure that the flow of Federal highway funds is not interrupted at the height of the construction season.

According to the American Association of State Highway and Transportation officials, if this problem is not fixed, States could lose up to $14 billion in highway funding resulting in approximately 380,000 jobs lost.

At a time when our economy continues to struggle, we simply cannot afford to cut Federal funding for highway projects. Earlier this year when we were debating the economic stimulus package, some said we were simply borrowing money from the Chinese to purchase Chinese products. This bill ensures that we are investing in our own transportation infrastructure, giving income to American workers and improving America in the process.

It is also important to note that we are restoring funds to the highway trust fund that were transferred out of the fund 10 years ago. In other words, this is money that was supposed to be in the highway trust fund in the first place. We are not robbing the general fund, we are simply restoring money that was never supposed to be in the general fund.

In 1998, Congress determined that the balances of the highway trust fund were too high and transferred $8 billion out of the trust fund and into the general fund. This bill returns those gas tax revenues to the highway trust fund to ensure that it does not become insolvent.

Madam Speaker, I always rank in the top 10 or 15 most fiscally conservative Members of Congress, but there are some things that we need to do, and a first class national system of transportation is vital to our national economy. I urge support for this bill.

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

Mr. MCCRERY. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, I rise in support of this bill, especially because it helps my constituents fight high gas prices.

It also resolves a political problem in my State. Under Governor Rod Blagojevich, our State is about to lose $4.5 billion in Federal highway funds. After 3 years under this highway fund, Illinois has failed to match any major Federal money. Supporters of total gridlock in Springfield told the reporters ''Don't worry, the Federal fund is broke.'' But it is not broke. This bill fixes that problem, and it does so in a bipartisan way.

Now our attention should focus on our totally incompetent State government that is locked in a Shakespearean war between the Democratic Governor and our Democratic State legislature.

The highway fund is not broke, and this bill fixes the problem. What should now be fixed is our State government. At a 15 percent approval rating for the Governor, the only path is up, and the best way to do that is not to let $4.5 billion in Federal highway money for Illinois lapse.

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

Mr. MCCRERY. Madam Speaker, I yield 1 minute to the distinguished gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Madam Speaker, I rise in support of H.R. 6532. I come from a State located in the middle of the country. Transportation to and from one's home to their work, transportation from the State of Kansas in moving manufactured and agricultural commodities to the rest of the world, we depend upon infrastructure. Our highways are important to us if we are going to continue to compete in a global economy.

In the absence of this legislation, the State of Kansas would receive $120 million less, a shortfall which would mean that there is 90 less State and local projects at an estimated loss of 8,250 jobs.

Kansas receives about $370 million from the Federal highway trust fund. That would be reduced to $247 million. This is an important piece of legislation that continues to drive the Kansas economy and makes us competitive in a global economy. It is time for us to fix the system now in this short-term manner, but it is also important for Congress to reach a conclusion on how we fund highway and other transportation needs into the future.

Mr. LEWIS of Georgia. Madam Speaker, I continue to I reserve the balance of my time.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Madam Speaker, I thank the gentleman for yielding, and I rise in very strong support of this legislation which will ensure that the Federal Government is simply able to meet the commitments that we have already made to both the States and the American people. Specifically, this bill will simply return the $8 billion to the highway trust fund that was taken from it several years ago.

And with rising construction costs and fuel receipts due to Americans driving less, the trust fund is projected to be unable to meet the funding that has been guaranteed to the Departments of Transportation all across our country. These agencies draw up their plans years in advance, and failure by the Federal Government to provide that funding at the very last minute I think is simply irresponsible.

As important as it is to point out why we should pass this legislation, I think we must also be very cognizant of the consequences for failing to act.

In my State of Michigan alone, failure to shore up the trust fund will mean a 34 percent cut in funding, money that the State of Michigan is already counting on. Michigan's Federal highway dollars will be cut actually by $245 million, and would result in a loss of 8,500 jobs, and that is in a State that has the highest unemployment in the Nation already at 8.5 percent.

The impact of this nationally would rival, I think, the impact of the economic downturn that we are already experiencing. Failure to pass this bill would effectively negate any positive impact that came out of the economic stimulus package that this Congress has already passed.

This vote, as well, Madam Speaker, comes at a unique time in history when you have other nations like China and India who understand how important it is for them to invest in their infrastructure. We in the United States cannot afford to be economically disadvantaged as well.

So we have a choice before us. We can vote ''yes'' and make sure that we simply try to keep pace; or we can vote ''no'' and put people out of work, stop construction projects all across the country and put America at a further disadvantage in the global economy.

I urge my colleagues to support this bipartisan legislation and vote ''yes.''

Mr. LEWIS of Georgia. Madam Speaker, I would like to inquire of my friend and colleague, Mr. MCCRERY, does he have any more speakers.

Mr. MCCRERY. I am prepared to close, I would say to my good friend.

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

Mr. MCCRERY. Madam Speaker, I have already talked here this morning about what I believe would be a bad precedent for budget policy that this bill represents. But even more regrettable, Madam Speaker, is I think this bill today represents another missed opportunity, and that missed opportunity has helped bring us to this point today.

The majority's absolute refusal to address record-high gasoline prices by increasing domestic energy production is something that has contributed to the reason we are here today.

I have argued on this floor many times in the past, not just in the context of the gasoline tax and the highway trust fund, but many times, that the way to bring sanity to our energy policy, and yes, the way to bring gasoline prices down, is to adopt a balanced energy policy for our country.

Think of a balanced energy price as a three-legged stool. The first leg, conservation; the second leg, alternative fuel development and production; and the third leg, just as important as the other two for the stool to stand, would be to increase the supply of traditional fossil fuels by allowing more drilling here in our own country and stop depending on drilling in other countries.

Let's develop our own resources. That would be a balanced policy that I think would contribute to bringing the price of oil down which would bring the price of gasoline down which would get more people on the highways driving more and add revenues to the highway trust fund.

But we have so far not been able to get that passed in this Democratically led Congress. The sooner we do that, the sooner we will have some relief of the strain on the highway trust fund. And we still have to address the long-term inadequacies of the financing structure for the highway system in this country. As I have said, I believe we ought to be doing that today. And I support that.

But, Madam Speaker, today I believe we are merely putting a Band-Aid on the problem. We are contributing to deteriorating, bad budget policy. The precedent of this bill shifting moneys from the general fund to the highway trust fund is a very dangerous one. It is a slippery slope, and we ought not do it.

I urge my colleagues to reject this bill today, give us another chance to go back to the drawing board and come up with a much better solution to this problem and give us a chance to adopt a meaningful, structured energy policy for this country that will bring gasoline prices down and get more people on our highways.

I yield back the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I yield myself the balance of my time.

This is a good bill. This is a necessary bill. In the face of record budgetary shortfalls and high construction costs, State and local governments are struggling to pay for critical highway projects. I fully support H.R. 6532. I urge all of my colleagues on both sides of the aisle to vote ''yes'' for this bill.

Mr. COSTELLO. Madam Speaker, I rise today in strong support of H.R. 6532, a bill to transfer money to the Highway Trust Fund (HTF). As a co-sponsor of this legislation, I know how extremely important it is to our State and local communities to make much-needed road and bridge improvements.

In Illinois, if we do not fix the HTF before 2009, the State stands to lose over $370 million, delaying many construction projects and impacting over 13,000 construction and construction related jobs.

H.R. 6532 allows $8 billion to be transferred from the General Fund to the HTF to shore up the HTF. This is the same amount that was transferred to the General Fund in 1998 when the HTF was running a surplus. Now that the HTF is facing a shortfall in 2009 and beyond, we must restore this $8 billion in highway user fee revenues. By doing so, we provide sufficient balances to allow for the full guaranteed funding for the highway program in the U.S. which is critically needed.

Madam Speaker, we must ensure our State and local Governments get the money they are due in order to make infrastructure improvements. If it is a priority to build highway infrastructure in Iraq, it should be a priority here at home. Again, I strongly support H.R. 6532 and urge my colleagues to do the same.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of H.R. 6532, a bill to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

Our Nation's highway trust fund serves as the lifeblood for funding our Nation's transportation infrastructure. Regrettably, the fund is facing an imminent shortfall due to decreased revenue into the fund. This shortfall comes at a most inopportune time as many states across the country are struggling to provide funding just for adequate highway maintenance—let alone new construction.

The bill before us is important to my home State, as Texas has one of the most extensive surface transportation networks in the world. Texas has more than 10,000 miles of rail track; more than 300,000 miles of roadway and more than 50,000 bridges—more than any other state in the Nation. Our transportation network is bursting at the seams, and failure to enact this bill render a significant blow to transportation construction and maintenance jobs across my State. We simply cannot allow this to happen. In the absence of passage of H.R. 6532, the State of Texas stands to lose $859 million in funding and a projected loss of 30,000 good-paying jobs.

The state has identified a funding gap of $86 billion between available resources and what is needed to achieve an acceptable level of mobility by 2030. By the year 2030, TXDOT predicts the state's population is expected to increase by 64 percent. My State cannot afford a lapse in receiving its share of Federal highway funding made available by SAFETEA–LU.

In the absence of bold and decisive action by this body in the next highway bill authorization, stagnant transportation policy and inadequate funding will cripple our country. It is past time for government at all levels to make investment in transportation infrastructure an urgent priority.

Madam Speaker I urge my colleagues to support this important piece of legislation.

Mr. POMEROY. Madam Speaker, I rise in support of H.R. 6532, Highway Trust Fund Restoration as it provides the funding necessary to replenish the Highway Trust Fund and avoid significant cuts in federal highway funding to the States.

Forecasts indicate a shortfall of several billion dollars to the Highway Trust Fund in fiscal year 2009 due to lower-than-expected gas tax revenue. According to the Federal Highway Administration, the estimated miles traveled on U.S. public roads has dropped 30 billion miles from November through April 2007–08 compared to the same period in 2006–07. This is the first year-to-year reduction since 1979. As Americans drive less and purchase less fuel, the Highway Trust Fund's shortfall will continue to worsen.

As a result of this shortfall, States are facing funding cuts of approximately 34 percent or nearly $14 billion in highway funds. This would include cuts of $70,473,422 in my State of North Dakota, threatening approximately 2,452 jobs. If this shortfall is not addressed, countless bridge and tunnel projects, reconstruction of streets, traffic signals, lighting and safety initiatives will be postponed.

I am an original cosponsor of H.R. 6532 which would address these impending cuts by crediting the Highway Trust Fund's Highway Account with the $8 billion taken away from the Highway Account's balance in 1998, and therefore helping the Highway Trust Fund avoid insolvency.

The Highway Trust Fund Restoration is a good bill that will provide States with the resources they need to continue to provide improvements to America's highways. It deserves all members' votes on the House floor.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 6532.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING AND COMMEMORATING ACTS OF HEROISM OF THE LATE DETECTIVE JOHN MICHAEL GIBSON AND PRIVATE FIRST CLASS JACOB JOSEPH CHESTNUT OF THE CAPITOL POLICE ON JULY 24, 1998

Mr. BRADY of Pennsylvania. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1360) honoring and commemorating the selfless acts of heroism displayed by the late Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police on July 24, 1998.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1360

Whereas Detective Gibson, born March 29, 1956, was killed in the line of duty while protecting the office complex of the House Majority Whip;

Whereas Private First Class Chestnut, born April 28, 1940, was killed in the line of duty while guarding the Document Room Door entrance of the Capitol;

Whereas Detective Gibson and Private First Class Chestnut were the first police officers to lie in honor in the rotunda of the Capitol;

Whereas Private First Class Chestnut was the first African-American to lie in honor in the rotunda of the Capitol;

Whereas Detective Gibson was married to Evelyn and was the father of three children;

Whereas Private First Class Chestnut was married to Wen Ling and was the father of five children; and

Whereas 10 years have passed since Detective Gibson and Private First Class Chestnut sacrificed their lives to protect the lives of hundreds of tourists, staff, and Members of Congress on July 24, 1998: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and commemorates the selfless acts of heroism displayed by the late Private First Class Jacob Joseph Chestnut and Detective John Michael Gibson of the United States Capitol Police on July 24, 1998; and

(2) expresses its condolences to the wives, children, and other family members of Private First Class Chestnut and Detective Gibson on the 10 year anniversary of their passing.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

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

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

There was no objection.

□ 1130

Mr. BRADY of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, 10 years ago on July 24, 1998, a gunman entered the Capitol and shot to death two Capitol Police officers, Detective John Gibson and Private First Class Jacob Chestnut. As they lay in honor in the rotunda, Congress and the whole community mourned the loss of the men who gave their lives defending the Capitol.

Madam Speaker, we continue to mourn the loss of these fine, dedicated members of our Capitol community. At the 10th anniversary of that tragic day, we commemorate the passing of Private Chestnut and Detective Gibson. We honor their memories and once again offer the House's condolences to their widows and to their families.

I thank our colleague from Maryland (Ms. EDWARDS) for introducing this resolution.

Madam Speaker, I reserve the balance of my time.

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

I rise today in support of H. Res. 1360, which would honor and commemorate the selfless acts of heroism displayed by the late Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police.

It is hard to believe that it has already been 10 years since the tragic chain of events that took the lives of two heroes, Jacob Joseph Chestnut and John Gibson, who were killed in the line of duty when a deranged gunman stormed this very building on July 24, 1998. And how well I remember that day. I had just left the Capitol, gone to the airport to fly back to Michigan, and as I entered the airport building, I saw on TV the ambulances, the gentlemen being carried out, and what a sad event that was.

Jacob Joseph Chestnut, who was affectionately known as ''J.J.,'' was an 18-year veteran of the Capitol Police force, just months away from retirement. A husband and father of five and a Vietnam vet, Chestnut was remembered at the time of his passing to have been extremely proud to be able to continue to serve his country by working in the United States Capitol. After a 20-year career in the Air Force, he carried his discipline and military training with him to Congress when he joined the Capitol Police in 1980, but

was also known for his big smile and warm demeanor.

John Gibson, who was stationed outside the office of then House Majority Whip Tom DeLay, was also a husband and father of three and an 18-year veteran of the Capitol Police. He was a die-hard fan of all of Boston's sports teams and often requested a copy of the Boston Globe from the whip's office to see how his teams had done. He had become extremely close to Representative DeLay's staff and in the end saved their lives through his selfless act of heroism. He was remembered for tirelessly accompanying the Congressman even when the day would stretch into night, until his job was done.

This bill is only a small tribute to those two exceptional men who gave their lives in defense of their country. We owe them a great debt, and in honoring their memory, we honor all those Capitol Police officers who routinely put themselves in harm's way to protect us each day.

I urge my colleagues to join me in supporting H. Res. 1360.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Madam Speaker, once again I thank the gentlewoman from Maryland for introducing this resolution remembering these brave officers and their families. It is important that we remember their sacrifice, and I urge an ''aye'' vote.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the resolution, H. Res. 1360.

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.

MESSAGE FROM THE SENATE

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

S. 3295. An act to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 3890) ''An Act to amend the Burmese Freedom and Democracy Act of 2003 to 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.''.

EXPRESSING GRATITUDE AND APPRECIATION TO THE CAPITOL POLICE

Mr. BRADY of Pennsylvania. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 645) expressing the gratitude and appreciation of the House of Representatives to the professionalism and dedication of the United States Capitol Police, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 645

Whereas the United States Capitol Police force consists of over 1,600 officers who are dedicated to the protection and security of the Capitol Complex and its employees and visitors;

Whereas the United States Capitol Police continually sacrifice to provide safety and security to the Members, staff, and nearly 3 million visitors each year to the Capitol Complex;

Whereas the officers of the United States Capitol Police face the danger of physical and verbal assaults and continue to provide courteous, responsible, and diligent services in an unbiased and nonpartisan manner;

Whereas the United States Capitol Police face many threats to their safety and must remain constantly alert for suspicious actions or for any failure to respond to requests and instructions;

Whereas the United States Capitol Police are on the front lines of the War on Terrorism and remain on constant alert against unauthorized access to Capitol buildings, terrorism, and other threats to the Capitol Complex;

Whereas Capitol Police officers stationed throughout the Capitol Complex act in a professional manner and treat Members, staff, and visitors with dignity and respect;

Whereas the United States Capitol Police consistently apply security and safety measures to all, including Members of Congress; and

Whereas the United States Capitol Police is one of the best trained, most highly respected law enforcement agencies in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its gratitude and appreciation for the professional manner in which the United States Capitol Police carry out their diverse missions;

(2) expresses appreciation for the dedication United States Capitol Police officers display in protecting the Capitol Complex; and

(3) commends the United States Capitol Police for their continued courage and professionalism in protecting the Capitol Complex and its employees and visitors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the resolution now under consideration.

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

There was no objection.

Mr. BRADY of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am delighted to offer this motion. The Capitol Police earn and deserve our gratitude every day of the year as they work hard under unique and trying circumstances. They are constantly here, even when we are not, making the Capitol complex and all who work in and visit these hallowed halls safe.

Under the leadership of Chief Phillip Morse and his team, with the support of officers represented by Matt Tighe of the Fraternal Order of Police, and of civilians led by Karen Gray-Thomas of the Teamsters unit, the Capitol Police work wonders, enabling us to conduct our business without worry. Beyond their day-to-day shifts, the Capitol Police routinely demonstrate their dedication, as recently when 600 officers reported one weekend to cope with a political demonstration.

The Capitol Police perform such feats daily, without comment or complaint. It is an honor to chair the subcommittee that oversees this fine organization and to support them as they discharge their mission every day of the year.

I thank the gentleman from Florida for introducing this resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in support of H. Res. 645, which expresses the gratitude and appreciation of the House of Representatives for the professionalism and dedication of the United States Capitol Police.

As long ago as 1801, when John Goldman, the Capitol's first watchman, was appointed, there have been brave men and women charged with risking their own lives to protect Members of Congress. With the passage of time, the threat to the Congress has evolved, and with it so too have the Capitol Police become a world-class law enforcement body.

Over the years the development of the Internet and various telecommunications devices that have proved revolutionary to all Americans have had the unintended consequence of providing new ways for criminals to communicate with each other in order to plan more elaborate attacks. As their attacks have become more sophisticated, the Capitol Police have had to adjust their protocols and skills to stay a step ahead of the perpetrators.

As discussed with the previous resolution, tomorrow is the 10th anniversary of a tragic accident that took the

lives of two heroes, Jacob Joseph Chestnut and John Gibson, who were killed in the line of duty when a deranged gunman stormed this very building. Their deaths are a stark reminder of the great peril that Capitol Police officers face each day. With the terrorist attacks of 9/11 came new threats and heightened awareness that there are those for whom destruction of the Capitol and its inhabitants would be cause for celebration.

This sobering reality is one that the Capitol Police must live with each day. Yet even with the burden they carry, the Capitol Police greet members, staff, and visitors alike with a welcome demeanor and reassuring presence. They are often the first face we see when we a arrive at the beginning of the day and the last person we say goodnight to as we leave. This resolution serves as a tribute to each of those men and women who bravely stand between us and those who would do us harm.

For these reasons I urge my colleagues to support H. Res. 645.

Madam Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. EHLERS. Madam Speaker, I yield 5 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART), the sponsor of the resolution.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I want to first thank the ranking member and the chairman for bringing this resolution forward.

All of us in this great body are fortunate to have great police officers in our home districts, in our home communities, in our hometowns. Our local police departments keep our communities and our families safe, and all of us greatly appreciate their hard work and their sacrifice.

But we must also always recognize and always remember the officers who keep this Capitol community safe. Nearly 3 million tourists from across the country and across the globe visit this Capitol every single year. The Capitol Police keep the Capitol complex safe and secure for our constituents, for our staffs, for our families, and for all of us who have the privilege to work here every day. And among their stated mission is to protect and support the Congress in meeting its constitutional responsibilities, and they do so every single day with great courage, with great courtesy, with great dignity.

The United States Capitol Police are on the front lines of the war on terrorism as well, and they remain on constant alert against multiple threats to the Capitol complex and all of those who work and visit this complex.

Unfortunately, as we have already heard before, tomorrow marks the 10th anniversary of the deaths of Officer Jacob Chestnut and Detective John Gibson, who lost their lives protecting the Capitol and other people inside from an armed attacker. This is a very solemn reminder, Madam Speaker, of the dangers that the Capitol Police face on a regular basis on our behalf. I call on this body to express its gratitude and appreciation to their professionalism and all of the officers as we remember the horrible events of 10 years ago. These officers put their lives on the line and, unfortunately, paid the ultimate price. We could not do our jobs effectively without them.

So as the chairman said, let's not only support this resolution and thank the Capitol Police today. Every single day that we are here, let's remember the job that they do for all of us, for our country. Let's thank them. Let's appreciate them.

Mr. EHLERS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Madam Speaker, once again I thank the gentleman from Florida for introducing this resolution. I also thank the Capitol Police for the fine job they perform for us every day of the year, making our work in Congress possible.

It's great that we offer a resolution today commending them, and it's sad that we have to have a 10-year anniversary tomorrow for the two police officers who made the ultimate sacrifice.

I think the most befitting thing we can do for them and for our police officers is to say hello to them, say ''How are you? How's your day?'' instead of running by them for a vote, running out, leaving, going to our offices. They're people, too. They're great men and women. They do a great job. We do thank them for their job. But we should take a moment or two to have a little conversation with them and let them know, not only one day a year, not today, not tomorrow, but every time we pass by them, to thank them for keeping us safe.

We walk in this building through metal detectors, dogs. They check our cars and we're safe as can be and we're safe as can be because of them. When there's a problem and we have to evacuate, we're running out and they're running in. We ought to let them know every single day that we appreciate them.

With that, I urge an ''aye'' vote.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the resolution, H. Res. 645, 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.

The title was amended so as to read: ''A resolution expressing the gratitude and appreciation of the House of Representatives to the professionalism and dedication of the United States Capitol Police as the House honors the 10th Anniversary of the tragic deaths of Officer Jacob Chestnut and Detective John Gibson, who lost their lives protecting the Capitol and the people inside from an armed attack''.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRINTING OF AN ADDITIONAL NUMBER OF COPIES OF THE 23RD EDITION OF THE POCKET VERSION OF THE UNITED STATES CONSTITUTION

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent to discharge the Committee on House Administration from further consideration of House Concurrent Resolution 395 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 395

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZING PRINTING OF ADDITIONAL NUMBER OF COPIES OF POCKET VERSION OF THE UNITED STATES CONSTITUTION.

Under the direction of the Joint Committee on Printing, there shall be printed an additional number of copies of the 23rd edition of the pocket version of the United States Constitution (House Document 110—51) equal to the lesser of—

(1) 550,000 copies, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies as does not exceed a total production and printing cost of $180,949, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1145

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENTS TO SENATE AMENDMENT TO H.R. 3221, HOUSING AND ECONOMIC RECOVERY ACT OF 2008

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1363 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1363

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3221) to provide needed housing reform and for other purposes, with the Senate amendment to the

House amendments to the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Financial Services or his designee that the House concur in the Senate amendment to the House amendment numbered 1 with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for two hours, with 80 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon adoption of the motion specified in the first section of this resolution, the House shall be considered to have receded from any remaining amendments or disagreements.

SEC. 3. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

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

Ms. CASTOR. Madam Speaker, I rise today in strong support. For the purpose of debate only, I will yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. CASTOR. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1363.

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

There was no objection.

Ms. CASTOR. I yield myself such time as I might consume.

Madam Speaker, House Resolution 1363 provides for consideration of the Senate amendment to H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008. The rule makes in order a motion by the chairman of the Committee on Financial Services to concur in the Senate amendment, with the text of the House amendment printed in the Rules Committee report.

The rule provides 2 hours of debate on the motion, with 80 minutes controlled by the Committee on Financial Services, and 40 minutes controlled by the Committee on Ways and Means.

Madam Speaker, I rise today in strong support of the American Housing Rescue and Foreclosure Prevention Act and this rule. Our landmark legislation today throws a lifeline to families who are struggling to maintain the American dream of home ownership during this housing crisis and the economic downturn.

Families across America are being forced to make heart-wrenching decisions in order to stay in their homes. What will they pay for in this day and age, with rising gas prices, property insurance rates escalating, the cost of health care rising? But nothing is more fundamental than having a safe and clean home for your family.

The good news is that many of us in the Congress understand, and we are going to stand up for families and ensure that if you work hard and you play by the rules, the tools and resources will be made available to you to help you stay in your home.

The American people have a number of champions here in Congress that understand the importance of a safe, clean and affordable home. Chairman BARNEY FRANK has spent countless hours in providing the tools necessary for families across this country to have a safe, affordable place to live.

Chairwoman MAXINE WATERS of California has spent a great part of her career dedicated to affordable housing for American families.

Speaker PELOSI and the Chairwoman of the Rules Committee, LOUISE SLAUGHTER, are champions of American families and affordable housing as well.

Madam Speaker, today three million to four million families are expected to lose their homes to foreclosure. And when a home in your neighborhood ends up in foreclosure it affects everyone. It is usually sold at a reduced rate, and the values of homes throughout the neighborhood are affected. We have all seen these eyesores with overgrown grass, broken windows and in disrepair.

Well, that is why we are all in this together. It is vital that we fight to maintain the property values of our communities.

Madam Speaker, just a few weeks ago I had my first foreclosure workshop to get families together with lenders to try to get to a point where they could work out their loans. We were very surprised. We had over 600 individuals show up who were either in foreclosure, had fallen a month or two behind, or could see on the horizon, because of an adjustable rate loan or some family circumstance like the loss of a job or the kids going off to college, that they needed a little bit of help.

Well, we have been very active in this Congress because while this is a problem that, yes, critically affects a State like Florida, in the Tampa Bay area that I have the privilege to represent, and it affects California desperately, Ohio, Nevada, no part of the country has been immune from the sub prime lending crisis.

Fortunately, this American Housing Rescue and Foreclosure Prevention Act comes at an important time. But, you know, this Congress has been working on this for over a year and a half. So many of the initiatives contained in this package have been passed by the House of Representatives. This ''New Direction Congress'' has worked, in a bipartisan way, to pass most of the initiatives that are contained in the act today.

Families should know that H.R. 3648, the Mortgage Forgiveness Debt Relief Act, was passed and did become law at the end of last year; passed by a margin of 386–27 here in the House. It provides that over the next 3 years, families who have had to sell their homes in foreclosure will be spared from getting hit by a larger tax bill, in addition to the pain of losing their homes.

There are a number of other critical components in the Housing Rescue Package that were previously passed by the House. And I would like everyone to note, because we will probably hear a great deal of debate here today on the housing package. Everyone should note that almost all the initiatives contained in the bill today were passed over the last year and a half by wide, bipartisan margins.

First, the Neighborhood Stabilization Act. That was approved in May by a vote of 239–188. It provides grants to the States and local governments to purchase and rehabilitate foreclosed properties and turn them into safe, affordable places for folks to live.

And I would like to recognize and thank the White House for removing its veto threat. It had threatened to veto this entire package that had been negotiated with the White House over this small section that provides important tools to our State and local governments to tackle those properties that are up for foreclosure, the ones that are overgrown, that have the broken windows, allows them to go in and purchase those properties and turn them into affordable housing for families who are in need.

The package also includes the important provisions of the Federal Housing Finance Reform Act that we passed in May of 2007 by a vote of 313–104. This is vital legislation today because it establishes new and extensive oversight and regulatory authority over the Federal National Mortgage Association, Fannie Mae, and the Federal Home Loan Mortgage Corporation, Freddie Mac.

To protect the taxpayers, we are instituting new requirements for the safety and soundness of the portfolio operations of these regulated entities. We need to make sure that we have oversight on the effects of the financial and housing finance markets of all these alternatives and provide an alternative to the current secondary market system for housing finance.

Madam Speaker, last September we also passed an important part of this package, the Expanding Home Ownership Act of 2007, by a margin of 348–72 here in the House. This is a critical piece because it expands access to the middle class to the low interest, low fee loans provided by the Federal Housing Administration. These FHA loans are a much better option to the sub prime loans. We are going to take a proactive step here to allow families facing foreclosure to qualify for the

low interest, no fee loans offered by the FHA.

The housing package today also includes the National Affordable Housing Trust Fund Act of 2007. That was passed here in the House last October by a vote of 264–148. This creates a new, innovative fund that will be used to build more affordable housing for hard working families and families who have lost their homes due to foreclosure. The new trust fund will focus on construction, rehabilitation and preservation of affordable housing in our hometowns. It will pool monies to target housing for families with the greatest economic need.

And our efforts come at a critical time if we can get this trust fund up and running. See, the Federal money for affordable housing has largely disappeared under the current administration over the past 7 years.

In many communities like mine, housing agencies have thousands on the waiting list. In my hometown of Tampa, Florida, during a 1-week open enrollment session, more than 10,000 seniors, veterans and families indicated a need for housing. But instead of receiving housing, they are placed on a waiting list, and the waiting list takes up to 4 years, and it is so long that the Tampa Housing Authority is unable to help others that need it.

Madam Speaker, another important part of this housing package is the Mortgage Reform and Anti-Predatory Lending Act of 2007. Yes, we passed this here in the House last November by a vote of 291–127. It requires States to license all mortgage professionals and mandate criminal background checks, requires exams and a ban on felons participating in the mortgage loan industry.

We all know that the predatory lending was rampant during the sub prime loan run up. And I would like to draw your attention to anyone that would like to examine in depth the details of predatory lenders and how they worked. Go to the MiamiHerald.com Web site and review their series on predatory lending that they have run over the past couple of days. It is outstanding.

□ 1200

They reviewed thousands of pages of court documents, State industry reports, internal e-mails, and police reports from 2000 to 2007 and they discovered that over 5,000 people with criminal histories during that time became loan originators, a rate of nearly two a day. Worse, those include over 2,000 who had committed financial crimes such as fraud, money laundering, and grand theft. Too many of our neighbors were outright lied to and steered into unaffordable, exploding adjustable-rate mortgages without being given an option for a fixed rate and are now facing foreclosure which harms their families and all of us in their community.

To accompany this extensive package, what has been added that really has not been voted on by the House today is a request by the Treasury Secretary for new standby authority to buy stock or debt in the GSEs if it is determined that an emergency exists. This is something of an insurance policy against broader losses in the housing market that could bubble up.

Mr. Speaker, our efforts here today are absolutely necessary. Families across this country are depending on us. It's unfortunate that while the House and the new-direction Congress has been focused on affordable housing over the past year and a half and has passed terrific, substantive legislation, that it's taken a few months to get it enacted and passed in the end.

Thanks again to Chairman BARNEY FRANK for headlining our negotiations with the other body and with the White House. And I feel secure that a large bipartisan vote here today will prove that we can stand up and address this housing crisis across this country.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise in strong opposition to this rule and to the underlying legislation, which is proof of not only the Democrat majority's careless disregard for the American taxpayer but also their complete disregard for the energy crisis facing Americans today. Mr. Speaker, today you will hear the other side of the story.

This legislation—submitted late last night after the House had already finished its business for the day—is proof that when the Democrats want to bring legislation to the floor in a hurry, they're very capable of that. It's just too bad that we aren't seeing some energy legislation which would make a difference to consumers all across America.

Mr. Speaker, despite the pleas of working families and small businesses across the country, Democrats have failed on every occasion to treat the serious issue of high energy costs with the same level of urgency that they're bringing to this debate over this massive bailout of two private companies.

This is not to say that there are not good parts to this hastily negotiated legislation. While I believe that Congressman LEE TERRY, myself, and other Republicans had a better, more effective proposal, the inclusion of the first-time home buyer credit is wise and has the potential to help reinvigorate our slumping housing and homebuilding markets.

Additionally, I support the establishment of a more robust and competent regulator of the GSEs which will restore competence to the marketplace and ensure that these entities operate in a safe, sound, effective manner maintaining adequate capital and internal controls and ''contribute to the liquid, efficient, competitive, and resilient national housing financial markets that minimize the cost of housing finance.''

If this were all that the bill did, I'm confident that the bill would pass this House unanimously. Unfortunately, there are a number of extraneous provisions—cynically added by the Democrat majority to an emergency bill that they are bringing to the floor today under a rushed and closed process—that either weaken the financial position of the GSEs that they claim to be helping, provide a taxpayer bailout of reckless financial behavior, or simply don't make logical sense.

Most perplexing of all is the logical inconsistency underlying the entire bill. On the one hand, this Congress is being asked to declare an emergency and authorize the use of unlimited taxpayer funds to become a part of the Fannie Mae and Freddie Mac problem while also raising the debt limit by $800 billion to lend these companies as much money as they may need. On the other hand, this bill creates an affordable housing trust fund that taxes the GSEs to support questionably effective low-income housing activities and to cover the losses that the FHA will surely incur after the Federal Government accepts financial responsibility for the most toxic loans in the marketplace.

So, Mr. Speaker, I will ask my Democrat colleagues that drafted this legislation, which is it? Are Fannie and Freddie private companies teetering on the brink of financial disaster thereby justifying this unprecedented taxpayer exposure and government intervention into the marketplace? Or are they cash cows that can and should be forever milked to provide financial support to every low-income housing whim that this Congress can dream of? I ask this because the answer simply cannot be both.

Mr. Speaker, because this lockdown rule provides the minority with only 60 minutes to debate this 694-page bill, I'm going to use the little time that I have to let my Republican colleagues come to the floor and use this limited opportunity to discuss all of the shortcomings associated with this bailout of mortgage lenders, investors, and speculators. I will leave it to my Republican colleagues to talk about all of their problems associated with the creation of this permanent housing slush fund, this $800 billion debt-ceiling increase, and this new $4 billion liability that will allow local governments to expose themselves to the up-and-down risks of the real estate market. And perhaps most of all, I will leave it to my colleagues to let them explain why the multibillion-dollar tax increase included in this bill to fund all of the bad ideas I've just described and certainly many more is a bad idea.

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

Ms. CASTOR. Mr. Speaker, I am privileged to yield 5 minutes to the distinguished chairwoman of the Rules Committee, Ms. SLAUGHTER of New York.

Ms. SLAUGHTER. I certainly thank the gentlelady for yielding and for her exemplary service on the Rules Committee.

Mr. Speaker, we know today that we are in a crisis without question. Families all across this great Nation are wondering if they're going to lose their house, what they're going to do next, burdened by a mortgage crisis that we have not seen in a generation, and it makes me angry.

As America's families call out for relief, we have this bipartisan bill before us today to try to address it. As we consider this legislation, we have to ask ourselves why are we in this position and how did we get into this situation in the first place? If we don't know the answer to that, we're not going to be sure that the next generation is not going to be asked to bail out the wealthy.

Mr. Speaker, the past 7 years brought some of the most egregious financial blunders this country has ever seen. On a daily basis we discover new evidence of incompetence. Americans have been blindsided by the mortgage crisis just as they were blinded by the savings and loan crisis. Due to the lack of oversight by this administration and the previous Congresses believing that most businesses and agencies should simply police themselves, American families are paying the price at the same time as the cost of gasoline and groceries skyrocket and foreclosure rates continue to climb.

We're seeing the evidence of this administration's failed policies play out in neighborhoods across the country. From California to New York, from Texas to Michigan, millions of hard-working families, mothers, fathers, daughters, sons, grandmothers, and grandfathers have had their homes foreclosed, their dreams shattered, and many of them find themselves homeless.

Mr. Speaker, recent reports estimate that 1.4 million homes will enter into foreclosure this year alone. It was reported in May that there were 157 new mortgage foreclosures filed every day in New York City. In my district in New York, the housing vacancy rate in Buffalo has risen 46 percent over the past 6 years, and soon the city will own one out of every 12 or 13 homes. That is 7,000 to 8,000 homes.

Despite these staggering numbers, our President, the optimist, continues to insist that our financial systems are ''basically sound.'' I have to wonder if the Americans who poured their lives and savings into their homes feel the same way.

Make no mistake about it, this crisis didn't jump out of the woodwork yesterday. It has been years in the making. But instead of taking meaningful action to protect Americans, their investments, their livelihood, and the American economy, the administration and the previous Congress has insisted the problem didn't exist. They told Americans a story of a healthy robust economy while the reality they were living told them something quite different.

Pervasive greed has replaced the public good. This is the administration that led us into war in Iraq, that won't address global warming, and built an energy policy based on the Enron loophole. Insisting upon living in a dreamworld, this administration failed to take any meaningful action to rein in the housing crisis until it was spiraling completely out of control. The failure to accept the reality of the situation has led us to this problem we're in today.

Crucial opportunities were missed to investigate the risky lending practices that Americans are suffering the consequences of today. Opportunities to instill safeguards to ensure that Americans are able to afford their mortgages were lost.

Mr. Speaker, the mortgage crisis is complex, and there is enough blame to go around. But it is clear that the lack of oversight allowed, if not encouraged, this crisis, and at the same time, the heads of the GSEs were paid millions of dollars in salary and millions of dollars in bonuses every year for not overseeing the work they were hired to do.

At the very least, thorough oversight would have uncovered how risky the lending and investment practices at the root of this crisis actually are—serving as a warning sign to the likely participants. Instead of oversight, they encouraged deregulation. Instead of holding hearings, they allowed big business to run rampant over protecting the most vulnerable Americans. Instead of strengthening our critical safeguards, they looked the other way while our Nation entered into a mortgage meltdown. For the past 7 years, this administration has ignored the needs and security of the American people.

Should Americans working every day pay the price for this recklessness? Should retired Americans who depend on their homes for their retirement pay the price for their troubling risks? Should future generations lose their shot at the American dream because of this incompetence?

Mr. Speaker, the Congress is not going to stand for it. Like President Franklin Roosevelt, who led this Nation out of our last great economic crisis, this Democrat-led Congress is committed to helping families out of this crisis and ensuring the situation never happens again.

The SPEAKER pro tempore (Mr. HOLDEN). The time of the gentlewoman from New York has expired.

Ms. CASTOR. I yield the gentlewoman an additional 1 minute.

Ms. SLAUGHTER. Sadly after 1929, all the safeguards that President Roosevelt put on to have no more bank failures in the United States have almost all been removed. He recognized, President Roosevelt did, the strength of a great nation depends on the strength of its working families, and our strength is about exhausted.

Everything that he did, as I say, has been done away in the past 7 years, and I think that restoring some of the safeguards that he put on financial institutions would be a start.

The legislation we are considering today was forged by bipartisan consensus, and it will take bipartisan consensus to focus on future legislation to address the issues. This is a short-term solution today to a large and long-term problem. In these troubled times, righting the housing crisis is an important first step to getting our country back on track.

Quite simply, ladies and gentlemen, we need stronger regulations, we need real teeth, we need oversight, and we have to clean up the mess. I'm happy that Members on both sides are dedicated to doing that. I implore my colleagues to commit to increased oversight. Together we have to make sure this does not happen again.

Mr. SESSIONS. Mr. Speaker, there are lots of reasons to oppose this bill. We've talked about the things that we have in common with the bill. But I think it's important that we talk about what this bill actually does.

First of all, the GSE bailout. The 18-month term of authority for the Treasury to extend Fannie Mae and Freddie Mac's line of credit and purchase their equity is too long, we believe. Six months should be the limit. Not 18 months. The conditions under which a bailout is allowed should be clearly stated and should restrict the unlimited authority of the Treasury Secretary to act. The amount of Federal investment authorized should not be unlimited.

We've just given two great ideas, ideas that, because of a closed rule, you will not see on this floor of the House of Representatives. The conditions under which a bailout is allowed should be clearly stated and should restrict the unlimited authority of the Treasury Secretary to act.

Mr. Speaker, we believe the amount of Federal investment authorized should not be unlimited, and perhaps most importantly, we see that what Congress is doing is abdicating completely our authority and our role to the executive branch.

□ 1215

That's bad policy, and we should not be doing that on this floor of the House of Representatives today.

Secondly, the Affordable Housing Trust Fund, this legislation would place a permanent Affordable Housing Trust Fund mandate on the GSEs. In light of their current liquidity and capital conditions, taking money from Fannie or Freddie is a bad policy. Taking money from two of these instruments should not be done.

Moreover, the Affordable Housing Trust Fund could be used as a slush fund for political activity purposes. We see one of the housing groups that actively engages in open partisanship on a regular basis, and yet, they quite likely will qualify for a lot of taxpayer money. For what purpose? More politics.

Mr. Speaker, once again, the Republican Party is on the floor offering alternatives to this bad piece of legislation. We are not just saying ''no.''

What we're saying is this is an open slush fund and should not be allowed.

Mr. Speaker, we reserve our time.

Ms. CASTOR. Mr. Speaker, I'm very pleased to yield 2 minutes to the gentlewoman from California (Ms. WATERS), a champion for affordable housing and America's families.

Ms. WATERS. Mr. Speaker, I came to the floor to support this rule because it is so important that we move to deal with the sub-prime crisis in this country. It is not getting better. It is getting worse. And we find that community after community is being destroyed because we have boarded up, foreclosed homes that are driving down the property values, driving down the cost of the houses that are now upside down on their mortgages, and they cannot sell them and they're stuck.

And so the Rules Committee has worked hard, understanding the many aspects of this issue, and they have heard the legislation that is before us today that would simply mark down these properties by 15 percent. FHA, which we have strengthened, will do the refinance on these properties. We've also learned that FHA has been strengthened substantially with this legislation, and that part of the bill that I've been very much involved in will provide about $4 billion to cities and counties so that they can have money to rehabilitate these properties, put them back on the market for sale and for rent, and help to stabilize these neighborhoods.

And so the GSEs are in the bill, and you're going to hear a lot about the GSEs. But the fact of the matter is this bill is about stabilizing this economy, and we cannot afford to have the largest two semi-government agencies unprotected. While some people know that there's more work to be done on the GSEs, we're talking about now making sure that we put confidence in the market and that we send a message out there that we're not going to have disruption in the market at this time, that we're going to do something about the foreclosures and about the problems that we're confronted with.

I thank you.

Mr. SESSIONS. Mr. Speaker, at this time, I'd like to yield 4 minutes to the distinguished gentleman from Georgia, Dr. PRICE.

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, I thank my friend from Texas for yielding.

There are so many remarkable aspects of this bill that deserve debate and discussion, but it's not going to happen. So the question that I would ask is, what on Earth are the Democrats afraid of? What on Earth is the new majority afraid of? This majority, the Democrat majority, promised the Nation a fair and open process, and again, they've failed to live up to their promises.

This bill, we received the final language of almost 700 pages in this bill at 6:30 p.m. last night, 6:30 p.m., Mr. Speaker, and we were told that the Rules Committee was meeting at 7:30 p.m., 1 hour later. The bill itself increases the debt limit by $800 billion. Mr. Speaker, by my calculation, that is $1.3 billion a minute to allow Members an opportunity to look at the bill and determine whether or not amendments ought be in order. But the Rules Committee didn't accept any amendments.

The bill has the potential to increase the national debt by 50 percent, by $5 trillion. Don't you think the taxpayers of this Nation deserve an open and an honest debate about that?

The bill gives unprecedented and unchecked authority to the Treasury Department to put taxpayers on the hook for Fannie Mae and Freddie Mac. And we've been given 2 hours to debate it, with no amendments, no opportunity for change? What are you afraid of? What are you afraid of?

The most sweeping changes to housing law in a generation were circulated to our offices just 16 hours prior to floor consideration. Now, this is in contrast to what the leadership, the Democrat leadership, said just 2 short years ago before they became leaders.

Speaker PELOSI said in June of 2006, ''Because the debate has been limited and Americans' voices silenced by this restrictive rule, I urge my colleagues to vote against the rule.''

Well, I agree with the Speaker. But what's changed? What's changed for her? Is it political expediency or is it a broken promise?

In December of 2006, following the election, now-Majority Leader STENY HOYER bragged to the media. He said, ''We intend to have a Rules Committee . . . that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House.''

What happened, Mr. Speaker? What are they afraid of? What are they afraid of? Here we are considering a rule in which the majority didn't even bother to post a process by which Members could submit amendments. What's changed, Mr. Speaker? What are they afraid of? What debate would be so scary that they wouldn't even allow an amendment or an alternative on the floor?

The chairwoman of the Rules Committee, Ms. SLAUGHTER, said, ''If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, not just appropriations bills, which are already restricted. An open process should be the norm and not the exception.''

What changed, Mr. Speaker? What changed? What are they so afraid of?

The Democratic Caucus Chair RAHM EMANUEL said, ''Let us have an up-or-down vote. Do not be scared. Do not hide behind some little rule. Come on out here. Put it on the table, and let us have a vote. So do not hide behind the rule. If this is what you want to do, let us have an up-or-down vote. You can put your vote's right up there . . . and then the American people can see what it is all about.''

Mr. Speaker, what's so scary about an open rule? Such heavy-handed tactics effectively silence half of the American people. How can that be consistent with the campaign promises that we heard from this new majority?

A number of Republicans, including myself, submitted amendments to the bill. I submitted two thoughtful and substantive amendments.

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

Mr. SESSIONS. I would like to give the gentleman an additional 30 seconds.

Mr. PRICE of Georgia. But my two amendments were not even given an opportunity to come to the floor for a vote.

So this, just like energy, Mr. Speaker, just like energy, we are unable to bring the American people's desires to the floor to have a vote. That's all we ask for.

Mr. Speaker, what's so scary? What are they afraid of? Are they afraid of the American people?

Ms. CASTOR. Mr. Speaker, I'd like to correct the record here because this House of Representatives has been working in a bipartisan way for almost 2 years now on housing legislation. In fact, in my opening statement, I chronicled the number of bills starting last year that have been passed in this House by substantial bipartisan margins and sent over to the Senate where they waited. To say that there's been no opportunity for amendment or debate, that's wholly inaccurate.

Out of this package, it contains at least five or six bills that had committee hearings, extensive hearings, the opportunity for amendment in committee, the opportunity for debate, previous debate, debate on the floor, amendments here on the floor, debate in the Rules Committee.

So I think it's important that the record reflect that reality.

And at this time, I'd like to yield 5 minutes to the chairman of the Financial Services Committee, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentlewoman.

Mr. Speaker, we confront here one of those moments in which there is a certain degree of confusion, and we are here, in substantial part, today at the urgent request of the Bush administration.

This package has several pieces. Three of them, in fact, are urgent requests of the Bush administration, and indeed, the Bush administration does have a criticism to make of the pace with which we are doing this. They think it is too slow.

Well, Members on the other side, some of them have complained that we're moving too rapidly. The Secretary of the Treasury has been a little frustrated that we were moving so

slowly. Clearly, we have here an example of the classic situation in which the right hand does not know what the far right hand is doing.

We are dealing today with legislation that has, with one exception, already passed this House. As to the ability to amend and debate, one of the high priorities of this administration has been significantly increasing the regulatory structure for Fannie Mae, Freddie Mac, and the Federal home loan banks. This House passed it last April of 2007. It was very much debated in committee, and it came to the floor of the House with many amendments. Well, that piece has already been debated on the floor of the House and amended, subject to a fairly open rule, not totally open.

We have the modernization of the Federal Housing Administration, another high priority of the Bush administration. Several months ago, the head of the FHA, the Bush appointee, Mr. Montgomery, the head of the FHA lamented the fact that we hadn't acted. Despite that, the senior Republican on the Financial Services Committee sent me a letter last week saying don't act on it. So we have the head of the FHA a couple of months ago complaining that we had not acted on this urgent administration priority, and then I get a letter from the senior Republican of this committee saying don't do that piece, leave that piece out. He talks about doing only 1 piece, that one's left out.

So we have the administration's request for GSE reform, already voted on and debated last year; FHA modernization, already voted on and debated by the House. This is a re-passage to accommodate, frankly, some of the problems we've had with the Senate.

We did have the FHA rescue plan that was voted on on the floor of the House, and that one was not amendable, and I acknowledge that.

All of the things I've talked about, by the way, these three pieces that have already been voted on, all passed the House by very large majorities. All had significant Republican support. All were fully debated in committee and amendments offered. This is a repackaging.

Now, the gentleman who preceded me said what are we afraid of. I guess I do have a certain fear of being caught in this Republican crossfire, with the administration telling us move more quickly and the Republican members of the committee saying how dare you move so quickly; and the Secretary of the Treasury saying we'll have confidence undermined in the market, and the Republicans saying we didn't have enough time to read the bill.

Again, almost everything in here has previously been debated in committee and voted on on the floor of the House. There's one new element, and I agree that did not go to committee. We didn't have a public hearing on it. The Secretary of the Treasury asked us not to have a public hearing, said he thought it would be damaging to the market if we had a public hearing. We have had a week and a half to talk about it, to discuss it, including in informal ways, and I've been open to discuss it with anyone who wanted to. But the Secretary of the Treasury did say that he thought the hearing would be a problem.

So what are we afraid of? Well, I had a certain fear of rebuffing the Secretary of the Treasury, President Bush's appointee, on the matter that he thought was so important as to how we handled it. So that's why we are here.

This is a balanced bill that includes a significant increase in the reform of Fannie Mae and Freddie Mac. It does give to the administration the ability to make some loans to them or maybe buy shares with an instruction that they protect the taxpayer with various mechanisms and with a requirement that the compensation of the CEOs and the top officials of those agencies be strictly regulated.

□ 1230

But it doesn't do that in isolation. It does it only as part of a bill which significantly tightens the increase, that tightens and increases the regulatory structure.

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

Ms. CASTOR. I yield the gentleman 30 additional seconds.

Mr. FRANK of Massachusetts. So just to summarize, this bill again responds to an urgent request by the Bush administration that we enacted in April, we passed it in the House in April. We tried to put it in the stimulus. The administration said not yet. That's already been voted on and debated.

It has the FHA modernization that's been voted on and debated. It has the FHA rescue plan, voted on and debated. All of those have already been in the bill, and three of these pieces in this bill are urgent requests of the Bush administration.

It does do some things for affordable housing, and I understand that many on the other side are ideologically opposed to that. But they were ideologically opposed to it when we debated it on the floor. And on the affordable housing trust fund, we have already voted about 10 times on the floor of the House.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from Dallas, Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, I listened very carefully to the distinguished gentleman from Massachusetts, the chairman of the Financial Services Committee, who indicated that part of the package before us was a request of the Bush administration.

It may be a request of the Bush administration, but it was necessitated by that gentleman and by others who for years have forestalled any type of reform of Fannie and Freddie, neither man nor beast, half private, half public. You can go back, Mr. Speaker, and look at the record.

Before I arrived here almost 6 years ago, the debate has been ensuing how can you have these entities that essentially are able to privatize their profits but socialize their losses and not put the taxpayers at risk?

Now we were told, well, there is no taxpayer guarantee here. There's nothing to worry about. I've got a press release here dated '01 from the chairman of the Capital Market Subcommittee who says that the new GSE bill is a solution in search of a problem; that OFHEO has developed and implemented a robust and comprehensive and continuous examination program that works.

Well, many of us have said, no, that is wrong. I have got language from, again, the distinguished gentleman from Massachusetts who says, dating back to a hearing in 2003, ''I believe there has been more alarm raised about potential unsafety and unsoundness than, in fact, exists.''

Well, I think what we discovered today is perhaps there is a lot of unsafety. Perhaps there is a lot of unsoundness that has to be addressed.

So now we are being asked to take—really this is a historic moment—we are being asked to take a terribly flawed housing bill that could put the taxpayer on the line for $300 billion to help bail out people on Wall Street who made bad bets, and then couple that with an absolutely breathtaking bailout of Fannie and Freddie that in its worst-case scenario, which admittedly is unlikely, but in its worst-case scenario could add $5 trillion to the national debt at the snap of a finger. That's an increase of 50 percent in the national debt overnight.

That's what would happen, Mr. Speaker, if you have the Federal taxpayer underwrite all the debts of Fannie and Freddie. I mean, this will help establish this particular Congress as having, perhaps, the worst record on fiscal responsibility in our Nation's history. They have had lots of competition.

There are so many different reasons why we should not pass the bill today. Let's look, number one, at the underlying housing bill. You have 95 percent of America that either rents their home, owns their home outright and are current in their mortgage, and they are being asked to bail out the other 5 percent. Now out of that 5 percent, some are very deserving. Some were victims of mortgage fraud, predatory lending. Some had bad reverses in the economy that were beyond their control. But others are not so deserving. Many were speculators. Many engaged in mortgage fraud themselves. There's been an explosion of mortgage fraud in the market.

Finally, some people just didn't exercise personal responsibility. When people are struggling to pay their own mortgages, who acted responsibly, they shouldn't be forced to pay for their neighbors as well, much less bail out Wall Street.

Let's look at the Fannie and Freddie package.

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

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

Mr. HENSARLING. Mr. Speaker, I regrettably admit that today Fannie and Freddie are too big to fail. The repercussions to our economy could be dire.

But we should not pass any legislation that doesn't ensure the taxpayers are never here again. Not only does this legislation not ensure that, it makes it worse.

I mean, even the Washington Post, not exactly a bastion of conservative thought said, ''Strangely, though, both the Senate and House versions of the bill potentially increase the very risks Mr. Paulson's plan is intended to mitigate.''

Don't give these people a blank check. Vote this down.

Ms. CASTOR. Mr. Speaker, we reserve the balance of our time.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, the famed economist Milton Friedman once said that the government's solution to a problem is usually as bad as the problem itself. I think that that is certainly applicable here today.

When we had the housing bill up for debate a few months ago, I had a bit of a dialogue with the chairman of the Financial Services Committee. I had mentioned that he had appropriately and often excoriated Republicans when we would lavish corporate subsidies on private interests there, when we didn't live up to our belief in the principle of capitalism. I think that was sometimes deserving.

But here is a gentleman that certainly understands the free market and understands that this bill has moral hazard written all over it. We are pretending to chain a monster here, and we are, instead, letting that monster loose.

The competitive advantages that Freddie and Fannie have had over the past several years, with an implicit government guarantee, which many people have tried to tell us who have wanted GSE reform for so long did not really exist, that taxpayers were really not on the hook. Well, that implicit guarantee today is made explicit.

Can you imagine the competitive advantage going forward that Fannie and Freddie will have over their competitors when you have an explicit guarantee rather than an implicit guarantee? This is simply the wrong way to go. If we wanted to tailor something that dealt with GSEs, both with ensuring that they are solvent but making sure that the taxpayers aren't put in this position again, that would be one thing. This bill does not do that. We are unchaining a monster here, and we are making the situation far worse.

Ms. CASTOR. Mr. Speaker, at this time I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentlewoman for yielding and for her leadership.

Mr. Speaker, I rise today in strong support of this bill and the rule. I want to thank, first of all, Chairman FRANK and Chairwoman WATERS for crafting a bipartisan bill to address this crisis, which is what it is. As a former member of the Financial Services Committee, I know how effective they are in bringing bipartisan consensus to the committee.

Quite simply, far too many families are losing their dream of homeownership. It truly has become a nightmare. This bill will restore that dream by modernizing the Federal Housing Administration; strengthening oversight of Fannie Mae and Freddie Mac; raising loan limits to help homeowners in high-priced markets like California; creating an affordable housing trust fund, which is very important. Senator BERNIE SANDERS and myself introduced this bill several years ago.

Also, I want to thank Chairman FRANK for including language from my bill to provide new guidelines for reverse mortgages, protecting our seniors from another potential financial crisis, and, of course, the $4 billion in CDBG funds to State and local governments to buy, rehab and resell foreclosed homes, helping to fix blighted homes and stabilize prices in hard-hit neighborhoods like in my district in Oakland, California.

I strongly support this rule and the bill.

Mr. SESSIONS. Mr. Speaker, if I could inquire upon the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Texas has 11 minutes remaining, and the gentlewoman from Florida has 2½ minutes remaining.

Mr. SESSIONS. Mr. Speaker, I would like to inquire of the gentlewoman from Florida if we could ask unanimous consent to extend on both sides, 15 additional minutes. We have a lot of speakers that are here on the floor, and it seems like a reasonable thing to do.

Ms. CASTOR. I will have to object to that. I will note that the rule does provide for an extended amount of debate on the legislation, itself.

Mr. SESSIONS. Well, Mr. Speaker, we tried to get additional debate on this issue, but I know the closed rule we have got is intended entirely to squeeze down time and the amount of debate that would take place, confirming that again.

Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentleman from Texas.

Mr. Speaker, there are a whole bunch of things in this bill I think are awful. I don't like funds, government funds to buy foreclosed properties. I don't like having a fee that might increase the interest rates that people pay for loans. I don't like creating a slush fund that will probably largely go to some political organizations. And I do not like helping irresponsible lenders that don't deserve to get any help.

However, I am going to support this bill today. I am going to support it because we are in a position where we cannot afford to not have Fannie Mae and Freddie Mac in the marketplace.

If you think the economy is tough now, watch what would happen if we took 50 percent of our lending capacity out of this marketplace today.

We can argue about whether Fannie and Freddie should be as they are constructed today, and I don't think they should be. We should have an argument about how they should be constructed in the future. We should have a debate about that. But they are as they are now, and the guarantee from the Federal Government is implicit, and this bill will make it explicit, and I think that is, very unfortunately, something we are going to have to do.

The bill also does provide some lending support out there. There are people out there who did get in a problem that was not of their own making and who do deserve some help and some support. Unfortunately, we will be supporting a lot of people who don't deserve, but at least it will get to people who do deserve support as well.

So, Mr. Speaker, I stand before you reluctantly supporting the bill, but supporting it because we cannot afford at this time to see the housing market slip further and further into a problem. Although this has a number of things which won't help at all, it does have some things which I think are necessary.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. CAMPBELL of California. Yes, I would be happy to yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I appreciate your perspective on this. It's not one with which I agree, but I appreciate your perspective.

But wouldn't the gentleman agree that under this rule, shouldn't this be a rule where all amendments are debated?

Mr. CAMPBELL of California. Yes.

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

Ms. JACKSON-LEE of Texas. I thank the distinguished gentlelady from Florida for her leadership and yielding to me. I thank the chairman of the full committee.

Mr. Speaker, the American people are asking this Congress to do the

right thing. They are certainly not asking us to blame them for the crisis in the mortgage foreclosure market.

And as a member of the Judiciary Committee, I know the number of bankruptcies of hardworking Americans. This bill provides a refundable first-time home buyer credit, $7,500. It provides a temporary increase in the low-income housing tax credit. And it does not bail out Fannie Mae and Freddie Mac.

It is simply a guarantee to protect the American consumers and taxpayers. This Congress will make sure you are protected. All it does is says the Secretary of the Treasury can provide a guarantee if necessary. Then, of course, it buys back all those foreclosed homes on your block that keeps your house from going down in value. This is a bill that is needed.

I support the rule and the underlying bill. The American people are asking this Congress to do the right thing, and this Democratic Congress is going to do the right thing on behalf of the American people.

The people of Houston Texas, the 18th Congressional District, need this relief. We will vote on it today.

□ 1245

Mr. SESSIONS. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding.

Mr. Speaker, this legislation has been a long time coming, and I'm grateful for the work of my colleagues on the House Financial Services Committee in bringing this legislation to the floor today.

Like Congressman JOHN CAMPBELL from California, I believe this is imperfect legislation, but needed. I am hopeful passage of this bill will give required liquidity and credit for Fannie Mae and Freddie Mac, restore some confidence in the housing market, provide stronger regulation over the GSEs, keep more American families in their homes, and protect the value of the homes of their neighbors.

The past year has been a tumultuous one for the mortgage market, and we are now in the midst of a significant housing crisis. It is absolutely essential we take action. Now is not the time to raise taxes, cut spending, and stand by idly like former President Herbert Hoover and let an imperfect market work its wonders.

Ms. CASTOR. Mr. Speaker, I have the right to close, so I will reserve the balance of my time until the gentleman from Texas has made his closing statement.

Mr. SESSIONS. Mr. Speaker, at this time, I yield 2 minutes to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, today we're considering a massive housing bill which saddles the American taxpayer with billions of dollars to bail out both Fannie and Freddie as well as irresponsible lenders, and yes, even some irresponsible borrowers.

But what will the American taxpayer be getting in return for being asked to be put on the hook for a deal that they weren't a part of and now all of the sudden they have to jump in and bail out someone else? Remember, 95 percent of Americans are paying on time their mortgages, their rents. They weren't a part of this very bad equation, but now they're being asked to come in, to have their taxes raised to bail out irresponsible lenders, and yes, even some irresponsible borrowers.

What are they going to get in return? Are they going to be assured that the worst loans that were made won't be dumped into this refinance program? No, not going to happen. Will they be assured that this affordable housing slush fund that will finance millions of dollars for political groups like ACORN, groups that are currently under investigation in States for voter fraud, that they won't be getting more tax money? No. Are they assured that Fannie and Freddie will never again become too big to fail? No. Fannie and Freddie will become even bigger. Are they assured of a clear path out of this explicit Federal backdrop? No. It's not going to happen. In fact, it's the opposite. The banks are going to rid their balance sheets of the worst performing loans—what we used to call ''dogs'' in the industry—and it will encourage them to serve up on a silver platter for hardworking Americans a huge tax increase for them to pay.

The hardworking Americans, unfortunately, Mr. Speaker, that are financing this bailout are already paying over $4 a gallon for gasoline and prices for groceries they never thought that they would have to pay. They are the forgotten man, Mr. Speaker. The ''forgotten man'' is the hardworking man and the hardworking single woman who is paying their bills, but who now is being asked to front the cost for poor performing loans. It's a bad deal, and we need to reject this rule.

Mr. SESSIONS. Mr. Speaker, at this time, I yield 1 minute and 45 seconds to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentleman.

I rise to the floor to oppose this rule and to also oppose the underlying bill, a bill that would, as the hurricanes that are going across this country, devastate this country financially and put the American taxpayer on the hook, not for $10 billion, not for $20 million, we're upwards to $5 trillion.

I commend the hearing that we had last night on this bill, which was over 1 hour. That's an hour more than we've had any discussion whatsoever on the potential of putting the American taxpayer on the hook for $5 trillion. Chairman FRANK did not hold one single hearing to discuss how this would impact the American public nor the American financial system; hearing after hearing that we held on all sorts of other things, but never could we get to this topic.

In fact, the chairman last night called ''nonsensical'' the idea that the American public could be put on the hook for upwards to $300 billion. Well, remember this; that was the same chairman, unfortunately, who told us 5 years ago and 3 years ago and 1 year ago, nonsensical was the idea that Fannie Mae and Freddie Mac could ever fail. In fact, that's the same chairman who told us that he would never support the bailing out of the GSEs. In fact, if I looked into the transcripts of our past hearings where the gentleman from Massachusetts spoke, he said repeatedly, ''I would never support the bailout of Fannie Mae or Freddie Mac or the GSEs.'' Well, sir, here we are today, upwards to a $5 trillion bailout for the GSEs. In fact, this will make the savings and loan scandals of a few years ago pale by comparison.

And I remind the American public, how did that unfold? First, it was a $10 billion request to the American taxpayer that they used to bail out the savings and loan. Then it was $50, $70—finally, $200 billion plus was asked for the American taxpayer to bail out the American savings and loans in this country. That's the exact same thing that's potentially going to occur here today as we bail out Fannie Mae and Freddie Mac for their exclusively bad decisionmaking.

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

Mr. SESSIONS. I give the gentleman an additional 15 seconds.

Mr. GARRETT of New Jersey. I appreciate the additional 15 seconds, and I would yield those 15 seconds to the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. With a heavy heart, I rise in opposition to this rule and the Wall Street rescue bill. Why? The key provision added over the weekend amounts to a huge elephant galloping over the American people with its blank check to Wall Street. In exchange, the American people get to cling to fool's gold—a few billion dollars to cities and States which are facing hundreds of billions of dollars of loss. Ohio alone needs the total amount of meager funds allocated to workouts. Sadly, less than one percent of the assistance in this bill is targeted to those local communities! We need a bill that strengthens each community's real estate values through Federal bond guarantees to them, not to the big investment banks and uninsured housing enterprises that caused this problem in the first place. I thank the gentleman very much for yielding.

INTRODUCTION

President Franklin Roosevelt aptly gave a name to the Wall Street financial manipulators who, time and again, put our nation in enormous financial peril. He called them ''malefactors of wealth''—''malefactors,'' from the Latin ''mal'' meaning ''bad,'' and ''factor,'' meaning ''makers'' . . . makers of bad. That is, people who do great harm with the use of wealth.

As a scion of old wealth himself, Roosevelt knew them well. He knew the lengths to which

they would go to satisfy their cravings for more, and more, and more—as if reason and prudence didn't apply. And they did not care who they ran over in their quest. Their deeds have placed our nation at risk, time and again. Now, with the mortgage foreclosure crisis, they have done it again—this time, the damage is so huge it dwarfs the savings and loan fiasco of the 1980's when they ponzi-schemed up housing markets, saw them crash, and then ran to Congress to bail them out. Back then, the perpetrators centered their attention on California, Texas, Arizona, and the hot housing markets. Yet all Americans, from all states—like Ohio which was not one of the epicenters of their gluttony—were forced to pay the bills for their bad deeds.

Today, Congress will vote to burden the American people with another blank check, totaling hundreds of billions of dollars lasting three generations, to Wall Street brokerages and the shareholders of Freddie Mac and Fannie Mae. It is times like this that my heart feels very heavy for my fellow countrymen and women, as I cannot save us from this wrongful debt being imposed. This bailout of Wall Street giants never had a hearing in Committee.

Why should our people be made to pay for them? What will our communities get for this added, massive debt obligation?

THE LEGISLATION

The Foreclosure ''Rescue'' bill we're being asked to vote on today won't live up to its name. I challenge any Member to tell me how much help your district will receive from this trickle down to turn around local housing markets. This bill does not measure up to the challenge

The Congressional Budget Office under estimates that the bailout package will cost the American public $25 billion. This estimate isn't a good indication of the potential cost since $25 billion is just an estimate based on many faulty assumptions. The potential cost to the public actually is several hundred billion dollars. Fannie Mae and Freddie's current debts total $5.2 trillion, which equals our national debt of $5 trillion.

The fig leaf offered—and that our communities are clinging to is the promise of a mere $4 billion in community aid plus $10 billion for state housing authorities to counteract the nearly $356 billion loss in property values and property taxes in 2007 and 2008. $4 billion doesn't even meet the City of Cleveland's needs; Ohio alone is estimated to need $164.2 billion, just the gap for the state housing authority is $20 billion. With blocks of abandoned, vandalized, and stripped homes to contend with, along with an onslaught of displaced families, our communities are being asked to do more than ever, with fewer and fewer resources.

This bill asks taxpayers to issue a blank check with the words ''stand by authority''—to Wall Street—for the first time to federally uninsured investment houses and secondary market housing agencies. This critical provision never went through Committee, there were no hearings. This was a Boardroom deal.

The former head of Goldman Sachs is now the Secretary of Treasury under a Republican administration; under the former Democratic administration, the Secretary of Treasury was from Goldman Sachs. Just this week, Goldman Sachs' top banker, Ken Wilson, will take a leave from his job there to join his former boss at Treasury, Secretary Paulson. Who's running whose show here? Is Treasury serving the American people or simply Goldman Sachs, IndyMac Bank, and Bears Stearns?

Further, under this bill the Department of Treasury that failed to regulate, examine, and audit is now going to be given even more power to create another bureaucracy to regulate the Department that didn't regulate. This house of cards only gets more topsy.

Last year, Freddie Mac Chairman and Chief Executive Richard Syron received $19.8 million in compensation—even though the company's stock lost half its value. During the same period, Fannie Mae President and Chief Executive Daniel Mudd was paid $12.2 million, including a $2.2 million bonus. But curbing their excess doesn't even come close to offsetting the huge debt this bill anticipates for the American people.

Our cities are left holding the bag, yet the greedy corporations that blew through town are being made whole. Meanwhile, homeowners have lost decades of savings and equity. Once tight-knit communities are left shattered, shuttered, and dangerous. In order to make things even worse, big banks like Citigroup are now plundering our local communities even more by offering land contracts. How much lower can these banks sink? And yet Congress rewards them?

SAVINGS AND LOAN CRISIS BACKGROUND

Even worse than the proposed no strings attached bailout is the fact that this is déjà vu all over again. The Savings and Loan bailout of the 1980s cost the American taxpayers upwards of half a trillion dollars. The American people were asked to grin and bear it for the good of the Nation. States like Ohio were not among the worst abusers, yet our taxpayers were forced to bear this debt load too.

The savings and loan scandal destroyed an entire class of community banks, moved more power to Wall Street and money center banks, and exploded our public debt. Back then, they told Americans that if they were bailed out, such catastrophes would never happen again. They claimed a new money instrument was being developed by Wall Street called the mortgage backed security. Through its magic, the public would never have to worry again about greedy bankers in the housing market. Your mortgage would be safer, as it would be packaged with others and sold through securities Wall Street would invent, like an anonymous piece of paper.

Meanwhile, face to face community banking, and necessary underwriting and regulation first enacted for home lending in the Great Depression, were destroyed. Financing became more and more hot wired, more absentee, even over the phone and internet. A deluge of promotional materials from the banks arrived at our doorsteps, almost daily, urging mortgagees to borrow more and more against their shrinking home equity, to borrow for almost anything—a vacation, a car, to put on a roof. Few cautioned against it, and the debt pushers pushed on.

Home values inflated beyond their worth. But the regulators, like FNMA and Freddie, the OTS and FDIC stood frozen in place. The mortgage itself—which is a debt that must be repaid—was rolled up and packaged with thousands of other mortgages and, as America itself is in debt, sold into the international market for the first time to foreign buyers. Try to work out a loan when your financier is located in China.

Sadly, their entire modus operandi is an old trick—create a house of cards with money by pushing risk beyond what can be considered prudent, leverage the money pyramids where the underlying asset is purposely poorly appraised, and voila—the perpetrators make billions until the market they have created busts. Then blame the American people and run to Congress to close the gap by borrowing, borrowing, and borrowing from the very people they thought so little of. Oh yes, and then, blame the whole washout on ''them,'' the public.

Wall Street's money grabbers are back, this time stretching their long arms even deeper into your pockets to cover their latest craze—draining out our home equity and home values. Americans have built their equity over decades in their mortgages. Yet Wall Street set its sights on families' home equity, and went after it with a vengeance. It was the only major savings pool America had left other than our public assets like roads, water systems, and public works. Millions of families succumbed to the snake oil.

Overall, home equity in our nation, our largest source of savings—has now dipped below fifty percent for the first time in modern history. Millions of Americans have negative equity in their homes, they own more on their homes than their homes are worth.

So, to fill the gap, Wall Street wants the American taxpayer—the people they bilked—to bail them out, again. Bear Stearns succeeded to the tune of $30 billion. So now there is a longer line of bankers lined up to prop up their profligacy. This bill legitimizes their behavior and gets crumbs in return for the American people. The malefactors wealth manipulated and created panic in the market. They got the Bush Administration to propose an ''emergency'' bailout plan. And then they got Congress to ''limit'' executive pay as a fig leaf to cover over their real motherload in this bill. Not a bad bit of insider dealing.

But what about the American people? What about their interests?

MEETING THE NEEDS AND STRENGTHENING OF OUR COMMUNITIES

Let's get something real for the taxpayer. And let's get it now. As the Economist proposed this week, Fannie Mae and Freddie Mac could issue their own debt and exchange it for loans from the government—this way, our taxpayers who are on the hook at least get something if markets recover. Otherwise, all this bill does is hand over the U.S. Mint to Wall Street.

I ask any Member: how much of this bill is going to your district relative to what it is going to cost to turn your local real estate market around?

If you don't know the details, you shouldn't vote for the bill.

And how do you know when the help will arrive? This bill is a trickle down from Wall Street; communities across this nation will be left holding an empty bag.

Our communities need expanded bonding power at the grass roots, not more rewards for Wall Street brokers who got us into this sorry situation in the first place.

We need trickle up, not trickle down.

Our communities need expanded bonding power at the grassroots level to raise the funds to combat this crisis, not more rewards to the very institutions and people who created this mess.

I have a better idea. Rather than Congress vowing to borrow more money—plus interest—from the American taxpayer for three generations to come, to make Wall Street whole, why not instead design a refinancing approach that benefits the taxpayer, and the communities they live in? Rescue local real estate markets. Give the bulk of assistance there. Let any refinancing medium reach deep into every affected community across this country. Stop the hemorrhage. Accelerate workouts now to save real estate values from plummeting even further—including on families who own properties that had nothing to do with this ponzi scheme.

Strengthen each community's real estate values through federal bond guarantees to local countries and cities, not Wall Street. Empower local people. Empower local housing authorities' ability to respond. Democratize this bond offering. The largesse of the American people should not trickle down from the big bond houses on Wall Street who caused the problem, traffic in debt, and operate far from home. The bill being proposed in Congress is weighted WAY too heavily in their favor. For affected localities, less than 1 percent of this proposed aid is targeted to them; Wall Street gets the lion's share. Imagine a bill that strengthens local real estate markets NOW, and into the future through additional federal bond guarantee authority to those same communities. The ability of hundreds of affected jurisdictions to do refinancing and workouts will be direct, local and not just through Wall Street. Direct support to localities should be at a level commensurate with the scale of the foreclosure crisis—not just one percent of the largesse while Wall Street cleans up.

CONCLUSION

This approach makes sense as real estate markets are local. There is a greater likelihood that units will be turned around more responsibly and expeditiously at the local level. Wall Street is too far away. And they are already hawking their disgusting ''land contracts'' to move foreclosed units which are further blighting troubled neighborhoods.

Let's democratize this bond offering in community after community. Let's not give it away to the same Wall Street crowd that bleeds us time and again, but pays us no respect. Franklin Roosevelt understood the difference between money and wealth. He was about creating wealth in community after community, household after household, not letting Wall Street raid us dry. This Congress should remember how his policies built a middle class. We should champion that democratic vision of capitalism. It's long overdue. As this bill moves to the Senate, perhaps someone there will remember what representative democracy is all about and make this a much better bill. My vote is cast for the American people and against the malefactors of wealth.

ADDENDUM

FANNIE MAE AND FREDDIE MAC

A Better Approach: Based upon Treasury Secretary Paulson's emergency announcement and proposal on July 13, 2008, ''The two companies could issue their own debt and exchange it for loans from the government—at least the American people might yield something rather than giving wall street the equivalent of having access to the printing press.'' (Source: The Economist, July 19th–25th, 2008)

Additional Facts: According to a Federal Reserve economist, because the U.S. government has essentially guaranteed Fannie Mae and Freddie Mac's debt, the ability of home buyers to borrow has remained difficult, while the savings Fannie and Freddie have realized—about $79 billion—instead went straight to their shareholders. (Source: The Economist, July 19th–25th, 2008)

Current regulation, ''allowed Fannie and Freddie to operate with tiny amounts of capital. Their capital reserves (as defined by the regulator, Office of Federal Housing Enterprise Oversight [OFHEO]) of $83.2 billion at the end of 2007 supported $5.2 trillion of debt and guarantees, a ratio of 65 to one.'' Imagine if a household earned $83,000 a year and was able to borrow $5.2 billion on that salary.

In 1998 Freddie Mac owned $25 billion of other securities, according to OFHEO and by the end of 2007 it had $267 billion. Fannie Mae's outside portfolio grew from $18.5 billion in 1997 to $127.8 billion at the end of 2007. This shift in investing in outside securities does not meet Fannie and Freddie's core mission of increasing home ownership.

OFHEO as recently as July 10th said that both Fannie Mae and Freddie Mac had enough capital.

Freddie Mac lost $3.5 billion in 2007; Fannie Mae reported a $2.2 billion loss in the first quarter, having lost $2.05 billion in 2007. Each had credit-related write-downs of between $5 billion and $5 billion last year.

Currently, Freddie Mac only has a market value of $5.3 billion.

On a fair-value basis, Freddie Mac had a negative net worth of $5.2 billion at the end of the first quarter.

FANNIE MAE AND FREDDIE MAC'S DEBT AND FOREIGN OWNERSHIP

''Paulson said the Fannie and Freddie have issued $5 trillion in debt and mortgage backed securities. Of that amount more than $3 trillion is held by U.S. financial institutions and over $1.5 trillion is held by foreign institutions.'' (AP; Crutsinger, July 22, 2008)

Fannie Mae and Freddie Mac's foreign debt has tripled from $504 billion in 2001 to $1.5 trillion in 2007. Fannie Mae and Freddie Mac's $1.5 trillion foreign debt is owned by China $376 billion, Japan $228 billion, Russia $75 billion, South Korea $63 billion, and Middle Eastern Oil-Exporters $29 billion. Now, both interest and principal is owed to foreign bondholders.

The current proposal will allow Bank of America to purchase Countrywide's portfolio. Then if Bank of America works out a refinancing, FHA stands ready to insure it. If the owner fails to make payments, FHA assumes the unit. This is a great bonanza for Bank of America.

WHAT THE LEGISLATION NEEDS

A better solution would be to let Fannie Mae and Freddie Mac issue debt and then exchange that for a government loan. At least our people would get something back on the upside—just as America did when Chrysler Corporation was refinanced through redeemable warrants.

Democratize the bond offerings by diverting some of the securitized debt that is intended to prop up Wall Street, Fannie Mae, and Freddie Mac. Direct it to Main Street—our counties, our cities, our housing agencies and authorities. Make the approach more equitable to the taxpayer. This approach allows communities, not only corporations, mega-banks, and investment houses, to actually own something. Isn't that a value worth fighting for?

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

Mr. GARRETT of New Jersey. I thank the gentlelady from Ohio for supporting this measure to make sure that this rule does not pass and that the American taxpayer is not put on the hook for $5 trillion.

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

Mr. SESSIONS. Mr. Speaker, I will go ahead and close with the understanding that the gentlewoman is at that point in her presentation, also. Seeing an affirmation, I will go ahead and close.

Mr. Speaker, since taking control of this House, this Democrat Congress has totally neglected its responsibilities to address the domestic supply issues that have created the skyrocketing gas, diesel and energy costs that American families today are facing.

Today, they are proving that they can move a bill—like this housing bill—quickly when they choose to do so. However, they do not believe that the energy crisis facing American families and businesses is important enough to treat it with the same level of seriousness.

So today I urge my colleagues to vote with me to defeat the previous question so this House can finally consider real solutions to the rising energy costs in addition to this housing and GSE legislation.

If the previous question is defeated, I will move to amend the rule to allow for additional consideration of H.R. 6566, the American Energy Act. This bill would increase the supply of American-made energy, improve conservation and efficiency, and promote new and expanded energy technologies to help lower the price at the pump and help reduce America's increasing costly and dangerous dependence on foreign sources of energy.

I encourage everyone that believes that a comprehensive solution to solving this energy crisis and achieving energy independence includes increasing the supply of American energy should vote to defeat this rule and the previous question.

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

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

There was no objection.

Mr. SESSIONS. Mr. Speaker, we have given lots of reasons about ways we can make this bill better. The ways we can make it better is to make sure that what we do today is carefully understood, that we do not pass on to future taxpayers billions of dollars, and to any administration the opportunity simply to hand out money without an understanding and an expectation of performance.

Mr. Speaker, we've outlined our reasons today. We need to make sure that the Members of Congress who will vote today understand that opposing this bill and sending it back and making it better is the right thing to do. We also need to make sure that we take care of the American consumer who is having

increasing problems paying their bills, not just their housing bills, but also at the gas pump.

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

Ms. CASTOR. Mr. Speaker, I urge adoption of the American Housing Rescue and Foreclosure Prevention Act and this rule, as families across America are in the grips of a housing crisis and it demands expeditious action.

The President of the United States says it's necessary. The Governors in this great Nation say it's necessary, and I will submit their statements into the RECORD.

Foreclosures are way up, and the options for safe, clean, and affordable housing are down. In my home town of Tampa, Florida, one in 280 homes is in foreclosure. Now, as Rules Committee Chairwoman SLAUGHTER said, we're going to clean up this mess because America's hardworking families are depending on us, but we will also need to follow up and hold those accountable who have created this mess.

Now, the House of Representatives over the past 1½ years have passed bills to help homeowners avoid foreclosure, provide resources to local communities to build new, safe and affordable housing, and crack down on predatory lenders. It has all come to fruition here today.

Our efforts will keep the American dream of homeownership available to more American families, thanks to the efforts of Speaker NANCY PELOSI, Chairman BARNEY FRANK and Chairwoman MAXINE WATERS, and the other champions for America's families who are going to continue to side with them, and our commitment to affordable housing and safe and healthy communities.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC., July 23, 2008.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3221—HOUSING AND ECONOMIC RECOVERY ACT OF 2008, (REP. FRANK (D) MA).

The Administration supports House passage of H.R. 3221 as amended. This legislation contains several critically important provisions that the Administration strongly supports, as well as others the Administration opposes. With Congress about to begin its scheduled summer recess, it is important that the desirable aspects of this bill be enacted expeditiously into law, despite the Administration's concerns about other provisions in the legislation.

The Administration strongly supports the bill's provisions to increase market confidence in the housing government-sponsored enterprises (GSEs) and to aid the stability of the financial system by providing the Treasury Department with the temporary authority to assure the GSEs continued access to liquidity and capital. In addition, the Administration strongly supports the creation of a stronger and more effective regulatory regime for the GSEs.

For nearly five years, the Administration has sought legislation to reform the regulation of the GSEs, particularly Fannie Mae and Freddie Mac. On numerous occasions, the Administration has made clear the importance of ensuring that the regulator of these enterprises has powers commensurate with the GSE's size and importance. This bill provides those necessary powers: it enables the new regulator to set both minimum and risk-based capital requirements; directs the regulator to evaluate the GSEs' retained mortgage portfolios in the context of their risk and housing mission; and provides the new regulator with receivership authority, in the event that an insolvent GSE must be liquidated in an orderly fashion.

As communicated in previous Statements of Administration Policy, the Administration has concerns with several of the other provisions in this bill. It is disappointing that Congress did not remove these objectionable provisions before adjourning for the month of August. While this bill should have been improved, the temporary Treasury authorities and GSE reform provisions are too important to the stability of our Nation's housing market, financial system, and the broader economy not to be enacted immediately. For these reasons, the Administration supports passage of H.R. 3221 as amended.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, July 22, 2008.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The nation's governors urge Congress and the Administration to complete work on legislation to assist at-risk homeowners facing foreclosure, reform and stabilize government-sponsored mortgage financing enterprises (GSEs), and strengthen housing markets.

While housing foreclosures have affected all states differently, those most negatively affected have responded by using a variety of policy tools to help homeowners in distress. Ultimately, no state will be immune from the cascading effects of this challenge, and its national implications for citizens, communities, and state and local governments justify immediate federal action.

To that end, governors continue to support a voluntary mortgage-refinancing program backed by Federal Housing Administration insurance that will prevent further foreclosures. Second, while governors acknowledge that any federal action should avoid unintended consequences that could make current conditions worse in the long-term, a one-time federal outlay to support the acquisition and rehabilitation of foreclosed properties is vital to stabilize home values and protect neighborhoods. Federal funds should flow directly through states, and states should have flexibility to contract with local governments and nonprofit partners to implement tailored strategies. Such federal pecuniary assistance should be allocated based on the degree of need in each state. Third, any federal action should avoid changes that shift costs to states, preempt state authority to protect the public, or impose new unfunded mandates. Such federal actions undermine state efforts to maintain services, balance budgets, and speed economic recovery.

Finally, governors commend federal efforts to restore market confidence in the GSEs through the use of targeted and temporary tools. The roles of Fannie Mae and Freddie Mac remain critical to the housing markets in the states.

We look forward to working with Congress and the Administration to stabilize neighborhoods, protect the equity of homeowners, and set the economy onto a path of sustained growth and prosperity.

Sincerely,

GOVERNOR JON S. CORZINE,
Chair, Economic Development and Commerce Committee.
GOVERNOR M. MICHAEL ROUNDS,
Vice Chair, Economic Development and Commerce Committee.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, July 22, 2008.

The Hon. HARRY M. REID,
Majority Leader,
U.S. Senate, Washington, DC.
The Hon. NANCY PELOSI,
Speaker,
House of Representatives, Washington, DC.
The Hon. MITCH MCCONNELL,
Minority Leader,
U.S. Senate, Washington, DC.
The Hon. JOHN BOEHNER,
Minority Leader,
House of Representatives, Washington, DC.

DEAR SENATOR REID, SENATOR MCCONNELL, SPEAKER PELOSI, AND REPRESENTATIVE BOEHNER: The nation's governors urge Congress and the Administration to complete work on legislation to assist at-risk homeowners facing foreclosure, reform and stabilize government-sponsored mortgage financing enterprises (GSEs), and strengthen housing markets.

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Chair, Economic Development and Commerce Committee.
GOVERNOR M. MICHAEL ROUNDS,
Vice Chair, Economic Development and Commerce Committee.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, July 22, 2008.

The Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs,
U.S. Senate, Washington, DC.
The Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.
The Hon. RICHARD C. SHELBY,
Ranking Member, Committee on Banking, Housing, and Urban Affairs,
U.S. Senate, Washington, DC.
The Hon. SPENCER BACHUS,
Ranking Member, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRMAN DODD, SENATOR SHELBY, CHAIRMAN FRANK, and REPRESENTATIVE BACHUS: The nation's governors urge Congress and the Administration to complete work on legislation to assist at-risk homeowners facing foreclosure, reform and stabilize government-sponsored mortgage financing enterprises (GSEs), and strengthen housing markets.

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Sincerely,

GOVERNOR JON S. CORZINE,
Chair, Economic Development and Commerce Committee.
GOVERNOR M. MICHAEL ROUNDS,
Vice Chair, Economic Development and Commerce Committee.

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

AMENDMENT TO H. RES. 1363 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 4. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 6566) to bring down energy prices by increasing safe, domestic production, encouraging the development of alternative and renewable energy, and promoting conservation. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the majority and minority leaders, and (2) an amendment in the nature of a substitute if offered by the majority leader or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

THE AMERICAN ENERGY ACT: REDUCING THE PRICE AT THE PUMP THROUGH AN ''ALL OF THE ABOVE'' ENERGY STRATEGY

House Republicans have transformed their ''all-of-the-above'' energy strategy into a single piece of legislation: The American Energy Act. The bill—a product made possible by energy policies proposed by Members throughout the House Republican Conference—will increase the supply of American-made energy, improve conservation and efficiency, and promote new and expanding energy technologies to help lower the price at the pump and reduce America's increasingly costly and dangerous dependence on foreign sources of energy.

Bipartisan passage of the American Energy Act would demonstrate to the world that America will no longer keep its rich energy resources under lock-and-key. Not only will it help bring down the price of gasoline now, but it will make needed investments in the alternative fuels that will power our lives and our economy in the future. Following is a brief summary of the American Energy Act:

To increase the supply of American-made energy in environmentally sound ways, the legislation will:

Open our deep water ocean resources, which will provide an additional three million barrels of oil per day, as well as 76 trillion cubic feet of natural gas, as proposed in H.R. 6108 by Rep. Sue Myrick (R–NC). Rep. John Peterson (R–PA) has also worked tirelessly on this issue;

Open the Arctic coastal plain, which will provide an additional one million barrels of oil per day, as proposed in H.R. 6107 by Rep. Don Young (R–AK);

Allow development of our nation's shale oil resources, which could provide an additional 2.5 million barrels of oil per day, as proposed in H.R. 6138 by Rep. Fred Upton (R–MI); and

Increase the supply of gas at the pump by cutting bureaucratic red tape that essentially blocks construction of new refineries, as proposed in H.R. 6139 by Reps. Heather Wilson (R–NM) and Joe Pitts (R–PA).

To improve energy conservation and efficiency, the legislation will:

Provide tax incentives for businesses and families that purchase more fuel efficient vehicles, as proposed in H.R. 1618 and H.R. 765 by Reps. Dave Camp (R–MI) and Jerry Weller (R–IL);

Provide a monetary prize for developing the first economically feasible, super-fuel-efficient vehicle reaching 100 miles-per-gallon, as proposed in H.R. 6384 by Rep. Rob Bishop (R–UT); and

Provide tax incentives for businesses and homeowners who improve their energy efficiency, as proposed in H.R. 5984 by Reps. Roscoe Bartlett (R–MD) and Phil English (R–PA) and in H.R. 778 by Rep. Jerry Weller (R–IL).

To promote renewable and alternative energy technologies, the legislation will:

Spur the development of alternative fuels through government contracting by repealing the ''Section 526'' prohibition on government purchasing of alternative energy and promoting coal-to-liquids technology, as proposed in H.R. 5656 by Rep. Jeb Hensarling (R–TX), in H.R. 6384 by Rob Bishop (R–UT), and in H.R. 2208 by Rep. John Shimkus (R–IL);

Establish a renewable energy trust fund using revenues generated by exploration in the deep ocean and on the Arctic coastal plain, as proposed by Rep. Devin Nunes (R–CA);

Permanently extend the tax credit for alternative energy production, including wind, solar and hydrogen, as proposed in H.R. 2652 by Rep. Phil English (R–PA) and in H.R. 5984 by Rep. Roscoe Bartlett (R–MD); and

Eliminate barriers to the expansion of emission-free nuclear power production, as proposed in H.R. 6384 by Rep. Rob Bishop (R–UT).

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

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

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

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

The yeas and nays were ordered.

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

MOTION TO ADJOURN

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by a 15-minute vote on ordering the previous question on H. Res. 1363 and 5-minute votes on:

Adopting H. Res. 1363, if ordered, and

Suspending the rules and passing H.R. 6532.

The vote was taken by electronic device, and there were—yeas 20, nays 400, not voting 14, as follows:

[Roll No. 515]

YEAS—20

Bartlett (MD)	Johnson (IL)	Shadegg
Blackburn	Johnson, Sam	Shimkus
Cannon	King (IA)	Souder
Deal (GA)	Marchant	Tancredo
Delahunt	Myrick	Thornberry
Emerson	Petri	Young (AK)
English (PA)	Sessions	

NAYS—400

Abercrombie	Andrews	Barrett (SC)
Ackerman	Arcuri	Barrow
Aderholt	Baca	Bean
Akin	Bachmann	Becerra
Alexander	Bachus	Berkley
Allen	Baird	Berman
Altmire	Baldwin	Berry
Biggert	Feeney	Lofgren, Zoe
Bilbray	Ferguson	Lowey
Bilirakis	Filner	Lucas
Bishop (NY)	Flake	Lungren, Daniel E.
Blumenauer	Forbes	Lynch
Blunt	Fortenberry	Mack
Boehner	Fossella	Mahoney (FL)
Bonner	Foster	Maloney (NY)
Bono Mack	Foxx	Manzullo
Boozman	Frank (MA)	Markey
Boren	Franks (AZ)	Marshall
Boucher	Frelinghuysen	Matheson
Boustany	Gallegly	Matsui
Boyd (FL)	Garrett (NJ)	McCarthy (CA)
Boyda (KS)	Gerlach	McCarthy (NY)
Brady (PA)	Giffords	McCaul (TX)
Brady (TX)	Gilchrest	McCollum (MN)
Braley (IA)	Gillibrand	McCotter
Broun (GA)	Gingrey	McCrery
Brown (SC)	Gohmert	McDermott
Brown, Corrine	Gonzalez	McGovern
Buchanan	Goode	McHenry
Burgess	Goodlatte	McHugh
Burton (IN)	Gordon	McIntyre
Butterfield	Granger	McKeon
Buyer	Graves	McMorris Rodgers
Calvert	Green, Al	McNerney
Camp (MI)	Grijalva	McNulty
Campbell (CA)	Gutierrez	Meek (FL)
Cantor	Hall (NY)	Meeks (NY)
Capito	Hall (TX)	Melancon
Capps	Harman	Mica
Capuano	Hastings (FL)	Michaud
Cardoza	Hastings (WA)	Miller (FL)
Carnahan	Hayes	Miller (MI)
Carney	Heller	Miller (NC)
Carson	Hensarling	Miller, Gary
Carter	Herger	Miller, George
Castle	Herseth Sandlin	Mitchell
Castor	Higgins	Mollohan
Cazayoux	Hill	Moore (KS)
Chabot	Hinchey	Moore (WI)
Chandler	Hinojosa	Moran (KS)
Childers	Hirono	Moran (VA)
Clarke	Hobson	Murphy (CT)
Clay	Hodes	Murphy, Patrick
Cleaver	Hoekstra	Murphy, Tim
Clyburn	Holden	Murtha
Coble	Holt	Musgrave
Cohen	Honda	Nadler
Cole (OK)	Hooley	Napolitano
Conaway	Hoyer	Neal (MA)
Conyers	Hunter	Neugebauer
Cooper	Inglis (SC)	Nunes
Costa	Inslee	Oberstar
Costello	Israel	Olver
Courtney	Issa	Pallone
Cramer	Jackson (IL)	Pascrell
Crenshaw	Jackson-Lee (TX)	Pastor
Crowley	Jefferson	Paul
Cubin	Johnson (GA)	Payne
Cuellar	Johnson, E. B.	Pearce
Culberson	Jones (NC)	Pence
Cummings	Jones (OH)	Perlmutter
Davis (AL)	Jordan	Peterson (MN)
Davis (CA)	Kagen	Peterson (PA)
Davis (IL)	Kanjorski	Pickering
Davis (KY)	Kaptur	Pitts
Davis, David	Keller	Platts
Davis, Lincoln	Kennedy	Poe
Davis, Tom	Kildee	Pomeroy
DeFazio	Kilpatrick	Porter
DeGette	King (NY)	Price (GA)
DeLauro	Kingston	Price (NC)
Dent	Kirk	Pryce (OH)
Diaz-Balart, L.	Klein (FL)	Putnam
Diaz-Balart, M.	Kline (MN)	Radanovich
Dicks	Knollenberg	Rahall
Dingell	Kucinich	Ramstad
Doggett	Kuhl (NY)	Rangel
Donnelly	LaHood	Regula
Doolittle	Lamborn	Rehberg
Doyle	Lampson	Reichert
Drake	Langevin	Renzi
Dreier	Larsen (WA)	Reyes
Duncan	Larson (CT)	Reynolds
Edwards (MD)	Latham	Richardson
Edwards (TX)	LaTourette	Rodriguez
Ehlers	Latta	Rogers (AL)
Ellison	Lee	Rogers (KY)
Ellsworth	Levin	Rogers (MI)
Emanuel	Lewis (CA)	Rohrabacher
Engel	Lewis (GA)	Ros-Lehtinen
Eshoo	Lewis (KY)	Roskam
Etheridge	Linder	Ross
Everett	Lipinski	Rothman
Fallin	LoBiondo	Roybal-Allard
Farr	Loebsack	Royce
Fattah		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
		Sestak
		Shays
		Shea-Porter
		Sherman
		Shuler
		Shuster
		Simpson
		Sires
		Skelton
		Slaughter
		Smith (NE)
		Smith (NJ)
		Smith (TX)
		Smith (WA)
		Snyder
		Solis
		Space
		Speier
		Spratt
		Stark
		Stearns
		Stupak
		Sutton
		Tanner
		Tauscher
		Taylor
		Terry
		Thompson (CA)
		Thompson (MS)
		Tiahrt
		Tiberi
		Tierney
		Towns
		Tsongas
		Turner
		Udall (CO)
		Udall (NM)
		Upton
		Van Hollen
		Velázquez
		Visclosky
		Walberg
		Walden (OR)
		Walsh (NY)
		Walz (MN)
		Wamp
		Wasserman Schultz
		Waters
		Watson
		Watt
		Waxman
		Weiner
		Welch (VT)
		Weldon (FL)
		Weller
		Westmoreland
		Wexler
		Whitfield (KY)
		Wilson (NM)
		Wilson (OH)
		Wittman (VA)
		Wolf
		Woolsey
		Wu
		Yarmuth
		Young (FL)

NOT VOTING—14

Barton (TX)	Green, Gene	Rush
Bishop (GA)	Hare	Sullivan
Bishop (UT)	Hulshof	Wilson (SC)
Boswell	Kind	
Brown-Waite, Ginny	Obey	
	Ortiz	

□ 1322

Messrs. EHLERS, CONAWAY, BERRY, McKEON, DOGGETT, CLEAVER, GRIJALVA, ELLSWORTH, JOHNSON of Georgia, DICKS, CULBERSON, LANGEVIN, ABERCROMBIE, Mrs. NAPOLITANO, Ms. CLARKE, Mrs. McCARTHY of New York, and Ms. CORRINE BROWN of Florida changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENTS TO SENATE AMENDMENT TO H.R. 3221, HOUSING AND ECONOMIC RECOVERY ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1363, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 226, nays 183, not voting 25, as follows:

[Roll No. 516]

YEAS—226

Abercrombie	Berry	Capuano
Ackerman	Bishop (NY)	Cardoza
Allen	Blumenauer	Carnahan
Altmire	Boren	Carney
Andrews	Boucher	Carson
Arcuri	Boyd (FL)	Castor
Baca	Boyda (KS)	Cazayoux
Baird	Brady (PA)	Chandler
Baldwin	Braley (IA)	Childers
Barrow	Brown, Corrine	Clarke
Becerra	Butterfield	Clay
Berkley	Capps	Cleaver

Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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—25

Bean
Berman
Bishop (GA)
Bishop (UT)
Blunt
Boehner
Boswell
Brown-Waite, Ginny
Cantor
Carter
Castle
Cole (OK)
Dreier
Granger
Green, Gene
Hare
Hulshof
Kennedy
Ortiz
Putnam
Radanovich
Rush
Speier
Turner
Van Hollen

□ 1338

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Ms. CASTOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 223, noes 201, not voting 10, as follows:

[Roll No. 517]

AYES—223

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

NOES—201

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

Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite, Ginny
Green, Gene
Hare
Hulshof
Musgrave
Ortiz
Rush

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1347

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDING THE INTERNAL REVENUE CODE OF 1986 TO RESTORE THE HIGHWAY TRUST FUND BALANCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6532, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 6532.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 37, not voting 10, as follows:

[Roll No. 518]

YEAS—387

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
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
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
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 (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
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
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—37

Broun (GA)
Campbell (CA)
Chabot
Flake
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Granger
Hensarling
Hobson
Inglis (SC)
Johnson, Sam
Jordan
Kingston
Lamborn
Lewis (CA)
Lungren, Daniel E.
Manzullo
Marchant
McCrery
McHenry
Miller (FL)
Musgrave
Neugebauer
Nunes
Pence
Radanovich
Regula
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Stearns
Tancredo
Thornberry
Young (FL)

NOT VOTING—10

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite, Ginny
Green, Gene
Hare
Hulshof
Larson (CT)
Ortiz
Rush

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1354

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, I regret that my vote today on rollcall vote No. 518, on final passage of H.R. 6532, a bill to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance, was not recorded. I was present on the floor and voting during this voting series, but did not realize that the electronic voting system did not register my support for this specific bill. As a cosponsor of this important legislation my vote should have been recorded as "yea" on rollcall vote No. 518.

Ms. GRANGER. Mr. Speaker, on rollcall No. 518, I would like to clarify that my intent was to vote "yea."

HOUSING AND ECONOMIC RECOVERY ACT OF 2008

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to House Resolution 1363, I call up the bill (H.R. 3221) to provide needed housing reform, and for other purposes, with the Senate amendment to the House amendments to the Senate amendment with an amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

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.
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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.
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TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

Sec. 2301. Emergency assistance for the redevelopment of abandoned and foreclosed homes.
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Sec. 2604. Extension of assistance for individuals residing temporarily in housing owned by a family member.
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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.
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TITLE VII—SMALL PUBLIC HOUSING AUTHORITIES PAPERWORK REDUCTION ACT

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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.
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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.
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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.
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Sec. 3011. First-time homebuyer credit.
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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

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Sec. 3031. Revisions to REIT income tests.
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Sec. 3041. Conforming taxable REIT subsidiary asset test.

Subtitle C—Dealer Sales

Sec. 3051. Holding period under safe harbor.
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Sec. 3061. Conformity for health care facilities.

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Sec. 3071. Effective dates.

TITLE III—REVENUE PROVISIONS

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Sec. 3081. Election to accelerate amt and r and d credits in lieu of bonus depreciation.
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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 ⅖ 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 ''1/3'' and inserting ''1/4''; 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.

MOTION OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Speaker, I offer the motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. FRANK of Massachusetts:

Mr. Frank of Massachusetts moves that the House concur in the Senate amendment to the House amendments to the Senate amendment with a House amendment.

The text of the House amendment is as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, 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.
Sec. 1116. Inclusion of minorities and women; diversity in Agency workforce.
Sec. 1117. Temporary authority for purchase of obligations of regulated entities by Secretary of Treasury.
Sec. 1118. Consultation between the Director of the Federal Housing Finance Agency and the Board of Governors of the Federal Reserve System to ensure financial market stability .
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—HOUSING PRESERVATION
Subtitle A—Preservation Under Federal Housing Programs
Sec. 2801. Clarification of disposition of certain properties.
Sec. 2802. Eligibility of certain projects for enhanced voucher assistance.
Sec. 2803. Transfer of certain rental assistance contracts.
Sec. 2804. Public housing disaster relief.
Sec. 2805. Preservation of certain affordable housing.
Subtitle B—Coordination of Federal Housing Programs and Tax Incentives for Housing
Sec. 2831. Short title.
Sec. 2832. Approvals by Department of Housing and Urban Development.
Sec. 2833. Project approvals by rural housing service.
Sec. 2834. Use of FHA loans with housing tax credits.
Sec. 2835. Other HUD programs.
TITLE IX—MISCELLANEOUS
Sec. 2901. Homeless assistance.
Sec. 2902. Increasing access and understanding of energy efficient mortgages.
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.
Sec. 3027. Transfer of funds appropriated to carry out 2008 recovery rebates for individuals.
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 the AMT and research credits in lieu of bonus depreciation.
Sec. 3082. Certain GO Zone incentives.
Sec. 3083. Increase in statutory limit on the public debt.
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. Delay in application of worldwide allocation of interest.
Sec. 3094. Time for payment of corporate estimated taxes.

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(d).

''(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) in subsection (a)—

(A) by striking ''enterprise'' and inserting ''regulated entity''; and

(B) by striking ''enterprises'' and inserting ''regulated entities'';

(3) by redesignating subsection (b) as subsection (d); and

(4) 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.''.

SEC. 1116. INCLUSION OF MINORITIES AND WOMEN; DIVERSITY IN AGENCY WORKFORCE.

Section 1319A of the Housing and Community Development Act of 1992 (12 U.S.C. 4520) is amended—

(1) in the section heading, by striking ''**EQUAL OPPORTUNITY IN SOLICITATION OF CONTRACTS**'' and inserting ''**MINORITY AND WOMEN INCLUSION; DIVERSITY REQUIREMENTS**'';

(2) in subsection (a), by striking ''(a) IN GENERAL.—Each enterprise'' and inserting ''(e) OUTREACH.—Each regulated entity''; and

(3) by striking subsection (b);

(4) by inserting before subsection (e), as so redesignated by paragraph (2) of this section, the following new subsections:

''(a) OFFICE OF MINORITY AND WOMEN INCLUSION.—Each regulated entity shall establish an Office of Minority and Women Inclusion, or designate an office of the entity, that shall be responsible for carrying out this section and all matters of the entity relating to diversity in management, employment, and business activities in accordance with such standards and requirements as the Director shall establish.

''(b) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITIES.—Each regulated entity shall develop and implement standards and procedures to ensure, to the maximum extent possible, the inclusion and utilization of minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)) (including financial institutions, investment banking firms, mortgage banking firms, asset management firms, broker-dealers, financial services firms, underwriters, accountants, brokers, investment consultants, and providers of legal services) in all business and activities of the regulated entity at all levels, including in procurement, insurance, and all types of contracts (including contracts for the issuance or guarantee of any debt, equity, or mortgage-related securities, the management of its mortgage and securities portfolios, the making of its equity investments, the purchase, sale and servicing of single- and multi-family mortgage loans, and the implementation of its affordable housing program and initiatives). The processes established by each regulated entity for review and evaluation for contract proposals and to hire service providers shall include a component that gives consideration to the diversity of the applicant.

''(c) APPLICABILITY.—This section shall apply to all contracts of a regulated entity for services of any kind, including services that require the services of investment banking, asset management entities, broker-dealers, financial services entities, underwriters, accountants, investment consultants, and providers of legal services.

''(d) INCLUSION IN ANNUAL REPORTS.—Each regulated entity shall include, in the annual report submitted by the entity to the Director pursuant to section 309(k) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(k)), section 307(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(c)), and section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440), as applicable, detailed information describing the actions taken by the entity pursuant to this section, which shall include a statement of the total amounts paid by the entity to third party contractors since the last such report and the percentage of such amounts paid to businesses described in subsection (b) of this section.''; and

(5) by adding at the end the following new subsection:

''(f) DIVERSITY IN AGENCY WORKFORCE.—The Agency shall take affirmative steps to seek diversity in its workforce at all levels of the agency consistent with the demographic diversity of the United States, which shall include—

''(1) heavily recruiting at historically Black colleges and universities, Hispanic-serving institutions, women's colleges, and colleges that typically serve majority minority populations;

''(2) sponsoring and recruiting at job fairs in urban communities, and placing employment advertisements in newspapers and magazines oriented toward women and people of color;

''(3) partnering with organizations that are focused on developing opportunities for minorities and women to place talented young minorities and women in industry internships, summer employment, and full-time positions; and

''(4) where feasible, partnering with inner-city high schools, girls' high schools, and high schools with majority minority populations to establish or enhance financial literacy programs and provide mentoring.''.

SEC. 1117. TEMPORARY AUTHORITY FOR PURCHASE OF OBLIGATIONS OF REGULATED ENTITIES BY SECRETARY OF TREASURY.

(a) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by adding at the end the following new subsection:

''(g) TEMPORARY AUTHORITY OF TREASURY TO PURCHASE OBLIGATIONS AND SECURITIES; CONDITIONS.—

''(1) AUTHORITY TO PURCHASE.—

''(A) GENERAL AUTHORITY.—In addition to the authority under subsection (c) of this section, the Secretary of the Treasury is authorized to purchase any obligations and other securities issued by the corporation under any section of this Act, on such terms and conditions as the Secretary may determine and in such amounts as the Secretary may determine. Nothing in this subsection requires the corporation to issue obligations or securities to the Secretary without mutual agreement between the Secretary and the corporation. Nothing in this subsection permits or authorizes the Secretary, without the agreement of the corporation, to engage in open market purchases of the common securities of the corporation.

''(B) EMERGENCY DETERMINATION REQUIRED.—In connection with any use of this authority, the Secretary must determine that such actions are necessary to—

''(i) provide stability to the financial markets;

''(ii) prevent disruptions in the availability of mortgage finance; and

''(iii) protect the taxpayer.

''(C) CONSIDERATIONS.—To protect the taxpayers, the Secretary of the Treasury shall take into consideration the following in connection with exercising the authority contained in this paragraph:

''(i) The need for preferences or priorities regarding payments to the Government.

''(ii) Limits on maturity or disposition of obligations or securities to be purchased.

''(iii) The corporation's plan for the orderly resumption of private market funding or capital market access.

''(iv) The probability of the corporation fulfilling the terms of any such obligation or other security, including repayment.

''(v) The need to maintain the corporation's status as a private shareholder-owned company.

''(vi) Restrictions on the use of corporation resources, including limitations on the payment of dividends and executive compensation and any such other terms and conditions as appropriate for those purposes.

''(D) REPORTS TO CONGRESS.—Upon exercise of this authority, the Secretary shall report to the Committees on the Budget, Financial Services, and Ways and Means of the House of Representatives and the Committees on the Budget, Finance, and Banking, Housing, and Urban Affairs of the Senate as to the necessity for the purchase and the determinations made by the Secretary under subparagraph (B) and with respect to the considerations required under subparagraph (C), and the size, terms, and probability of repayment or fulfillment of other terms of such purchase.

''(2) RIGHTS; SALE OF OBLIGATIONS AND SECURITIES.—

''(A) EXERCISE OF RIGHTS.—The Secretary of the Treasury may, at any time, exercise any rights received in connection with such purchases.

''(B) SALE OF OBLIGATION AND SECURITIES.—The Secretary of the Treasury may, at any time, subject to the terms of the security or otherwise upon terms and conditions and at prices determined by the Secretary, sell any obligation or security acquired by the Secretary under this subsection.

''(C) APPLICATION OF SUNSET TO PURCHASED OBLIGATIONS OR SECURITIES.—The authority of the Secretary of the Treasury to hold, exercise any rights received in connection with, or sell, any obligations or securities purchased is not subject to the provisions of paragraph (4).

''(3) FUNDING.—For the purpose of the authorities granted in this subsection, the Secretary of the Treasury may use the proceeds of the sale of any securities issued under chapter 31 of Title 31, and the purposes for which securities may be issued under chapter 31 of Title 31 are extended to include such purchases and the exercise of any rights in connection with such purchases. Any funds expended for the purchase of, or modifications to, obligations and securities, or the exercise of any rights received in connection with such purchases under this subsection shall be deemed appropriated at the time of such purchase, modification, or exercise.

''(4) TERMINATION OF AUTHORITY.—The authority under this subsection (g), with the exception of paragraphs (2) and (3) of this subsection, shall expire December 31, 2009.

''(5) AUTHORITY OF THE DIRECTOR WITH RESPECT TO EXECUTIVE COMPENSATION.—The Director shall have the power to approve, disapprove, or modify the executive compensation of the corporation, as defined under Regulation S-K, 17 C.F.R. 229.''.

(b) FREDDIE MAC.—Section 306 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455) is amended by adding at the end the following new subsection:

''(l) TEMPORARY AUTHORITY OF TREASURY TO PURCHASE OBLIGATIONS AND SECURITIES; CONDITIONS.—

''(1) AUTHORITY TO PURCHASE.—

''(A) GENERAL AUTHORITY.—In addition to the authority under subsection (c) of this section, the Secretary of the Treasury is authorized to purchase any obligations and other securities issued by the Corporation under any section of this Act, on such terms and conditions as the Secretary may determine and in such amounts as the Secretary may determine. Nothing in this subsection requires the Corporation to issue obligations or securities to the Secretary without mutual agreement between the Secretary and the Corporation. Nothing in this subsection

permits or authorizes the Secretary, without the agreement of the Corporation, to engage in open market purchases of the common securities of the Corporation.

''(B) EMERGENCY DETERMINATION REQUIRED.—In connection with any use of this authority, the Secretary must determine that such actions are necessary to—

''(i) provide stability to the financial markets;

''(ii) prevent disruptions in the availability of mortgage finance; and

''(iii) protect the taxpayer.

''(C) CONSIDERATIONS.—To protect the taxpayers, the Secretary of the Treasury shall take into consideration the following in connection with exercising the authority contained in this paragraph:

''(i) The need for preferences or priorities regarding payments to the Government.

''(ii) Limits on maturity or disposition of obligations or securities to be purchased.

''(iii) The Corporation's plan for the orderly resumption of private market funding or capital market access.

''(iv) The probability of the Corporation fulfilling the terms of any such obligation or other security, including repayment.

''(v) The need to maintain the Corporation's status as a private shareholder-owned company.

''(vi) Restrictions on the use of Corporation resources, including limitations on the payment of dividends and executive compensation and any such other terms and conditions as appropriate for those purposes.

''(D) REPORTS TO CONGRESS.—Upon exercise of this authority, the Secretary shall report to the Committees on the Budget, Financial Services, and Ways and Means of the House of Representatives and the Committees on the Budget, Finance, and Banking, Housing, and Urban Affairs of the Senate as to the necessity for the purchase and the determinations made by the Secretary under subparagraph (B) and with respect to the considerations required under subparagraph (C), and the size, terms, and probability of repayment or fulfillment of other terms of such purchase.

''(2) RIGHTS; SALE OF OBLIGATIONS AND SECURITIES.—

''(A) EXERCISE OF RIGHTS.—The Secretary of the Treasury may, at any time, exercise any rights received in connection with such purchases.

''(B) SALE OF OBLIGATION AND SECURITIES.—The Secretary of the Treasury may, at any time, subject to the terms of the security or otherwise upon terms and conditions and at prices determined by the Secretary, sell any obligation or security acquired by the Secretary under this subsection.

''(C) APPLICATION OF SUNSET TO PURCHASED OBLIGATIONS OR SECURITIES.—The authority of the Secretary of the Treasury to hold, exercise any rights received in connection with, or sell, any obligations or securities purchased is not subject to the provisions of paragraph (4).

''(3) FUNDING.—For the purpose of the authorities granted in this subsection, the Secretary of the Treasury may use the proceeds of the sale of any securities issued under chapter 31 of Title 31, and the purposes for which securities may be issued under chapter 31 of Title 31 are extended to include such purchases and the exercise of any rights in connection with such purchases. Any funds expended for the purchase of, or modifications to, obligations and securities, or the exercise of any rights received in connection with such purchases under this subsection shall be deemed appropriated at the time of such purchase, modification, or exercise.

''(4) TERMINATION OF AUTHORITY.—The authority under this subsection (l), with the exception of paragraphs (2) and (3) of this subsection, shall expire December 31, 2009.

''(5) AUTHORITY OF THE DIRECTOR WITH RESPECT TO EXECUTIVE COMPENSATION.—The Director shall have the power to approve, disapprove, or modify the executive compensation of the Corporation, as defined under Regulation S-K, 17 C.F.R. 229.''.

(c) FEDERAL HOME LOAN BANKS.—Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by adding at the end the following new subsection:

''(l) TEMPORARY AUTHORITY OF TREASURY TO PURCHASE OBLIGATIONS; CONDITIONS.—

''(1) AUTHORITY TO PURCHASE.—

''(A) GENERAL AUTHORITY.—In addition to the authority under subsection (i) of this section, the Secretary of the Treasury is authorized to purchase any obligations issued by any Federal Home Loan Bank under any section of this Act, on such terms and conditions as the Secretary may determine and in such amounts as the Secretary may determine. Nothing in this subsection requires a Federal Home Loan Bank to issue obligations or securities to the Secretary without mutual agreement between the Secretary and the Federal Home Loan Bank. Nothing in this subsection permits or authorizes the Secretary, without the agreement of the Federal Home Loan Bank, to engage in open market purchases of the common securities of any Federal Home Loan Bank.

''(B) EMERGENCY DETERMINATION REQUIRED.—In connection with any use of this authority, the Secretary must determine that such actions are necessary to—

''(i) provide stability to the financial markets;

''(ii) prevent disruptions in the availability of mortgage finance; and

''(iii) protect the taxpayer.

''(C) CONSIDERATIONS.—To protect the taxpayers, the Secretary of the Treasury shall take into consideration the following in connection with exercising the authority contained in this paragraph:

''(i) The need for preferences or priorities regarding payments to the Government.

''(ii) Limits on maturity or disposition of obligations or securities to be purchased.

''(iii) The Federal Home Loan Bank's plan for the orderly resumption of private market funding or capital market access.

''(iv) The probability of the Federal Home Loan Bank fulfilling the terms of any such obligation or other security, including repayment.

''(v) The need to maintain the Federal Home Loan Bank's status as a private shareholder-owned company.

''(vi) Restrictions on the use of Federal Home Loan Bank resources, including limitations on the payment of dividends and executive compensation and any such other terms and conditions as appropriate for those purposes.

''(D) REPORTS TO CONGRESS.—Upon exercise of this authority, the Secretary shall report to the Committees on the Budget, Financial Services, and Ways and Means of the House of Representatives and the Committees on the Budget, Finance, and Banking, Housing, and Urban Affairs of the Senate as to the necessity for the purchase and the determinations made by the Secretary under subparagraph (B) and with respect to the considerations required under subparagraph (C), and the size, terms, and probability of repayment or fulfillment of other terms of such purchase.

''(2) RIGHTS; SALE OF OBLIGATIONS AND SECURITIES.—

''(A) EXERCISE OF RIGHTS.—The Secretary of the Treasury may, at any time, exercise any rights received in connection with such purchases.

''(B) SALE OF OBLIGATIONS.—The Secretary of the Treasury may, at any time, subject to the terms of the security or otherwise upon terms and conditions and at prices determined by the Secretary, sell any obligation acquired by the Secretary under this subsection.

''(C) APPLICATION OF SUNSET TO PURCHASED OBLIGATIONS.—The authority of the Secretary of the Treasury to hold, exercise any rights received in connection with, or sell, any obligations purchased is not subject to the provisions of paragraph (4).

''(3) FUNDING.—For the purpose of the authorities granted in this subsection, the Secretary of the Treasury may use the proceeds of the sale of any securities issued under chapter 31 of Title 31, and the purposes for which securities may be issued under chapter 31 of Title 31 are extended to include such purchases and the exercise of any rights in connection with such purchases. Any funds expended for the purchase of, or modifications to, obligations and securities, or the exercise of any rights received in connection with such purchases under this subsection shall be deemed appropriated at the time of such purchase, modification, or exercise.

''(4) TERMINATION OF AUTHORITY.—The authority under this subsection (l), with the exception of paragraphs (2) and (3) of this subsection, shall expire December 31, 2009.

''(5) AUTHORITY OF THE DIRECTOR WITH RESPECT TO EXECUTIVE COMPENSATION.—The Director shall have the power to approve, disapprove, or modify the executive compensation of the Federal Home Loan Bank, as defined under Regulation S-K, 17 C.F.R. 229.''.

SEC. 1118. CONSULTATION BETWEEN THE DIRECTOR OF THE FEDERAL HOUSING FINANCE AGENCY AND THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM TO ENSURE FINANCIAL MARKET STABILITY .

Subsection (a) of section 1313 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4513), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

''(3) COORDINATION WITH THE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—

''(A) CONSULTATION.— The Director shall consult with, and consider the views of, the Chairman of the Board of Governors of the Federal Reserve System, with respect to the risks posed by the regulated entities to the financial system, prior to issuing any proposed or final regulations, orders, and guidelines with respect to the exercise of the additional authority provided in this Act regarding prudential management and operations standards, safe and sound operations of, and capital requirements and portfolio standards applicable to the regulated entities (as such term is defined in section 1303). The Director also shall consult with the Chairman regarding any decision to place a regulated entity into conservatorship or receivership.

''(B) INFORMATION SHARING.—To facilitate the consultative process, the Director shall share information with the Board of Governors of the Federal Reserve System on a regular, periodic basis as determined by the Director and the Board regarding the capital, asset and liabilities, financial condition, and risk management practices of the regulated entities as well as any information related to financial market stability.

''(C) TERMINATION OF CONSULTATION REQUIREMENT.—The requirement of the Director to consult with the Board of Governors of the Federal Reserve System under this paragraph shall expire at the conclusion of December 31, 2009.''.

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 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 4-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 4-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 115 percent of the median house price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such limitation for such size residence or the amount that is equal to 115 percent of the median house 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 4-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 4-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 (12 U.S.C. 1454(a)(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 115 percent of the median house price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such limitation for such size residence or the amount that is equal to 115 percent of the median house 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 GOALS.—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 2010 and each year thereafter, annual housing goals, with respect to the mortgage purchases by the enterprises, as follows:

''(1) SINGLE-FAMILY HOUSING GOALS.—Four single-family housing goals under section 1332.

''(2) MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.—One multifamily special affordable housing goal under section 1333.

''(b) TIMING.—The Director shall, by regulation, establish an annual deadline by which the Director shall establish the annual housing goals under this subpart for each year, 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 annual goals.

''(c) TRANSITION.—The annual housing goals effective for 2008 pursuant to this subpart, as in effect before the enactment of the Federal Housing Finance Regulatory Reform Act of 2008, shall remain in effect for 2009, except that not later than the expiration of the 270-day period beginning on the date of the enactment of such Act, the Director shall review such goals applicable for 2009 to determine the feasibility of such goals given the market conditions current at such time and, after seeking public comment for a period not to exceed 30 days, may make appropriate adjustments consistent with such market conditions.

''(d) ELIMINATING INTEREST RATE DISPARITIES.—

''(1) IN GENERAL.—Upon request by the Director, an enterprise shall provide to the Director, in a form determined by the Director, data the Director may review to determine whether there exist disparities in interest rates charged on mortgages to borrowers who are minorities as compared with comparable mortgages to borrowers of similar creditworthiness who are not minorities.

''(2) REMEDIAL ACTIONS UPON PRELIMINARY FINDING.—Upon a preliminary finding by the Director that a pattern of disparities in interest rates with respect to any lender or lenders exists pursuant to the data provided by an enterprise in paragraph (1), the Director shall—

''(A) refer the preliminary finding to the appropriate regulatory or enforcement agency for further review; and

''(B) require the enterprise to submit additional data with respect to any lender or lenders, as appropriate and to the extent practicable, to the Director who shall submit any such additional data to the regulatory or enforcement agency for appropriate action.

''(3) ANNUAL REPORT TO CONGRESS.—The Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the actions taken, and being taken, by the Director to carry out this subsection. No such report shall identify any lender or lenders who have not been found to have engaged in discriminatory lending practices pursuant to a final adjudication on the record, and after opportunity for an administrative hearing, in accordance with subchapter II of chapter 5 of title 5, United States Code.

''(4) PROTECTION OF IDENTITY OF INDIVIDUALS.—In carrying out this subsection, the Director shall ensure that no property-related or financial information that would enable a borrower to be identified shall be made public.

"SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

''(a) IN GENERAL.—The Director shall, by regulation, establish annual goals for the purchase by each enterprise of the following types of mortgages for the following categories of families:

''(1) PURCHASE-MONEY MORTGAGES.—A goal for purchase of conventional, conforming, single-family, purchase money mortgages financing owner-occupied housing for each of the following categories of families:

''(A) Low-income families.

''(B) Families that reside in low-income areas.

''(C) Very low-income families.

''(2) REFINANCING MORTGAGES.—A goal for purchase of conventional, conforming mortgages on owner-occupied, single-family housing for low-income families that are given to pay off or prepay an existing loan secured by the same property.

''(b) GOALS AS A PERCENTAGE OF TOTAL MORTGAGE PURCHASES.—The goals established under paragraphs (1) and (2) of subsection (a) shall be established as a percentage of the total number of conventional, conforming, single-family, owner-occupied, purchase money mortgages purchased by the enterprise, or as percentage of the total number of conventional, single-family, owner-occupied refinance mortgages purchased by the enterprise, as applicable, that are mortgages for the types of families specified in paragraphs (1) and (2) of subsection (a).

''(c) SINGLE-FAMILY, OWNER-OCCUPIED RENTAL HOUSING UNITS.—The Director shall require each enterprise to report the number of rental housing units affordable to low-income families each year which are contained in mortgages purchased by the enterprise financing 2- to 4-unit single-family, owner-occupied properties and may, by regulation, establish additional requirements relating to such units.

''(d) 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 each such goal established under subsection (a) of this section and any additional requirements which may be established under subsection (c) of this section.

''(2) PURCHASE-MONEY MORTGAGE GOALS.—An enterprise shall be considered to be in compliance with a housing goal under subparagraph (A), (B), or (C) of subsection (a)(1) for a year only if, for the type of family described in such subparagraph, 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 for the year for such type of family that is established under subsection (e).

''(3) REFINANCE GOAL.—An enterprise shall be considered to be in compliance with the refinance goal under subsection (a)(2) for a year only if the percentage of the number of conventional, conforming, single-family, owner-occupied refinance mortgages purchased by the enterprise in such year that serve low-income families meets or exceeds the target for the year that is established under subsection (e).

''(e) ANNUAL TARGETS.—

''(1) IN GENERAL.—The Director shall, by regulation, establish annual targets for each goal and subgoal under this section, provided that the Director shall not set prospective targets longer than three years. In establishing such targets, the Director shall not consider segments of the market determined to be unacceptable or contrary to good lending practices, inconsistent with safety and soundness, or unauthorized for purchase by the enterprises.

''(2) GOALS TARGETS.—

''(A) CALCULATION.—The Director shall calculate, for each of the types of families described in subsection (a), the percentage, for each of the three years that most recently precede such year and for which information under the Home Mortgage Disclosure Act of 1975 is publicly available—

''(i) of the number of conventional, conforming, single-family, owner-occupied purchase money mortgages originated in such year that serve such type of family, or

''(ii) the number of conventional, conforming, single-family, owner-occupied refinance mortgages originated in such year that serve low-income families,

as applicable, as determined by the Director using the information obtained and determined pursuant to paragraphs (4) and (5).

''(B) ESTABLISHMENT OF GOAL TARGETS.—The Director shall, by regulation, establish targets for each of the goal categories, taking into consideration the calculations under subparagraph (A) and the following factors:

''(i) National housing needs.

''(ii) Economic, housing, and demographic conditions, including expected market developments.

''(iii) The performance and effort of the enterprises toward achieving the housing goals under this section in previous years.

''(iv) The ability of the enterprise to lead the industry in making mortgage credit available.

''(v) Such other reliable mortgage data as may be available.

''(vi) The size of the purchase money conventional mortgage market, or refinance conventional mortgage market, as applicable, serving each of the types of families described in subsection (a), relative to the size of the overall purchase money mortgage market or the overall refinance mortgage market, respectively.

''(vii) The need to maintain the sound financial condition of the enterprises.

''(3) AUTHORITY TO ADJUST TARGETS.—The Director may, by regulation, adjust the percentage targets previously established by regulation pursuant to paragraph (2)(B) for any year, to reflect subsequent available data and market developments.

''(4) HMDA INFORMATION.—The Director shall annually obtain information submitted in compliance with the Home Mortgage Disclosure Act of 1975 regarding conventional, conforming, single-family, owner-occupied, purchase money and refinance mortgages originated and purchased for the previous year.

''(5) CONFORMING MORTGAGES.—In determining whether a mortgage is a conforming mortgage for purposes of this paragraph, the Director shall consider the original principal balance of the mortgage loan to be the principal balance as reported in the information referred to in paragraph (4), as rounded to the nearest thousand dollars.

''(f) 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 a 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 targets for the year under subsection (e).

''(2) COMMENT PERIOD.—The Director shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

''(g) 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 such income at the time of origination of the mortgage.

''(h) CONSIDERATION OF PROPERTIES WITH RENTAL UNITS.—Mortgages financing two- to four-unit owner-occupied properties shall count toward the achievement of the single-family housing goals under this section, if such properties otherwise meet the requirements under this section, notwithstanding the use of one or more units for rental purposes.

''(i) GOALS CREDIT.—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 section 1332 and 1333. In making any such determination, the Director shall consider whether a transaction or activity of an enterprise is substantially equivalent to a mortgage purchase and either (1) creates a new market, or (2) adds liquidity to an existing market. No credit toward the achievement of the housing goals and subgoals established under this section may be given to the purchase of mortgages, including any transaction or activity of an enterprise determined to be substantially equivalent to a mortgage purchase, that is determined to be unacceptable or contrary to good lending practices, inconsistent with safety and soundness, or unauthorized for purchase by the enterprises, pursuant to regulations issued by the Director.

''SEC. 1333. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

''(a) ESTABLISHMENT OF GOAL.—

''(1) IN GENERAL.—The Director shall, by regulation, establish a single annual goal, by either unit or dollar volume, of purchases by each enterprise of mortgages on multifamily housing that finance dwelling units affordable to low-income families.

''(2) ADDITIONAL REQUIREMENTS FOR UNITS AFFORDABLE TO VERY LOW-INCOME FAMILIES.—When establishing the goal under this section, the Director shall establish additional requirements for the purchase by each enterprise of mortgages on multifamily housing that finance dwelling units affordable to very low-income families.

''(3) REPORTING ON SMALLER PROPERTIES.—The Director shall require each enterprise to report on the purchase by each enterprise of multifamily housing of a smaller or limited size that is affordable to low-income families, which may be based on multifamily projects of 5 to 50 units (as such numbers may be adjusted by the Director) or on mortgages of up to $5,000,000 (as such amount may be adjusted by the Director), and may, by regulation, establish such aditional requirements related to such units.

''(4) FACTORS.—In establishing the goal and additional requirements under this section, the Director shall not consider segments of the market determined to be inconsistent with safety and soundness or unauthorized for purchase by the enterprises, and shall take into consideration—

''(A) national multifamily mortgage credit needs and the ability of the enterprise to provide additional liquidity and stability for the multifamily mortgage market;

''(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 for housing affordable to low-income and very low-income families, including the size of the multifamily markets for housing of a smaller or limited size;

''(D) the ability of the enterprise to lead the market in making multifamily mortgage credit available, especially for multifamily housing described in paragraphs (1) and (2);

''(E) the availability of public subsidies; and

''(F) the need to maintain the sound financial condition of the enterprise.

''(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director shall give full 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 that otherwise qualifies under such goal and that is financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, if such bonds, in whole or in part—

''(1) are secured by a guarantee of the enterprise; or

''(2) are purchased by the enterprise, except that the Director may give less than full credit for purchases of investment grade bonds, to the extent that such purchases do not provide a new market or add liquidity to an existing market.

''(c) MEASUREMENT OF PERFORMANCE.—The Director shall monitor the performance of each enterprise in meeting the goals established under this section and shall evaluate such performance (for purposes of section 1336) based on whether the rent levels are affordable. A rent level shall be considered to be affordable for purposes of this subsection for low-income families 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.—The Director shall determine, for each year that the housing goal under this section is in effect pursuant to section 1331(a), whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

''SEC. 1334. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

''(a) AUTHORITY.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal or subgoal for such year established pursuant to this subpart.

''(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal or subgoal 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 or subgoal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of this subpart, or 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.—The Director shall, promptly upon receipt of a petition regarding a reduction, seek public comment on the reduction for a period of 30 days. The Director shall make a determination regarding any proposed reduction within 30 days after the expiration of such public comment period. The Director may extend such determination period for a single additional 15-day period, but only if the Director requests additional information from the enterprise.''.

(c) CONFORMING AMENDMENTS.—The Housing and Community Development 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 dollar amount limitation in effect at the time of such origination and applicable to such mortgage, under, as applicable—

''(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)(1)(B), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts and shall include families having incomes not greater than 100 percent of the area median income who reside in designated disaster areas.

''(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.—To increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets, each enterprise shall provide leadership to the market in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages for very low-, low-, and moderate-income families with respect to the following underserved markets:

''(A) MANUFACTURED HOUSING.—The enterprise shall develop 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 develop 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;

''(vii) the rural rental housing program under section 515 of the Housing Act of 1949;

''(viii) the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986; and

''(ix) comparable state and local affordable housing programs.

''(C) RURAL MARKETS.—The enterprise shall develop loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, and low-, and moderate-income families in rural areas.''; and

(5) by adding at the end the following new subsections:

''(c) ADDITIONAL CATEGORIES.—The Director may submit recommendations to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate for the establishment of additional categories under subsection (a), provided that the Director makes a preliminary determination that any such category is important to the mission of the enterprises, that the category is an underserved market, and that the establishment of such category is warranted.

''(d) EVALUATION AND REPORTING OF COMPLIANCE.—

''(1) IN GENERAL.—The Director shall, by regulation, establish effective for 2010 and thereafter 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 2010 and each year thereafter, 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, more flexible underwriting guidelines, and other innovative approaches to providing financing to each of such underserved markets;

''(B) the extent of outreach to qualified loan sellers and other market participants in each of such underserved markets;

''(C) the volume of loans purchased in each of such underserved markets relative to the market opportunities available to the enterprise, except that the Director shall not establish specific quantitative targets nor evaluate the enterprises based solely on the volume of loans purchased; and

''(D) the amount of investments and grants in projects which assist in meeting the needs of such underserved markets.

''(3) MANUFACTURED HOUSING MARKET.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(1), the Director may consider loans secured by both real and personal property.

''(4) PROHIBITION OF CONSIDERATION OF AFFORDABLE HOUSING FUND GRANTS FOR MEETING DUTY TO SERVE.— In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director may not consider any affordable housing fund grant amounts used under section 1337 for eligible activities under subsection (g) of such section.''.

(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 title, 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 be enforceable only under this section, except that such duty shall not be subject to subsection (c)(7) of this section and shall not be enforceable under any other provision of this title (including subpart C of this part) or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.''.

(c) ADDITIONAL CREDIT FOR CERTAIN MORTGAGES.—Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (2), by inserting '', except as provided in paragraph (5),'' after ''which''; and

(2) by adding at the end the following new paragraph:

''(5) ADDITIONAL CREDIT.—The Director may assign additional credit toward achievement, under this section, of the housing goals for mortgage purchase activities of the enterprises that comply with the requirements of such goals and support housing that includes a licensed childcare center. The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.''.

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, or fails to comply with the plan, the Director may issue a cease and desist order in accordance with section 1341 and impose civil money penalties in accordance with section 1345.

''(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 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) CEASE AND DESIST ORDERS; CIVIL MONEY PENALTIES.—Solely with respect to the housing goals established under sections 1332(a) and 1333(a)(1), if the Director requires an enterprise to submit a housing plan under this subsection and the enterprise refuses to submit such a plan, submits an unacceptable plan, or fails to comply with the plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, exercise other appropriate enforcement authority or seek other appropriate actions.''.

(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 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;

''(2) 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, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

''(3) solely with respect to the housing goals established under sections 1332(a) and 1333(a)(1), the enterprise has failed to submit a housing plan that complies with section 1336(c) within the applicable period; or

''(4) solely with respect to the housing goals established under sections 1332(a) and 1333(a)(1), 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) submit a report under section 1327;

''(B) solely with respect to the housing goals established under sections 1332(a) and 1333(a)(1), submit a housing plan in compliance with section 1336(c);

''(C) solely with respect to the housing goals established under sections 1332(a) and 1333(a)(1), comply with the housing plan in compliance with section 1336(c); or

''(D) 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) 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;

''(2) 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;

''(3) solely with respect to the housing goals established under sections 1332(a) and 1333(a)(1), submit a housing plan or perform its responsibilities under a remedial order issued pursuant to section 1336(c) within the required period; or

''(4) solely with respect to the housing goals established under sections 1332(a) and

1333(a)(1), 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.—

''(1) IN GENERAL.—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 (as such term is defined in section 1303) for use—

''(A) to increase and preserve the supply of rental housing for extremely low- and very low-income families, including homeless families; and

''(B) to increase homeownership for extremely low- and very low-income families.

''(2) FEDERAL ASSISTANCE.—For purposes of the application of Federal civil rights laws, all assistance provided from the Housing Trust Fund shall be considered Federal financial assistance.

''(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 of the 50 States of the United States or the District of Columbia, the allocation for such State of the United States or the District of Columbia shall be $3,000,000, and the increase shall be deducted pro rata from the allocations made to all other of the States (as such term is defined in section 1303).

''(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)(D);

''(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)(D).

''(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 or families with incomes at or below the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved, 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) TENANT PROTECTIONS AND PUBLIC PARTICIPATION.—All amounts from the Trust Fund shall be allocated in accordance with, and any eligible activities carried out in whole or in part with grant amounts under this subtitle (including housing provided with such grant amounts) shall comply with and be operated in compliance with—

''(A) laws relating to tenant protections and tenant rights to participate in decision making regarding their residences;

''(B) laws requiring public participation, including laws relating to Consolidated Plans, Qualified Allocation Plans, and Public Housing Agency Plans; and

''(C) fair housing laws and laws regarding accessibility in federally assisted housing, including section 504 of the Rehabilitation Act of 1973.

''(9) 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.

''(10) 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;

and for the purposes of this subparagraph, the prohibited use of funds for political activities includes influencing the selection, nomination, election, or appointment of one or more candidates to any Federal, State or local office as codified in section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501);

''(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) a requirement that, for the purposes of subparagraphs (A) and (B), any financial statement submitted by a grantee or recipient to the Secretary shall be reviewed by an independent certified public accountant in accordance with Statements on Standards for Accounting and Review Services, issued by the American Institute of Certified Public Accountants;

''(D) 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;

''(E) 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

''(F) 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.—For purposes of the application of Federal civil rights laws, all assistance provided using amounts in the Capital Magnet Fund shall be considered 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) PROHIBITED USES.—The Secretary shall, by regulation, set forth prohibited uses of grant amounts awarded under this section, which shall include use for—

''(A) political activities;

''(B) advocacy;

''(C) lobbying, whether directly or through other parties;

''(D) counseling services;

''(E) travel expenses; and

''(F) preparing or providing advice on tax returns;

and for the purposes of this paragraph, the prohibited use of funds for political activities includes influencing the selection, nomination, election, or appointment of one or more candidates to any Federal, State or local office as codified in section §501 of the Internal Revenue Code of 1986 (26 U.S.C. 501).

''(6) ADDITIONAL 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.

''(7) 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.

''(8) 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;

''(C) a requirement that, for the purposes of subparagraphs (A) and (B), any financial statement submitted by a grantee to the Secretary shall be reviewed by an independent certified public accountant in accordance with Statements on Standards for Accounting and Review Services, issued by the American Institute of Certified Public Accountants; and

''(D) 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, policymaking, 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 mortgages 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) ASSETS INSUFFICIENT FOR OBLIGATIONS.—The assets of the regulated entity are less than the obligations of the regulated entity to its creditors and others.

''(B) 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.

''(C) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

''(D) CEASE AND DESIST ORDERS.—Any willful violation of a cease and desist order that has become final.

''(E) 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.

''(F) 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.

''(G) 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)).

''(H) 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.

''(I) CONSENT.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

''(J) 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.

''(K) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4).

''(L) 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 may, 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 may 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) EFFECT 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 and future effect relating to the Federal Home Loan Banks (other than any regulation, advisory document, or examination guidance of the Federal Housing Finance Board that the Director reissues after the authority of the Director over the Federal Home Loan Banks takes effect), 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 ⅖ 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:

''(1) 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) in section 18 (12 U.S.C. 1438), by striking subsection (b);

(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.

''(d) NO WAIVER OF PRIVILEGE.—The Director shall not be deemed to have waived any privilege applicable to any information concerning a Federal Home Loan Bank by transferring, or permitting the transfer of, that information to any other Federal Home Loan Bank for the purposes set out in subsection (a).''.

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, use such percentage as the Director may by regulation establish of any subsidized advances set aside to finance homeownership under subparagraph (A) to 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, policymaking, 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, except as the Board determines to be necessary to ensure the maintenance of property standards; and provided that such new outstanding liens (A) do not reduce the value of the Government's equity in the borrower's home; and (B) when combined with the mortgagor's existing mortgage indebtedness, do not exceed 95 percent of the home's appraised value at the time of the new second lien.

''(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 shall document and verify the income of the mortgagor or non-filing status by procuring (A) an income tax return transcript of the income tax returns of the mortgagor, or(B) a copy of the income tax returns from the Internal Revenue Service, for the two 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 shall establish.

''(10) MORTGAGE FRAUD.—The mortgagor shall not have been convicted under Federal or State law for fraud during the 10-year period ending upon the insurance of the mortgage under this section.

''(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, or their designees.

''(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' means the person responsible for servicing of a loan (including the person who makes or holds a loan if such person also services the loan).''.

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.—The term ''State'' means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

(11) 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.

(12) 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.—Subject to the existence of a licensing or registration regime, as the case may be, 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, or paid into a State fund, 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, or has established a recovery fund paid into by the loan originators.

(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.

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 subparagraph (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 the heading for subsection (e)(10)(C), by striking ''BRIDGE BANKS'' and inserting ''BRIDGE DEPOSITORY INSTITUTIONS'';

(3) in subsection (e)(10)(C)(i), by striking ''bridge bank'' and inserting ''bridge depository institution'';

(4) in subsection (m)—

(A) in the subsection heading, by striking ''BANKS'' and inserting ''DEPOSITORY INSTITUTIONS'';

(B) by striking ''insured bank'' each place such term appears and inserting ''insured depository institution'';

(C) by striking ''new bank'' each place such term appears and inserting ''new depository institution'';

(D) by striking ''such bank'' each place such term appears and inserting ''such depository institution'';

(E) by striking ''the bank'' each place such term appears and inserting ''the insured depository institution'';

(F) in paragraph (1), by inserting ''or Federal savings association'' after ''national bank'';

(G) in paragraph (6), by striking ''only bank'' and inserting ''only depository institution'';

(H) in paragraph (9), by inserting ''or the Director of the Office of Thrift Supervision, as appropriate'' after ''Comptroller of the Currency'';

(I) in paragraph (15), by striking '', but in no event'' and all that follows through ''located'';

(J) in paragraph (16)—

(i) by inserting ''or the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place such term appears;

(ii) by striking ''the bank'' each place such term appears and inserting ''the depository institution'';

(iii) by inserting ''or Federal savings association'' after ''national bank'' each place such term appears;

(iv) by inserting ''or Federal savings associations'' after ''national banks''; and

(v) by striking ''Such bank'' and inserting ''Such depository institution''; and

(K) in paragraph (18), by inserting ''or the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place such term appears;

(5) in subsection (n)—

(A) in the subsection heading, by striking ''BANKS'' and inserting ''DEPOSITORY INSTITUTIONS'';

(B) by striking ''bridge bank'' each place such term appears and inserting ''bridge depository institution'';

(C) by striking ''bridge banks'' each place such term appears (other than in paragraph (1)(A))and inserting ''bridge depository institutions'';

(D) by striking ''bridge bank's'' each place such term appears and inserting ''bridge depository institution's'';

(E) by striking ''insured bank'' each place such term appears and inserting ''insured depository institution'';

(F) by striking ''insured banks'' each place such term appears and inserting ''insured depository institutions'';

(G) by striking ''such bank'' each place such term appears (other than in paragraph (4)(J)) and inserting ''such depository institution'';

(H) by striking ''the bank'' each place such term appears and inserting ''the depository institution'';

(I) by striking ''bank or banks'' each place such term appears and inserting ''depository institution or institutions'';

(J) 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' '';

(K) in paragraph (1)(B)—

(i) by striking ''of a bank''; and

(ii) by striking ''of that bank'';

(L) in the heading for paragraph (1)(E), by inserting ''OR FEDERAL SAVINGS ASSOCIATION'' before the period;

(M) 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'';

(N) in paragraph (2)—

(i) by inserting ''or Federal savings association'' after ''national bank'' each place such term appears;

(ii) in subparagraph (A), by inserting ''or the Director of the Office of Thrift Supervision'' after ''Comptroller of the Currency''; and

(iii) in the heading for subparagraph (B), by inserting ''OR FEDERAL SAVINGS ASSOCIATION'' before the period;

(O) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting ''or Federal savings association, as appropriate'' after ''national bank'';

(ii) in subparagraph (C), by striking ''under section 5138 of the Revised Statutes or any other'' and inserting ''under any'';

(iii) by inserting ''and the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place such term appears;

(iv) in subparagraph (D), by striking ''bank's'' and inserting ''depository institution's''; and

(v) in subparagraph (H), by striking ''a bank in default'' and inserting ''a depository institution in default'';

(P) 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'';

(Q) by striking ''BRIDGE BANK'' or ''BRIDGE BANKS'' as the case may be in the headings for paragraphs (9), (10), (12), and (13) and inserting ''BRIDGE DEPOSITORY INSTITUTION'' or ''BRIDGE DEPOSITORY INSTITUTIONS'' as appropriate;

(R) in paragraph (11), by inserting ''or a Federal savings association, as the case may be,'' after ''national bank'' each place such term appears;

(S) in paragraph (12)—

(i) by inserting ''or the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place such term appears; and

(ii) by inserting ''or Federal savings associations, as appropriate'' after ''national banks''; and

(T) 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 such 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, UNITED STATES CODE.—Section 783 of title 11, United States Code, is amended by striking ''bridge bank'' and inserting ''bridge depository institution''.

(4) TITLE 26, UNITED STATES CODE.—Section 414(l)(2)(G) of the Internal Revenue Code of 1986, is amended by striking ''bridge bank'' and inserting ''bridge depository institution''.

(c) REPEAL OF DEPOSIT LIMITATION.—Section 11(n)(1)(B)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(n)(1)(B)(i)) is amended by striking '', except that'' and all that follows through ''another insured depository institution''.

(d) FEDERAL RESERVE BANK LENDING TO BRIDGE DEPOSITORY INSTITUTIONS.—Section 11(n)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1821(n)(5)) is amended by adding at the end the following new subparagraph:

''(D) CAPITAL LEVELS.—A bridge depository institution shall not be considered an undercapitalized depository institution or a critically undercapitalized depository institution for purposes of section 10B(b) of the Federal Reserve Act.''.

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) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following:

''(A) not to exceed the lesser of—

''(i) in the case of a 1-family residence, 115 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 the sixth sentence of 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 the sixth sentence of such section 305(a)(2) 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 the sixth sentence of 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) TREATMENT OF UP-FRONT PREMIUMS.—Section 203(d) of the National Housing Act (12 U.S.C. 1709(d)) is amended—

(1) by striking ''Notwithstanding any'' and inserting the following: ''Except as provided in paragraph (2) of this subsection, notwithstanding'';

(2) by inserting ''(1)'' after ''(d)''; and

(3) by adding at the end the following new paragraph:

''(2) The maximum amount of a mortgage determined under subsection (b)(2)(B) of this section may not be increased as provided in paragraph (1).''.

(c) 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; 122 Stat. 620).

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 or its equivalent, 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 plus any initial service charges, appraisal, inspection, and other fees in connection with the mortgage.

''(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).

This subparagraph shall apply only to mortgages for which the mortgagee has issued credit approval for the borrower on or after October 1, 2008.''.

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 mortgagor or any other party shall not be required by the mortgagee or any other party to purchase an insurance, annuity, or other similar product as a requirement or condition of eligibility for insurance under subsection (c), except for title insurance, hazard, flood, or other peril insurance, or other such products that are customary and normal under subsection (c), as determined by the Secretary.

''(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) be equal to 2.0 percent of the maximum claim amount of the mortgage, up to a maximum claim amount of $200,000 plus 1 percent of any portion of the maximum claim amount that is greater than $200,000, unless adjusted thereafter on the basis of an analysis of—

''(A) the costs to mortgagors; and

''(B) the impact 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;

''(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation; and

''(6) be subject to a maximum origination fee of $6,000, except that such maximum limit shall be adjusted in accordance with the annual percentage increase in the Consumer Price Index of the Bureau of Labor Statistics of the Department of Labor in increments of $500 only when the percentage increase in such index, when applied to the maximum origination fee, produces dollar increases that exceed $500.''.

(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 October 1, 2008, the Secretary of Housing and Urban Development shall not take any action to implement or carry out 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 October 1, 2008, the Secretary of Housing and Urban Development shall not take any action to implement or carry out any other 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) REHABILITATION.—Any rehabilitation of a foreclosed-upon home or residential property under this section shall be to the extent necessary to comply with applicable laws, codes, and other requirements relating to housing safety, quality, and habitability, in order to sell, rent, or redevelop such homes and properties. Rehabilitation may include improvements to increase the energy efficiency or conservation of such homes and properties or provide a renewable energy source or sources for such homes and properties.

(3) 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.

(4) 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.

SECTION 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 the amount appropriated under section 2401 of this Act pursuant to this section, not less than 15 percent shall be provided to counseling organizations that target counseling services regarding loss mitigation to minority and low-income homeowners or provide such services in neighborhoods with high concentrations of minority and low-income homeowners: *Provided further,* 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 further,* 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: *Provided further,* That the NRC, in awarding counseling grants under section 2401 of this Act, may consider, where appropriate, whether the entity has implemented a written plan for providing in-person counseling and for making contact, including personal contact, with defaulted mortgagors, for the purpose of providing counseling or providing information about available counseling.

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 December 31, 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 nonprofit 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'' and inserting ''and'';

(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—HOUSING PRESERVATION

Subtitle A—Preservation Under Federal Housing Programs

SEC. 2801. CLARIFICATION OF DISPOSITION OF CERTAIN PROPERTIES.

Notwithstanding any other provision of law, subtitle A of title II of the Deficit Reduction Act of 2005 (12 U.S.C. 1701z-11 note) and the amendments made by such title shall not apply to any transaction regarding a multifamily real property for which—

(1) the Secretary of Housing and Urban Development has received, before the date of the enactment of such Act, written expressions of interest in purchasing the property from both a city government and the housing commission of such city;

(2) after such receipt, the Secretary acquires title to the property at a foreclosure sale; and

(3) such city government and housing commission have resolved a previous disagreement with respect to the disposition of the property.

SEC. 2802. ELIGIBILITY OF CERTAIN PROJECTS FOR ENHANCED VOUCHER ASSISTANCE.

Notwithstanding any other provision of law—

(1) the property known as The Heritage Apartments (FHA No. 023-44804), in Malden, Massachusetts, shall be considered eligible low-income housing for purposes of the eligibility of residents of the property for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)), pursuant to paragraph (2)(A) of section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)(2)(A));

(2) such residents shall receive enhanced rental housing vouchers upon the prepayment of the mortgage loan for the property under section 236 of the National Housing Act (12 U.S.C. 1715z-1); and

(3) the Secretary shall approve such prepayment and subsequent transfer of the property without any further condition, except that the property shall be restricted for occupancy, until the original maturity date of the prepaid mortgage loan, only by families with incomes not exceeding 80 percent of the adjusted median income for the area in which the property is located, as published by the Secretary.

Amounts for the enhanced vouchers pursuant to this section shall be provided under amounts appropriated for tenant-based rental assistance otherwise authorized under section 8(t) of the United States Housing Act of 1937.

SEC. 2803. TRANSFER OF CERTAIN RENTAL ASSISTANCE CONTRACTS.

(a) TRANSFER.—Subject to subsection (c) and notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall, at the request of the owner, transfer or authorize the transfer, of the contracts, restrictions, and debt described in subsection (b)—

(1) on the housing that is owned or managed by Community Properties of Ohio Management Services LLC or an affiliate of Ohio Capital Corporation for Housing and located in Franklin County, Ohio, to other properties located in Franklin County, Ohio; and

(2) on the housing that is owned or managed by The Model Group, Inc., and located in Hamilton County, Ohio, to other properties located in Hamilton County, Ohio.

(b) CONTRACTS, RESTRICTIONS, AND DEBT COVERED.—The contracts, restrictions, and debt described in this subsection are as follows:

(1) All or a portion of a project-based rental assistance housing assistance payments contract under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) Existing Federal use restrictions, including without limitation use agreements, regulatory agreements, and accommodation agreements.

(3) Any subordinate debt held by the Secretary or assigned and any mortgages securing such debt, all related loan and security documentation and obligations, and reserve and escrow balances.

(c) RETENTION OF SAME NUMBER OF UNITS AND AMOUNT OF ASSISTANCE.—Any transfer pursuant to subsection (a) shall result in—

(1) a total number of dwelling units (including units retained by the owners and units transferred) covered by assistance described in subsection (b)(1) after the transfer remaining the same as such number assisted before the transfer, with such increases or decreases in unit sizes as may be contained in a plan approved by a local planning or development commission or department; and

(2) no reduction in the total amount of the housing assistance payments under contracts described in subsection (b)(1).

SEC. 2804. PUBLIC HOUSING DISASTER RELIEF.

Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended—

(1) by striking subsection (k); and

(2) by redesignating subsections (l), (m), and (n) as subsections (k), (l), and (m), respectively.

SEC. 2805. PRESERVATION OF CERTAIN AFFORDABLE HOUSING.

Notwithstanding any other provision of law—

(1) for the property known as Nihonmachi Terrace (FHA No. 121-44284), in San Francisco, California, upon the refinancing of the existing federally insured mortgage pursuant to section 236(b) of the National Housing Act (12 U.S.C. 1715z–1(b)), unassisted low and moderate-income residents of the property shall be deemed eligible for and shall receive voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)); and

(2) to preserve the affordability of the property, the housing authority shall utilize such additional voucher assistance pursuant to subsection 8(o)(13) of the United States Housing Act of 1937, without regard to the limitations of subparagraphs (B) and (D) of that subsection.

Amounts for the vouchers pursuant to this section shall be provided under amounts appropriated for tenant-based rental assistance otherwise authorized.

Subtitle B—Coordination of Federal Housing Programs and Tax Incentives for Housing

SEC. 2831. SHORT TITLE.

This subtitle may be cited as the ''Housing Tax Credit Coordination Act of 2008''.

SEC. 2832. APPROVALS BY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) ADMINISTRATIVE AND PROCEDURAL CHANGES.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall, not later than the expiration of the 6-month period beginning upon after the date of the enactment of this Act, implement administrative and procedural changes to expedite approval of multifamily housing projects under the jurisdiction of the Department of Housing and Urban Development that meet the requirements of the Secretary for such approvals.

(2) PROJECTS.—The multifamily housing projects referred to in paragraph (1) shall include—

(A) projects for which assistance is provided by such Department in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds; and

(B) existing public housing projects and assisted housing projects, for which approval of the Secretary is necessary for transactions, in conjunction with any such low-income housing tax credits or tax-exempt housing bonds, involving the preservation or rehabilitation of the project.

(3) CHANGES.—The administrative and procedural changes referred to in paragraph (1) shall include all actions necessary to carry out paragraph (1), which may include—

(A) improving the efficiency of approval procedures;

(B) simplifying approval requirements,

(C) establishing time deadlines or target deadlines for required approvals;

(D) modifying division of approval authority between field and national offices;

(E) improving outreach to project sponsors regarding information that is required to be submitted for such approvals;

(F) requesting additional funding for increasing staff, if necessary; and

(G) any other actions which would expedite approvals.

Any such changes shall be made in a manner that provides for full compliance with any existing requirements under law or regulation that are designed to protect families receiving public and assisted housing assistance, including income targeting, rent, and fair housing provisions, and shall also comply with requirements regarding environmental review and protection and wages paid to laborers.

(b) CONSULTATION.—The Secretary shall consult with the Commissioner of the Internal Revenue Service and take such actions as are appropriate in conjunction with such consultation to simplify the coordination of rules, regulations, forms, and approval requirements for multifamily housing projects projects for which assistance is provided by such Department in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

(c) RECOMMENDATIONS.—In implementing the changes required under this section, the Secretary shall solicit recommendations regarding such changes from project owners and sponsors, investors and stakeholders in housing tax credits, State and local housing finance agencies, public housing agencies, tenant advocates, and other stakeholders in such projects.

(d) REPORT.—Not later than the expiration of the 9-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that—

(1) identifies the actions taken by the Secretary to comply with this section;

(2) includes information regarding any resulting improvements in the expedited approval for multifamily housing projects;

(3) identifies recommendations made pursuant to subsection (c);

(4) identifies actions taken by the Secretary to implement the provisions in the amendments made by sections 2834 and 2835 of this Act; and

(5) makes recommendations for any legislative changes that are needed to facilitate prompt approval of assistance for such projects.

SEC. 2833. PROJECT APPROVALS BY RURAL HOUSING SERVICE.

Section 515(h) of the Housing Act of 1949 (42 U.S.C. 1485) is amended—

(1) by inserting ''(1) CONDITION.—'' after ''(h)''; and

(2) by adding at the end the following new paragraphs:

''(2) ACTIONS TO EXPEDITE PROJECT APPROVALS.—

''(A) IN GENERAL.—The Secretary shall take actions to facilitate timely approval of requests to transfer ownership or control, for the purpose of rehabilitation or preservation, of multifamily housing projects for which assistance is provided by the Secretary of Agriculture in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

''(B) CONSULTATION.—The Secretary of Agriculture shall consult with the Commissioner of the Internal Revenue Service and take such actions as are appropriate in conjunction with such consultation to simplify the coordination of rules, regulations, forms (including applications forms for project transfers), and approval requirements multifamily housing projects for which assistance is provided by the Secretary of Agriculture in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

''(C) EXISTING REQUIREMENTS.—Any actions taken pursuant to this paragraph shall be taken in a manner that provides for full compliance with any existing requirements under law or regulation that are designed to protect families receiving Federal housing assistance, including income targeting, rent, and fair housing provisions, and shall also comply with requirements regarding environmental review and protection and wages paid to laborers.

''(D) RECOMMENDATIONS.—In implementing the changes required under this paragraph, the Secretary shall solicit recommendations regarding such changes from project owners and sponsors, investors and stakeholders in housing tax credits, State and local housing finance agencies, tenant advocates, and other stakeholders in such projects.''.

SEC. 2834. USE OF FHA LOANS WITH HOUSING TAX CREDITS.

(a) SUBSIDY LAYERING REQUIREMENTS.—Subsection (d) of section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) is amended—

(1) in the first sentence, by inserting after ''assistance within the jurisdiction of the Department'' the following: '', as such term is defined in subsection (m), except that for purposes of this subsection such term shall not include any mortgage insurance provided pursuant to title II of the National Housing Act (12 U.S.C. 1707 et seq.)''; and

(2) in the second sentence, by inserting ''such'' before ''assistance''.

(b) COST CERTIFICATION.—Section 227 of National Housing Act (12 U.S.C. 1715r) is amended—

(1) in the matter preceding paragraph (a) (relating to a definition of ''new or rehabilitated multifamily housing'')—

(A) in the first sentence—

(i) by striking ''Notwithstanding'' and inserting ''Except as provided in subsection (b) and notwithstanding''; and

(ii) by redesignating clauses (a) and (b) as clauses (A) and (B), respectively; and

(B) by striking ''As used in this section—'';

(2) in paragraph (c) (relating to a definition of ''actual cost'')—

(A) in clause (i), by redesignating clauses (1) and (2) as clauses (I) and (II), respectively; and

(B) in clause (ii), by redesignating clauses (1) and (2) as clauses (I) and (II), respectively;

(3) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively;

(4) by inserting before paragraph (1) (as so redesignated by paragraph (3) of this subsection) the following:

''(b) EXEMPTION FOR CERTAIN PROJECTS ASSISTED WITH LOW-INCOME HOUSING TAX CREDIT.—In the case of any mortgage insured under any provision of this title that is executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42), if the Secretary determines at the time of issuance of the firm commitment for insurance that the ratio of the loan proceeds to the actual cost of the project is less than 80 percent, subsection (a) of this section shall not apply.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:''; and

(5) by inserting ''(a) REQUIREMENT.—'' after ''227.''.

(c) OTHER PROVISIONS REGARDING TREATMENT OF MORTGAGES COVERING TAX CREDIT PROJECTS.—Title II of the National Housing Act is amended by inserting after section 227 (12 U.S.C. 1715r) the following new section:

''SEC. 228. TREATMENT OF MORTGAGES COVERING TAX CREDIT PROJECTS.

''(a) DEFINITION.—For purposes of this section, the term 'insured mortgage covering a tax credit project' means a mortgage insured under any provision of this title that is executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42).

''(b) ACCEPTANCE OF LETTERS OF CREDIT.—In the case of an insured mortgage covering a tax credit project, the Secretary may not require the escrowing of equity provided by the sale of any low-income housing tax credits for the project pursuant to section 42 of the Internal Revenue Code of 1986, or any other form of security, such as a letter of credit.

''(c) ASSET MANAGEMENT REQUIREMENTS.—In the case of an insured mortgage covering a tax credit project for which project the applicable tax credit allocating agency is causing to be performed periodic inspections in compliance with the requirements of section 42 of the Internal Revenue Code of 1986, such project shall be exempt from requirements imposed by the Secretary regarding periodic inspections of the property by the mortgagee. To the extent that other compliance monitoring is being performed with respect to such a project by such an allocating agency pursuant to such section 42, the Secretary shall, to the extent that the Secretary determines such monitoring is sufficient to ensure compliance with any requirements established by the Secretary, accept such agency's evidence of compliance for purposes of determining compliance with the Secretary's requirements.

''(d) STREAMLINED PROCESSING PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to demonstrate the effectiveness of streamlining the review process, which shall include all applications for mortgage insurance under any provision of this title for mortgages executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986. The Secretary shall issue instructions for implementing the pilot program under this subsection not later than the expiration of the 180-day period beginning upon the date of the enactment of the Housing Tax Credit Coordination Act of 2008.

''(2) REQUIREMENTS.—Such pilot program shall provide for—

''(A) the Secretary to appoint designated underwriters, who shall be responsible for reviewing such mortgage insurance applications and making determinations regarding the eligibility of such applications for such mortgage insurance in lieu of the processing functions regarding such applications that are otherwise performed by other employees of the Department of Housing and Urban Development;

''(B) submission of applications for such mortgage insurance by mortgagees who have previously been expressly approved by the Secretary; and

''(C) determinations regarding the eligibility of such applications for such mortgage insurance to be made by the chief underwriter pursuant to requirements prescribed by the Secretary, which shall include requiring submission of reports regarding applications of proposed mortgagees by third-party entities expressly approved by the chief underwriter.''.

SEC. 2835. OTHER HUD PROGRAMS.

(a) SECTION 8 ASSISTANCE.—

(1) PHA PROJECT-BASED ASSISTANCE.—Section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended—

(A) in subparagraph (D)(i)—

(i) by striking ''building'' and inserting ''project''; and

(ii) by adding at the end the following: ''For purposes of this subparagraph, the term 'project' means a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.'';

(B) in the first sentence of subparagraph (F), by striking ''10 years'' and inserting ''15 years'';

(C) in subparagraph (G)—

(i) by inserting after the period at the end of the first sentence the following: ''Such contract may, at the election of the public housing agency and the owner of the structure, specify that such contract shall be extended for renewal terms of up to 15 years each, if the agency makes the determination required by this subparagraph and the owner is in compliance with the terms of the contract.''; and

(ii) by adding at the end the following: ''A public housing agency may agree to enter into such a contract at the time it enters into the initial agreement for a housing assistance payment contract or at any time thereafter that is before the expiration of the housing assistance payment contract.'';

(D) in subparagraph (H), by inserting before the period at the end of the first sentence the following: '', except that in the case of a contract unit that has been allocated low-income housing tax credits and for which the rent limitation pursuant to such section 42 is less than the amount that would otherwise be permitted under this subparagraph, the rent for such unit may, in the sole discretion of a public housing agency, be established at the higher section 8 rent, subject only to paragraph (10)(A)'';

(E) in subparagraph (I)(i), by inserting before the semicolon the following: '', except that the contract may provide that the maximum rent permitted for a dwelling unit shall not be less than the initial rent for the dwelling unit under the initial housing assistance payments contract covering the unit''; and

(F) by adding at the end the following new subparagraphs:

''(L) USE IN COOPERATIVE HOUSING AND ELEVATOR BUILDINGS.—A public housing agency may enter into a housing assistance payments contract under this paragraph with respect to—

''(i) dwelling units in cooperative housing; and

''(ii) notwithstanding subsection (c), dwelling units in a high-rise elevator project, including such a project that is occupied by families with children, without review and approval of the contract by the Secretary.

''(M) REVIEWS.—

''(i) SUBSIDY LAYERING.—A subsidy layering review in accordance with section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) shall not be required for assistance under this paragraph in the case of a housing assistance payments contract for an existing structure, or if a subsidy layering review has been conducted by the applicable State or local agency.

''(ii) ENVIRONMENTAL REVIEW.—A public housing agency shall not be required to undertake any environmental review before entering into a housing assistance payments contract under this paragraph for an existing structure, except to the extent such a review is otherwise required by law or regulation.''.

(2) VOUCHER PROGRAM RENT REASONABLENESS.—Section 8(o)(10) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(10)) is

amended by adding at the end the following new subparagraph;

''(F) TAX CREDIT PROJECTS.—In the case of a dwelling unit receiving tax credits pursuant to section 42 of the Internal Revenue Code of 1986 or for which assistance is provided under subtitle A of title II of the Cranston Gonzalez National Affordable Housing Act of 1990, for which a housing assistance contract not subject to paragraph (13) of this subsection is established, rent reasonableness shall be determined as otherwise provided by this paragraph, except that—

''(i) comparison with rent for units in the private, unassisted local market shall not be required if the rent is equal to or less than the rent for other comparable units receiving such tax credits or assistance in the project that are not occupied by families assisted with tenant-based assistance under this subsection; and

''(ii) the rent shall not be considered reasonable for purposes of this paragraph if it exceeds the greater of—

''(I) the rents charged for other comparable units receiving such tax credits or assistance in the project that are not occupied by families assisted with tenant-based assistance under this subsection; and

''(II) the payment standard established by the public housing agency for a unit of the size involved.''.

(b) SECTION 202 HOUSING FOR ELDERLY PERSONS.—Subsection (f) of section 202 of the Housing Act of 1959 (12 U.S.C. 1701q(f)) is amended—

(1) by striking ''SELECTION CRITERIA.—'' and inserting ''INITIAL SELECTION CRITERIA AND PROCESSING.— (1) SELECTION CRITERIA.— '';

(2) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively; and

(3) by adding at the end the following new paragraph:

''(2) DELEGATED PROCESSING.—

''(A) In issuing a capital advance under this subsection for any project for which financing for the purposes described in the last two sentences of subsection (b) is provided by a combination of a capital advance under subsection (c)(1) and sources other than this section, within 30 days of award of the capital advance, the Secretary shall delegate review and processing of such projects to a State or local housing agency that—

''(i) is in geographic proximity to the property;

''(ii) has demonstrated experience in and capacity for underwriting multifamily housing loans that provide housing and supportive services;

''(iii) may or may not be providing low-income housing tax credits in combination with the capital advance under this section, and

''(iv) agrees to issue a firm commitment within 12 months of delegation.

''(B) The Secretary shall retain the authority to process capital advances in cases in which no State or local housing agency has applied to provide delegated processing pursuant to this paragraph or no such agency has entered into an agreement with the Secretary to serve as a delegated processing agency.

''(C) An agency to which review and processing is delegated pursuant to subparagraph (A) may assess a reasonable fee which shall be included in the capital advance amounts and may recommend project rental assistance amounts in excess of those initially awarded by the Secretary. The Secretary shall develop a schedule for reasonable fees under this subparagraph to be paid to delegated processing agencies, which shall take into consideration any other fees to be paid to the agency for other funding provided to the project by the agency, including bonds, tax credits, and other gap funding.

''(D) Under such delegated system, the Secretary shall retain the authority to approve rents and development costs and to execute a capital advance within 60 days of receipt of the commitment from the State or local agency. The Secretary shall provide to such agency and the project sponsor, in writing, the reasons for any reduction in capital advance amounts or project rental assistance and such reductions shall be subject to appeal.''.

(c) MCKINNEY-VENTO ACT HOMELESS ASSISTANCE UNDER SHELTER PLUS CARE PROGRAM.—

(1) TERM OF CONTRACTS WITH OWNER OR LESSOR.—Part I of subtitle F of the McKinney-Vento Homeless Assistance Act is amended—

(A) by redesignating sections 462 and 463 (42 U.S.C. 11403g, 11403h) as sections 463 and 464, respectively;

(B) by striking ''section 463'' each place such term appears in sections 471, 476, 481, 486, and 488 (42 U.S.C. 11404, 11405, 11406, 11407, and 11407b) and inserting ''section 464''; and

(C) by inserting after section 461 (42 U.S.C. 11403f) the following new section:

''SEC. 462. TERM OF CONTRACT WITH OWNER OR LESSOR.

''An applicant under this subtitle may enter into a contract with the owner or lessor of a property that receives rental assistance under this subtitle having a term of not more than 15 years, subject to the availability of sufficient funds provided in appropriation Acts for the purpose of renewing expiring contracts for assistance payments. Such contract may, at the election of the applicant and owner or lessor, specify that such contract shall be extended for renewal terms of not more than 15 years each, subject to the availability of sufficient such appropriated funds.''.

(2) PROJECT-BASED RENTAL ASSISTANCE CONTRACTS.—Section 478(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11405a(a)) is amended by inserting before the period at the end the following: ''; except that, in the case of any project for which equity is provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42), if an expenditure of such amount for each unit (including the prorated share of such work) is required to make the structure decent, safe, and sanitary, and the owner agrees to reach initial closing on permanent financing from such other sources within two years and agrees to carry out the rehabilitation with resources other than assistance under this subtitle within 60 months of notification of grant approval, the contract shall be for a term of 10 years (except that such period may be extended by up to 1 year by the Secretary, which extension shall be granted unless the Secretary determines that the sponsor is primarily responsible for the failure to meet such deadline)''.

(d) DATA COLLECTION ON TENANTS OF HOUSING TAX CREDIT PROJECTS.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

''SEC. 36. COLLECTION OF INFORMATION ON TENANTS IN TAX CREDIT PROJECTS.

''(a) IN GENERAL.—Each State agency administering tax credits under section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) shall furnish to the Secretary of Housing and Urban Development, not less than annually, information concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the United States Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits through such agency. Such State agencies shall, to the extent feasible, collect such information through existing reporting processes and in a manner that minimizes burdens on property owners. In the case of any household that continues to reside in the same dwelling unit, information provided by the household in a previous year may be used if the information is of a category that is not subject to change or if information for the current year is not readily available to the owner of the property.

''(b) STANDARDS.—The Secretary shall establish standards and definitions for the information collected under subsection (a), provide States with technical assistance in establishing systems to compile and submit such information, and, in coordination with other Federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs.

''(c) PUBLIC AVAILABILITY.—The Secretary shall, not less than annually, compile and make publicly available the information submitted to the Secretary pursuant to subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the cost of activities required under subsections (b) and (c) $2,500,000 for fiscal year 2009 and $900,000 for each of fiscal years 2010 through 2013.''.

TITLE IX—MISCELLANEOUS

SEC. 2901. HOMELESS ASSISTANCE.

(a) APPROPRIATIONS.—Section 726 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11435) is amended by striking ''$70,000,000'' and all that follows and inserting ''$100,000,000 for fiscal year 2009 and such sums as may be necessary for each subsequent fiscal year.''.

(b) EMERGENCY ASSISTANCE.—Section 722 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432) is amended by adding at the end the following:

''(h) SPECIAL RULE FOR EMERGENCY ASSISTANCE.—

''(1) EMERGENCY ASSISTANCE.—

''(A) RESERVATION OF AMOUNTS.—Subject to paragraph (4) and notwithstanding any other provision of this title, the Secretary shall use funds appropriated under section 726 for fiscal year 2009, but not to exceed $30,000,000, for the purposes of providing emergency assistance through grants.

''(B) GENERAL AUTHORITY.—The Secretary shall use the funds to make grants to State educational agencies under paragraph (2), to enable the agencies to make subgrants to local educational agencies under paragraph (3), to provide activities described in section 723(d) for individuals referred to in subparagraph (C).

''(C) ELIGIBLE INDIVIDUALS.—Funds made available under this subsection shall be used to provide such activities for eligible individuals, consisting of homeless children and youths, and their families, who have become homeless due to home foreclosure, including children and youths, and their families, who became homeless when lenders foreclosed on properties rented by the families.

''(2) GRANTS TO STATE EDUCATIONAL AGENCIES.—

''(A) DISBURSEMENT.—The Secretary shall make grants with funds provided under paragraph (1)(A) to State educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the States involved, as determined by the Secretary.

''(B) ASSURANCE.—To be eligible to receive a grant under this paragraph, a State educational agency shall provide an assurance

to the Secretary that the State educational agency, and each local educational agency receiving a subgrant from the State educational agency under this subsection shall ensure that the activities carried out under this subsection are consistent with the activities described in section 723(d).

''(3) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—A State educational agency that receives a grant under paragraph (2) shall use the funds made available through the grant to make subgrants to local educational agencies. The State educational agency shall make the subgrants to local educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the areas served by the local educational agencies, as determined by the State educational agency.

''(4) RESTRICTION.—The Secretary—

''(A) shall determine the amount (if any) by which the funds appropriated under section 726 for fiscal year 2009 exceed $70,000,000; and

''(B) may only use funds from that amount to carry out this subsection.''.

SEC. 2902. INCREASING ACCESS AND UNDERSTANDING OF ENERGY EFFICIENT MORTGAGES.

(a) DEFINITION.—As used in this section, the term ''energy efficient mortgage'' has the same meaning as given that term in paragraph (24) of section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(24)).

(b) RECOMMENDATIONS TO ELIMINATE BARRIERS TO USE OF ENERGY EFFICIENT MORTGAGES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary of Housing and Urban Development, in conjunction with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall consult with the residential mortgage industry and States to develop recommendations to eliminate the barriers that exist to increasing the availability, use, and purchase of energy efficient mortgages, including such barriers as—

(A) the lack of reliable and accessible information on such mortgages, including estimated energy savings and other benefits of energy efficient housing;

(B) the confusion regarding underwriting requirements and differences among various energy efficient mortgage programs;

(C) the complex and time consuming process of securing such mortgages;

(D) the lack of publicly available research on the default risk of such mortgages; and

(E) the availability of certified or accredited home energy rating services.

(2) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall submit a report to Congress that—

(A) summarizes the recommendations developed under paragraph (1); and

(B) includes any recommendations for statutory, regulatory, or administrative changes that the Secretary deems necessary to institute such recommendations.

(c) ENERGY EFFICIENT MORTGAGES OUTREACH CAMPAIGN.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development, in consultation and coordination with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and State Energy and Housing Finance Directors, shall carry out an education and outreach campaign to inform and educate consumers, home builders, residential lenders, and other real estate professionals on the availability, benefits, and advantages of—

(A) improved energy efficiency in housing; and

(B) energy efficient mortgages.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the education and outreach campaign described under paragraph (1).

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.

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

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.
Sec. 3027. Transfer of funds appropriated to carry out 2008 recovery rebates for individuals.

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 the AMT and research credits in lieu of bonus depreciation.
Sec. 3082. Certain GO Zone incentives.
Sec. 3083. Increase in statutory limit on the public debt.

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. Delay in application of worldwide allocation of interest.
Sec. 3094. Time for payment of corporate estimated taxes.

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.—

(1) IN GENERAL.—Subsection (b) of section 42 is amended by striking paragraph (1), by redesignating paragraph (2) as paragraph (1), and by inserting after paragraph (1), as so redesignated, the following new paragraph:

''(2) 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.''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 42, as amended by paragraph (1), is amended by striking ''For purposes of this section—'' and all that follows through ''means the appropriate'' and inserting the following:

''(1) DETERMINATION OF APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means, with respect to any building, the appropriate''.

(B) Clause (i) of section 42(b)(1)(B), as redesignated by paragraph (1), is amended by striking ''a building described in paragraph (1)(A)'' and inserting ''a new building which is not federally subsidized for the taxable year''.

(C) Clause (ii) of section 42(b)(1)(B), as redesignated by paragraph (1), is amended by striking ''a building described in paragraph (1)(B)'' and inserting ''a building not described in clause (i)''.

(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, section 515 of the Housing Act of 1949, or any other housing program administered by the Department of Housing and Urban Development or by the Rural Housing Service of the Department of Agriculture.

''(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 to buildings with respect to which housing credit dollar amounts are 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 buildings financed with bonds issued pursuant to allocations made 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 (g) of section 42 is amended by adding at the end the following new paragraph:

''(9) CLARIFICATION OF GENERAL PUBLIC USE REQUIREMENT.—A project does not fail to meet the general public use requirement solely because of occupancy restrictions or preferences that favor tenants—

''(A) with special needs,

''(B) who are members of a specified group under a Federal program or State program or policy that supports housing for such a specified group, or

''(C) who are involved in artistic or literary activities.''.

(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 on or 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 $7,500.

''(B) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of a married individual filing a separate return, subparagraph (A) shall be applied by substituting '$3,750' for '$7,500'.

''(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 $7,500.

''(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 such property, and

''(ii) the basis of the property in the hands of the person acquiring such property 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) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.

''(7) 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) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence after December 31, 2008, and before July 1, 2009, a taxpayer may elect to treat such purchase as made on December 31, 2008, for purposes of this section (other than subsection (c)).

''(h) APPLICATION OF SECTION.—This section shall only apply to a principal residence purchased by the taxpayer on or after April 9, 2008, and before July 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 ''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:

''(7) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

''(A) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

''(B) $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.''.

(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.

SEC. 3027. TRANSFER OF FUNDS APPROPRIATED TO CARRY OUT 2008 RECOVERY REBATES FOR INDIVIDUALS.

Of the funds made available by section 101(e)(1)(A) of the Economic Stimulus Act of 2008 (Public Law 110-185), the Secretary of the Treasury may transfer funds among the accounts specified in such section to carry out section 6428 of the Internal Revenue Code of 1986. The Secretary shall provide advance notification of any such transfer to the Committees on Appropriations of the House of Representatives and the Senate, and any transfer greater than $5,000,000 shall be subject to the approval of such Committees.

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 dealing, or engaging in substantial and regular trading, 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) 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 for purposes of paragraphs (2) or (3), 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.

(a) IN GENERAL.—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''.

(b) RETENTION OF EXISTING LAW.—Section 857(b)(6) is amended—

(1) by striking subparagraph (G) and redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively, and

(2) in subparagraph (G), as so redesignated, by adding at the end the following: ''For purposes of the preceding sentence, the reference to subparagraph (D) shall be a reference to such subparagraph as in effect on the day before the enactment of the Housing Assistance Tax Act of 2008, as modified by subparagraph (G) as so in effect.''.

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 THE AMT AND RESEARCH 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 THE AMT AND RESEARCH CREDITS IN LIEU OF BONUS DEPRECIATION.—

''(A) IN GENERAL.—If a corporation elects to have this paragraph apply for the first taxable year of the taxpayer ending after March 31, 2008, in the case of such taxable year and each subsequent taxable year—

''(i) paragraph (1) shall not apply to any eligible qualified property placed in service by the taxpayer,

''(ii) the applicable depreciation method used under this section with respect to such property shall be the straight line method, and

''(iii) each of the limitations described in subparagraph (B) for any such taxable year shall be increased by the bonus depreciation amount which is—

''(I) determined for such taxable year under subparagraph (C), and

''(II) allocated to such limitation under subparagraph (E).

''(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

''(i) the limitation imposed by section 38(c), and

''(ii) the limitation imposed by section 53(c).

''(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The bonus depreciation amount for any taxable year is an amount equal to 20 percent of the excess (if any) of—

''(I) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) applied to all such property, over

''(II) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) did not apply to any such property.

The aggregate amounts determined under subclauses (I) and (II) shall be determined without regard to any election made under subsection (b)(2)(C), (b)(3)(D), or (g)(7) and without regard to subparagraph (A)(ii).

''(ii) MAXIMUM AMOUNT.—The bonus depreciation amount for any taxable year shall not exceed the maximum increase amount under clause (iii), reduced (but not below zero) by the sum of the bonus depreciation amounts for all preceding taxable years.

''(iii) MAXIMUM INCREASE AMOUNT.—For purposes of clause (ii), the term 'maximum increase amount' means, with respect to any corporation, the lesser of—

''(I) $30,000,000, or

''(II) 6 percent of the sum of the business credit increase amount, and the AMT credit increase amount, determined with respect to such corporation under subparagraph (E).

''(iv) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated—

''(I) as 1 taxpayer for purposes of this paragraph, and

''(II) as having elected the application of this paragraph if any such corporation so elects.

''(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 paragraph—

''(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, and

''(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.

''(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 for the taxable year which is to be allocated to each of the limitations described in subparagraph (B) for such taxable year.

''(ii) LIMITATION ON ALLOCATIONS.—The portion of the bonus depreciation amount which may be allocated under clause (i) to the limitations described in subparagraph (B) for any taxable year shall not exceed—

''(I) in the case of the limitation described in subparagraph (B)(i), the excess of the business credit increase amount over the bonus depreciation amount allocated to such limitation for all preceding taxable years, and

''(II) in the case of the limitation described in subparagraph (B)(ii), the excess of the AMT credit increase amount over the bonus depreciation amount allocated to such limitation for all preceding taxable years.

''(iii) BUSINESS CREDIT INCREASE AMOUNT.—For purposes of this paragraph, the term 'business credit increase amount' means the amount equal to the portion of the credit allowable under section 38 (determined without regard to subsection (c) thereof) for the first taxable year ending after March 31, 2008, 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).

''(iv) AMT CREDIT INCREASE AMOUNT.—For purposes of this paragraph, the term 'AMT credit increase amount' means the amount equal to the portion of the minimum tax credit under section 53(b) for the first taxable year ending after March 31, 2008, determined by taking into account only the adjusted minimum tax 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.—For purposes of section 6401(b), the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this paragraph shall be treated as allowed under subpart C of such part (and not any other subpart).

''(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) PARTNERSHIPS WITH ELECTING PARTNERS.—In the case of a corporation making an election under subparagraph (A) and which is a partner in a partnership, for purposes of determining such corporation's distributive share of partnership items under section 702—

''(I) paragraph (1) shall not apply to any eligible qualified property, and

''(II) the applicable depreciation method used under this section with respect to such property shall be the straight line method.

''(iii) SPECIAL RULE FOR PASSENGER AIRCRAFT.—In the case of any passenger aircraft, the written binding contract limitation under paragraph (2)(A)(iii)(I) shall not apply for purposes of subparagraphs (C)(i)(I) and (D).''.

(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 with respect to such property under section 168 of such Code,

(ii) the applicable depreciation method used with respect to such property shall be the straight line method, and

(C) 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 section 168(k)(4) of such Code 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.

SEC. 3083. INCREASE IN STATUTORY LIMIT ON THE PUBLIC DEBT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof $10,615,000,000,000.

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 payment transactions are made, and

''(2) the gross amount of the reportable payment 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 entity, and

''(B) in the case of a third party network transaction, the third party settlement organization.

''(2) MERCHANT ACQUIRING ENTITY.—The term 'merchant acquiring entity' 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 payment 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 payment 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 PAYMENT TRANSACTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable payment 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.—Except as provided by the Secretary in regulations or other guidance, such term shall not include any person with a foreign address.

''(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 entities 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 by a substantial number of persons who—

''(i) are unrelated to such organization,

''(ii) provide goods or services, and

''(iii) have agreed to settle transactions for the provision of such goods or services pursuant to such agreement or arrangement,

''(B) which provides for standards and mechanisms for settling such transactions, and

''(C) 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 be required to report any information under subsection (a) with respect to third party network transactions of any participating payee only if—

''(1) the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions exceeds $20,000, and

''(2) the aggregate number of such transactions exceeds 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 the reportable payment transactions with respect 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. Such statement may be furnished electronically, and if so, the email address of the person required to make such return may be shown in lieu of the phone number.

''(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.—

(A) IN GENERAL.—The amendment made by subsection (c) shall apply to amounts paid after December 31, 2011.

(B) ELIGIBILITY FOR TIN MATCHING PROGRAM.—Solely for purposes of carrying out any TIN matching program established by the Secretary under section 3406(i) of the Internal Revenue Code of 1986—

(i) the amendments made this section shall be treated as taking effect on the date of the enactment of this Act, and

(ii) each person responsible for setting the standards and mechanisms referred to in section 6050W(d)(2)(C) of such Code, as added by this section, for settling transactions involving payment cards shall be treated in the same manner as a payment settlement entity.

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. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2010''.

(b) TRANSITIONAL RULE.—Subsection (f) of section 864 is amended by adding at the end the following new paragraph:

''(7) TRANSITION.—In the case of the first taxable year to which this subsection applies, the increase (if any) in the amount of the interest expense allocable to sources within the United States by reason of the application of this subsection shall be 30 percent of the amount of such increase determined without regard to this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 3094. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting ''100 percent''. No other provision of law which would change such percentage shall have any force and effect.

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 16.75 percentage points.

The SPEAKER pro tempore. Pursuant to House Resolution 1363, the motion shall be debatable for 2 hours, with 80 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 40 minutes, and the gentleman from Massachusetts (Mr. NEAL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. NEAL).

GENERAL LEAVE

Mr. NEAL of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3221.

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

There was no objection.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself so much time as I might consume.

Mr. Speaker, Finance Committee Chairman FRANK and Ways and Means Committee Chairman RANGEL have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of this legislation. The technical explanation, JCX–63–08, expresses the committee's understanding and legislative intent behind this important legislation. It is available on the Joint Committee on Taxation Web site, at www.jct.gov.

Mr. Speaker, I stand today in support of H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008.

I want to begin by commending Mr. RANGEL, the chairman of the Ways and Means Committee, and Mr. FRANK, the chairman of the Financial Services Committee, for their tireless efforts on behalf of this bill. It has certainly not been an easy task.

With bank failures and foreclosures continuing to headline the news, the pressure to respond has been most remarkable. I have seen it in my back yard. Massachusetts is the sixth in the Nation community for foreclosure activity. In Springfield, the heart of my district, 300 homes have been foreclosed this year, and over 2,000 mortgages will reset to higher interest rates through 2009. In response today, we have a tax title with broad bipartisan support.

The tax provisions in this bill are an appropriate mix of incentives for home purchasers, owners, renters, for builders, developers and lenders. Quite simply, they help the housing and real estate industry regain their footing; and they offer struggling home owners a lifeline. How critical that provision.

This bill offers hope that if we can get this industry up and moving again, and provide security for distressed home owners, maybe the economy will respond and get back on track as well. We all know how important the housing industry is, not only to American economic security, but to overall economic gain.

□ 1400

The provisions in the tax title include:

A $7,500 refundable tax credit for first-time home buyers which is available for purchases through next July.

An additional standard deduction for property taxes for those who do not itemize. I can't emphasize how important that provision is and how well received it will be. It will be a huge benefit, especially for seniors who have paid off their mortgages but still face property tax bills.

A temporary increase in the low-income housing tax credit, which provides affordable housing for working families in all 50 states.

A temporary increase in State-issued mortgage revenue bonds and a provision allowing the proceeds to be used to refinance certain subprime loans.

The tax title of this bill is fully paid for with three previously approved offsets. I want to just point something out. We have had significant Republican support in the past for these offsets, meaning simply that Republicans have supported the pay-for provisions that we've used.

First, the bill uses the Bush administration's credit card reporting proposal which obligates third-party financial institutions that process credit card payments to report to the IRS on annual credit card receipts to a business.

Second, the bill delays for 2 years the worldwide interest allocation rule. This tax benefit was enacted in 2004 but delayed until 2009. We simply push off for 2 years a benefit these companies haven't used yet to claim more foreign tax credits and lower their U.S. tax bill.

Finally, the bill limits the exclusion of gains on vacation homes. This provision will limit the exclusion of gains to the amount of time a vacation home was a principal residence over the total time owned after January 1, 2009.

Mr. Speaker, these tax provisions, along with the provisions brokered by Mr. FRANK, are urgently needed.

With that, I reserve the balance of my time.

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

Mr. Speaker, challenging times make for difficult choices, and these are certainly challenging times. We all understand the severity of the housing crisis. Single-family housing starts to decline to 647,000 in June of 2008, down nearly two-thirds since early 2006 and are now near their lowest level in a generation. There is currently a 10½-month supply of unsold homes, double the 10-year average. Home prices have been falling, defaults on foreclosures have been on the rise, and this contraction in the residential real estate market has become an anchor on our economy.

In the most critical recent development, the financial health of Fannie Mae and Freddie Mac has deteriorated markedly over the past 2 weeks, raising the prospect that these two companies, which own or guarantee nearly half of all United States mortgages, could fail. We must not let that happen. The stakes are simply too high and the risk of an even broader, more expensive financial bailout down the road is too great. And for that reason, I will, with great reluctance, support the legislation before us today—notwithstanding its numerous flaws—as it includes the plan developed by Secretary Paulson to provide a temporary Federal backstop in order to protect taxpayers from potentially enormous future exposure and our economy from perhaps unprecedented harm.

Having said that, I deeply regret that the majority has viewed Secretary Paulson's urgent request for legislation on Fannie and Freddie as an opportunity to push through a number of unrelated, highly controversial provisions as part of the broader package before us today.

While there are several tax proposals in this package that I do find worthwhile—such as the increase in the mortgage revenue bond allowance and a provision allowing low-income housing tax credits to be used against the AMT—the bill's tax title contains several objectionable provisions.

For example, the bill would provide an additional standard deduction for property taxes, which will effectively serve as a new form of revenue sharing for the States encouraging higher taxes on the State level. The bill would also restrict the capital gains exclusion on the sale of certain homes at a particularly precarious or sensitive time for our housing markets and the economy at large. I don't think that's well advised.

It also recycles a proposal to delay for 2 years the implementation of more favorable worldwide interest allocation rules that are designed to enhance the competitiveness of United States companies. And finally, it provides an extremely short time line for credit card companies to come into compliance with new and complex reporting rules.

Today's bill also contains a number of non-tax provisions beyond the jurisdiction of the Ways and Means Committee that I oppose, including the affordable housing trust fund and a proposed $4 billion spending increase on Community Development Block Grants.

With respect to the latter provision, I would note that yet again the Ways and Means Committee is being used as the piggy bank to fund another committee's spending request. Curiously, while the majority is insisting on higher taxes to cover the cost of this increased CDBG spending, the majority has once again waived its own PAYGO rules on the overall bill itself, including with respect to the estimated $25 billion cost of Secretary Paulson's proposal on Fannie Mae and Freddie Mac. While it is certainly not surprising to see the majority abandon its PAYGO principles yet again, it is worth noting that our friends on the other side of the aisle seem to cling to their increasingly empty PAYGO rhetoric only when it comes to extending expired tax provisions.

Finally, Mr. Speaker, I want to express my disappointment with the procedural straitjacket imposed upon the minority in today's bill. Not only has the majority packaged Secretary Paulson's proposal on Fannie and Freddie together with a laundry list of objectionable provisions in a single take-it-or-leave-it bill with very little time for review, the minority has not been permitted to offer a single amendment, not a substitute, not even a motion to recommit. I don't think that this House is well served by the rules governing today's debate.

With all of that being said, Mr. Speaker, I will reluctantly support this package because of the urgent need to prevent Fannie Mae and Freddie Mac, and potentially our broader economy, from collapsing under the current strains in the housing market.

I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to yield at this time 2 minutes to the gentleman from Michigan (Mr. LEVIN), a member of the Ways and Means Committee.

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

Mr. LEVIN. I enthusiastically support this bill. The housing crisis has hit home, hundreds of thousands of homes throughout the country. There is a provision that's going to allow local governments to act.

I met a couple of months ago with mayors and city managers in the district I represent in MaComb and Oakland counties. They talk about the impact of foreclosures on the family in the house, on the neighbors, and on the city. And now we're going to provide some assistance for local governments to respond.

I trust them to act wisely. I trust them to act wisely.

There's another provision in this bill that is important for industrial America. In the stimulus bill, we provided some money for incentives for growth in industry but not for companies that are currently not profitable. We correct that problem in this bill so that those companies that are not currently profitable but are trying to grow, as is so critical in the manufacturing sector, have some help.

This bill is a tribute to Mr. FRANK and the committee, to Mr. RANGEL and our committee that has worked, the minority included on many provisions, and I think is a tribute to the leadership of this Congress that is determined to act when the crisis opens up.

I hope there will be a bipartisan vote for this. American families deserve it.

Mr. MCCRERY. Mr. Speaker, I yield 3 minutes to the distinguished ranking member of the Social Security Subcommittee of the Committee on Ways and Means, the gentleman from Texas (Mr. SAM JOHNSON).

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

Mr. SAM JOHNSON of Texas. I thank the gentleman from Louisiana.

Mr. Speaker, Congress is trying to keep the housing market afloat and is working on an unbridled government expansion of the Federal Housing Administration to do it.

I'm all for finding commonsense housing relief for those in trouble, but we need to hold hearings and take a closer look at this proposal and the ramifications. Just because the housing market has tumbled doesn't mean we should capriciously finance a big fat government bailout. Some in Congress want the FHA to ensure about $300 billion worth of risky mortgages, and they want the taxpayers to be held responsible when homeowners default on their loan. That makes no sense.

The Senate sent us a proposal to pay for the FHA expansion using a tax on mortgage finance companies Fannie Mae and Freddie Mac. Unfortunately, Fannie and Freddie are in trouble and now looking for their own bailout. Why should taxpayers foot the bill to prop up those former giants when the company CEOs rake in a bundle and continue to do so? As one person said, It's privatized profits and socialized risk.

Apparently, Daniel Mudd, the CEO of Fannie Mae, received $11.6 million in salary, stock, and other compensation for 2007. Richard Syron, CEO of Freddie Mac, took home about $18.3 million last year. On top of his salary, stock options, and a $3.5 million bonus, Freddie Mac paid for a number of other perks for Syron such as a car and driver, a home security system, travel costs for his wife, even $100,000 to pay his lawyer to negotiate his employment contract with the bank. Now everyone knows I'm a strong supporter of freedom and free enterprise, but this is ridiculous, and I think even you all would agree.

The lack of accountability and responsibility is astounding. I will not support a bailout for speculators and a package that provides little help to real homeowners struggling to pay their mortgages on time. I do not believe we should ask people who rent homes or apartments and all of the people who reasonably and responsibly saved for a home to foot the bill for all of the people who are in foreclosure. That's just not right.

We should have empathy, but we should not write a blank check.

Mr. NEAL of Massachusetts. Mr. Speaker, just a quick response.

The FHA, which supports this legislation, is a part of the Department of HUD which is appointed by President Bush. In addition, Secretary Paulson, I believe, supports this legislation, and the White House has withdrawn their veto threat.

With that, I would like to yield 1 minute to the gentleman from Connecticut (Mr. LARSON), also a member of the Ways and Means Committee.

Mr. LARSON of Connecticut. Thank you, Mr. NEAL. I commend you for your hard work on this bill and enthusiastically support it, commending Mr. RANGEL and, of course, Mr. FRANK who, as we all know from New England, has labored tirelessly along with Senator DODD from my home State of Connecticut to bring this legislation to fruition.

I want to commend our dear friend Mr. MCCRERY for his remarks, and I have some sympathy with regard to his concerns about procedure. But they pale in comparison to the relief that people in the State of Connecticut, the State of Louisiana, and all across this nation are desiring. I can't emphasize enough the work that CHARLIE RANGEL and BARNEY FRANK have done on this legislation to bring relief where it's greatly needed, as Mr. LEVIN pointed out, especially in our urban and city areas where the block grants will provide an opportunity and great flexibility for them to do the kind of things and provide the incentives needed to both preserve people in their ability to stay in their homes and expand that opportunity across the State.

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

Mr. NEAL of Massachusetts. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), another member of the Ways and Means Committee.

Mr. BLUMENAUER. Thank you, Mr. NEAL, for your leadership and your courtesy.

Mr. Speaker, I am pleased to support this package as it brings much-needed reforms to the industry, supports homeowners around the country and is much needed. I think it represents a lot of good, hard work. But I must make one point, because buried in the provisions of this bill in section 3082 on page 680 is an expansion of the Gulf Opportunity Zone to two counties in Alabama.

□ 1415

One of those counties is 300 miles from the coast and doesn't have much to do with housing and has nothing to do with damage for Katrina.

The reason I'm speaking to it is because it is an expansion designed to provide a subsidy for National Steel Car, a Canadian rail manufacturer. A subsidy unnecessary for two reasons: because the plant in question is already under construction, and that Alabama was already under a contractual obligation to provide this subsidy if Congress did not.

The United States has a domestic railcar industry, with plants and facilities around the country. I put in the RECORD a list of the 18 factories around the United States and the four American corporate headquarters.

U.S. RAIL CAR FACILITIES

AMERICAN RAILCAR INDUSTRIES (2095 EMPLOYEES AS OF 12/31/07)

Corporate Headquarters, 10 Clark Street, St. Charles, MO 63301, 636–940–6000.

Marmaduke Plant, 7755 Highway 34 E, Marmaduke, AR, 870–597–2224.

Milton Plant, 417 North Arch St., Milton, PA.

Paragould Plant, 901 Jones Rd., Paragould, AR, 870–236–6600.

TRINITY INDUSTRIES (RAIL GROUP: 7470 EMPLOYEES AS OF 12/31/07)

Corporate Headquarters, 2525 Stemmons Freeway, Dallas, TX 75702, 800–631–4420.

Longview Plant, 607 Fisher Rd., Longview, TX.

Oklahoma City Plant, 2033 SW 22nd St., Oklahoma City, OK, 405–632–6631.

Saginaw Plant #1, 104 E Bailey Boswell Rd., Saginaw, TX 817–232–3650.

Saginaw Plant #2, 2850 Peden Rd., Saginaw, TX, 817–236–7141.

Ft. Worth Plant #1, 2548 NE 28th St., Fort Worth, TX, 817–665–1400.

Ft. Worth Plant #2, 1901 Brennan Ave., Fort Worth, TX, 817–625–6225.

Springfield Plant, 1849 North Park Avenue, Springfield, MO 65803–1985, 417–831–6797.

Cartersville Plant, 190 Old Grassdale Road Northwest, Cartersville, GA 30121–5097, 770–382–9400.

Winder Plant, 880 Airport Road, Winder, GA 30680.

FREIGHTCAR AMERICA (576 EMPLOYEES AS OF 12/31/07)

Corporate Headquarters, Two North Riverside Plaza, Suite 1250, Chicago, IL 60606, 312–928–0850.

Danville, IL Plant, 2313 Cannon Street, Danville, Illinois 61832, 217–443–4106, Fax: 217–443–0750.

Roanoke Plant, 830 Campbell Avenue SE, Roanoke, VA 24013, 540–853–3221, Fax: 540–853–3254.

Johnstown, PA Facilities—JUST CLOSED, 17 Johns Street, Johnstown, PA 15901, 800–458–2235, Fax: 814–533–5010.

THE GREENBRIER COMPANIES, INC. (GUNDERSON: 1036 EMPLOYEES AS OF 7/21/08)

Corporate Headquarters, One Centerpointe Drive, Suite 200, Lake Oswego, OR 97035, 503–684–7000.

Portland, OR Plant (Gunderson), 4350 NW Front Avenue, Portland, OR 97210, 503–224–1973.

PROGRESS RAIL

Corporate Headquarters, 1600 Progress Drive, Albertville, AL 35950, 800–476–8769.

Raceland Shop, Old US Hwy. 23 Coal Hump Rip Rd., Raceland, KY 41169, 606–836–6314.

One of them, I represent, just laid off 100 workers because of the soft market, and now we're going to have the Federal Government provide subsidy for a foreign company to hurt American industry.

We're not talking about picking winners and losers here. We've already picked a winner. We held a secret bidding process, and I appreciate there was real pressure from some of our friends in the Senate, but a Canadian company won, despite the fact that they would have made this investment anyway.

I'm going to support this package, but I'm going to introduce this week a piece of legislation to make the benefit here prospective, so it doesn't cut the legs out from underneath the American railcar industry. I would urge all of my colleagues to join me in cosponsoring this legislation.

Mr. MCCRERY. I continue to reserve, Mr. Speaker.

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL), who's had a longstanding interest from the executive branch of government to the legislative branch of government in housing matters, my friend.

Mr. EMANUEL. Mr. Speaker, this is, as the tax rebate earlier this year, a bipartisan effort to help stabilize the mortgage industry and homeownership. What started as a small crisis in the sub-prime market has now spread to other credit markets and other areas.

This is the right thing to do, and literally, the whole world is watching whether we will get this done and stand up for our obligations. This is essential for the mortgage industry, as I said, and also for homeownership in America.

In addition to those efforts, this legislation provides up to a $1,000 tax deduction for those who have a standard deduction for property taxes, something we've never done before, and is a landmark as it relates to property tax relief for homeowners, mainly senior citizens.

And finally, why I think this legislation is so important, as somebody who worked in affordable housing, in the area of affordable housing, both in Chicago and in prior times in the executive branch, this extends the low-income affordable housing tax credit for States, as well as makes it a wealthier tax credit, which is so important for first time homeowners.

This legislation, which could have been done earlier but others didn't want to do it earlier, comes at a critical time to sending messages around the world literally about America's willingness to step forward and meet its obligations to important institutions like Freddie Mac and Fannie Mae and make sure that America's mortgage industry but, most importantly, its homeownership continues on a steady course and a steady footing.

I think this is the right legislation and at an essential time, and I compliment those on a bipartisan effort for accomplishing what is essential for America's economy, at this time, I think a critical juncture as those around the world in the credit markets are watching to see if we will stand by our obligation, and in addition to that, achieves other objectives, property tax relief, as well as affordable housing relief, and make sure that we continue to grow and making accessible affordable housing initiatives.

Mr. MCCRERY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, today I've got to say, after spending a decade advocating for strong GSE reform, I am shocked to see this attempt to increase moral hazard and socialized risk that we're seeing on the floor today. We're going to reward some of the same institutions which have undermined sound economic principles, which have resisted the reforms that we've tried to push.

I believe good governance and protecting the American taxpayer has got to trump rewarding radical organizations and imprudent lenders and rewarding speculators. And unfortunately, that is what is done in this bill.

And for too long, Fannie Mae and Freddie Mac have reaped the rewards of the private sector, while enjoying the type of security known only to branches of the Federal Government. Their quasi-governmental status has created a level of moral hazard unseen anywhere else in our capital markets.

You know, in an effort to create a regulator with enough authority to restrain these institutions, in 2003 I introduced the first legislation which sought to put Fannie and Freddie and the Federal home loan bank system under one strong regulator within the Federal Government.

Additionally, in 2005, I offered an amendment on this floor to give the new regulator the authority to review and adjust the GSEs' portfolios to mitigate against a potential systemic shock. And the same groups and organizations that right now stand to benefit from this bill opposed those reforms at the time.

As the systemic risk posed by the GSEs grew, the need for a strong regulator, able to control their risk exposure and ensure they were adequately capitalized, became more and more critical, especially as the mortgage industry began to deteriorate over the last 18 months.

The failure of Congress to pass such critical legislation over the years could end up being one of Washington's greatest oversight mistakes in recent history, and worst yet, we're here today asking, as we do so often, the American taxpayer frankly to pay for the failure here.

Now, I'm angered that today's legislation has been loaded with handouts and improperly funded liabilities, the most obvious of which bails out speculators and investors that incorrectly gambled on the housing industry and the institutions that provided their loans.

The $300 billion plan would allow banks to dump their least appealing loans onto the Federal Housing Administration, and by taking on these mortgages, we are shifting the default risk. That default risk is currently held by institutions and investors around the world, and we're shifting it instead onto the backs of the American taxpayers.

The Congressional Budget Office estimated that a stunning 35 percent of all of the loans refinanced through mortgage bailouts may eventually default on the Federal Government.

And then we have the affordable housing fund, which would funnel as much as $600 million every year to activist organizations with a long history, frankly, of both voter fraud and anti-free market advocacy throughout the country.

And what is the funding mechanism to prevent taxpayers from footing the bill for these misguided programs? Well, it is a 4.2 basis points tax levied on the same struggling GSEs that this legislation is meant to strengthen. And whether this tax will be enough to cover the 10s of billions of potential losses remains to be seen.

In closing, Mr. Speaker, I encourage my colleagues to join me in opposing this legislation because of the unprecedented amount of taxpayer liabilities included in this package. This is an affront to good governance. It should be avoided at all costs.

Mr. NEAL of Massachusetts. Mr. Speaker, I recognize myself for 30 seconds.

The role of the speculator will be enhanced if we allow this virus to continue to spread. As the homes fall into foreclosure, the speculator and the reach of the speculator will drive prices down in communities across the country.

I acknowledge, as the gentleman defined the problem, the challenge, but at

the same time, not to act today would be irresponsible.

And with that, I would like to yield 2 minutes to the gentleman from New Jersey, a former mayor, Mr. PASCRELL.

Mr. PASCRELL. Thank you for yielding.

This legislation could not come at a better time. In the State of New Jersey, foreclosure filings increased 5 percent in June compared to a year ago, but even that paled in comparison to the 53 percent increase that occurred throughout the United States of America.

I am particularly pleased that H.R. 3221 contains a tax benefit for first-time home buyers. This is a truly meaningful incentive and one that will pull out a large swath of people from the sidelines and into the market. This is what we need.

Studies have shown that this will help reduce housing inventory by some 900,000 homes, which will, in turn, stabilize prices. This is wise and necessary at this time.

It is in this climate we need bipartisanship. When it comes to helping families keep their homes, working to solve the housing market crisis, there are no Democrats or Republicans, only Americans. We want to reassure the private market.

It is in this spirit that I applaud Secretary Paulson for working with congressional leadership to include financial support and regulatory measures for Fannie Mae, Freddie Mac, and the Federal home loan bank system in this bill so that they can provide our Nation's families with affordable housing, and for his work in encouraging the President to drop his veto threat of this worthy piece of legislation. Frankly, this is the kind of cooperation from the other end of Pennsylvania Avenue which has been long overdue.

Congressional changes to help Freddie Mac and Fannie Mae operate are critical to reining in these institutions. Regulation is in order to primarily protect our citizens.

I also want to thank the chairmen, Chairman FRANK and Chairman RANGEL, and all the others and all the other authors of this legislation which will offer real relief to families facing foreclosure and will help other families avoid foreclosure in the future.

Mr. MCCRERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas, a member of the Ways and Means Committee, Mr. BRADY.

Mr. BRADY of Texas. Mr. Speaker, I rise today in opposition to this bill.

There's no question that if Freddie Mac and Fannie Mae were to collapse, it would deal a serious blow to our economy, and nearly every community would feel the negative effects. But this bill fails to give taxpayers enough confidence that the two mortgage giants won't be back again for another dip in the trough.

I'm concerned that we're unduly putting a massive burden on taxpayers for Wall Street's bad decisions and those of speculators who took on risky mortgages.

I believe that before we use taxpayer dollars to potentially increase the national debt, provide an unlimited line of credit, and allow the government to buy a little less than $1 trillion in stock in private companies, then Congress needs to insist on these three conditions.

First, unlike today, Freddie and Fannie must be required to have the capital standards necessary to ensure their fiscal stability.

Secondly, that over a set period of time they are gradually reduced in size so that America's housing eggs are not all in one basket.

And finally, that the leadership of Freddie and Fannie be replaced. The millionaire captains who grounded this ship have proven they are not capable to steer us to calmer waters.

I am also hopeful that should this plan work, I unfortunately believe the underlying bill on housing misses the mark. Rather than a $300 billion bailout for the housing areas, what we've seen as an alternative is that the HOPE NOW Alliance, the private sector, has stepped forward to help 1.7 million homeowners transfer from those high ARM rates, adjustable rate mortgages, to fixed rate mortgages so they can keep their home.

And I fear, too, that the way we pay for this bill, which would hurt American companies creating jobs here in America, and raises taxes on those with second homes, vacation homes, investment homes, retirement homes, will further hurt our housing economy at a time we simply can't afford it.

Reluctantly, I oppose this bill.

Mr. NEAL of Massachusetts. Mr. Speaker, might I inquire as to how much time I have remaining?

The SPEAKER pro tempore (Mr. ROSS). The gentleman from Massachusetts has 5½ minutes remaining. The gentleman from Louisiana has 7 minutes remaining.

Mr. NEAL of Massachusetts. With that, Mr. Speaker, I would like to recognize the gentleman from Georgia (Mr. SCOTT) for 3 minutes.

Mr. SCOTT of Georgia. Mr. Speaker, I thank very much the gentleman from Massachusetts.

First of all, some of my colleagues may not realize this but our economy is ill. It is sick. It's in a desperate situation, and more than that, millions of American citizens are just barely hanging on by their fingernails. At the core of this problem is housing.

Now, it's important for us to realize that this is not a Democratic plan. It's not a Republican plan. This is a plan that has been put together by both Democrats and Republicans and the White House and the Financial Services Committee in the House and the Banking Committee in the Senate.

□ 1430

The American people are crying out for help. They are watching us intently to see if we are going to respond.

Everything in this bill has been worked out, and everything in this bill has been applied with safety and soundness. We hope, Mr. Speaker, that especially what we are offering in support of the GSEs, Fannie and Freddie, and to an extent the home loan banks, is a piece of medicine that will be taken lightly, simply from the mere fact of us putting this forward. Hopefully we will send a loud message to all the financial markets and to the investors and give them the confidence to move in without us even having to go the extra step.

In the process of this, as Secretary Paulson has indicated, it is important that we give this strong medicine an opportunity to get a vote of confidence from Wall Street and the investors. Fannie Mae and Freddie Mac control half of the outstanding mortgage loans in this country. That's an extraordinary amount. That's nearly $6 trillion. If that goes by the wind, our economy sinks. It will be a dereliction of our duty as the Congress of the United States for us not to put the full weight of the Treasury Department with the consultation of the Federal Reserve Chairman in place to make sure there is stability. Before the Secretary even moves, he must send a declaration to document that this is necessary to protect the stability of the market.

Now, Mr. Speaker, on the other point, we can't just deal with Fannie, we have got to protect that. But we have also got to protect our States, our local communities, right at the grassroots level. There are communities that are being devastated due to foreclosures, where we are averaging over 1,000 foreclosures each day, to give the local communities the help they need to buy up these loans.

Mr. MCCRERY. Mr. Speaker, I yield 3 minutes to the distinguished member from Wisconsin, a member of the Ways and Means Committee and the ranking member of the Budget Committee, Mr. RYAN.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

Mr. Speaker, we do have a crisis. Action does need to take place. This isn't the solution. This does not address the root cause of why we are in this problem. These companies, which are for-profit companies, have abused their trust of the American taxpayer, and we are not adjusting this.

If we're going to do this, then let's make darn sure we're not putting taxpayers at risk in the future. This makes it worse. This bill says you can continue to go on and make your profits and we'll still bail you out down the road. This bill says you can continue having these big multimillion-dollar bonuses for your executives and go make all of this money, and if you fail, we'll get you.

What this bill says, what Congress is saying today, is if you're big enough, if you're politically corrected enough, then we will privatize your profits and we will socialize your risk. The taxpayer will bail you out.

Mr. Speaker, as a representative of taxpayers, not shareholders, we should reform these institutions so we do have a liquid mortgage market, so we do securitize the secondary mortgage market, so people can get affordable homes. But let's do it so we don't have costly taxpayer bailouts.

This whole issue is about to put more than a trillion dollars of debt on to our books. And yet we're going to let them continue to leverage themselves and kick this can down the road. We should be more responsible with taxpayer dollars. We should address this crisis, reform these institutions, so that we're not down this path 5 years from now.

When I first came to Congress 10 years ago, I criticized these organizations. And everybody told me, you're wrong, they pose no risk. Well, here we are today. I just wonder where are we going to be in 4 years, in 5 years, with the passage of this bill? We're saying, let them continue doing what they're doing. We're going to give them explicit lines of credit from the Treasury. We're going to even buy their stock, and maybe hopefully, maybe just sort of, we'll have a regulator that will contain these institutions.

That is not responsible. We should reform these institutions now, either privatize them or publicize them, bring them into the government and make them government agencies, because, after all, the taxpayer is going to be left holding the books on this bailout. Mark my words.

We've got to fix this. This is irresponsible. This is not the right way to do it. What we ought to do is go back to the drawing board and make sure that this costly bailout isn't magnified down the road.

Mr. NEAL of Massachusetts. Mr. Speaker, a reminder that the Bush administration and the Secretary of the Treasury, one might argue the most important appointment the President of the United States makes, they have been party to this proposal, they have been involved from day one, they support what we are doing here today.

With that, I would like to yield 2 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of this bill which will restore some order to our Nation's housing market and will provide greater certainty to our economy. It was developed in a bipartisan way with the support of the administration.

Important aspects of this legislation include the FHA Housing Stabilization and Homeownership Retention Act, which provides mortgage refinancing assistance to keep at least 400,000 families from losing their homes and to help stabilize our housing market at no cost to the American taxpayer. This bill strengthens regulations of the GSEs by creating a strong independent regulator with real teeth, responsibility and power.

Very important for my district in New York and other high-cost areas, it raises the GSE loan limits. This bill creates a new permanent, affordable housing trust fund, a very creative effort led by our chairman, BARNEY FRANK, financed by the GSEs and not by taxpayers, to fund the construction and maintenance of affordable rental housing for low and very low-income individuals and families nationwide in both rural and urban areas.

This bill includes important provisions that will provide for a backstop of Fannie Mae and Freddie Mac to shore up the housing market, a critical piece of restoring confidence in our economy. This is done by giving the Secretary of the Treasury the authority to increase the already existing line of credit to Freddie and Fannie for the next 18 months, as well as giving the Treasury Department stand-by authority to buy stock in these companies, to provide confidence in the GSEs and stabilize housing finance markets.

Not only are we addressing the current crisis but we are working to prevent future abuses and crises by establishing a nationwide loan originator licensing and registration system that will set minimum standards for loan originator licensing, substantially improving the oversight of the mortgage brokers and the whole industry.

It is a much-needed reform. I urge my colleagues to support it.

Mr. MCCRERY. Mr. Speaker, I understand that the majority is ready to close on their side.

I would ask unanimous consent that any time that I don't use in my closing be reallocated to the minority on the Financial Services Committee. It shouldn't be much, but whatever is left, I would like for them to have it.

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

There was no objection.

Mr. MCCRERY. With that, Mr. Speaker, let me just say I have heard some of my colleagues on my side of the aisle talk about the problems in this bill.

I certainly agree with many of their assessments of some provisions in this bill. One conclusion, though, that I disagree with is that a vote for this bill is irresponsible. I think, in fact, just the opposite. I think the responsible vote is to vote for this bill.

I think it is important that this bill pass today, not next week or in a special session in August, but today. I think timeliness is important, and the responsible vote, unfortunately, because there is a lot of things I disagree with in this bill, but the responsible vote, Mr. Speaker, is an ''aye'' vote today for this bill.

With that, Mr. Speaker, I yield back the remainder of my time to the gentleman from Alabama (Mr. BACHUS).

Mr. NEAL of Massachusetts. Mr. Speaker, as usual, we appreciate the judicious approach to legislation that Mr. MCCRERY has offered today.

As is always the case with legislation that comes to this floor, there are parts of it that some of us don't care for. But he addressed the issue of urgency. The Secretary of the Treasury spoke to the issue of urgency. President Bush dropped his veto threat. And a reminder, the people that are responsible for the tax title portion of this legislation voted for it 35–5 in the Ways and Means Committee.

This is complex legislation. There is a virus that is moving through the housing market across America. The result is everywhere for us to see.

The softening of markets everywhere are directly related to what's happened in the housing market. We have a chance today to stem the tide of those effects. We should take advantage of it.

The SPEAKER pro tempore. All time for debate for the Committee on Ways and Means has expired.

The gentleman from Massachusetts (Mr. FRANK) will control 40 minutes and the gentleman from Alabama (Mr. BACHUS) will control 43 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I recognize myself for such time as I may consume.

Let me concur with the remarks of the gentleman from Louisiana. I don't like everything in this bill either. It is inconceivable to me that anybody would like everything in this bill, because it is the product of a very significant set of compromises. To some extent, frankly, the challenges the Congress faced and the administration faced in dealing with the housing crisis—remember, we are here in substantial part because of a terrible housing crisis that has affected the economy of the U.S. and the world. We are dealing with the consequences of bad decisions and inaction and malfeasance from years before.

Obviously it requires a joint effort. To some extent, this is a test of our ability as a self-governing people to govern. Because if everybody held off and said I am only going to support a bill with which I am in complete agreement, we would not be able effectively to respond to this crisis.

So I appreciate the President's policy statement saying I don't like everything in this bill, but I'm going to sign it and you should pass it quickly. I think that's true of all of us who have looked at this.

Now I do want to refute some of the myths. One, we heard reference to a $300 billion program. My colleague, the ranking member, sent out a Dear Colleague letter that said the part of the bill that tries to avoid mortgage foreclosure is a $300 billion program. In fact, it's a $1.7 billion program, according to CBO.

Yes, it's $300 billion, $300 billion is the total amount of mortgages that could be insured. It would cost $300 billion only if no one who had one of those mortgages ever made a payment of a penny and the houses were worth nothing. Obviously it's not a $300 billion program. That's why CBO said our version was $1.7 billion.

We also heard from some of the Republicans that it is a $5 trillion program. What they call a $5 trillion program, the stand-by authority that the President has asked us to give the Secretary of the Treasury, the Congressional Budget Office says is a $25 billion program but probably won't be spent.

So I think we need to understand conservative Republican arithmetic. It is the most inflationary arithmetic I ever heard. $1.7 billion of CBO becomes $300 billion. $25 billion from CBO becomes $5 trillion. I hope it will be very clear to people that these numbers that are being thrown around are simply inaccurate and misleading.

I also want to talk now to some of my friends on the left and others who have, I think, been misrepresenting what we are doing with regard to Fannie Mae and Freddie Mac giving stand-by authority, saying this is bailing out the corporations, that this is welfare for the rich.

Let me read the list of people, organizations, who have specifically endorsed what this bill does with regard to stand-by authority to keep Fannie Mae and Freddie Mac from collapsing:

The Consumer Federation of America, the Lawyers' Committee for Civil Rights Under Law, the Leadership Conference on Legal Rights, the League of United Latin American Citizens, the Mexican American Legal Defense Fund, the National Association of Consumer Advocates, the National Council of La Raza, the National Urban League, the National Fair Housing Alliance, the National Low Income Housing Coalition.

Mr. Speaker, apparently there has been some infiltration. Apparently the corporate welfare advocates have taken over all the liberal organizations in America. We will probably have to investigate that, because all of the organizations with which I have worked for 28 years, who are the effective advocates for low-income housing, say pass this bill, please, and please specifically help Fannie Mae and Freddie Mac.

□ 1445

So the amount of misinformation here is enormous.

Finally, I want to address the question of procedure. Everything in this bill, with the exception of the emergency request from the President for stand-by authority for Fannie Mae and Freddie Mac, has been fully debated in the Financial Services Committee and voted on and debated on the floor of this House.

We are repackaging a number of things. Sometimes it takes our friends in the Senate two, three and four tries to get something done, so we keep serving the ball to them. Everything in this bill, with the exception of the emergency stand-by authority, has been thoroughly debated and voted on the floor of the House, and no part of it got less than 260 votes. So we're hardly rushing through things for the first time.

JULY 17, 2008.

STATEMENT ON RECENT FEDERAL ACTION TO PROVIDE STAND-BY SUPPORT TO FANNIE MAE AND FREDDIE MAC

The undersigned consumer, civil rights and fair housing organizations commend U.S. Treasury Secretary Paulson, Federal Reserve Board Chairman Bernanke and leaders of the Senate Banking and House Financial Services Committees, for acting quickly to provide for stand-by support to Fannie Mae and Freddie Mac, the two government sponsored housing enterprises (or GSEs). This support reaffirms the importance of the two companies in providing liquidity and stability to the housing market during this tumultuous period.

The U.S. economy has a deep stake in the success of Fannie Mae and Freddie Mac as companies with an essential public mission. As history has shown, both GSEs are vital to the long-term health and success of our nation's housing finance system. Furthermore, their public mission activities have been and must continue to be instrumental in expanding opportunities for homeownership and affordable rental housing for consumers.

The establishment of a strong independent regulator, as provided for by the housing measure pending before Congress, will serve to maintain public confidence that Fannie Mae and Freddie Mac remain safe and sound and thus able to continue to carry-out their vital public mission. Immediate action on GSE regulatory reform signals that Fannie Mae and Freddie Mac functions are essential to the housing market and to consumers.

Center for Responsible Lending
Consumer Action
Consumer Federation of America
Consumers Union
Lawyers' Committee for Civil Rights Under Law
Leadership Conference on Civil Rights
League of United Latin American Citizens (LULAC)
Mexican American Legal Defense Fund (MALDEF)
National Association of Consumer Advocates
National Association of Neighborhoods
National Community Reinvestment Coalition
National Consumer Law Center (on behalf of its low-income clients)
National Council of La Raza
National Fair Housing Alliance
National Low Income Housing Coalition
National Urban League
Opportunity Finance Network

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

Mr. BACHUS. Mr. Speaker, I rise in opposition to this legislation and recognize myself for such time as I may consume.

Mr. Speaker, I do rise in opposition and I do so reluctantly because I acknowledge that we are faced with a crisis, and because there are provisions in this bill that I strongly support.

The bill strengthens GSE capital requirements, it enhances the government's receivership authority if they get in trouble. These are significant improvements over the current regime. Even more importantly, the legislation contains a measure I introduced over a year ago to create a comprehensive system for licensing and registration of mortgage originators. This provision will do more to protect consumers and prevent many of the abuses that caused the subprime crisis in the first place than just about any other reform we can make.

The problem, Mr. Speaker, is that, rather than bringing up a clean bill to the floor to improve GSE regulation, to modernize the FHA and to crack down on rogue elements in the mortgage industry, the majority has brought us something else entirely, and they prohibited any amendments, it's a ''take it or leave it.''

The bill before us today includes provisions that actually would undermine GSE safety and soundness and fiscal discipline by diverting billions of dollars from Fannie Mae and Freddie Mac and from homeowners and taxpayers to pay for three big new government programs. It does so at a time when we should instead be doing everything within our power to stabilize the GSEs and our housing markets and avoid the need for an even bigger taxpayer bailout down the road.

Mr. Speaker, the most troubling aspect of this legislation remains the affordable housing fund, which would siphon $9 million from the GSEs over a 10-year period to fund State and local initiatives. One of the primary beneficiaries of these funds will be political advocacy groups across the country that claim as some part of their mission the promotion of affordable housing.

When the affordable housing fund was first introduced in GSE reform legislation that the House considered in May of last year, I cautioned that this would be an additional cost on the GSEs; I said that on the floor of this House. At that time, their combined capitalization was roughly $106 billion. Today, their market capitalization is roughly $20 billion. One year and $86 billion in lost market capitalization later, a plan now to divert billions of dollars from the GSEs to fund another expensive government housing program is not only just bad policy, it's irresponsible.

Also, I believe unwise are provisions of this bill authorizing—and let me say this: The chairman of the full committee said that I have referred to this as a ''$300 billion program.'' I do that again today without apology. Mr. Speaker, this bill authorizes $300 billion in new FHA loan guarantees. Now, the chairman said that I said it would cost that in my letter to the Members. But, in fact, I said the $300 billion program would do little to help struggling homeowners. I said a $300 billion program. I didn't say that would be the ultimate cost. In fact, it authorizes $300 billion in guarantee. If anybody doubts that, 412 of the bill, line 19, it says, ''The aggregate original principal obligation of all mortgages insured under this section may not exceed $300 billion.'' At no time have I said that the ultimate cost would be $300 billion.

In fact, in another letter to the Members I quoted the Washington Post and what they said about the cost. And that cost will be in excess of $1 billion in all likelihood. So they are three new

programs, all of them costing more than $1 billion.

And as I said, this new FHA loan guarantee program would have the effect of bailing out lenders and investors seeking to offload their riskiest loans on an FHA already close to being overwhelmed by the larger role that it's being asked to play in the mortgage market.

Many of us on this side of the aisle have questioned the fairness of asking 110 million Americans who are paying their mortgages on time, renting or owning their homes outright to subsidize those who make different choices.

The version of this legislation that the House approved last May at least had the virtue of being upfront. It required taxpayers to foot the bill directly for this ill-conceived Federal program. The version we are considering today purports to protect taxpayers by changing and shifting those costs over on the GSEs—the same GSEs are asked to pick up this cost, but at the same time we authorize the taxpayer to lend them money—by imposing these costs of the bailout on the GSEs through the affordable housing fund. But as we found in the last couple of days, as I said, that's the same thing as asking the taxpayers to foot the bill no matter how circuitous you do it.

On this point you don't take my word for it. Look at the editorial of the Washington Post, not a conservative newspaper. Here's what they said: ''The bill would fund the bailout through a fee on Fannie and Freddie, possibly $531 million in 2009. This is rather circuitous, given that government backing subsidizes Fannie and Freddie indirectly (and that they may soon be borrowing directly from the Treasury)''—and they will when this bill passes, or could. ''And it contradicts the purposes of the mortgage bailout, which is to shore up housing prices: Fannie and Freddie will pass the fees along to their customers, thus decreasing housing liquidity and depressing the residential real estate market.'' Despite that, despite liberal newspapers agreeing with conservatives, it's in the bill, and we won't have an opportunity to get it out.

The editorial concludes by asking the question, and I asked the same question: ''Wouldn't it be simpler and safer to let a new regulator address the GSEs' capital needs before plunging them even deeper into the housing quagmire?'' Mr. Speaker, I couldn't agree more.

In addition to asking taxpayers to bail out the GSEs and lenders and investors seeking to rid their portfolios of their most toxic mortgages, this bill goes a step further. It establishes yet a third government program, this one a $4 billion grant program—paid for by the taxpayers—to fund the purchase of foreclosed properties by States and local governments. This is nothing more than a bailout of investors and real estate speculators who made risky investments but who will now be able to dump their foreclosed properties on State and local governments.

This approach invites more, not fewer, foreclosures by providing incentives to lenders to foreclose on properties rather than attempt to work with struggling homeowners to keep their houses or property. Besides, setting the government up as a landlord is not my idea of a wise use of taxpayer dollars or an answer to the housing crisis. What in the world it is doing in a bill purportedly designed to avert foreclosures and assist troubled homeowners is anyone's guess.

This legislation unfortunately contains yet another—despite all that—irresponsible, in my opinion, provision from the Senate-passed bill, one that establishes a moratorium on the FHA's authority to engage in risk-based pricing. At a time when we're asking the FHA to play a greater role in assisting troubled homeowners seeking to refinance, barring the agency from pricing its product according to risk is a serious mistake. Not only will this moratorium prevent the FHA from serving more homeowners, it will lead to higher mortgage costs for everyone as the FHA is forced to raise its upfront and annual premiums to compensate for its inability to charge premiums based on risk.

If we've learned anything in the last 2 or 3 years it's that there's risk out there, and we ought to price for that risk. We don't do that in this bill; in fact, we establish a moratorium to stop that.

This legislation—the entire legislation—presents us with extremely tough choices. It includes long-needed reforms, as I said, but it also adds costly and unnecessary programs that make it impossible for many of us to support. It takes money from the GSEs when they're already in trouble. It creates two big new government housing programs even though there's an abundance of housing programs already existing. If they are not doing the job, let's reform the ones we have. And it places a moratorium on risk-based pricing.

If that weren't enough, the bill now includes a proposal to support the GSEs by direct government investment of taxpayer dollars in the common stock of these privately held companies.

When the Treasury proposals were announced last week, we were told it was essential to avoid a catastrophic failure of Fannie and Freddie and the turmoil in global capital markets. We were told we needed to pass it within 48 hours. Confusingly, at the same time we were told that the Treasury needed blank check authority, we were assured that it would never be used. We were told it must be voted on immediately, even though we were told at the same time the Federal Reserve had agreed to provide liquidity in the event of an emergency if there was one.

Those assurances notwithstanding, giving unlimited authority to a government agency for unprecedented action is a serious matter in a system that's based on checks and balances. Deciding this issue without hearings and within a 1-week span with virtually no deliberation and no opportunity to amend is a surrender of congressional responsibility. Congress did not do that with Chrysler, Lockheed or Conrail, which all were extensively studied and debated before action taken.

It is likely that the concept of ''If you build it, they will come'' applies here; if we give them this authority, it will be used, and I believe not only to provide liquidity, but to purchase an equity stake in these private, stockholder-owned companies.

Even a small government investment in Fannie and Freddie is incremental nationalization, let's be honest, a path our government should not go down without serious consideration of the consequences. One is crowding out the private mortgage market as we give them ever larger sources of cheap money. How do private lenders compete? They don't. Not fairly.

We should hesitate to saddle taxpayers with losses in tough times that should be absorbed by those who took the risks and reaped the billions in profits when times were good.

By raising concerns, those of us who questioned a rush to judgment on a blank check request were able to delay the consideration last week and to make some beneficial changes in the bill. As a result, even Senators DODD and SHELBY have now acknowledged—and I think Senator SHELBY has thought all along—that the blank check needs to be examined very carefully.

Mr. Speaker, we can do better than this bill. Given the high stakes, we must do better. We should reject this legislation and immediately substitute it with a clean bill that reforms the GSEs, modernizes FHA, and increases the Treasury lending authority by a set amount.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 1 minute.

I welcome the evolution in the gentleman's thinking. A week ago he sent me a letter saying we should not do the FHA modernization, so he has apparently expanded that, and I appreciate that.

There is one other myth, though, that I forgot to refute that he trotted out, namely, that this is going to force the FHA to take bad loans. That could not be further from the truth. This bill explicitly leaves the FHA in complete control of the decision to guarantee a loan or not. Nothing in this bill coerces the FHA. The lenders, to be eligible, would have to write down the loan by a significant percentage. An independent decision is then made by the FHA as to whether or not they want to guarantee it.

I now yield 3 minutes to the gentlewoman from California, a major author of important parts of this bill.

□ 1500

Ms. WATERS. Mr. Speaker and Members, I rise in strong support of this legislation.

I want to thank BARNEY FRANK for the wonderful work that he has done negotiating some very difficult parts of this bill. This bill is urgently needed to help our Nation address the current foreclosure crisis and its impact on world financial markets. I want to thank a number of people, the members of the Subcommittee on Housing and Community Opportunity and the bipartisan members who voted for many aspects of this bill when that legislation came before our committee. I want to thank the Black Caucus for standing strong and insisting that we have money to help those communities that were targeted by the lenders for this subprime mess that they put us in.

Do I like everything in this bill? No, I don't. I'm frankly disappointed that we were unable to strike the language that was placed in this bill on the Senate side that effectively killed one of the most successful programs to help poor and low-income would-be homeowners, the down payment assistance program. But this is not the end of that. We shall be back so that we can continue that program.

Do I support some of the more controversial aspects of this bill? I do. I stand here today in support of the GSEs. I think it is very, very important that we maintain support for the GSEs so that we can stabilize this economy. It's absolutely unthinkable that we would allow these GSEs to go down in any shape, form or fashion when they hold 50 percent of all of the mortgages in this country and about $6 trillion in debt.

And so, I must commend the President—I have never thanked him for anything—for understanding the best interests of this country and removing his veto threat because of the $4 billion that we have in CDBG money. They say politics makes strange bedfellows from time to time and this bill may be the finest example of that.

I was most active on the modernization of the Federal Housing Administration and the $4 billion in the CDBG funding for States and localities to purchase, rehabilitate and resell or rent out abandoned and foreclosed homes. The modernization of FHA has long been a priority of mine because in recent years FHA had become obsolete in many parts of the country due to its low loan limits, outdated rules and slow bureaucracy. I saw too many low-income home buyers in California with little choice but to turn to the subprime mortgage market for assistance.

This Congress, I introduced H.R. 1852, the Expanding American Home Ownership Act of 2007, to give FHA the tools and resources to allow it to assist more low-income homebuyers. H.R. 1852 passed the House on September 18, 2007, on a bipartisan vote of 348–72, and again on May 8 of this year, as part of the H.R. 3221, the first go-round on this housing rescue package.

I want to thank all of the coalition of groups, the mayors and the organizations that supported this bill.

Mr. BACHUS. Mr. Speaker, at this time, I would like to introduce my letter of July 14 and let the Members themselves determine whether the correct characterization would be made on my statement.

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

Hon. BARNEY FRANK,
Committee on Financial Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: It is unquestionably true that the financial stability of Fannie Mae and Freddie Mac is critically important to the housing market and in turn to the overall economy. It is also quite apparent that as a result of a weak economy, short seller activities and a declining housing market, Fannie and Freddie are facing substantial financial challenges. Having said that, the sweeping changes contemplated in the proposal made by the Treasury Department over the weekend represent a far-reaching overhaul of the financial regulatory structure of our housing market. Making such broad changes in a precipitous manner without adequate study and analysis is unprecedented and, perhaps, unnecessary.

The problem immediately at hand seems to have been addressed yesterday by the decision of the Federal Reserve to open the discount window to Fannie and Freddie. It also appears this intervention by the Federal Reserve will be sufficient to provide adequate liquidity for these enterprises to meet any obligations for the near future.

With this Federal Reserve liquidity facility in place, a more long-term structure can be given the careful analysis that is necessary to avoid the all too common problem of unintended consequences when the regular legislative order is bypassed. Please consider a process which will allow all sides of this issue to be given the careful consideration they so clearly deserve.

I do believe there is need for expedited legislation and that action is a basic GSE reform bill. This legislation could be drafted and taken to the floor with minimal preparation since its provisions were carefully vetted in hearings and markup.

Sincerely,

SPENCER BACHUS,
Ranking Member.

At this time, I will recognize the gentlelady from Illinois, the subcommittee Chair, Mrs. BIGGERT, for 5 minutes.

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, Americans across the country and in my congressional district are feeling the pain as a result of the instability in the housing market, and they're feeling the pinch at the pump because of high energy prices. Congress should act responsibly to address both issues. We need a serious energy debate now. The American people cannot wait any longer. At the same time, it is clear that we need to restore investor confidence in the housing market. And that is why we're here today.

For starters, we need to pass critical housing reform bills, an effort that could have been a slam-dunk last year. We could have given the regulators some teeth to shore up our financial institutions and prevent similar turbulence in the housing market in the future. But we did not. Instead, critical housing bills were littered with controversial provisions, and the process was drawn out.

So here we are today, at a ''take-it-or-leave-it'' moment, considering a number of items that should not be on the table but are, unfortunately, fused to the three most important parts of the housing stimulus legislation.

I feel like we're in a catch-22 here, for in order to enact the good, we have to swallow the bad. What is the good? It's restoring investor confidence in the market, plain and simple. It's also GSE reform, FHA reform and increased funding for housing counseling, all of which are badly needed and long overdue.

Counselors can help prevent foreclosures by guiding homeowners into a loan that best meets their budget needs. My colleague, RUBÉN HINOJOSA, and I have been two of the leading advocates in Congress for financial literacy, which includes housing counseling. I cannot emphasize enough the importance of housing counseling for homeowners in trouble or those seeking to purchase a home for the first time. Counselors are working hard in my congressional district helping people save their homes. I would like to thank them and all of the counselors across the country. And I'm hopeful that this bill gives them more tools to accomplish their mission.

The FHA and GSE reforms in this bill will add much-needed liquidity to the market while providing consumers with an alternative to bad, subprime loans.

I'm also pleased that the FHA reform bill increases the loan limits so that the low- and middle-income Americans living in the high-cost areas like Chicagoland also can secure their piece of the American Dream through FHA-backed mortgages. The GSE reform bill will rein in Fannie and Freddie so that these housing giants will more safely and soundly adhere to their missions to foster affordable housing opportunities for Americans. Are these two reform bills enough? No. But they're a good start.

It's too bad that Congress waited so long before agreeing to the significant changes for the GSEs, Fannie Mae and Freddie Mac. The House began the process 3 years ago when it passed a bill, with my support, that would have improved regulation of these companies and may have averted some of the financial turmoil that they're now experiencing.

But now we have to move forward, and we have to move forward in this Congress on a bipartisan basis. I think that the House and Senate have wasted time outbidding each other on how much taxpayer funding to spend on bailing out some of the irresponsible lenders and those who speculated that

the market would go up forever. Now they have run out the clock and Congress is being forced to risk taxpayer dollars in order to avert the economic crisis that could occur if the two companies failed. That kind of leadership is not acceptable.

The final version of the bill also includes some measures that I fought against in committee in what amounts to a tax on middle class homeowners. It siphons money from Fannie and Freddie to pay for a new congressional fund for housing programs. The bill also puts into place an FHA refinancing scheme that will benefit lenders and borrowers who acted irresponsibly. The block grant provision has no safeguards and could be ripe for fraud. And the list goes on.

Do I think the excess provisions in this bill are necessary to stabilize the housing market? No. Is this Congress mandating that the taxpayers foot the bill for these excesses in order to bring stability to our economy and the housing market? Sadly, yes.

However, because of the urgent need to stabilize the marketplace and restore investor confidence, I support the bill, and I congratulate the chairman of the committee for his work on this.

Mr. FRANK of Massachusetts. I now recognize the Chair of the Financial Institutions Subcommittee, the gentleman from Pennsylvania, for 1½ minutes.

Mr. KANJORSKI. Mr. Speaker, I rise today with a heavy heart, like my compatriot on the other side, who is my ranking member on the subcommittee that I chair.

This is not a perfect bill. And I have heard the ranking member of the full committee unfortunately take the position that he is opposed to the bill. That sort of hurts my feelings and my best judgment that we're not here to pick the best bill or to argue on the particulars or even at this time to find fault.

But let me make a salient point, because I have heard a lot of discussion on the other side of the aisle about responsibility. Let me point out that what we're doing here is increasing the Federal debt limit by $800 billion. That is more money than the entire debt of the United States from the beginning of the United States in 1776 until the beginning of the Ronald Reagan administration, when we only had a debt of $800 billion. In the succeeding 28 years, since the first day of the Reagan administration, we've run up more than $8 trillion in debt. And now we're jumping $800 billion more. That is what we ought to really be talking about. That is what we should have reserved time on. That is what we should be discussing.

But I ask you a very simple question, and I'm going to leave it as a question: Who occupied the White House and led this country in that 28-year period?

Mr. Speaker, I rise today to express support—albeit with some reluctance—for this latest version of H.R. 3221, now known as the Housing and Economic Recovery Act. While we must act quickly to stabilize our economy and mortgage markets by passing this bill, the package before us is somewhat imperfect. That being said, I will vote for this legislation in order to help working Americans to purchase or remain in their homes, protect the assets of senior citizens, and assist veterans with their housing needs.

H.R. 3221 contains many desirable policy reforms. It will put in place a strong, independent regulator with robust bank-like powers to ensure the safety and soundness of Fannie Mae and Freddie Mac. I have worked for more than 8 years as a leader on the Capital Markets Subcommittee to reach a consensus on world-class regulatory reform for these sizable financial institutions.

The bill sensibly modernizes the existing operations of the Federal Housing Administration, too. Further, H.R. 3221 improves the ability of the FHA to help many homeowners now facing the prospect of a foreclosure to remain in their homes, but only at a significant cost to the financial institutions currently holding the loans and the promise that the government can share in the gains in the values of the homes that it helps to save.

In addition to altering the regulation of the Federal Home Loan Banks, the bill will permit these institutions to provide credit enhancements for tax-exempt municipal bonds, as first proposed in my bill, H.R. 2091. The ongoing problems in the bond insurance markets have affected the ability of municipalities to issue affordable bonds to construct roads, build schools, and expand hospitals. This important reform helps to fix that problem in the short term.

H.R. 3221 further includes several important provisions that will enable the Federal Home Loan Bank System to accomplish more in the broad area of economic development, community development, public finance, and public infrastructure. The System is uniquely positioned to promote such activities, and these reforms build on the 1999 law I worked to enact.

Specifically, we have added explicit economic and community development language to the System's mission in guiding the new Deputy Director. Our intention is that the regulator should apply this direction on mission to all approved activities, including advance programs, new business activities, letters of credit, acquired member asset programs, and the full use of their investment powers.

This bill also includes a number of promising reforms to help the manufactured housing industry. To provide more affordable housing, the bill will require Fannie Mae and Freddie Mac to serve this market sector. The bill also updates FHA loan requirements for these homes.

Moreover, this bill contains two significant reforms on which I have worked for some time. More than 3 years ago, I proposed legislation to require the licensing and registration of those individuals who originate mortgages. The new registry and broker licensing conditions in this bill closely adhere to the proposal I first made. The legislation also contains my amendments to protect the independence of appraisers and allow them to serve as honest referees of a home's value.

While there is much to like in this bill, we could have employed a better process in bringing up several matters now found in this extensive package. In this regard, I would like to focus on the GSE backstop and the increase in the debt limit.

Less than 2 weeks ago, the Bush administration put forward an expansive GSE liquidity backstop proposal. Because this initial plan caused significant concerns for many, we modified this standby authority before inserting it into this package.

As a result, the backstop now includes several taxpayer protections like limiting dividends, capping executive pay, and ensuring the government receives preferences and priorities in repayment by the GSEs. We could have, however, gone even further in these safeguards by capping the government's total exposure. We also should have allowed for more public scrutiny of these matters than time allowed us.

Ironically, the Administration's last-minute request on the backstop alters the balance we previously sought to achieve on GSE structural reforms. In particular, the package before us will remove presidential appointees from the boards of Fannie Mae and Freddie Mac. It also eliminates governmental appointees to the boards of the Federal Home Loan Banks.

If the government now has a greater potential to provide more capital to the GSEs, it should have maintained a seat at the table in their daily governance. I very strongly believe that these public appointees have helped to focus the GSEs on their public missions and protect taxpayers. I will therefore very closely monitor the implementation of these changes to safeguard the government's interests.

The decision to use this package as the ultimate vehicle for increasing the national debt ceiling by $800 billion to $10.6 trillion is also very concerning. When Ronald Reagan first took office, we had only $800 billion in national debt. Because this increase in the public debt limit requested by the Bush administration equals the amount the country ran up in its first 204 years, we should have considered the matter separately rather than pursuing this expedient path.

On the whole, however, the somewhat imperfect compromise before us is necessary and important. We cannot allow the proverbial perfect to be the enemy of the good. We need to take strong, swift action in order to end the negative feedback loop that continues to occur in our capital markets and the housing sector. Because this consensus product is designed to achieve that goal, I will vote for H.R. 3221.

Mr. BACHUS. Mr. Speaker, I recognize the minority leader, the gentleman from Ohio (Mr. BOEHNER), for 1 minute.

Mr. BOEHNER. Let me thank my colleague from Alabama for yielding, and let me say to my colleagues that I'm disappointed in the bill that we have before us. And I'm disappointed in the fact that the White House has indicated that they will sign the bill that we have before us. Everybody in this Chamber knows that we need to take responsible steps to restore the financial condition of our credit markets and our institutions.

Clearly, the housing market needs some stability. But the bill, I believe, that is before us falls well short of that goal by placing taxpayers on the hook for billions and billions of dollars. And how do we do this? We do this by creating a new tax—of course they will

call it a fee—on Fannie Mae and Freddie Mac, a new tax on them of about $1 billion a year, so that we can use that money to give to the FHA to bail out scam artists, speculators and banks who made bad loans.

Listen. There is nobody in this Chamber that isn't there to help innocent victims of this housing crisis. But as the gentleman knows, and I think everybody in this Chamber knows, there is no way to help the innocent victims without, at the same time, helping the scam artists and speculators and the financial institutions who provided the loans to them. And what will happen is that the worst loans held by these financial institutions are going to be taken in by FHA. And who is going to pay the bill? The American taxpayers. I don't think they can afford it.

Secondly, as I said, we're going to charge Fannie Mae and Freddie Mac some 800, 900, almost $1 billion a year in new taxes that are going to be used to help fund all of this over the next 3 years. After that, what is going to happen to that money? It's going to go to local housing groups. Now, I can tell you that there has been more money wasted in these groups than about any kind of money that we have ever spent. But the idea of charging two institutions that we are trying to save, we are going to charge them a tax of about $800, $900 million a year on one end, and then on the other end, we're going to provide a possible taxpayer bailout. It makes no sense to me.

And then we get to the issue of GSE reform. The GSE reform, the new regulator in this bill I think is of good prospect, and is a good piece of work. I think the FHA modernization in this bill is good work. But when you look at the GSE part of this, we're going to have a new regulator. They're going to require more capital. They're going to hold Fannie's and Freddie's and the others' feet to the fire for a while. But to what end? What do we do 4 or 5 years from now when these institutions are supposedly healthy? We're in the same box that we're in today. We have a private company with a product with a Federal guarantee. It used to be that this was an implicit guarantee that the Federal government would back up these loans. But now it's clearly an explicit guarantee because the Treasury Secretary has made it clear that we're going to stand behind these two institutions.

So we have a private company that has a product with a Federal guarantee. I just have to ask my colleagues, we have an opportunity here to make real reform and to make real decisions about the future of these institutions.

□ 1515

We leave the question hanging. I am not quite sure what the answer really is. But to have this public-private quasi-partnership, and it is a private company with a board of directors, they make decisions and pay themselves salaries, and have a product, though with an explicit guarantee by the Federal Government, is a recipe for disaster, as we have found.

There are other problems with this bill. We have $4 billion in here for cities and States to buy up foreclosed properties, which I think will only increase the number of foreclosures in those jurisdictions that get the money.

It is a bill that I wish I could support. It is a bill where clearly the market needs support, but this is not a bill that I can support. I am disappointed that we couldn't do better. I am even more disappointed that the White House will sign this product. I urge my colleagues to vote ''no.''

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 45 seconds to say that the gentleman from Alabama suggested that I was misrepresenting his letter. Here is the last paragraph: There is need for expedited legislation, and that action is a basic GSE reform bill that can be drafted, and taken to the floor with minimal preparation, since we have had hearings, not FHA modernization and not a tap standby authority. That's what he asked for a week ago, only GSE reform and not anything else.

Secondly, the minority leader has understated the administration's position. I'm sure that he wants to be accurate. They are not simply saying the President would sign the bill, the statement of administration policy urges the House to pass it expeditiously. So they are not simply going to sign it, they want us to pass it expeditiously. I know the minority leader wouldn't want to understate the position of the administration.

I now yield 2 minutes to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Speaker, I want to seek a point of clarification from the managers of this bill regarding the intent and effect of the requirements in title V with respect to the licensing of certain loan originators. I want to confirm that these provisions do not interfere with or limit the Office of Thrift Supervision's or Office of Comptroller of the Currency's authority, including their regulation and oversight of a depository institution's products and services marketing and distribution system, and that, of course, as the principal regulators of federally chartered thrift institutions and national banks, they have the authority to make an appropriate definition of the term ''employee'' of a depository institution within the meaning of title V.

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman from Georgia has been a diligent advocate for a sensible public policy, and I admire both his diligence and his grasp of the issue. He is correct. Nothing in this title changes existing Federal law with respect to the authority of the Office of Thrift Supervision and the Office of the Comptroller of the Currency's preemptive authority, and their right to regulate and oversee a depository institution's products and services marketing and distribution system, and they do obviously have definitional authority under this legislation.

Mr. BACHUS. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Speaker, if I had had a chance to name this bill, I might have suggested that we could call it the mother of all bailouts. But on second thought I decided that wouldn't be appropriate because it isn't nearly as big as the bailout that the Federal Reserve has been engaged in in this very industry.

The Federal Reserve has already invested hundreds of billions of dollars, probably close to $300 billion to bail out this industry. And of course the Fed has no money. But when we open the doors in an unlimited amount, and no restraint on what the Treasury might do in buying up these securities, we have to talk about the budget. And, of course, that is why this bill increases the national debt by $800 billion, so I guess they are expecting to buy a whole lot of mortgage securities. But that won't solve the problem. We have to find out why this problem has existed.

In 2001, I introduced legislation that would have removed the line of credit, which was only $2.5 billion, but the principle of a line of credit and this supposed guarantee to Fannie Mae and Freddie Mac, I saw as a great danger. Of course, $2.5 billion is nothing, and the prediction it would be much more when the time came is absolutely correct because now we are talking about hundreds of billions of dollars.

But today we have a bill before us that does a lot more than just bail out the mortgage company. I think there are some impositions in this bill that we ought to be concerned about. There is a Federal registry in here to register anybody in the broker industry. And if you work in the industry, you will be fingerprinted. Now, let me guarantee you one thing: we didn't get into this crisis because the people who work in the mortgage industries weren't fingerprinted. We got into this crisis because of a monetary system and a system of laws that encourage the very bubble that we are dealing with today.

If we don't deal with the creation of bubbles, you can't solve the problem by more of the same thing. We created this problem with inflation; you can't solve it with more inflation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to a very diligent member of the committee, the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Mr. Speaker, I thank the distinguished chairman of the committee for yielding time and for his leadership on this important, innovative and historic legislation. We are fortunate to have him at the helm of the committee at this time.

Mr. Speaker, there is no doubt that the housing crisis is getting worse. In my home State of New Hampshire, foreclosures have increased nearly 100 percent this year. Across the country, credit is a hard to come by. The markets are unstable, and in my judgment we haven't heard all of the bad news yet.

There are many important specific reasons to support this bill today. Fundamentally, however, the housing markets and the institutions which deal with mortgages are the cornerstone of our economy. There is some risk in change, and the provisions for Fannie and Freddie are not without some risk, which through the excellent work of the chairman, in consultation with our colleagues in the Senate, have been minimized to taxpayers. But the far greater risk we face is inaction. I urge bipartisan support for this bill. It must be passed.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, we have all heard the adage that one reaps what he sows. As we seek to bail out Fannie Mae and Freddie Mac today, Congress is reaping what it has sown for so many years.

These organizations were supposed to help Americans buy their homes by making the mortgage market work better. But in pursuit of this goal, Congress and the regulators allowed these two organizations to shun good governance in pursuit of high profits. What was supposed to be a boost to the taxpayers, has turned into a raw deal characterized by privatized profits for socialized risk.

And now, Congress is in a bind: allow Fannie and Freddie to realize the results of their risky behavior and deal a catastrophic blow to an already troubled economy; or fulfill the implicit promise made to shareholders and bail out these two organizations. Congress created its own trap by allowing Fannie and Freddie to become too big to fail, and given their huge market exposure, it has become obvious that a bailout of some sort is necessary.

But this is a bailout of the worst kind, one that does not even seek to mimic the actions of the private market in punishing those who take too many risks. Unlike other bills we have passed that required government intervention into the private market, there is no mandate that the taxpayer be repaid. Fannie's and Freddie's CEOs don't get paid any less; the board of directors remains the same; and Fannie and Freddie are specifically allowed to continue the risky practices that got us into this mess in the first place.

Mr. Speaker, this is absurd. If we are going to put billions of dollars of taxpayers' money on the line, we need to make sure that something like this never, ever happens again. We need the reforms that are necessary in order to make sure that these two government-sponsored enterprises act more like an enterprise than they do like somebody that is putting the tab on the taxpayers' pocketbook.

Mr. FRANK of Massachusetts. Mr. Speaker, another one of the most active members of our committee, the gentleman from Texas (Mr. AL GREEN) is recognized for 1 minute.

Mr. AL GREEN of Texas. Mr. Speaker, we have record declines in home prices, 4.8 percent in May, $400 billion in losses and write-downs by banks. One of every 500 homes are in the foreclosure process, and 2.8 million homes are at risk of foreclosure.

If this is a bailout, it is a bailout of the United States of America.

Yes, Fannie and Freddie are too big to fail, and we should not fail them. But this bill is balanced. It also helps Aunt Fannie and Uncle Freddie. It helps the everyday citizen to keep his or her home.

At some point, we have to realize that this helps not only institutions, it helps people. I support the bill. It is balanced and it is fair.

Mr. BACHUS. Mr. Speaker, at this time I yield 3 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, sometimes, like many of my colleagues, I get frustrated about the pace of Congress. For the last several weeks, I have come to the floor almost every day to talk about energy problems and why Congress doesn't seem to want to do anything to fix the problem. That is why I am amazed all of a sudden that Congress seems to be moving at warp speed to pass an ill-advised bill that could cost taxpayers billions of dollars and change the very nature of our financial system.

First, let me say that I appreciate the intentions of this bill, Mr. Speaker. I believe the government should take targeted steps to help those facing foreclosure in those neighborhoods that have had problems with the negative effects of multiple foreclosures. But we should not legislate in a rush, and we should not use a potential crisis as an excuse to expand the size of government in an unprecedented manner.

Please understand that I agree we cannot allow Fannie and Freddie to fail, and we must closely monitor the health of the banking system. Still, decisions of this magnitude should be considered calmly, rationally, and independently. Let's not mortgage the future of our country without fully understanding all the implications.

Timing is not the only problem with this legislation. As I said before, I fear we will be feeling the lingering effects of this legislation for many years. In one part of this bill, we are creating a new FHA program that will distort housing prices by neglecting the realities of supply and demand in the housing market, all while putting taxpayers on the hook for this expensive, and I think dangerous, experiment. Like many of my colleagues, I don't think we should allow the American taxpayers to become the insurance policy for financial decisions that did not quite turn out as planned.

There are other parts of the bill that do not make much sense at first glance. For example, the new affordable housing trust fund is funded by the income of Fannie and Freddie. At the same time that we are trying to stabilize them elsewhere in the bill, we are adding new burdens and raising their costs. While I appreciate the importance of affordable housing, I don't think this makes much financial sense.

Like much of what Congress has been doing this year, this affordable housing trust fund is taxing what we are trying to help. We are trying to help people buy and keep their homes, yet we are discussing raising taxes. Rather than increasing the size of government, perhaps we should be putting more money into the pockets of hardworking Americans so they can afford to keep their homes.

While we certainly should be ensuring that the GSEs are stable, I am concerned about the long-term effects that this bill will have on the health of the housing market, the Federal balance sheet, and the American economy. Because I do not think this legislation will provide helpful solutions to our housing market, I oppose this bill and ask my colleagues to do the same.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield to the gentleman from California (Mr. BACA), and there is language in the bill dealing with in-person counseling of which he is the main author, and I yield to him now for a unanimous consent request.

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

Mr. BACA. Mr. Speaker, first of all, I would like to thank the chairman of the committee for his leadership on this, and for including the provision that deals with counseling that I support, and I submit my statement for the RECORD.

First let me thank the gentleman for his hard work on this legislation and his dedication to helping homeowners in need.

Mr. Speaker, I come to the floor today to talk about the importance of housing counseling and how to make these dollars more effective. Statistics show that 8,500 homeowners are foreclosing each day and 2.5 million are expected to lose their homes by the end of this year. Some States require that homeowners be notified in person if they are about to foreclosure. But many States such as California and Texas do not. These States just send letters in the mail.

The bill before us today includes an important provision that requires the Neighborhood Reinvestment Corporation to give consideration to counseling agencies that provide in-

person contact and in-person housing counseling to borrowers in need when awarding their grants. Statistics show that when homeowners are notified in person that counseling is available, a large percentage can save their homes.

For those States that just send default and foreclosure notices through the mail, we hope that federally chartered and regulated institutions doing business in those States will use every effort to notify homeowners in person that counseling is available. This is important because when borrowers go 30 or 60 days late on paying their mortgages, they often stop answering the telephone or opening mail from their lender. They give into despair, and believe there is no hope.

Fifty percent of homeowners in default never contact their lenders. What I find most troubling is that according to a Freddie Mac study, 56 percent don't know counseling is available. The money is there, but the counseling is not getting to the people that need it. This will promote partnerships between counseling agencies and lenders to improve outreach to borrowers, whether in person or through other means, to advise them that help is available. And second, it encourages in person counseling so that counselors can advise homeowners individually to help them work through their options and prevent foreclosure.

I also want to thank Mrs. MCCARTHY of New York and Mr. MAHONEY of Florida who cosponsored this language. As you know, our amendments passed the Committee on Financial Services under unanimous consent and with bipartisan support. And I thank the Republicans on our committee for their support and especially thank Chairman FRANK for his leadership.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to the majority leader.

Mr. HOYER. Mr. Speaker, I thank the chairman.

Frequently I rise in support of a bill and congratulate the chairman. It is always warranted to do that; but in this case, it is particularly warranted. No Member has worked harder or longer in a more complex context than has Chairman FRANK, working with Secretary Paulson of the administration, with Mr. DODD, Mr. BACHUS, and Mr. SHELBY. While I know there may not be full agreement, I know there has been the opportunity to work together. I want to congratulate Mr. FRANK who has been lionized in the press, properly so, for his expertise on the subject matter and for his political skill in bringing this matter to the floor today in a fashion that will see its passage.

□ 1530

Mr. Speaker, when it comes to economics, none of us, none of us is an island. Our prosperity is always, and always will be, bound up with the prosperity of our neighbors. And nothing has proved that more than the mortgage crisis that is rocking our economy today.

Yes, it has reached to the heights of Wall Street to threaten huge banks and the government-sponsored enterprises Fannie Mae and Freddie Mac.

But the crisis began close to home. It began with millions of families who have seen their subprime mortgage rates jump out of reach, sometimes because they didn't understand the repercussions but often because they were misled by unscrupulous, unregulated lenders. The consequences will be felt close to home.

Home prices are set to decline for the second year running, the first time that has happened since the Great Depression. And communities are facing a vicious cycle of foreclosures, falling property values, declining property tax collections, cutbacks in city services, rising crime, and more foreclosures. The American public rightfully expects us to act. So the bill that we debate today isn't simply about helping hundreds of thousands of Americans keep their homes, as vital as that objective is. It's about stabilizing an entire economy.

We have talked about a stimulus bill. This is a very important component of the stimulus of our economy. As Fed Chairman Bernanke put it: ''Doing what we can to avoid preventable foreclosures is not just in the interest of lenders and borrowers. It's in everybody's interest.'' It's in our economy's interest.

I couldn't agree with him more. And that's why I'm proud to stand in support of this Housing Rescue and Foreclosure Prevention Act.

This legislation will enable at least 400,000 homeowners, that's 400,000 families, to refinance their homes, switching from risky subprime mortgages to safer loans backed by the Federal Housing Administration.

Now, it's not about a bailout. Lenders will have to take losses, and borrowers must agree to share with the government any profit from the resale of a refinanced home. That's right, it's appropriate, and this bill contains it.

The bill also helps stabilize communities that are reeling from foreclosures and declining property values by helping States and cities buy up foreclosed properties. Not just will the homes in question be bought up. Entire neighborhoods will be protected.

Furthermore, this bill creates a strong, independent regulator for Fannie Mae and Freddie Mac. I have observed often that one of the problems in our economy has been that over the last 7½ years, we have taken the referee off the field. This bill reinstates a vigorous referee.

It also gives the Treasury Department temporary authority to extend credit to the GSEs, should they require it. The Congressional Budget Office has concluded that there is ''probably better than a 50 percent chance,'' and I quoted that, that this authority will not be used. But even if it is not, this bill will go a long way toward shoring up confidence in our financial markets.

Mr. Speaker, there is barely a Member in this body whose constituents have not felt the pain of the housing crisis, whether the personal crisis of losing a home or the ripple effect set off by each foreclosure. The needs of our constituents outweigh the demands of ideology. That's always true, of course, but at moments like this, we feel that truth more acutely than usual.

So I hope that my colleagues will put partisanship aside and do the right thing for our economy, for our neighbors, and for our country.

Mr. Speaker, in closing, let me read the Statement of Administration Policy. One of the things I want to congratulate Mr. FRANK and Secretary Paulson on is the bipartisan way in which they have worked on a daily basis. I know they have talked daily. I have talked to Secretary Paulson, I think, weekly. But on a daily basis to make sure that we had a bipartisan administration-Congress response to the crisis that confronts us. I read from the Statement of Administration Policy, which is dated July 23, at 12:25, just a few hours ago. I know all my colleagues will want to listen intently to what the administration says we ought to be doing:

'' . . . the temporary Treasury authorities and GSE reform provisions are too important to the stability of our Nation's housing market, financial system, and the broader economy not to be enacted immediately. For these reasons the administration supports passage of H.R. 3221, as amended.''

America will be pleased when, in a bipartisan way, the administration and Congress act together to face a crisis confronting our citizens and our country. I urge my colleagues to vote for this critically important piece of legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Connecticut (Mr. SHAYS).

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

Mr. SHAYS. Mr. Speaker, I support this important legislation.

Mr. Speaker, American families are struggling to fill their gas tanks, feed their families, heat their homes and stay current on their mortgages.

I am hopeful today's passage of this legislation will bring some stability to the volatile subprime mortgage market by providing liquidity and credit for Fannie Mae and Freddie Mac, restoring investor confidence in the housing markets, and keeping American families in their homes.

Our economic strength is dependent upon the resiliency of our housing market. Today, Congress will send a message of hope to families and a message of confidence to the market place.

Regulatory overhaul of the GSEs is long overdue and frankly could have helped prevent the uncertainty we are experiencing now. I have long fought for the proper regulation of Fannie Mae and Freddie Mac. Back in 2003, I introduced the No Securities Left Behind Act to bring these two companies under the 1933 and 1934 Securities laws. It is time we shed sunlight on all securities trading and demand accountability.

What is concerning to me is the inclusion of the Affordable Housing Trust Fund in urgent legislation attempting to shore up the financial stability of the GSEs. It doesn't seem to make sense to siphon off capital from Fannie Mae and Freddie Mac in the same month shares of the companies have fallen 45 percent and 58 percent, respectively.

While I support the creation of an Affordable Housing Trust Fund, and believe our Nation faces a significant shortage of affordable housing, we need to reevaluate if the establishment of this fund is logical in the current market climate.

Despite my concern, I intend to support this bill today because we must open up credit availability to Fannie Mae and Freddie Mac. The failure of these entities far outweighs the concern I have about some aspects of this legislation. While I hope this credit window will never need to be accessed, this backstop will reassure Wall Street of the health and liquidity of these two companies.

Additionally, I have heard all too often of homeowners prevented from modifying the terms of their mortgage until they default. Expanding the FHA-secure program to allow families the opportunity to refinance into safe and affordable mortgages backed by the Federal Housing Administration will provide additional relief from foreclosures.

There is no doubt in my mind we are facing a serious challenge. Families, investors, lending institutions and communities all risk significant losses.

Given the 71,000 outstanding subprime loans in Connecticut alone, this legislation is long overdue to bring relief to struggling homeowners, greater oversight to the industry, and to ensure the continued viability of the mortgage market.

Mr. BACHUS. Mr. Speaker, I have a parliamentary inquiry as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Alabama has 16 minutes remaining. The gentleman from Massachusetts has 24 minutes remaining.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA), a very active member of the committee.

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

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of H.R. 3221. The assistance provided to homeowners in this housing package is desperately needed by troubled borrowers, nationwide and in my district.

This housing rescue package is a win-win for the homeowners and the community in which they live, which will not deteriorate because of boarded-up homes left empty because of foreclosures. It's also a win for the investors, who will get paid because the homeowners will be making payments they can afford.

Mr. Speaker, I am particularly pleased that this legislation includes a provision for rural areas. I want to thank Chairman RANGEL and Chairman FRANK for working with me and the rural housing groups to include this language in the bill.

I strongly urge my colleagues to support this much-needed bill.

The assistance provided to homeowners in this housing package is desperately needed by troubled borrowers nationwide and in my district, particularly Hidalgo County, which is one of the poorest counties in the United States.

Where there are large concentrations of foreclosures, both families who have lost homes and their neighbors who remain behind, are suffering. Renters too may be in danger of losing their homes if their landlords go into foreclosure.

This housing rescue package is a win-win for the homeowner—who may be able to stay in their home, and the community in which they live—which will not deteriorate because of boarded-up homes left empty because of foreclosures.

It is also a win for the investors—who might not get paid what was originally expected, but who will get paid because the homeowner, with a restructured mortgage, will be making payments they can afford.

Mr. Speaker, I am particularly pleased that this legislation includes a provision for rural areas, which will clarify that the low-income housing-tax-credit may be used with the USDA's rental housing program for farm workers. I want to thank Chairman RANGEL and Chairman FRANK for working with me and the rural housing groups to include this language in the bill.

The bill also includes the reform of governance of Fannie Mae, Freddie Mac, and the Federal Home Loan Banks. These reforms and the new regulatory powers will help ensure that the GSEs continue to play a vital role in the overall mortgage market.

I encourage my colleagues to support this much-needed bill.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I am glad now to yield to my neighbor, the gentleman from Rhode Island (Mr. LANGEVIN), 1 minute.

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

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, right now there are thousands of families in my home State of Rhode Island and across America who are struggling to keep their homes due to the fallout from the subprime mortgage crisis.

I rise in strong support of the American Housing Rescue and Foreclosure Prevention Act to lend a helping hand for those reeling from the mortgage crisis. Just as importantly, it will restore confidence in our largest mortgage backers, Fannie Mae and Freddie Mac.

I am pleased that this package includes also a key House-passed measure from an overhaul of the Federal Housing Administration to an affordable housing trust fund to construct, rehabilitate, and preserve 1.5 million housing units. This will address an issue that's particularly acute in Rhode Island, where affordable housing is so scarce that someone needs to earn more than two or three times the minimum wage just to afford an average two-bedroom apartment.

H.R. 3221 will also create an independent agency to regulate Fannie Mae and Freddie Mac and the Federal Home Loan Bank System to help ensure that these critical institutions remain strong.

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

Mr. BACHUS. I would ask unanimous consent to give the gentleman from Rhode Island another 1 minute.

The SPEAKER pro tempore. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. That's very generous of my friend. If he wishes to give another minute, I certainly would want to facilitate that.

Mr. BACHUS. I would ask unanimous consent, Mr. Speaker, that the total time be extended 1 minute.

Mr. FRANK of Massachusetts. I believe you can get unanimous consent, but if the gentleman's time has expired it would then be within the prerogative of the gentleman from Alabama to yield him another minute.

Mr. BACHUS. I would ask unanimous consent that the total time be extended 1 minute and the gentleman from Rhode Island be given that time.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Rhode Island is recognized for 1 minute.

Mr. LANGEVIN. I thank the gentleman for the unanimous consent request and for the granting of it.

Mr. Speaker, H.R. 3221 will also create an independent agency to regulate Fannie Mae and Freddie Mac and the Federal Home Loan Bank System to help ensure that these critical institutions remain strong, and it's about time.

Four years ago I shared Alan Greenspan's concerns that GSEs were involved in risky investments. At that time I said it appears as though the increased risk the GSEs have been taking on is not related to their primary operation of purchasing affordable housing loans in the secondary market. Rather, much of their risk comes from derivative investments in an effort to maximize profits for shareholders. As we learned from Enron, complex derivative schemes may boost profits in the short term, but their long-run risk can be too difficult to manage, and this is where we are today. I'm glad that we fixed this problem by passing this legislation.

I commend the gentleman from Massachusetts for his hard work on this bill. I'm also glad that the President has finally lifted his veto threat and will not stand in the way of assistance to local governments to purchase abandoned and foreclosed properties.

This legislation is an important commonsense response to the housing crises and will help stabilize families in our economy.

I thank Chairman FRANK for his leadership and all of my colleagues for their support for this bill.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to my colleague from Massachusetts (Mr. LYNCH), a valued member of our committee.

Mr. LYNCH. I thank the chairman for yielding the time.

I also want to thank the chairman, Mr. FRANK, for his work on this bill, along with the ranking member. I do have to say that I think much of the fairness that we find in this bill has come at the insistence of the chairman.

Mr. Speaker, I would like to also note that while this bill accomplishes quite a bit, the package that the chairman has brought before us today includes not only the overhaul of FHA and the GSEs but also has grants and tax provisions for cities and homeowners alike, but also I would add that it gets at the root of our problem.

The root of our problem today is really the origination process for these subprime mortgages. And what this bill does is it includes a tool, a new tool, that will allow us to combat these abuses by creating a nationwide mortgage lending system and registry to license and register individual mortgage brokers. I want to just point out that it's estimated that about $514 billion worth of the loans resetting in 2008, 70 percent are subprime loans.

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

Mr. BACHUS. Mr. Speaker, at this time I yield 2 minutes to the capable gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, the American housing market is in turmoil and homeowners are anxious. And let me say from the heart I believe Congress is right to act decisively to cure what ails our housing markets. But with the American Housing Rescue and Foreclosure Prevention Act, the cure may be worse than the disease.

H.R. 3221 increases the national debt by $800 billion, and it raises taxes on the very entities that we say we are trying to help, putting the money in the pockets of special interests and politically motivated groups. In a time of crushing national debt and rising deficits, we're considering a package that would give a blank check to the administration for bailing out Fannie Mae and Freddie Mac at a time when the Chairman of the Federal Reserve and regulators of those entities insist they're solvent and fiscally sound.

The most troubling part to me is that whatever we do for Fannie Mae and Freddie Mac, we shouldn't be raising taxes on them. This legislation includes a 4.2 percent tax of basis points for each dollar of unpaid principal balance of total new business purchases. In plain language, CBO estimates that 4.2 basis points could equal a slush fund of $710 million for 2009, $9 billion over 10 years that could go to organizations like ACORN and the National Council of La Raza, which, in addition to being involved in legitimate pro-housing programs, are also unquestionably involved in political mobilization, voter turnout, registration, and the like.

Congress can do better than H.R. 3221 to quell the anxious housing markets that beset our Nation today.

□ 1545

The American people deserve a housing bill without corporate bailouts, without tax increases, without slush funds for politically motivated organizations. The American people deserve better than the American Housing Rescue and Foreclosure Prevention Act, and I urge my colleagues to join me in opposition to this legislation.

Mr. FRANK of Massachusetts. I now yield to an alumnus of our committee, the gentleman from New Jersey (Mr. SIRES), 1 minute.

Mr. SIRES. Thank you, Mr. Chairman, and thank you for all your hard work on this bill.

I rise today in support of H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008. This amendment is very important for a number of reasons.

First, this amendment aims to stimulate and increase consumer spending in the mortgage market by creating a new standard deduction for State and local real estate taxes paid for those who do not itemize, and it provides a refundable tax credit for first time home buyers.

Second, this amendment provides assistance to all who are looking for a place to call home. It does not forget those who are less fortunate, those who can not afford to buy a home. The permanent affordable housing trust fund will ensure that all Americans have access to a safe and stable place to call home, even those who rent. This amendment also helps those who are looking to buy a home by bolstering the ability of FHA to guarantee more mortgages.

Finally, by strengthening and consolidating existing regulatory authorities and giving the Treasury Department new authority, the American taxpayer can have faith that they will not have to bear the weight of future housing financing problems. I urge everyone to support this bill.

Mr. BACHUS. Mr. Speaker, at this time I recognize the deputy ranking member of the full committee, Mr. NEUGEBAUER from Texas, for 3 minutes.

Mr. NEUGEBAUER. I thank the ranking member.

Mr. Speaker, I rise in strong opposition to H.R. 3221. Every Member of this House cares about our Nation's economy and the difficult financial situations that many Americans face.

What the majority has done in response is to load up a housing package under the guise of attempting to stabilize the housing and financial markets. This bill will only make matters worse, particularly for the taxpayers.

The majority has combined reforms that we all agree are long overdue, such as a stronger regulator for Fannie Mae and Freddie Mac, modernization of FHA. But these, some of these other provisions propose a significant risk to the taxpayers and our economy.

At a time when the housing market is relying on GSEs to fulfill their mission in ensuring a continued mortgage liquidity, Congress should not divert $5.8 billion to a housing trust fund.

At a time when taxpayers are being asked to loan more money to GSEs to provide some kind of a backstop, Congress should not be siphoning income out of this company and out of the capital of these entities.

At a time when many Americans are working hard to pay for their mortgages, they are struggling with high energy costs, high food costs, they shouldn't have to struggle making their own mortgage payment and their neighbors as well. And that is what this bill would do.

Those on the other side say that the CBO estimates the chances of the probability of 50 percent that no authority for Treasury to support the GSEs would be needed.

Well, let's go to the doctor, and the doctor says to you, well, there is a 50 percent chance that you are healthy, and there is a 50 percent chance that you are not. That would not be very reassuring to the patient, and it certainly should not be very reassuring to the American taxpayers, particularly when CBO also says it is not clear what criteria Treasury would use to provide this assistance to GSEs.

As Congress is wrestling to address our current economic situation, we must remember that markets are not always kind, but they are very efficient. The sooner the Federal Government really indicates that the market is the best place to settle a lot of these issues, the sooner the capital will start to return to these markets.

Quite honestly, Mr. Speaker, right now the markets are sitting on the sideline to wait to see what other goodies that the Congress is going to do to sweeten the pie.

Mr. Speaker, we need to defeat this bill. We need to come back and do the reforms that make sense for the American people. But we do not need to load up this bill with extraneous stuff that is bad and not in the best interest of the American taxpayers.

Mr. FRANK of Massachusetts. I yield 1 minute to a member of the Ways and Means Committee, the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I want to especially thank Chairman FRANK for doing an extraordinary job on behalf of the people of the United States of America through this piece of legislation.

I have a statement that I would like to submit for the RECORD. But I want to make a few additional comments.

This legislation may be the single most important piece of legislation that I will vote on for the people that I represent. One out of every 122 homes in my congressional district is in foreclosure. The home builders aren't building; the Realtors aren't selling; the construction workers aren't working. That is contributing to a higher than the national average unemployment rate in my congressional district.

Now, I have heard my colleagues on the other side of this bill talking about this is a boon to speculators, and how sharks are going to be taking undue advantage of the provisions of this bill. This is not what I am seeing in my district.

I am seeing desperate Americans, people, our neighbors and our friends, losing their home. They are worried. They are looking to their government to get some relief. This legislation provides that relief. I support it without qualification.

The American Housing Rescue & Foreclosure Prevention Act will strengthen the Nation's mortgage and housing situation in a number of important ways.

The bill takes steps that will both improve the current housing situation and strengthen oversight to prevent similar problems in the future. This is especially important for Nevada, which has experienced the highest rate of foreclosures in the country for well over a year.

This bill modernizes and improves the FHA and the GSEs to better measure risk and provide stricter oversight and includes proposals to shore up Fannie Mae and Freddie Mac.

The bill will help a significant number of families in danger of losing their homes by allowing the FHA to insure up to $300 billion in refinanced mortgages.

The bill also includes important tax provisions such as the $7,500 first-time homebuyer refundable tax credit and a new standard deduction for property taxes in 2008.

I am hopeful the combined effect of the provisions of this package will be to alleviate the current housing crisis and help put our Nation's economy on stronger footing.

I urge my colleagues to support this legislation.

Mr. BACHUS. Mr. Speaker, I reserve the balance of our time.

Mr. FRANK of Massachusetts. I yield 1 minute to another member of the committee, the gentleman from Indiana (Mr. CARSON).

Mr. CARSON of Indiana. Mr. Speaker, I rise in strong support of the Foreclosure Prevention Act. This comprehensive reform package will help working families keep their homes and avert foreclosure.

H.R. 3221 is especially important to the people in my home State of Indiana. Hoosiers have had to endure many hardships throughout this housing crisis. Indiana, at one point, led the Nation in foreclosures, and currently ranks ninth.

I am particularly pleased that this bill provides assistance to cities to rehabilitate vacant, foreclosed homes. In my neighborhood alone, there are over 60 vacant and boarded homes.

As a former law enforcement officer, I know these vacancies can lead to violence and theft in our neighborhoods. We need the resources provided in this housing measure so that our communities can be revitalized and our neighborhoods stabilized. I want to thank Chairman FRANK for his work on this bill.

Mr. BACHUS. Mr. Speaker, at this time I yield to the gentleman from North Carolina, a member of the committee, Mr. MCHENRY, 2 minutes.

Mr. MCHENRY. Mr. Speaker, today we are considering the most significant extension of the Federal Government into the financial markets in over a generation. With the dramatic impact that this piece of legislation will have on the housing markets, as well as the financial markets, I think we have to give it due consideration.

And in that vein, Mr. Speaker, I have got a number of questions. Will taxpayers be forced to subsidize shareholders, shareholder returns if the GSEs borrowed from either the Fed or from the Treasury lines of credit without a requirement that they first reduce their dividends?

Will the bill create the possibility of future shareholder suits against the GSEs, and will the Government be on the hook for any of the settlement costs and damages?

Will the bill create the potential of GSEs going into receivership, and how could this affect the United States Government's bond rating if we engage in this type of activity?

And finally, why are we giving home owners with negative equity, who take advantage of the FHA refinancing proposal within this legislation, they have to give up 50 percent of their appreciation in homes. But, at the same time, we don't have that same requirement for the financial institutions we are giving a massive amount of money to in Federal assistance.

But finally, there is a large section of this bill called the Housing Trust Fund; and does this Housing Trust Fund work against the goal of this bill, which is to prop up Fannie Mae and Freddie Mac?

The Housing Trust Fund would tax Fannie Mae and Freddie Mac, and take that money, put it into a slush fund for Congress to hand out for other housing ideas. And will this hurt, in the long term, the housing markets?

And for these questions, I think there are answers; and the answers are that it will harm our U.S. Government taxpayers now and in the future, and at the same time, not truly help the financial markets in a way substantive enough for us to do this.

So therefore, I am going to vote against this legislation. I urge my colleagues to do the same.

Mr. FRANK of Massachusetts. I yield 1 minute to a very active member of the committee, the gentleman from Florida, Mr. KLEIN.

Mr. KLEIN of Florida. Mr. Speaker, the economic challenges that are affecting America are having a real impact on my constituents in South Florida. The Associated Press recently reported that Fort Lauderdale has among the highest foreclosure rates in the country. Market stability is of the utmost importance in returning Florida's economy to a position of strength and restoring consumer confidence.

The American Housing Rescue and Foreclosure Prevention Act provides mortgage refinancing assistance to keep families from losing their homes, protect neighboring home values, and help stabilize the housing market. It also helps borrowers avoid foreclosure, while minimizing taxpayer exposure and, at the same time, requires lenders and home owners to take responsibility. It also provides a $7,500 tax credit to first time home buyers to jump start the residential real estate market.

This is an excellent, well-thought-out response to the housing market crisis that we are dealing with.

I would like to thank Chairman FRANK and Chairwoman WATERS and the minority members who worked on this commonsense economic compromise legislation. I urge my colleagues to support this bill.

Mr. BACHUS. Mr. Speaker, I continue to reserve my time.

Mr. FRANK of Massachusetts. Mr. Speaker, yet another very active and important member of our committee, the gentleman from New York (Mr. MEEKS). I yield him 1 minute.

Mr. MEEKS of New York. Mr. Speaker, I want to thank Chairman FRANK for this great work. This is probably one of the most important bills that we are going to pass in this 110th Congressional Session.

When you look at what is taking place and you look at the fruits of what is going on in our economy, you see that the housing crisis is the catalyst for our Nation's current economic crisis. And what this bill does, it really is, it makes this House stand up for the true meaning of its creed, the people's House, because there are a lot of things in here that go to the people of the United States of America, the taxpayers who we entrust and know that they are the heartbeat of this economy.

When you talk about creating equality in wealth, it is with homeownership. And what this bill does, it makes sure that individuals continue that homeownership. It makes sure the individual receives financial literacy. It makes sure that the unscrupulous lenders, you know, those people who were victimized by the unscrupulous lenders, that they are wiped out of the map and that people get counseling that is desperately needed in this place. And also it talks about organizations who have been integrally involved in creating opportunities to folks. This is a very good bill. I vote ''aye.''

Mr. Speaker, I would like to applaud my colleagues in the House, Members of the United States Senate, the Secretary of the Treasury,

Financial Industry and Housing Sector advocates and, in particular, my friend and colleague, House Financial Services Committee Chairman BARNEY FRANK for providing the leadership and resources in crafting this landmark legislation, H.R. 3221, the Housing and Economic Recovery Act of 2008.

My district, New York's 6th Congressional District has among the highest rates of foreclosure in the Nation. This legislation will address the severe housing crisis that has been the catalyst for our Nation's current economic crisis and has disproportionately impacted the African-American community. There is ample evidence that this crisis is having a devastating and disproportionate impact on the African-American and Latino communities. This Congress has insured that the Housing and Economic Recovery Act of 2008 not only addresses the larger problems of industry giants like Fannie Mae and Freddie Mac, but it also specifically targets urban, low income and minority communities and homeowners who have been affected by unscrupulous subprime and predatory loans. These loans have led to record rates of foreclosures that are having disastrous results in the African-American and Latino community.

I am particularly heartened that the measure provides nearly $200 million in Federal funding for housing counseling services. These counseling services will provide funds for nonprofit groups that serve low income, minority and urban communities to provide desperately needed financial literacy outreach and education.

Organizations such as the National Urban League, which has provided housing counseling services to our Nation for over 40 years and offers a wide variety of housing counseling services to homeowners, as well as low-to-moderate income renters. Housing counseling plays a key role in increasing financial awareness and Closing the wealth gap between minority and nonminority households.

Throughout my tenure in the Congress, I have fought for an expansion of housing counseling and financial literacy services in an effort to improve the financial situation for minorities with respect to securing homeownership, maintaining. good credit and attaining monetary savings.

I am pleased to hear that President Bush is no longer threatening to veto this much needed legislation. I would urge the Congress to move quickly to enact this historic legislation and to get it to the President's desk as soon as possible.

Mr. BACHUS. Mr. Speaker, I would like to inquire as to the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Alabama has 9 minutes remaining. The gentleman from Massachusetts has 16 minutes remaining.

Mr. BACHUS. I continue to reserve my time, Mr. Speaker.

Mr. FRANK of Massachusetts. I now yield 1½ minutes to the Chair of the Small Business Committee and a member of our committee, the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I want to thank Chairman FRANK, Ms. WATERS and the members of the minority who have worked in this important bipartisan bill.

Mr. Speaker, right now, this country needs swift effective action, and this legislation will do just that. Neighborhoods across the Nation are feeling the effects the growing number of abandoned and foreclosed properties. In my district alone, there are almost 700 homes in foreclosure. Home owners, even in strong housing markets, are watching their financial security disappear. What was once a robust growing market is now at the core of the current economic downturn.

H.R. 3221 will help reverse this, stabilize neighborhoods, and convert foreclosed properties into stable rental and home ownership opportunities for working families.

Most importantly, Mr. Speaker, it protects a basic need for millions of Americans, affordable housing. With the magnitude of the housing crisis and number of people struggling to keep their homes, the time to act is now.

When a family goes into foreclosure, they lose their economic stability and strain our already struggling economy. H.R. 3221 will restore investor confidence in the housing finance market while securing the American dream for working families. It not only addresses the immediate needs but installs safeguards so we can prevent a future housing downturn.

□ 1600

While access is essential, equally critical to the housing recovery is the ability of sound mortgages.

Mr. BACHUS. Mr. Speaker, at this time I would like to recognize the gentleman from Illinois (Mr. ROSKAM), a very capable, bright member of our committee for 2 minutes.

Mr. ROSKAM. I thank the gentleman for yielding.

Mr. Speaker, listening to the debate, I appreciate the tone and even the urgency with which Congress is wrestling with this, and there is no question as you look into this bill there are some good elements to it. But there are some substantive reforms to GSEs that I think we can all come around. There are some elements that are very distasteful, from my point of view, and they have been articulated well. And as the chairman has said, there is even a time to put aside some of that and to all come together.

But there is, in my opinion, Mr. Speaker, an element to this bill that isn't just slightly distasteful but it's a deal breaker. And that's the blank check within this bill. When the Secretary of the Treasury came in and briefed a number of us, he said that they wanted this authority to move forward, an unprecedented amount of authority, and then almost in the next breath—I don't want to overly characterize what he said—but almost in the next breath he said, ''But don't worry. We'll never use it.''

Well, I think that should give us all a reason to pause. The notion of giving a blank check to anyone for any circumstance is an idea that I think is a deal breaker, and we will rue the day that we gave that kind of authority away. I find it ironic that the other side of the aisle that has pounded on this President for the past 7 years as being an almost imperial President is willing to yield this type of authority to him and literally give him or anyone a blank check.

My predecessor, Henry Hyde, urged a great deal of caution at what he characterized as the greased chute of government. And this is the greased chute of government moving very, very quickly.

I urge us to pause. I urge us not to give a blank check to anyone. We can do much better than this.

Mr. FRANK of Massachusetts. Mr. Speaker, I am about to yield to the Speaker, but I yield myself 30 seconds to say to my friend from Illinois who wonders about this newfound confidence in the President. My confidence in giving him power is growing as his time in office diminishes.

I now recognize the Speaker of the House for 1 minute. Her leadership has been very important on this.

Ms. PELOSI. I thank the gentleman for yielding and I thank him for the great intelligence, brilliance, and eloquence that he has brought to this very important debate for the American people. I want to thank him, as Chair of the Financial Services Committee, for his tremendous leadership. I also want to commend Congresswoman MAXINE WATERS as Chair of the Subcommittee on Housing, and acknowledge the excellent work of Chairman CHARLIE RANGEL on the Ways and Means Committee, without whose leadership we would not be here today, and also subcommittee Chair RICHIE NEAL for his extraordinary leadership.

Mr. Speaker, I had hoped that this legislation would have been the product of much more bipartisanship, and it seems that it has been between the White House and the Democrats in the Congress. As a fan of Congressman SPENCER BACHUS, I also want to acknowledge him. We have some areas of disagreement here, but I'm pleased that we are able to move forward.

Mr. RANGEL, Mr. FRANK, Mr. NEAL, and Chairwoman WATERS have brought us a comprehensive package on housing policy reforms that will lift families facing foreclosure and stem the continuing drop in home values across the country.

I also wish to acknowledge the contributions of Secretary Paulson. Treasury Secretary Paulson played a constructive role and helped the President reach this agreement after opposing many parts of this legislation. I'm so pleased that the White House issued a statement that the President would not veto this bill.

Under Chairman FRANK's leadership, the House last year, just 3 months after Democrats took the majority, in the spring of last year, this House of Representatives passed a bill very similar to the one the House is voting on today, and the administration said that it will not oppose. But at the

time, we had trouble getting from the passage of the bill. Mr. FRANK and members of the committee, Chairwoman WATERS, foresaw, they knew there was a need for legislation. They passed legislation similar to this 15 months ago only 3 months after Democrats took power.

Again in May of this year, the House passed virtually an identical GSE reform bill as part of a broader comprehensive package to address the crisis in our housing market. Also in January, in discussion over the economic stimulus package, we proposed inclusion of both the GSE reform bill and the FHA reform bill that are now in this package. Unfortunately, we could not get agreement on that.

The bill that the House takes up today, if enacted, will represent the most far-reaching reform of our nation's Federal housing finance system in a generation. Chairman FRANK had the foresight to build a bipartisan consensus around the bill that addresses the difficult challenges in our housing markets and communities across America. To help American families avoid foreclosure and jump-start the housing market, this legislation first steers middle class families away from predatory subprime loans and provides them with affordable mortgages; shields middle class borrowers from predatory lending practices and provides foreclosure avoidance counseling opportunities; protects taxpayers, not speculators, by requiring lenders and homeowners to take responsibility; and it offers tax breaks to first-time home buyers.

In this bill we are also ensuring that legislation increases the stock of affordable housing by preserving affordable rental housing for seniors and other populations in communities across America; provides tax incentives for the production of rental housing for low-income populations.

So while all of the attention is on the GSEs, Fannie Mae and Freddie Mac and the rest, I wanted to be sure that people understood what was happening to help working families in America.

I would have liked to have seen a seller-financed down payment provision that would help low- and moderate-income families achieve homeownership, and I hope that that issue will be revisited in future legislation. I would also hope that we can review carefully what the most appropriate government structure is to oversee the GSE, including the Federal home loan banks. The Federal home loan banks were not part of the problem, and I know they have some concern about whether a single individual, an executive director or a governing board would provide better governed insight. I think it would be important for us to review this.

On the subject of our veterans, this legislation, and thanking Mr. FRANK, is also helping returning veterans achieve the dream of homeownership by increasing the VA home loan limit for veterans in high-cost areas. I'm so proud of that. It is extending the length of time veterans are protected from foreclosure upon their return from service from 3 months to 1 year.

The bill does many, many other things, too numerous to mention here, but suffice it to say that we are addressing a crisis of historic proportions, and the bill protects the futures of our families and their housing.

Having just returned from the gulf coast region, I would also like to note the significant contributions to this bill of two of our newest Members of the House, both of whom hail from the gulf area, DON CAZAYOUX from Louisiana and TRAVIS CHILDERS from Mississippi. Congressman CAZAYOUX and Congressman CHILDERS sponsored legislation cutting red tape at HUD so that public housing facilities can receive swift assistance from FEMA after a natural disaster. Their legislation also authorizes funds to combat violent crime on or near the premises of public or federally assisted housing facilities. Their achievement is a testament to their diligence and dedication in representing their districts.

As this bill was going forward, I just might say about 2 weeks ago around this time we thought we had a mortgage foreclosure housing bill that we would bring to the floor. It was then that we heard that following weekend, a week-and-a-half ago, from Secretary Paulson that the GSE language provisions needed to be in this bill. That made a drastic change in the legislation making it a much bigger package.

While we all understand that the last thing our economy needs is for Fannie Mae and Freddie Mac not to be able to make loans and we go forward giving confidence to the markets that Congress will act and the system should be trusted for what Congress is saying about this, I think down the road a bit we should review the hybrid nature of Fannie and Freddie. I know that this bill gives authority to review the compensation of the executives of those institutions, and I think that's very important.

Owning a home is an essential part of the American dream. It's not only about what it means to individuals, it is what it means to the community, putting down roots. It's what it means to the economy as we take an interest in our homes and make them habitable. By expanding homeownership opportunities and protecting families against foreclosure, we are helping to keep the American dream of homeownership alive by restoring confidence in the housing market. Our economy can begin to grow and create jobs for the American people again.

For this reason, I don't think we could have been better served than by the tremendous leadership and knowledge and perception of the distinguished chairman of the committee, BARNEY FRANK. I thank you for your leadership once again, Mr. FRANK, and by the relentless persistence of Congresswoman MAXINE WATERS on behalf of low-income people and homeowners and renters in our country. Thank you for your leadership.

Thanks to Mr. RANGEL as well. It seems like every bill we're thanking Mr. RANGEL because he has such an important part of it. He has so much knowledge of the process, stamina, and working on legislation day in and day out, we're deeply in his debt, and in this case, he was well and ably served by Congressman RICHIE NEAL.

Again, this is a major accomplishment for the Congress. I'm glad it's being done in a bipartisan way with the Congress and the administration and hope that it will be signed into law this week.

Thank you again, Mr. FRANK.

Mr. BACHUS. Mr. Speaker, at this time I would like to yield 2 minutes to the secretary of the Republican Conference, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank the gentleman for yielding.

Last week, the so-called experts came to town and they told us that we need to shore up Fannie Mae and Freddie Mac to provide stability to the housing markets and to shore up and give stability to our financial institutions.

I listened very calmly to that and decided it made sense to me, and I think it makes sense to most everybody in this conference. I didn't hear anything about blank checks, but I did hear about shoring up the system. I certainly didn't hear anything about a housing trust fund or community block grants for buying foreclosures, but that's in this bill and that concerns me.

If we just take a look at the housing trust fund, we see a $9 billion permanent tax against Fannie Mae and Freddie Mac. Now wait a minute. I thought we were shoring up Fannie Mae and Freddie Mac. Now we're taxing them.

But besides that, over the next 3 years this will be used for the FHA bailout, and that makes some sense. Sixty-five percent of these funds will go to States that spend it on rental housing activities and low-income homeownership. That sounds like it makes sense, although it really wasn't what we were talking about but it makes sense. And then 35 percent will be distributed by the Secretary of Treasury to groups, groups that work in housing, I suppose, like ACORN and La Raza.

But there's a problem here that I see that there doesn't seem to be any permanent oversight that would prevent this kind of money that could potentially go into something that would be very abusive or fraudulent. It concerns me. The community block grants were not part of what we were asked to do either. Both these items have come before this House before unsuccessfully. But now when we have one of these must-pass golden opportunities that

the Democrat majority sees, then they put the things on there that otherwise they didn't feel confident they could get done, and then they ask us to do this to save the financial institutions of Fannie Mae and Freddie Mac and others.

This doesn't sound like what the American people sent us here to do. They sent us here to work on the problems that are before this Nation and are important.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES) who has been very concerned with this crisis given the impact that it has in her home district.

Mrs. JONES of Ohio. Thank you, Mr. Chairman, and Subcommittee Chair Maxine Waters for your leadership in hosting a hearing in my congressional district.

Very quickly, I want to talk about the opportunity to simplify the Federal Historic Rehabilitation Tax Credit which is included in this bill, and I want to thank you because I have been working on that for years.

But I'm really having a problem here today because years ago, we were talking about expanding homeownership opportunity and we did it. But we didn't protect the people. So the predatory lenders got in there and they stole people's property. They stripped the equity from our neighborhoods so that there are senior women who own their homes outright that are now on the streets somewhere. They don't have a home. There are families who will not be able to pass that wealth from one generation to the next. Not only have we robbed this generation, we've robbed grandbabies and great-grandbabies.

□ 1615

So what I'm saying to you is we have an opportunity to fix it. We have an opportunity to take care of these folks that have been robbed.

The SPEAKER pro tempore (Mr. WEINER). The time of the gentlewoman has expired.

Mr. FRANK of Massachusetts. I yield the gentlewoman an additional 30 seconds.

Mrs. JONES of Ohio. I say we need to take advantage of the opportunity. Let's save some communities. Let's save public education, that understands that if we don't have a tax base, there's no money to go to a school; that understands if we don't have a tax base, cities can't collect garbage. They can't do what they need to do.

Come on. You understand what happened here. People got robbed, they got tripped, and it's now time for us to help them, just like we helped Bear Stearns and everybody else. Let's help the people.

Mr. BACHUS. Mr. Speaker, I'd like to inquire into the time remaining on each side.

The SPEAKER pro tempore. The gentleman from Alabama has 5 minutes. The gentleman from Massachusetts has 11½ minutes.

Mr. BACHUS. Mr. Speaker, due to the imbalance, I'd reserve the balance.

Mr. FRANK of Massachusetts. I accept that we should. The imbalance is not intentionally done, just we're better at time management.

I now yield 3 minutes to one of the leading members of our committee in the preparation of this bill, the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I thank the chairman for yielding time.

This is a big, big deal when it comes to housing, when it comes to responsible credit, when it comes to economic recovery in our Nation. This could perhaps be the most important bill that we have considered during the 16 years certainly that I've been a Member of Congress.

And to the extent that a lot of these reforms were already in the pipeline and well-thought-out and are now being implemented in response to a crisis, the fact that the crisis has occurred has forced us to do it.

And then there are some things in the bill that are being done solely in response to the crisis, and some of those things have been questioned by our colleagues on the other side as perhaps extending more responsibility to Fannie and Freddie, while at the same time increasing their risk, and there are concerns about that.

One of the most important things I think in this bill is a lot of these bad loans are having to be unwound, and borrowers need counseling to get them unwound. And we've given some funds in this bill to fund ongoing counseling, and we've added to it the ability to get some legal advice.

On the Senate side, they put in a provision. We had already said you can't use any of that money for class action litigation. On the Senate side, they put in a provision that said no civil litigation, and I think I'm satisfied that civil litigation is not broad enough to cover advice about foreclosures, that I've asked the Chair just to give me his opinion about whether the language in the bill is broad enough to foreclose any legal assistance with foreclosures.

Mr. FRANK of Massachusetts. Would the gentleman yield to me at this time?

Mr. WATT. I'd be happy to yield.

Mr. FRANK of Massachusetts. All the debates I've heard about civil litigation have been concerned that plaintiffs' lawyers would initiate lawsuits. We're talking here, as the gentleman well knows, about citizens who are finding themselves as defendants in foreclosures, and I can't imagine that people meant to exclude the ability of lawyers to defend people when we've got a record of some of these foreclosure packages being abusive.

So I would agree with the gentleman, and if necessary, I would hope we could make that very clear that defending someone who's being foreclosed upon, when there have been inappropriate practices isn't what has generally been meant here by a stopping the initiation of civil litigation.

Mr. WATT. I thank the chairman for making that clarification. I think this is a good bill. When you legislate in a crisis situation, you always get some concerns, but overall, this is a wonderful bill, and we need to pass it.

Mr. BACHUS. Mr. Speaker, at this time, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, Fannie and Freddie have become financial Frankensteins that now threaten to gobble their creators. They're private companies that receive special congressional benefits granted no other companies in America, and with these special benefits, they have learned how to privatize their profits and socialize their losses.

They've taken these special privileges, and their executives have received millions and millions of dollars in bonuses, some of whom received those bonuses through manipulating earnings, cooking the books, by privatizing their profits.

And now we have a bill before us that, taken to its logical conclusion, could cost the taxpayer $5 trillion, increase the national debt 50 percent overnight. They have learned how to socialize their losses.

Mr. Speaker, I will admit that contingency is unlikely, but it is likely enough that we have this package before us, because I will admit, Mr. Speaker, that unfortunately, today, Fannie and Freddie are too big to fail. But shame on us if we allow them to be too big to fail tomorrow, or the next year, and send yet again the taxpayer the bill.

This legislation before us, Mr. Speaker, not only doesn't prevent a future multibillion dollar bailout, it actually increases its risk.

Mr. Speaker, item number one: this bill puts on a mortgage tax on Fannie and Freddie. Now, let's think about that for a second. These are companies that apparently are so poor that we have to bail them out, but apparently, they're so rich that we can impose a new tax on them. It's insanity, Mr. Speaker.

Conforming loan limits. Under this legislation, their conforming loan limits can rise, meaning they can engage in even more risky behavior that has nothing to do with low-income housing.

Their portfolio cap has already been lifted. Under this legislation their portfolio holdings can increase, who two Federal chairmen have cited as a great source of systemic risk throughout our economy.

Their capital standards, already low, they can be lowered even still. I mean, they're a third of what a well-capitalized bank should be. We go from an implicit government backing to explicit government backing.

And, Mr. Speaker, think about the precedent. If you're big enough, if you're interconnected enough, if you spend $170 million on lobbying, you become too big to fail. If you're small, independent, and you don't have a lobbyist, well, guess what, you're too small to help but you can still pay the tab for Fannie and Freddie.

It's time to take away their special privileges. It's time to introduce legislation over a reasonable period of time that privatizes these institutions. Mr. Speaker, I will do just that tomorrow.

We should reject this bill and not send anymore bills to the taxpayer.

Mr. FRANK of Massachusetts. I want to now yield to the chairman of the Budget Committee who has been a very important factor in our being able to pull this together, the gentleman from South Carolina (Mr. SPRATT), 2½ minutes.

Mr. SPRATT. I thank the gentleman for yielding.

We are in the midst of a recession, which is not your garden variety business down-cycle. This recession started with the collapse of sub-prime mortgages, which has taken a toll on investment banks, like Lehman Brothers and Bear Sterns, and even the biggest of the commercial banks, like Citibank.

At the outset, it seemed that the effects of the recession would be felt mostly by those institutions that were long in sub-prime mortgages. Since Fannie Mae and Freddie Mac deal mainly in prime mortgages, typically with equity of 20 percent, and not sub-prime mortgages, it was felt at first that these institutions, with their government-sponsored status, and their implicit guarantee, would be part of the solution as opposed to part of the problem. It was felt that maybe they could even take up some of the defaulted sub-prime paper. But as foreclosures increased, and housing values decreased, and net interest rate spreads worsened, Fannie Mae and Freddie Mac began to feel the effects, and the financial markets began to question their financial statements, which, I will emphasize, state positive net worth and positive cash flow.

Secretary Paulson was able to slow down the steep fall in value by stating explicitly and emphatically what has been implicit since these entities were first created, namely, that the credit of the United States stands behind them. The most important purpose of this bill is for the Congress to affirm in law what the Secretary has declared, or to be more specific, to confer on Treasury the power to extend to these two entities, Fannie Mae and Freddie Mac, an open-ended line of credit.

It's fair to ask why no ceiling on the line of credit. The answer may seem paradoxical, but the Secretary of Treasury has assured us that the larger and less restricted the credit is, the less likely the lines will ever be drawn down. Creditors will not need to worry if they forbear, if they don't cash in, they may not be paid because come hell or high water the Federal Government's credit stands behind these entities.

For that pledge also to be taken seriously by the market as credible, it's necessary to increase the debt ceiling of the United States. We did that in the last budget resolution we adopted here in the House. This bill, once again, would confirm and raise the debt ceiling of the United States, giving the Secretary headroom and credibility when he says the standby lines of credit that we're extending will be adequate to accomplish the effect it's intended.

This debate is about housing and two entities, GSEs, but it's also about our credit globally. If these two entities were to default and not have the United States government back up its guaranty, the consequences could be truly calamitous.

This is also good policy, counter-cyclical policy for the recession itself. It's a good bill, good policy, and I urge everyone to support it.

I thank the gentleman.

Mr. FRANK of Massachusetts. Let me inquire of my colleague, I understand he only had one more speaker?

Mr. BACHUS. Yes, that is correct.

Mr. FRANK of Massachusetts. Well, we have two. So I will now yield to the gentlewoman from California (Ms. WATERS) for 2 minutes and then I'll be closing on our side.

Ms. WATERS. As we wind down this debate, I again want to thank BARNEY FRANK for his tremendous leadership. I want to thank NANCY PELOSI for listening to BARNEY FRANK and coming together to take a very strong stand to help us to realize this very comprehensive and relevant piece of legislation.

This legislation does a lot of good things: first-time home buyers assistance, tax credits, low-income housing tax credits, counseling funds that are targeted to the most needy neighborhoods, the strengthening of FHA, the refinancing of troubled mortgages by FHA, $4 billion to the cities, standby authority for the GSEs help to create more confidence in the markets.

The sub-prime meltdown created a crisis. This is a comprehensive, realistic response, and I'm proud of the work not only of Chairman FRANK but of CHARLIE RANGEL and Senator DODD who left the $4 billion in from the Senate side, the Financial Services Committee, my Subcommittee on Housing and Community Opportunity.

We did not get the seller funded downpayment assistance program, but my subcommittee will start immediately to work on this legislation so that we can come back in a few months with a stand-alone piece of legislation to do what needs to be done.

This is an important program. This program that's helped over 730,000 homeowners between the year 2000 and 2007 is extremely important to helping those who can't afford to pay the mortgage every month. They cannot afford that downpayment to get into the home. It works. It works well. It needs to be understood. We need to put it in law and do it correctly.

Mr. FRANK of Massachusetts. Would the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Massachusetts.

□ 1630

Mr. FRANK of Massachusetts. We were able to postpone the deadline there of October 1. There is also an issue on risk-based pricing. I believe we will have both of those resolved in a more flexible way before October 1 so that seller financing and risk-based financing, appropriately done, will not go out of existence.

Mr. BACHUS. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. GARRETT).

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 2 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, the American taxpayer today should be alarmed. No, he should be outraged. The taxpayer is being asked to be put on the hook for $5 trillion, the largest increase ever in U.S. history.

A blank check is being given to be written by this administration. $800 billion is being asked for an increase in our debt limit. The CBO even says $25 billion potentially on the hook just to the year 2009.

Experts have pointed out what this all means to you and I, the taxpayer, higher costs, higher inflation, and, of course, the prospects of ever higher taxes as well. We here today are crossing the Rubicon. Just as Caesar crossed into Rome, so too are Secretary Paulson and Chairman FRANK, locked arms together, to cross the Rubicon and into that uncharted morass of socializing the loss and privatizing the profits. As the people yelled back then in those days, there is no turning back. So here we are today.

Are we to stand here today and listen to those same people who brought us to this precipice and now ask us to join with them as we jump off? Yes, that's what we are being asked to do.

I would note today in the Wall Street Journal, Paul Gigot writes that back in 2003 that the head of Countrywide was yelling at him and others as well, saying that we don't understand the markets and mortgages and whatnot, and there is no systemic risk with the GSEs.

Well, Chairman FRANK and others said the same thing, that we just don't understand and not to worry. There are only a few people in those years that stood up, people like former Congressman Richard Baker who said that there would be a problem down the road.

I joined Richard Baker and others saying we must be doing something back then, sever the link to the Federal Government, end the $2.5 billion credit line, end the influence of buying, $200 million by lobbyists, by these entities, using their influence to make sure

that no reform could get done. We tried to pass legislation that would give us just basic reform, but all those initiatives were stopped at the very brink.

Also during that time, Chairman FRANK told us that this would not happen.

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

Mr. GARRETT of New Jersey. He said, ''I'm not going to bail them out.''

Mr. FRANK of Massachusetts. Regular order.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 4 minutes.

Mr. FRANK of Massachusetts. The resemblance between reality and the rhetoric from New Jersey is even thinner at this point than it usually is. In fact, in 2003 and earlier, many of us were trying to do some reforms.

In 2005, I supported Michael Oxley, the former chairman of the committee and others, in enacting reform. The fact is very clear—Republican rule for 12 years, no Fannie Mae/Freddie Mac reform. We took office, and 3 months after the Democrats became the majority, the Financial Services Committee, under the Democrats, and this House, passed a bill that increased regulation of Fannie Mae and Freddie Mac to the satisfaction of this administration. Twelve years of inaction under the Republicans, in 3 months——

Mr. GARRETT of New Jersey. Will the gentleman yield on that point?

Mr. FRANK of Massachusetts. No.

In 3 months we did it in the House, and it took the Senate, and there was, unfortunately, obstruction from Senate Republicans, but it finally got done.

Secondly, we have the myth of the $5 trillion, the silliest single misleading statistic I have ever heard. $5 trillion is the total value of mortgages held by people insured by Fannie Mae and Freddie Mac. The gentleman from Texas said this could reach $5 trillion. It will reach the sky on a broomstick before that.

Mr. GARRETT of New Jersey. Will the gentleman yield on that point?

Mr. FRANK of Massachusetts. No. I ask the gentleman to stop harassing me. He had his time. I would like to conclude. We had equal time here.

The $5 trillion means that—in the first place, nothing in this bill assumes any responsibility for any of those mortgages. Zero. It is stand-by authority to the Secretary of the Treasury to make the loans.

As the gentleman from New Jersey acknowledged, the CBO said this might cost $25 billion. It will probably cost nothing. It might cost $25 billion. How did $25 billion become $5 trillion? By fantasy. In fact, what you have is if every single mortgage held by Fannie Mae and Freddie Mac were to pay zero, then you would have a $5 trillion problem, but it wouldn't be ours.

Mr. Speaker, this bill is not to the liking of any single individual in all of its aspects, but it shows our ability to govern, because every single organization that has been advocating for low-income housing, all of the organizations that are in the business of building and selling housing, the organizations concerned with the financial health of this country, and the mayors and the Governors all support the bill, the Financial Services Roundtable, the American Bankers Association, the Mortgage Bankers Association, the National Association of Realtors, the National Association of Home Builders, the United States Conference of Mayors, the National Governors Association, and all the advocacy groups, the National Association of Consumer Advocates, National Community Reinvestment Coalition, National Consumer Law Center, National Fair Housing Alliance, National Low Income Housing Coalition.

The point is this. If we had a bill that was perfect for any one of these groups, you wouldn't have this coalition. These are people who, unlike my conservative colleagues who think that their administration has suddenly lost all of its moorings and they think that the Realtors and the home builders and the Financial Services Roundtable and the Low Income Housing Coalition and the home builders, all of these people don't understand. That's because they know the difference between a $5 trillion fantasy and a $25 billion stand-by authority to prevent terrible economic damage.

Here is the final point. No solution to a problem could be more elegant than the problem. We are in this problem because of excessive deregulation that led to the subprime explosion. The gentleman from Alabama and I and other members of the committee, my two colleagues from North Carolina, tried several years ago to prevent it. I acknowledge that we worked together. We were overruled by higher political authority at the time under the Republican-controlled Congress.

We are suffering from the results of the subprime. As to Fannie and Freddie, yes. That's a hybrid form that none of us here created that we should look at, and we will look at. But to deny a emergency response until we do that would be inviting disaster.

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today in support of the American Rescue and Foreclosure Prevention Act of 2008. This legislation, debated over many weeks and months, and evolving over that time, is extraordinarily important to the financial health of not only the housing market but the Nation's economy.

As we create a new world-class GSE regulator, provide refinancing assistance to hundreds of thousands of families, provide for an affordable housing trust fund and provide the Treasury Department with the tools it needs to ensure the solvency of Fannie Mae and Freddie Mac, we should also continue to consider measures that could further increase the stability and transparency of the housing market.

Congress should continue to look into the role that appraisals have had in skewing the housing market and thus encouraging the proliferation of overvalued mortgages. I hope that we could take a serious look at requiring the GSEs to incorporate the Cost Approach for appraisals in the method they currently rely on to appraise properties.

For more than 60 years before the standard was changed in 1996, the GSEs required the use of the Cost Approach on home property appraisals. The Cost Approach is a method used as a way to benchmark the actual monetary value of the structure being appraised which in the least provides a floor for an accurate appraisal. With only a reliance on market values, appraised values of properties have had less and less to do with the actual demonstrative value of the structure and more and more to do with a housing market that we are now finding out was over inflated.

By continuing to take a hard look at issues like the Cost Approach, this body can ensure that we will not rest on the passage of today's legislation but will continue to aggressively act to ensure that the housing markets operate in a manner based more strongly on true economic fundamentals.

Mr. STARK. Mr. Speaker, I rise today to reluctantly support this broad housing legislation (H.R. 3221). This bill provides real help to hundreds of thousands of struggling families and institute long overdue regulatory reforms for the Government Sponsored Entities (GSE). My support, however, for the many important provisions in this legislation is tempered by the fact that taxpayers are potentially on the hook for a bailout of wealthy GSE investors.

In the first 6 months of 2008, over 230,000 default notices have gone out to homeowners in California. It is imperative that Congress act to assist these families and help keep as many of them in their homes as possible. By authorizing the Federal Housing Administration (FHA) to provide refinancing opportunities for at-risk borrowers, this bill will help an estimated 400,000 families keep their homes. This legislation also helps to ensure that future borrowers are not steered into risky sub-prime loans by increasing the conforming loan limit for FHA backed loans. In addition, the bill helps to stabilize neighborhoods devastated by foreclosures by providing $4 billion in grants for local communities to purchase foreclosed homes and convert them into affordable housing. Finally, the bill begins to answer the long-term shortage of affordable housing by creating a robust trust fund that will be used to create and maintain housing for low-income families.

After years of lax regulatory oversight driven by the discredited free market dogma of the Bush administration, today we are reversing the tide by creating a new, independent regulator for the GSEs. This regulator will have the power to rein in the worst excesses of the GSEs, including egregious executive compensation. If such a regulator had been in place during the housing boom, perhaps we would not be in the perilous position we find ourselves in today.

Despite the many positive and necessary aspects of this bill I am deeply troubled that we are potentially bailing out the very investors whose greed drove the housing bubble and mortgaged the future of countless families. In effect, by providing an uncapped line of credit to the GSEs we are saying that we will

socialize their risks, but for individuals struggling to pay their bills we leave them to the private market. We should be doing just the opposite.

Despite my misgivings, Congress needs to act and the perfect should not be the enemy of the good. The positive aspects of this bill that will provide relief to communities afflicted by the recession outweigh the negatives. For that reason, I urge all my colleagues to support this bill.

Mr. MITCHELL. Mr. Speaker, I rise today to express concerns about H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008.

Arizona has been hit hard by the current banking and housing crisis and currently ranks third in the nation in foreclosures. Coupled with rising energy and food costs, my constituents are painfully aware of the tough economic times we are in.

I proudly voted for H.R. 3221 when it was originally considered by the House on May 8, 2008. This comprehensive housing legislation would provide critical reform to the regulatory agencies to which the government sponsored enterprises, like Fannie Mae and Freddie Mac, report. That bill would also provide relief to homeowners by permanently allowing Fannie Mae and Freddie Mac to purchase larger loans, which would provide mortgage market liquidity for refinancing and the purchasing of homes in foreclosure.

A strong, independent regulator is important to ensuring that Fannie Mae and Freddie Mac remain accountable for excessive risk or undercapitalization. The current regulatory structure is terribly inadequate and I feel it is important that this new regulator be empowered as soon as possible.

I am pleased to see that the legislation we are considering today includes assistance for first-time homebuyers and property tax relief for current homeowners. The $7,500 credit for first-time homebuyers is like an interest-free 15-year loan that will ensure that homebuyers without the traditional down payment capital are able to purchase their first home, expanding homeownership in the United States.

The standard deduction for property taxes, included in this bill, of $500 for single filers and $1,000 for joint filers is important to make sure that homeowners suffering from rising inflation get relief in paying their property taxes, which have gone up in Maricopa County and across the Nation.

This bill would also allow the Federal Housing Administration (FHA) to insure larger mortgages. By insuring mortgages, this agency serves an important function by lowering interest rates, thus making buying a home more affordable. The bill also allows FHA to lower monthly payments for borrowers that pay their loan payments on-time for the loan's first 5 years.

These provisions, and many more in the bill, will all provide important relief to homeowners, bolster the struggling housing market, and reestablish confidence in the banking industry that the U.S. Government is acting quickly to address the most immediate concerns.

However, I am troubled by the inclusion of an unlimited U.S. Treasury credit line for Fannie Mae and Freddie Mac, and including the authority for the U.S. Treasury to purchase stock in these private companies. I am concerned that this new authority will set a dangerous precedent and provide impetus for other private financial institutions to ignore risk in the future.

This may also have serious implications for the Federal budget deficit and the growing national debt, which will increase the statutory limit to $10.6 trillion from $9.8 trillion and $1.2 trillion above the current national debt.

Although, I think it is important to restore confidence in Fannie Mae and Freddie Mac, who guarantee roughly half of the mortgage debt in this country, I strongly believe that the Treasury Department must carefully consider the implications of using the authority provided in this bill.

I voted against the rule providing for consideration of this bill because it does not afford us an opportunity for a separate debate and vote on this new authority. Given that opportunity, I would have encouraged my colleagues to take a closer look at the need for this authority at the present time. As I am now faced with an imperfect package, I cannot, in good conscience, oppose a measure that would provide so much urgently needed relief to my constituents, homeowners, and soon-to-be homeowners across Arizona.

Mr. VAN HOLLEN. Mr. Speaker, today we consider the Senate Amendments to the American Housing Rescue and Foreclosure Prevention Act to assist struggling homeowners, help stabilize the housing market and to help those homeowners who are being financially hurt by rising foreclosures in their neighborhoods.

Originally passed by this body in August of last year, this bill represents a compromise between the administration and Democratic and Republican congressional leaders, and retains most of its original provisions while incorporating the Administration's plan to provide explicit government backing for Fannie Mae and Freddie Mac. The bill also provides emergency assistance for the redevelopment of abandoned and foreclosed homes to help stabilize the housing market and our neighborhoods.

To address one of the root causes of the mortgage crisis, the bill specifically targets the Federal Housing Administration and Fannie Mae and Freddie Mac.

The bill overhauls the FHA to increase the market share of mortgages they insure, raises loan limits for FHA-backed loans, boosts loan limits in high-cost areas, allows the agency to vary the premiums it charges borrowers based on their credit risk, and modifies disclosure requirements to provide more information concerning mortgage choices. The bill also creates a new independent agency to regulate Fannie Mae and Freddie Mac to place these entities into conservatorship or receivership in the event of a financial crisis.

In addition to providing assistance to home buyers and homeowners in the form of tax credits, and a reduction for real property taxes, the bill also provides assistance for low-income rental housing, and four billion dollars in additional Community Development Block Grant resources to help states and localities rehabilitate neighborhoods harmed by rising foreclosures.

Despite much evidence to the contrary, there are still many who think this bill is about bailing out Fannie Mae. As we all know, as mortgage defaults have risen and home prices have fallen, Fannie Mae and Freddie Mac have reported billions of dollars in realized and unrealized losses. Freddie Mac, for example, reported at the beginning of this month that if it had been forced to liquidate its holdings at the end of the quarter, it would have been left with a deficit of $5.2 billion.

It is crucial to American economic health that we work to keep these two important institutions on sound financial footing. According to the Center for Economic and Policy Research, due to the collapse of the housing bubble and the subsequent collapse in housing values, the vast majority of Americans are accumulating little or no wealth and are in danger of becoming completely reliant on Social Security and Medicare to support them in their retirement years. Since homeownership is the way most Americans accumulate wealth, and since Fannie Mae and Freddie Mac own or guarantee more than 40 percent of U.S. home mortgages, they cannot be allowed to fail.

This bill will help keep them from failing by increasing their available credit lines, allowing the Treasury Department to purchase their equity and allowing the Federal Reserve to reset their capital requirements. The funds provided by this bill will only be made available if the home loans these institutions guarantee default. By making additional financial support available to these institutions, Congress sends a clear message to investors that we stand by Fannie Mae and Freddie Mac and will not allow them to fail. If investors are reassured, Fannie Mae and Freddie Mac may not need to draw upon this funding.

Our economy is in crisis mode. The American Housing Rescue and Foreclosure Prevention Act is a necessary response to stabilize the housing market and to come to the aid of those Americans who are threatened by the rising number of foreclosures in their neighborhoods.

This is not a perfect bill—but it provides an urgent response to an urgent problem. I urge my colleagues to join me in supporting it.

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of this bill.

In the time Congress has taken to debate what steps to take to address the housing crisis and its related economic impact, hundreds of thousands of Americans have lost their homes to foreclosure and the U.S. economy has continued to weaken.

Since last year, the House has been responding, and most of the provisions of this legislation are identical or similar to measures that we have passed previously. However, only now has the Senate acted, by passing the revised version of H.R. 3221 that is now before us. As a result, much precious time has passed—and the time to act is now.

Adding to the urgency is the need to respond to the perceived problems affecting Fannie Mae and Freddie Mac—and the Bush administration's request that Congress act to validate the steps by the Treasury Department and the Federal Reserve to restore confidence in the soundness of those companies that are so critical, not just to the mortgage market, but the national economy and the international standing of the U.S. dollar.

The provisions to implement this administration proposal have drawn serious criticism from well-informed people concerned that they do not strike the right balance between the value of supporting those entities and the value of subjecting them to the same market forces that affect other private concerns.

I have carefully considered those criticisms, especially because, as a son of the West, I

prefer the Federal Government's influence to be limited, in particular when it involves the free market process. Our Nation's history has shown, however, that in certain times it is the duty of the federal government to take action to help people responsibly address problems they face—particularly if, as in this case, government may have contributed to the problems.

The value of Fannie Mae and Freddie Mac stock has plummeted in the last year, down about 80 percent. The most dramatic slide occurred just weeks ago, and it was the promise that Congress would pass—and the President would sign into law—this legislation that halted the Government Sponsored Enterprises' (GSEs) freefall. With Fannie Mae and Freddie Mac responsible for $5 trillion worth of residential mortgages—nearly half of the value in home loans nationwide—our economy could be crippled for years. With the backing of the U.S. Treasury Department, as outlined in this bill, we can avoid such a catastrophe.

This bill also places a strong regulator in position to oversee Fannie Mae, Freddie Mac and the Federal Home Loan Banks, and protect against any similar pitfalls in the future.

On the ground in neighborhoods throughout America, the importance of this legislation is much more concrete. Simply put, this legislation will help American families at risk of foreclosure work responsibly with their lenders to stay in their homes. The number of foreclosed properties soared through the first six months of this year, with more than 340,000 American families losing their homes.

This bill will help hundreds of thousands of American families remain in their homes by allowing the Federal Housing Administration (FHA) to guarantee qualified loans. However, both lenders and homeowners must agree to sacrifice in order to receive the FHA's backing, with lenders having to voluntarily take significant losses by reducing the loan principal, and homeowners having to repay the government a percentage of the value of the home if they sell or refinance again.

This legislation also provides States with funding to purchase, rehabilitate and sell foreclosed properties, and in the process improve the value and quality of neighborhoods hardest hit by the housing crunch. This package will help remove some of the housing industry's excess inventory by providing a refundable tax credit for first-time homebuyers, and by increasing the Veterans Administration home loan guarantee limit, so that our veterans can receive the expanded home ownership opportunities they deserve for serving our nation.

This legislation also creates an affordable housing trust fund, paid for with a percentage of future GSE profits, to provide acceptable affordable housing for low- and extremely low-income families—those who were too often the victims of deceitful and predatory subprime lending practices.

Mr. Speaker, my home State of Colorado was one of the first to realize the devastation of this housing crisis. Foreclosed homes can be found in far too many neighborhoods, especially in Adams County just outside of Denver—serving as a sober reminder of the need for housing reform. I was encouraged today to learn that the Bush administration removed its opposition to this bill. This legislation has been carefully crafted to safeguard against fraud, corporate giveaways and speculator abuse, and to provide a foothold for our nation's housing market to begin to rebound. This bill is a major step toward a more stable housing market, a more stable economy, and more stable households throughout the Nation.

For these reasons, Mr. Speaker, I urge my colleagues to join me in supporting this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 3221, the ''American Housing Rescue and Foreclosure Prevention Act of 2008''. This momentous legislation will jump-start the market for mortgages by establishing a true market value for the securities backed by these loans. H.R. 3221 responds directly to the current housing crisis facing this country, while providing the tools to prevent a repeat of these problems. This will help families facing foreclosure keep their homes, help other families avoid foreclosures in the future, and help the recovery of communities harmed by empty homes caught in the foreclosure process.

This legislation provides mortgage refinancing assistance to keep at least 400,000 families from losing their homes, to protect neighboring home values, and to help stabilize the housing market at no cost to American taxpayers. This legislation also protects taxpayers by requiring lenders and homeowners to take responsibility. This is not a bailout; in order to participate, lenders and mortgage investors must take significant losses by reducing the loan principal.

This legislation contains critical protections for taxpayers' dollars, including higher refinancing fees that establish a new FHA reserve to cover possible losses from defaults on these government-backed mortgages. I support this legislation because only primary residences are eligible: NO speculators, investment properties, second or third homes will be refinanced and it provides $180 million for financial counseling and legal assistance to help families stay in their homes.

H.R. 3221 gives the Secretary of the Treasury the authority to increase the already existing line of credit to Freddie and Fannie for the next 18 months, as well as giving the Treasury Department standby authority to buy stock in those companies to provide confidence in the GSEs and stabilize housing finance markets.

While Fannie Mae and Freddie Mac both now meet the capital and liquidity requirements set by their regulator, given the severe turmoil in the markets, the standby authority is needed to increase market confidence and enable both enterprises to continue to raise capital and maintain the availability of mortgage credit. This bill requires the Treasury Secretary to make an emergency designation before using the authority—certifying that he is acting to provide stability to financial markets, prevent disruptions in the availability of mortgage finance, protect the taxpayers, and facilitate an orderly restoration of private markets. No spending would occur unless the Secretary certifies that there is an emergency that requires immediate action. However, if those conditions are not met, there would not be any increase in the deficit as a result of this legislation.

I support that this legislation provides $4 billion in emergency assistance (CDBG Funds) to communities hardest hit by the foreclosure and subprime crisis to purchase foreclosed homes, at a discount, and rehabilitate or redevelop the homes to stabilize neighborhoods and stem the significant losses in home values of neighboring homes. This legislation establishes a nationwide loan originator licensing and registration system that will set minimum standards for loan originator licensing substantially improving the oversight of mortgage brokers and bank loan officers. It also establishes improved mortgage disclosure requirements that will help ensure that mortgage borrowers understand their mortgage loan terms.

This legislation preserves the American Dream for Our Nation's Veterans. It increases the VA Home Loan limit, helping returning soldiers avoid foreclosure and stay in their homes. This legislation requires the Department of Defense to establish a counseling program for veterans and active service members facing financial difficulties and provides a moving benefit to servicemen and women who are forced to move out because their rental housing was foreclosed on. It also increases benefits paid to veterans with disabilities, such as blindness, to adapt their housing and allows the Veterans Administration to provide for improvements to homes of veterans with service-connected disabilities.

This is preeminently the time to speak the truth, the whole truth, frankly and boldly. Nor need we shrink from honestly facing conditions in our country today. This great Nation will endure as it has endured, will revive and will prosper. As President Franklin Delano Roosevelt stated in 1933, ''the only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance.'' We must do just that. We must move forward and that is exactly what H.R. 3221 seeks to do.

This legislation will begin to repair, not bailout, the economy, by restoring confidence in the markets, limiting the damage to families and neighborhoods, and rejuvenating the communities with new affordable housing. Ironically, we celebrate the bailouts of yesteryear, when we believed that the power of the Federal Government was needed to get the country out of the Depression.

Were the banking reform laws, emergency relief programs, work relief programs, and agricultural programs, the Social Security Act, and programs to aid tenant farmers and migrant workers—were these bailouts? Many of the New Deal programs under President Roosevelt were considered bailouts at that time. And yet, these programs brought our country out of the Depression, rejuvenated out economy, and gave hope as we sought to deal with the War overseas.

TEXAS

Texas ranked fourth behind California, Florida, and Illinois in pre-foreclosures. Last year, Texas held the top seat for active foreclosures.

H.R. 3221 helps homeowners and only homeowners, not speculators or lenders. We cannot continue to stand by as things get worse. Texas reported 13,829 properties entering some stage of foreclosure in April, a 16 percent increase from the previous month and the most foreclosure filings reported by any state. The state documented the Nation's third highest state combined foreclosure rate—one foreclosure filing for every 582 households.

Many homeowners in my district are worried about missing their next house payment or their next home equity mortgage, or their interest rate going up. These families are under stress and in constant fear of losing their homes.

While this bill should not be the last word in housing legislation, it is a great beginning. This bill coupled with Congresswoman MAXINE WATERS's bill, H.R. 5818, the Neighborhood Stabilization Act, provides a good starting point in providing Americans with relief.

TEXAS AND WHAT HUD IS DOING

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

While HUD is working to help Americans, we must all do our part. We need to pass H.R. 3221, and we need to continue to push in a bipartisan manner, legislation that will ease gas and energy costs, the rising costs of food, and the ever-rising cost of healthcare.

We are spending billions of dollars on the war in Iraq. I support our troops but I am dismayed at how our support for a war that needs to become less military and more diplomatic in nature, has disrupted our ability to take care of things at home.

Mr. MARKEY. Mr. Speaker, I rise today in support of H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008. I commend Chairman FRANK and Ranking Member BACHUS for their tireless work on this comprehensive and timely legislation.

I am particularly pleased that the bill we are voting on today includes language I originally submitted as an amendment to H.R. 1851. This language seeks to make some technical corrections that will ensure that affordable housing is preserved in certain housing developments, including one located in Malden, Massachusetts.

Low-income tenants of the Heritage Apartments, from my district in Malden, Massachusetts, have been facing possible displacement once an outstanding HUD mortgage is fully paid in a few years. The apartment is also in need of major renovations and upgrades that simply cannot be delayed. Unfortunately, HUD is failing to ensure that the apartment remains affordable and livable by placing burdensome restrictions on prepayment of the outstanding mortgage and subsequent transfer to a new owner who is willing to finance renovations. The language included in Section 2802, allows income-eligible residents to qualify for enhanced housing vouchers following the prepayment of the HUD mortgage and the property transfer and directs HUD to approve such actions.

The Congressional Budget Office has determined that adoption of this language would result in 1 million dollars in net savings to the current mandatory spending over the next five years because HUD is currently paying mortgage interest reduction payments for the development, which would be nullified upon adoption of the language in Sections 2802 and 2803 of H.R. 3221.

This is a good provision, and it is part of a broader piece of housing reform legislation that is desperately needed in response to the tidal wave of foreclosures that have affected families across the country. Again, I commend Chairman FRANK and Ranking Member BACHUS for their tireless work on this comprehensive and timely legislation. I urge adoption of the bill.

Mr. MELANCON. Mr. Speaker, I rise today in support of H.R. 3221. Since Hurricane Katrina devastated the Gulf Coast, many families in south Louisiana have been working hard to rebuild their homes and piece back together their lives. Yet, as if this challenge wasn't tough enough, our complicated tax code burdened them with an additional financial difficulty. Today, we'll remove this road block to recovery for tens of thousands of families in my State.

Unsure if the state of Louisiana would be issuing grants to rebuild homes after Hurricanes Katrina and Rita, many individuals claimed a casualty loss deduction on their income taxes. However, nearly a year later, when the Louisiana Road Home program began issuing rebuilding grants—grants which have historically been tax-free—many recipients were also told that they would have to pay taxes on these grants, as a result of an unintended consequence of our tax code.

This bill will fix that section, making sure hurricane survivors don't have to pay taxes on their rebuilding grants. It allows recipients who have previously deducted losses on their Federal income taxes to simply amend their returns. Individuals who have already paid taxes on their recovery grants will also be allowed to amend their current tax returns to reflect the new law. This change will save homeowners thousands of dollars—dollars that are essential for the ongoing recovery of our State.

I commend the Chairman and ranking member on this important and timely bill, and I thank them for including this vital fix. Our people are not asking for a windfall. They are simply asking that they pay their fair share and be allowed to use their grants to rebuild their lives. I urge my colleagues to support this bill.

Mr. DINGELL. Mr. Speaker, I rise today in strong support of the Foreclosure Prevention Act of 2008, which will give much needed assistance to homeowners, provide increased funding for affordable housing, make important reforms to FHA, and restore confidence in the credit markets. This is the most important housing legislation to pass through the Congress in decades, and it will have an effect on millions of Americans. However, there is one specific provision included in this legislation that will have a particularly important effect in Michigan's 15th Congressional District.

Section 2801 of H.R. 3221 is designed to clarify congressional intent regarding certain properties that entered the HUD property disposition process prior to the enactment of the Deficit Reduction Act but where the initial proposed disposition was delayed. An example of one such project is Parkview Apartments in Ypsilanti, Michigan. While I believe that this particular project is already subject to the grandfathering provision of the DRA, Section 2801 clarifies that such properties should be considered "pre-DRA" properties, and that HUD should proceed with its prior disposition contracts as to those properties. This clarification was requested by HUD and, in drafting this provision, we were assisted by HUD staff and were assured that this language was the clarification the agency needed to proceed with the 2004 contract as to Parkview Apartments.

I would like to thank Chairman FRANK and his staff for all of the hard work they have put into this legislation. In particular I would like to extend my sincere gratitude for the work they have done on Section 2801, which will help to ensure that Parkview Apartments is retained as an affordable housing resource in Washtenaw County.

Mr. BRADY of Texas. Mr. Speaker, there's no question that if these two mortgage giant were to collapse, it would deal a serious blow to our economy and nearly every community would feel the negative effects. If the White House and this Congress are convinced the plan will calm the waters, then I am certainly hopeful it works. But this bailout fails in one important aspect: it doesn't fully solve the problems that brought Freddie Mac and Fannie Mae to this crisis point, so taxpayers have no guarantee that these two companies won't be back again for another handout.

Before we use taxpayer dollars to potentially increase the national debt, provide an unlimited line of credit and allow the government to buy nearly a trillion dollars of stock in private companies, then Congress needs to insist on three conditions. First, unlike today, Freddie and Fannie must be required to have the capital standards necessary to ensure their fiscal stability. Second, that over a set period of time they are gradually reduced in size so that America's housing eggs are not all in one basket. And third, that the leadership of Freddie Mac and Fannie Mae be replaced immediately. The millionaire captains who grounded this ship have proven they are not the ones to steer us to calmer seas.

I am skeptical that the proposed new Federal regulator is strong enough to take these necessary steps so it is essential that Congress insist on adding these safeguards in law before we put the taxpayers on the hook for the bailout.

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

Pursuant to House Resolution 1363, the previous question is ordered.

The question is on the motion by the gentleman from Massachusetts.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur in the Senate amendment with an amendment will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 6545.

The vote was taken by electronic device, and there were—yeas 272, nays 152, not voting 11, as follows:

[Roll No. 519]

YEAS—272

Abercrombie	Barrow	Bono Mack
Ackerman	Bean	Boren
Allen	Becerra	Boucher
Altmire	Berkley	Boustany
Andrews	Berman	Boyd (FL)
Arcuri	Berry	Brady (PA)
Baca	Biggert	Braley (IA)
Baird	Bishop (NY)	Brown (SC)
Baldwin	Blumenauer	Brown, Corrine

Buchanan
Butterfield
Calvert
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Foster
Frank (MA)
Gallegly
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
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)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—152

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boozman
Boyda (KS)
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Camp (MI)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Doolittle
Drake
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kaptur
King (IA)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite, Ginny
Gohmert
Green, Gene
Hare
Hulshof
Ortiz
Peterson (PA)
Rush

□ 1701

Mrs. BOYDA of Kansas changed her vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 1363, the House has receded from any remaining amendments or disagreements on H.R. 3221.

NATIONAL ENERGY SECURITY INTELLIGENCE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6545, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. RUPPERSBERGER) that the House suspend the rules and pass the bill, H.R. 6545.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, answered ''present'' 2, not voting 18, as follows:

[Roll No. 520]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
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
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
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
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
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
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)

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
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Hoekstra
Nunes

NOT VOTING—18

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite, Ginny
Costa
Cuellar
Fallin
Gilchrest
Green, Gene
Gutierrez
Hare
Hulshof
Lungren, Daniel E.
Ortiz
Rush
Sires
Slaughter
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded less than 2 minutes remain in this vote.

□ 1708

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

The result of the vote was announced as above recorded.

Stated for:

Ms. FALLIN. Madam Speaker, on rollcall No. 520, I was unavoidably detained during the vote. Had I been present, I would have voted "yea."

Mr. PRICE of Georgia. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Speaker, I move to lay the motion to reconsider on the table.

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

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

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 242, noes 179, not voting 13, as follows:

[Roll No. 521]

AYES—242

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

NOES—179

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

NOT VOTING—13

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite, Ginny
Feeney
Gilchrest
Green, Gene
Hulshof
Marshall
Ortiz
Peterson (MN)
Rush
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain on this vote.

□ 1716

Messrs. SHAYS and McHENRY changed their vote from ''aye'' to ''no.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–768) on the resolution (H. Res. 1367) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION RELATING TO THE HOUSE PROCEDURES CONTAINED IN SECTION 803 OF THE MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION ACT OF 2003

Mr. ARCURI, from the Committee on Rules, submitted a privileged report

(Rept. No. 110–769) on the resolution (H. Res. 1368) relating to the House procedures contained in section 803 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 3999, NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT OF 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1344 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1344

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

SEC. 2. During consideration in the House of H.R. 3999 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Mr. ARCURI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, House Resolution 1344 provides for consideration of H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act of 2008 under a structured rule. The rule provides one hour of general debate controlled by the Committee on Transportation. The rule makes in order 11 of the amendments that were submitted to the Rules Committee.

I would like to thank Chairman OBERSTAR for his leadership in addressing the critical needs of bridges on our Federal highway system. I know that this issue is especially close to home for him, and my other colleagues from Minnesota, because of the tragedy that occurred when the I–35 bridge collapsed in Minneapolis last summer.

The staggering truth is that one-fourth of all bridges nationwide are deficient. Half of all of the bridges in use were constructed in the 1960s. It is projected that motorist traffic will double in the next 30 years. In the same time, freight traffic in the U.S. will likely grow 92 percent in order to accommodate forecasted increases in American economic output. Growing demand for the movement of goods and services will place an unprecedented strain on our aging system.

Our communities need the resources to ensure that our families and friends don't have to worry about their safety during their morning commute to work, quick trip to the grocery store, or the drive to drop their children off at school. We owe it to the American public to regain their trust in the safety of our bridges and highways.

Mr. Speaker, the legislation this rule provides for consideration will go a long way to regain that trust from the American people. The legislation authorizes an additional $1 billion for bridge repair and replacement, and setting inspection standards for such bridges. It ensures that funds are concentrated on the most pressing bridge safety concerns by mandating that priority bridges be inspected annually and all other bridges biennially.

I would also like to take a moment to acknowledge the work of my Republican colleague from Texas (Mr. CONAWAY) and thank him for the opportunity to work with him and the gentlewoman from Ohio (Ms. SUTTON) on an amendment that we will offer here today related to the rusting and corrosion damage to bridges. Our amendment expresses the sense of Congress that States should prepare corrosion mitigation and prevention plans when planning the construction of new bridges or the rehabilitation of existing bridges.

Our amendment calls attention to a serious problem: many of our Nation's bridges are simply rusting away because of corrosion. Many of our bridges have surpassed their initial life expectancy, yet we rely on them to support another 20, 30, 40 years of travel.

Corrosion is a significant factor in determining the useful life of a bridge. Without preventative measures, water penetrates and corrodes the steel rebar that reinforces our bridges, causing it to swell and fracture the concrete from the inside out. Weather and salt—especially in the northeast, where we must salt our roads in the winter—cause steel beams to rust and undermine the integrity of the whole structure.

But corrosion can be reduced by using widely available technology and construction methods if they are incorporated into the engineering and design phase of the bridge project. Prevention measures range from simple steps like selecting more resistant building materials, or using coated rebar in concrete structures, to complex methods that cause electrical reactions in water to prevent rust from forming. This sounds complicated, but the same technology is commonly used by the shipbuilding industry to prevent corrosion.

It is much easier and more cost effective to prevent or limit corrosion and rust at the beginning of a project. Corrosion prevention and mitigation plans can cost as little as a few thousand dollars to prepare during the design phase of a bridge project, but they can save municipalities hundreds of millions of dollars down the road in replacement and repair costs; delaying the need for maintenance by a factor of years. Having these plans up front can extend the life of the bridge, thereby saving both lives and millions of dollars in unnecessary repairs. I am hopeful that my colleagues on both sides of the aisle will support the Conaway-Arcuri-Sutton amendment later today.

Mr. Speaker, we cannot pass up this opportunity. We rely on bridges too much for everyday activities. Thanks to Chairman OBERSTAR and the Committee on Transportation and Infrastructure, we can rest a little easier knowing that this legislation will make the bridges on our national highway system much safer.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank the gentleman from New York (Mr. ARCURI) for the time, and I yield myself such time as I may consume.

On August 1, 2007, the deteriorating condition of some of America's bridges and infrastructure became tragically apparent when the I–35W Mississippi River bridge in Minnesota failed and plunged into the riverbank below. We must always honor the victims that were lost in that tragic accident.

We must do all in our power to prevent a similar tragedy from occurring again, and that is why I am pleased we are considering the underlying legislation, the National Highway Bridge Reconstruction and Inspection Act of 2008. The legislation authorizes $1 billion for fiscal year 2009 for the Department of Transportation to identify, inspect, repair, and if necessary, replace structurally deficient or obsolete bridges in the national highway system.

This legislation is quite important considering that the U.S. Department of Transportation reports that one out of every eight bridges in the Nation is structurally deficient.

However, I have some concerns with the way the legislation distributes funding. The legislation distributes funding to States based on the number of deficient bridges in each State. In other words, the more deficient bridges a State has, the more money a State gets. Unfortunately, this approach penalizes States that place a high priority on maintaining their infrastructure, and rewards States that have let their infrastructure fall into disrepair with additional Federal funding.

For example, the State of Florida has a ''maintenance first'' policy for infrastructure at the State level. Florida's first priority is keeping their existing infrastructure in a state of good repair. As a result, the percentage of Florida's bridges that are rated as deficient is one of the lowest in the Nation. But rather than be rewarded for its responsible funding decisions, Florida is penalized because most of the funding that is distributed through this formula will go to States that have not properly maintained their bridges and therefore have a very high percentage of deficient bridges.

I would also like to bring the Long Key Bridge in South Florida to the attention of Chairman OBERSTAR. The bridge spans between Long Key and Conch Key in the Florida Keys. It was one of the first segmental bridges built back in 1981, and allows the entire population of the lower keys to evacuate to the mainland before a hurricane. Congresswoman ROS-LEHTINEN, who is with us this afternoon, is concerned about this issue and continuously brings it to the attention of all of our colleagues.

The structure was originally built using a V-pier concept creating a control point between the segment and the pier cap. Due to the weakness of the design, the Florida Department of Transportation is attempting to seek funding to replace the V-pier design to a more conventional configuration that would provide stronger structural integrity. This improvement would cost approximately $60 million and would maintain the existing piers in the top segments which are in good condition.

□ 1730

Unfortunately, the Florida Department of Transportation currently lacks the funding for this important project, and the necessary improvements have been postponed until 2012.

In this regard I am pleased that the House will have an opportunity to vote for the Representative MARIO DIAZ-BALART amendment. That commonsense amendment would add emergency evacuation routes, such as Long Key Bridge, to the risk-based priority criteria in the legislation.

Even though I'm pleased that that amendment was made in order, I once again note that this rule continues the unfortunate policy of the majority's unfairly restricting debate. A total of 21 amendments were submitted to the Rules Committee, six majority amendments, 14 minority amendments, and one bipartisan amendment. The majority made every majority amendment in order, while only allowing four minority amendments. In other words, the majority got 100 percent of their amendments made in order, while the minority got 28 percent of their amendments in order. That's unnecessary and unfair, Mr. Speaker.

This bill would have much more bipartisan support if the Rules Committee had not blocked an important amendment from Ranking Member MICA. His amendment would have allowed a State to transfer funding out of the highway bridge program only if the State met two strict criteria. I understand that Chairman OBERSTAR is concerned that some States have acted responsibly in maintaining their bridges and that he seeks to make sure that they change their behavior. But others, such as Florida, have done a good job of repairing and maintaining their bridges. Unfortunately, since the Mica amendment was not allowed, responsible States will, in effect, be punished and their hands tied when they attempt to address their unique needs.

I think it's a missed opportunity, and I hope that since the House will not be able to consider the Mica amendment that as the legislation continues through the legislative process, these concerns of responsible States will be considered.

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

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR), a member of the Transportation and Infrastructure Committee.

Mr. SALAZAR. I thank the gentleman from New York for yielding, and I would like to recognize Chairman OBERSTAR and Chairman DEFAZIO for their exceptional leadership on this critical infrastructure issue.

Mr. Speaker, I rise today in support of H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act of 2008, and urge swift passage of this measure. This bipartisan bill goes a long way in improving our Nation's aging infrastructure and ensuring that Americans are safe and have secure highway bridges to travel on.

We all remember what happened in Minneapolis last August. Thirteen people were killed. Our infrastructure is literally crumbling beneath us. This is simply unacceptable. One-half of all bridges in the U.S. were built before 1964, and now we have over 72,000 highway bridges that are structurally deficient. In Colorado we have 125 bridges that need repair; 24 of those bridges are in my district.

And I have got to remind the gentleman from Florida that Colorado has typically been a donor State. After we passed TEA–LU a couple years ago, we actually started becoming a State where we can actually get some Federal dollars back in reference to those that we send to the Federal Government. So in order for us to be able to fix the bridges in my district, we need to be able to have Federal funds to do so. We must do everything possible to keep our travelers, our constituents safe in our highways. By dedicating funding for bridge repairs, this bill provides relief for our State transportation departments.

I would like to submit for the RECORD these articles that came from Cortez Journal and the Aspen Daily that talk about how oil shortages have halted road and bridge repair projects, local roads suffer from CDOT shortfalls.

H.R. 3999 will improve the safety and stability of our Nation's transportation infrastructure, and I urge my colleagues to support this bill.

I want to thank the gentleman from New York once again for yielding.

[From the Aspen Daily, July 17, 2008]

LOCAL ROADS SUFFER FROM CDOT SHORTFALL

(By David Frey, Aspen Daily News Correspondent)

CARBONDALE—Area road and bridge work is suffering the impacts of what state Transportation Department officials call a ''quiet crisis'' of dwindling funds, aging highways and growing traffic.

Motorists should not hold their collective breath waiting for fixes to some of the area's worsening sections of highway—even those rated as ''poor''—Michelle Halstead, local government liaison for the Colorado Department of Transportation, told Carbondale trustees this week.

''For next year, I have zero construction dollars coming from the state or federal level for any projects in my residency,'' said Pete Merdis, CDOT's resident engineer in Glenwood Springs, whose region includes the Roaring Fork Valley.

That means no money for the Grand Avenue bridge over the Colorado River in Glenwood Springs, whose narrow lanes leave rush hour drivers jockeying for position. The bridge is one of 125 state bridges rated as poor. With a sufficiency score of 47.4 of a possible 100, it is considered structurally sound but functionally obsolete due to the skinny lanes and heavy use.

It means no money, either, for several stretches of highway considered poor or congested, including Highway 133 at Carbondale, Highway 6 and 24 at Glenwood Springs, and portions of Interstate 70. The Highway 133 project has been budgeted for approximately $1.1 million over the next 27 years.

''It's a perfect storm—or you can call it a quiet crisis—but it's not going to be quiet for much longer,'' Halstead said.

CDOT has a $65 billion shortfall for projects statewide, she said, despite a lengthening to-do list. Officials have declared 122 bridges structurally deficient. That doesn't mean they're unsafe, Halstead said, but that they require constant maintenance to remain safe. Forty percent of state roads are considered to be in poor condition, and 20 percent are at the end of their surface life. Meanwhile, officials predict 1.5 million more people residing in the state by 2020, twice the population of senior citizens by 2025, and double the truck traffic by 2030.

''That's the scenario we're rapidly approaching, given the revenues we're forecasting,'' Halstead said.

CDOT's general fund budget for 2009 has been slashed by $300 million. For 2011, those numbers drop another $200 million.

Much of CDOT's revenue comes from state and federal gas taxes. While gas prices continue to soar, gas taxes remain flat. As rising pump prices start to deter motorists, Halstead said, the state could actually see those dollars decrease.

Locally, Highway 82 and 1–70 remain priority areas, and some work is scheduled during the next two years, Merdis said.

A repaving project between EI Jebel and Basalt, delayed because of an asphalt shortage, is still budgeted for next year. The last leg of the Grand Avenue concrete paving project, cut short in 2005 due to cost overruns, is on tap, too. A small project is planned for Highway 82 near Woody Creek. Work on Interstate 70 on either side of Glenwood Springs is scheduled for 2010.

Some design work is planned, too, Merdis said, but there isn't any money budgeted for the foreseeable future to implement the designs, and no money even for routine maintenance. Improvements to Highway 133, urgently sought by Carbondale officials, are on the list for 2030.

''That's the reality of the funding situation that we're up against,'' Merdis said. ''I guess it all depends on the future, what kind of funding mechanism becomes available for future transportation projects.''

[From the Cortez Journal]

OIL SHORTAGE HALTS ROAD REPAIR PROJECTS

(By Steve Grazier, Journal Staff Writer)

National energy supply uncertainty has hit home as Montezuma County is likely to see a 60 percent reduction of chip-seal oil for scheduled road projects in 2008.

Dean Roundtree, the county's new road and bridge supervisor, said his 230,000-gallon pitch for chip-seal oil has been denied by the county's supplier. The counter offer from SEM Materials to the county was for 90,000 gallons, which is about 39 percent of what was requested, he said.

''We could get all our oil in time, but right now there are no guarantees,'' Roundtree said.

Chip seal is a surface treatment that is generally used on rural roads carrying lower traffic volumes.

Top 2008 road priorities, such as upgrades to County Road G in McElmo Canyon, will be completed this year, Roundtree said. However, other projects are likely to be delayed.

One county road project already shelved this year includes improvements to Roads 16 and 17 near Goodman Point, Roundtree said.

County Commissioner Larrie Rule cited a letter that came in June from SEM Materials warning the county to expect less road oil this year.

''They said they probably won't be able to meet our demand,'' Rule said. ''It looks like they're using everything to go toward diesel fuel to make more money.''

Colorado Department of Transportation officials said earlier this week that oil shortages are due in part to refineries focusing on more profitable products such as diesel fuel, instead of the liquid used for asphalt and chip-seal mix.

Adding to the complication is a shortage of polymer, which is applied to asphalt to reduce cracking and rutting on roads.

Jack Nickerson, public works director for the city of Cortez, said a scheduled joint project between the city and the Colorado Department of Transportation to fill potholes along North and South Broadway was canceled last week due mainly to an asphalt shortage.

On the plus side, the city was able to complete most of its major road upgrades this year, Nickerson said. But a project to resurface Mildred Road is now on hold because the city's asphalt supplier lacks the product.

''We have enough (asphalt) to do minor patching but not to do major city projects,'' Nickerson said.

State transportation officials also noted that an asphalt shortage will delay about three dozen road projects in 2008.

CDOT spokeswoman Stacey Stegman said the department will give priority to projects on heavily used roads, while other projects will be left incomplete until more asphalt is purchased. She noted that the implications of the shortage could be huge.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as she may consume to the distinguished representative from Florida (Ms. ROS-LEHTINEN), who is very concerned on this issue representing her constituents.

Ms. ROS-LEHTINEN. I thank my good friend from Florida (Mr. LINCOLN DIAZ-BALART) for yielding me the time.

Mr. Speaker, I rise in strong support of the emergency route priority amendment, as mentioned by Congressman LINCOLN DIAZ-BALART, and this is the Mario Diaz-Balart amendment, which is provided for in today's rule for the National Highway Bridge Reconstruction and Inspection Act.

I have the unique pleasure, Mr. Speaker, of representing over 265 miles of pristine Florida coastline from Miami Beach all the way south to Key West. But our paradise is complicated by the extreme vulnerability to hurricanes, especially in the Florida Keys.

Over 74,000 Keys residents are dependent on a single evacuation route, the Overseas Highway, a part of U.S. Highway 1, which runs many miles connecting a series of islands from Key Largo to Key West. A key, no pun intended, bottleneck in the evacuation route is the Long Key Bridge, which is the second longest bridge, next to the Seven Mile Bridge, in this stretch of highway. This is a 2½-mile-long bridge, and it marks the beginning of the approach to the first heavily populated Key, Key Largo; so almost all of the Florida Keys residents will be coming over this bridge if an evacuation is ordered. The Florida Department of Transportation has recently alerted my office to the fact that the Long Key Bridge is only rated as ''satisfactory'' in its structure. This means that it could be severely damaged in a category 3 hurricane.

As Mr. DIAZ-BALART has pointed out in his remarks, the bridge was built in 1981, and it allows most of the population of the Florida Keys to evacuate to our mainland during hurricanes. If it were damaged in a storm, over 50,000 people could be trapped and, indeed, under water because most of the Keys are below sea level. Severe damage to the bridge would also likely cut off the water supply to most of the Florida Keys because it runs along the Overseas Highway.

Unfortunately, there are no definitive plans to fund the bridge, although there is a tentative date of the year 2012. This is because the needed improvements would cost $60 million. This includes replacing the present V-pier design to a more conventional configuration which would provide stronger structural integrity. It would also maintain the existing piers and top segments which are in good condition.

That is why the Mario Diaz-Balart emergency route amendment is so important to my congressional district. It's very simple, but it's a much-needed change to this legislation. It will emphasize the importance of public safety in prioritizing new highway bridge funding as well as including emergency evacuation routes as a reason to give a specific bridge risk-based priority for rehab or replacements.

Transportation infrastructure, especially bridges, play an important, a vital role during emergency situations, including our many natural disasters. In many coastal areas not only in the Florida Keys but, in fact, throughout the entire State of Florida and other hurricane-prone States, bridges provide the only mainland access for millions of residents and visitors alike. The 2004 and 2005 hurricane seasons emphasized the need for safe emergency evacuation routes when millions of Floridians faced mandatory evacuations, including the residents of the Florida Keys and other barrier islands.

This amendment simply emphasizes the importance of public safety as well as ensures that Americans have access to safe evacuation routes during times of impending disasters, and I hope that our colleagues give it their serious consideration.

I thank the gentleman, my colleague from Florida, for the time.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Ohio (Ms. SUTTON), a member of the Committee on Rules.

Ms. SUTTON. I thank the gentleman from New York (Mr. ARCURI) for his leadership on this important measure, and I thank Chairman OBERSTAR for his continued leadership in addressing our Nation's infrastructure.

Mr. Speaker, I rise today in support of the rule and the underlying bill, and I also want to speak to an amendment that will be offered to this bill that is being cosponsored by our leader on this measure here on the floor, Representative MIKE ARCURI, and Representative MICHAEL CONAWAY. This will help to bring an important sense of Congress to this bill. We share a common vision for a solution to prevent future disasters by addressing a critical need at the onset of a bridge project. I strongly support this bipartisan amendment, which will express a sense of Congress that those requesting Federal funds for bridge projects present corrosion mitigation and prevention plans.

Corrosion mitigation and prevention is essential to extend the life of our Nation's critical infrastructure and save taxpayers money. In 2002 the Federal Highway Administration reported the cost of corrosion to our highway bridges at $8.3 billion each year. As we unfortunately learned when the I–35 bridge in Minneapolis collapsed last August, investing in our Nation's infrastructure is no longer a theoretical argument. By utilizing experts trained in corrosion prevention, we will be reducing future maintenance costs and increasing public safety at the same time.

The University of Akron in my district understands this critical need and is creating the first comprehensive corrosion engineering and science program in the United States. Their corrosion engineering program will train and prepare experts in the field, creating high-earning engineering jobs by addressing a critically important issue.

I urge a ''yes'' vote on this amendment and on the rule and on the underlying legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of my time.

I thank again my friend Mr. ARCURI for the time and all who have participated in this debate on this rule that brings forth to the floor important legislation with regard to the infrastructure in our Nation.

Transportation is an integral part of our economy, and the underlying legislation will help fund some of our critical infrastructure needs by providing $1 billion to repair bridges in the national highway system. Now, while providing critical funding to repair bridges is an important priority for our transportation system, we must not ignore the overarching problem facing the American transportation system, which is gasoline at over $4 a gallon.

For weeks we in the minority have pushed efforts to debate energy legislation, but the majority consistently blocks our efforts to address one of the most important issues facing the United States today. It's time for the House to debate ideas for lowering prices at the pump and addressing the skyrocketing cost of gasoline. So today I urge my colleagues to vote with me to defeat the previous question so the House can finally consider real solutions to rising energy costs. If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 6566, the American Energy Act. This legislation provides a comprehensive approach that will increase the supply of American-made energy, improve conservation and efficiency, and promote renewable and alternative energy technologies.

Now specifically with regard to the Outer Continental Shelf, this legislation provides Florida with 50 miles of permanent protection from energy exploration and allows the State the option for an additional 50 miles of protection.

Many of us in the Florida delegation came together 2 years ago to support this compromise, to support this legislation. I think we've been proven right. I think we've been proven right, Mr. Speaker. This is a critical issue that needs to be debated by this Congress. It's unfortunate that the other side of the aisle refuses to permit even a debate on critical issues such as this even after gasoline has reached $4 a gallon. It's most unfortunate, Mr. Speaker.

I ask unanimous consent, Mr. Speaker, to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by voting ''no'' on this previous question, Members can take a stand against these high fuel prices and we can finally begin a comprehensive energy debate. I encourage a ''no'' vote on the previous question.

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

Mr. ARCURI. Mr. Speaker, I would like to thank my friend and colleague from the Rules Committee, Mr. DIAZ-BALART, for his management of this very important bill.

I would like to say that very few things that we do in the House of Representatives are more important than this rule and the underlying bill because while energy is important and so many things we deal with are very important, nothing is more important than the safety of our family and the safety of our children, and that's what this bill is all about.

□ 1745

It is about the safety of our roadways, about our bridges. The crisis we face in maintaining safe bridges is just as pressing, if not more, than any of the other issues that we face today. We must act now while we have an opportunity to restore public faith in our bridges and to prevent another tragedy like the collapse of the I–35 bridge last year.

In my opening remarks, I mentioned that ¼ of all bridges nationwide are deficient. The State of New York is in even worse position with well over 6,000 of its 17,000 bridges rated as structurally deficient or functionally obsolete. In my upstate district alone, there are over 260 bridges that have been identified by the State Transportation Department as structurally deficient, and 9 of those are in my hometown of Utica, New York.

While that reality is troubling, the Congress now has an opportunity to take action to address this problem. Again, the legislation in this rule provides for consideration authorizes an additional $1 billion for Federal bridge programs next year.

Again, I thank Chairman OBERSTAR for his leadership and commitment to our Nation's infrastructure and the American people.

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

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

AMENDMENT TO H. RES. 1344 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 6566) to bring down energy prices by increasing safe, domestic production, encouraging the development of alternative and renewable energy, and promoting conservation. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the majority and minority leader, and (2) an amendment in the nature of a substitute if offered by the Majority Leader or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 228, nays 192, not voting 14, as follows:

[Roll No. 522]

YEAS—228

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

NAYS—192

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

NOT VOTING—14

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite, Ginny
Davis, Tom
Gilchrest
Green, Gene
Hayes
Hulshof
Jones (OH)
Kennedy
Ortiz
Putnam
Rush

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining.

□ 1812

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. HAYES. Mr. Speaker, on rollcall No. 522, I was unavoidably detained. Had I been present, I would have voted "nay."

Mr. PUTNAM. Mr. Speaker, on rollcall No. 522, I was unavoidably detained. Had I been present, I would have voted "nay."

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 228, nays 193, not voting 13, as follows:

[Roll No. 523]

YEAS—228

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

NAYS—193

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

NOT VOTING—13

Bishop (GA)	Davis, Tom	Jones (OH)
Bishop (UT)	Filner	Kennedy
Boswell	Gilchrest	Ortiz
Brown-Waite, Ginny	Green, Gene	Rush
	Hulshof	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1820

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HARE. Mr. Speaker, I ask unanimous consent for the RECORD to reflect that I was unavoidably detained due to tornado-like conditions in my district in west-central Illinois.

If I had been present for rollcall votes, I would have voted ''yea'' on rollcall 512, ''yea'' on rollcall 513, ''yea'' on rollcall 514, ''nay'' on rollcall 515, ''yea'' on rollcall 516, ''yea'' on rollcall 517, ''yea'' on rollcall 518, ''yea'' on rollcall 519, and ''yea'' on rollcall 520, and finally, Mr. Speaker, ''yea'' on rollcall 521.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 3999, and include extraneous material in the RECORD.

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

There was no objection.

NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1344 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3999.

□ 1822

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 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, with Mrs. CHRISTENSEN in the chair.

The Clerk read the title of the bill.

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

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Tennessee (Mr. DUNCAN) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, on August 1 of last year, I was at this microphone managing the conference report, with our colleague, Mr. MICA from Florida, ranking member on the committee, the conference report on the Water Resources Development Act when my BlackBerry buzzed. I looked to see what message was coming in, and I saw an announcement that a bridge had collapsed and there was an ''M'' alongside it. I thought, a Third World country? Then I looked closer. That M was Minnesota. That bridge was I–35W. It carries, or had carried, an average of 140,000 vehicles a day. Thirteen people were victims, 88 to 100 other people were injured, a dramatic collapse.

Twenty years ago, on December 1, 1987, 20 years ago, I opened hearings as Chair of the Subcommittee on Investigations and Oversight on Bridge Safety. I said, ''There are an estimated 376,000 bridges . . . of that number, 217,000 are Federal-aid Interstate, primary, secondary and urban bridges.

''They carry 85 percent of the Nation's traffic, yet 76,000 of these bridges are deficient and that number has been gradually increasing over the last four years.''

That was 20 years ago. Today, we have 153,000 structurally and functionally deficient bridges.

''We know there are elements of bridge design of particular concern to bridge inspectors; that is, bridges without redundant members to prevent a tragic collapse if that one critical member should fail.''

I–35W was one of those fracture critical bridges. One essential element failed. The whole bridge could collapse and it did. There were multiple causes, and we await the determination of the National Transportation Safety Board.

I said further, ''We have to ensure that inspection personnel are keenly aware of the problems involved with bridges whose supporting members are set in the floor of the body of water as compared to those that are set up on pilings driven into the subsoil and deeper.''

We're hoping in these hearings ''to find out how many of these types of bridges are in the Nation's bridge inventory. Right now that information appears to be scarce and perhaps in many States not maintained at all.''

A key witness at that hearing, professor of bridge engineering Dr. Gerald Donaldson, said that in his estimation, ''Bridge maintenance was in the Stone Age. We have no good, logical way of selecting the proper bridges to repair, rehabilitate or replace other than our memory and manual review.

''Most States have virtually no bridge maintenance programs with specific, qualified maintenance goals; no documented maintenance processes; no rationally planned aggressive strategies to arrest or slow bridge deterioration. Many States address maintenance deficiencies on an ad hoc basis.''

He said, ''There are many States out there who are not even using the easily available technology'' to assess bridge conditions.

''In terms of more sophisticated technology, many of the States basically are only dimly aware of what that technology is.''

Well, I can say that in 20 years, not much has changed. Despite efforts to increase funding for bridge inspection, bridge safety, personnel, train those personnel better, train Federal and State inspectors to higher standards over the last 20 years, we have failed, and a bridge failed.

We bring to the House floor today legislation that will put the Nation on the right track to raising the standards by which we build bridges in the first place, raising the standards by which we determine which bridges are structurally deficient and which among those are the most critical bridges to repair and a categorizing and prioritizing of those bridges to increase the standards by which we train bridge inspectors at the Federal and State level and increase the funding for States and the Federal Government to hire the necessary number of bridge inspectors to raise the standards, make those bridges safer, prevent future loss and future collapse as happened in Minnesota.

□ 1830

This legislation will move us in that direction. There may be some little differences about the structure of this proposal, but we in the committee are agreed on the path, on the direction, on the goal, on the objectives.

The funding issues we will address next year in the surface transportation authorization bill. For now, we need to put in place this structure raising the standards by which we determine structural deficiency of bridges, categorizing them, establishing a yardstick of measurement, having it vetted by the National Academy of Sciences so that we have an absolutely transparent and reliable means of determining the prioritization for investment in and addressing the needs of structurally deficient bridges.

Madam Chairman, I reserve the balance of my time.

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

I rise in support of H.R. 3999 and encourage all of my colleagues to vote for this bill. It has been an honor and privilege for me to serve now 20 years on the Transportation and Infrastructure Committee. In significant part, it has been an honor and privilege because of the opportunity to serve with a man like Chairman OBERSTAR, who certainly is the most knowledgeable person on these issues of anybody in the entire Congress.

I can confirm that he has been speaking out on the need to do bridge maintenance and construction and repairs for all of that time, and not just after the terrible tragedy in his home State of Minnesota.

It's also a privilege to serve with my boss, my ranking member, the gentleman from Florida (Mr. MICA) to whom I owe the privilege of serving as the ranking member of the Highways and Transit Subcommittee.

This bill makes much-needed improvements to the existing Federal highway bridge program and to the regulations pertaining to bridge inspections. The bill incorporates a risk-based priority system for the replacement and rehabilitation of bridges to ensure that States are addressing their most urgent bridge needs in a timely manner. We haven't had this up until now.

The bill also requires more frequent inspections of bridges that are classified as structurally deficient and strengthens the training and certification requirements for bridge inspectors. These changes to the existing Federal highway bridge program are designed to improve the program and should benefit all States.

The bill also provides $1 billion for States to replace and rehabilitate highway bridges. This is a substantial sum of money, but the Federal Highway Administration estimates that it will cost more than $65 billion to address existing bridge deficiencies. This $1 billion is merely a start. It will only provide an average of about $20 million to each State to address bridge-related needs, barely making a dent in this problem.

But I do have some concerns with a few aspects of this bill. I am concerned that the formula through which the funding in this bill will be distributed does not reward States for placing a priority on maintaining their bridges. Since funding is distributed based on the number of deficient bridges in each State, States that put an emphasis on maintaining their existing bridge inventory may get less under this formula than a State that has neglected their bridge needs.

My home State of Tennessee has placed a priority on maintaining their bridges and as a result the number of structurally deficient bridges in Tennessee is about half of the national average. But instead of being rewarded for their responsible approach to maintaining their highway infrastructure, the State in a way will be penalized and will receive less than their fair share in funding from this program. I think we should have rewarded the States who have worked harder at this.

I am also concerned that this bill practically eliminates any flexibility a State has to transfer funding from the bridge program to other Federal highway programs when there are urgent needs to do so. We are concerned about that. The flexibility provision in this bill eliminates flexibility for every State except for one, the State of Delaware.

Despite these concerns, I do strongly support this bill, and I encourage my colleagues to do the same.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. ELLISON) in whose district I–35W collapsed.

Mr. ELLISON. Madam Chairman, I rise today to strongly urge my colleagues to support H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act. But let me start by thanking my fellow Minnesotan, Chairman OBERSTAR, for his vision. It would be much better if we had listened to him so long ago. We wouldn't be in this critical infrastructure crisis that we have today.

But, unfortunately, we have events that have focused our attention, and we cannot dare to take our eyes off the tragedy before us. I heard Chairman OBERSTAR quote a famous American who said, it's a tragedy to lose the opportunity——

Mr. OBERSTAR. If the gentleman would yield, paraphrasing Benjamin Banneker, a brilliant man, who said, ''A mind is a terrible thing to waste.'' And I said, paraphrasing it, a tragedy is a terrible thing to waste.

Mr. ELLISON. A tragedy is indeed a terrible thing to waste. Whenever a tragedy befalls us, it does not do proper justice and honor to the victims of that tragedy to not learn from it and to do better into the future.

As the world knows, the tragic collapse of the Interstate 35 bridge occurred in the Fifth Congressional District, my home district, less than a year ago on August 1, 2007. During the evening rush hour, the Interstate 35 bridge collapsed, 13 Minnesotans lost their lives and over 100 individuals were injured.

It has been widely reported that the 35W bridge was ''structurally deficient.'' Even more disturbing is that according to the U.S. Department of Transportation, one of every eight bridges across the Nation is structurally deficient.

In my home State of Minnesota, about 10 percent of our 13,000 bridges are rated structurally deficient, so the problem of structurally deficient bridges and deficient bridges is a real issue to me and my constituents. It could and should be yours as well.

Investing in our infrastructure and fixing our Nation's bridges demands our attention today so that our communities across the Nation can be spared the trauma that my district and my State had to bear last August.

I am proud to be a cosponsor of H.R. 3999. This legislation strengthens the inspection requirements and standards on our Nation's bridges. It requires that all Americans involved in bridge inspections receive appropriate training.

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

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

Mr. ELLISON. The bill also requires bridge inspections every 2 years and even more frequently for structurally deficient bridges. There will be some critics who will say that we cannot afford to meet our infrastructure needs.

In reality, Mr. Chairman, as you understand, we cannot afford to not meet our infrastructure needs.

Mr. DUNCAN. Madam Chairman, I yield for such time as he may consume to the gentleman from Florida (Mr. MICA), the ranking Republican member of the Transportation and Infrastructure Committee.

Mr. MICA. Madam Chairman and my colleagues, I am pleased to be with you tonight to discuss an important piece of legislation that has been brought forth by the Transportation and Infrastructure Committee.

First of all I have to compliment the ranking member of the Highway Subcommittee, Mr. DUNCAN, the gentleman from Tennessee, for his leadership and his efforts in working together with his counterpart, Mr. DEFAZIO, and also my counterpart, Mr. OBERSTAR, to try to bring legislation to the floor that will make our bridges safer, that we have seen problems with our infrastructure in this Nation.

We have a responsibility from the Federal Government. We can't fix every bridge in every county, every city across every road in the country, but we do have an obligation where we have Federal funds, where we have interstate, where we have bridges and infrastructure that's so important for the commerce of this Nation to make certain that they are sound, that we have adequate protocols and procedures for inspection of those bridges, and that we try to make certain that those bridges are inspected on an appropriate basis and that there is remediation. It's one thing to make demands of local State government from the Federal level, but what we want to do is ask reasonable people to take reasonable actions and take corrective actions where they are needed, rather than dictate from on high.

First of all, let me say my sympathy goes out to everyone and all those who lost their loved ones in the tragedy that struck Minnesota. I was on the floor with Chairman OBERSTAR when we learned of the collapse of the I–35 bridge, and Congress acted immediately to replace that structure. That structure's replacement is actually an example I am going to use in the future for replacement of any infrastructure in this country.

In 437 days that bridge will be replaced, and if we could do that with other projects across the Nation, we would save so much time, money and hassle and red tape, but it shows that we can, if we want to take action, in replacing our infrastructure.

But, again, we had a tragedy. We weren't sure the day that it happened what the cause was, and we are still having information gathered by the National Safety Transportation Board, and they will file a final report. But I might also say that the loss of even one life in the collapse of a bridge is too much, and we have to act again to ensure bridge safety, but we have to also look at some of the conditions.

Even if we take the Minnesota bridge collapse, we do know now, and I have seen pictures of a design flaw of problems with the gusset plate, one of the structural support systems. That flaw was identified over several terms of different administrations in Minnesota. I have seen pictures that transcend, again, the flaw that was found, and not a lot was done about it.

We also have learned that the bridge was underdesigned, really, for the kind of traffic that it has today, and that's another problem we have with larger trucks and vehicles on our bridges, and we also know that bridge was under construction and a contractor had put a significant amount of weight which may have led to the collapse. We don't know that. There were other vehicles too, we know, on the bridge. All of that will give us a final determination of why that bridge went down.

But what we have got to do is not base our policy for the future, and this legislation, on presuming that certain things took place. We have got to deal with facts, and, again, in an appropriate and logical manner in which we proceed to ensure safety of bridges.

One of the things that I learned from all of this is that the trucks and vehicles that we have running over our bridges today, I think anyone who goes down the interstate, or down a major highway, sees a sign, a weight limit for bridges that's usually posted.

The amazing thing I found about today is that while we limit the weight of those vehicles, the violations of people going over those bridges with excessive weights is just mind-popping. It is happening across the country. So, many bridges like the Minnesota bridge that were built to a certain design for a certain era and certain weights, even though that weight limit is posted, one of the problems is that people drive vehicles that weigh far in excess, many times over. In fact, the Department of Transportation even publishes statistics on the estimates and the incidence of some of these violations. So that's something that we have got to address, too.

Again, I have a number of areas in this bill I think we have worked on that are good provisions, the training and certification of bridge inspectors, the requirement that States adopt a risk-based list and prioritization of the bridges that do need attention. There are good provisions in here. I do have a couple of things that give me hiccups, and I have expressed my concern about. I had attempted to go before the Rules Committee and offer an amendment that would have corrected two of the major flaws that I see in the approach we are taking here.

□ 1845

That was, unfortunately, rejected.

People have come and asked me how I'm going to vote on this measure. Quite frankly, I don't know. And I won't know until tomorrow, until I've heard the rest of the debate because, again, there are two flaws in this that concern me. Mr. DUNCAN mentioned them, and again I'll repeat them. One is lack of flexibility that allows our States that have been responsible to move money around. And I will submit for the RECORD a list of some of those States.

But States like California will be impacted here that in the past have asked to transfer funds. I mentioned to a Member from California that, even though I think that California has acted responsibly, California has also been the victim of natural disasters or earthquakes. Sometimes their bridges have collapsed. Sometimes their roads have collapsed. Sometimes they need to move money around. This bill does, unfortunately, set up some inflexibility that I think will harm some States that have had to use that mechanism in the past, but yet have been responsible in the manner in which they have expended their money, both Federal and State money, for bridge projects.

My State of Florida also is a responsible State and will be penalized by the terms of this. I have a very strong statement from our Secretary of Transportation, Stephanie Kopelousos, in opposition to the terms that were provided in this bill.

Now, I know that the chairman has tried to make some accommodations in this. I'm sorry that the Rules Committee did not see fit to take an amendment that would have provided a corrective remedy to help Florida, California, Tennessee—I've got a long list that I will submit in the RECORD of States who may be penalized, and some of them penalized for doing the right thing.

The other thing, too, is it does penalize States who have done the right thing, and that's unfortunate. I don't think we should put our States that act in good faith at a disadvantage for legislation that we've passed here.

So while there are some good provisions, I have some questions about what we're doing. This isn't the final say on this bill, it will have to go through the other body. And we want it to be good and thoughtful and productive and effective legislation as it is finalized.

So those are some of the comments that I wanted to provide as we speak here now in general debate. And I appreciate the gentleman yielding.

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, BRIDGE TRANSFERS WITHIN FUNDS (TO/FROM OTHER PROGRAMS), CURRENT YEAR PLUS SEVEN AS OF AUGUST 8, 2007

State	FY 2007	FY 2006	FY 2005	FY 2004
Alabama				58,275,000,000
Alaska		2,301,353.89		53,265,174.92
California		305,586,671.00		
District of Columbia		−76,008.00		
Florida				−644,617.00
Hawaii			2,000,000.00	−553,215.00
Iowa				
Kansas		30,000,000.00	−145.00	
Maryland		32,520,170.00		
Massachusetts				
Minnesota		41,615,022.50	8,955,000.00	
Nevada		1,871,425.00		
Ohio	76,686,875.50	10,000,000.00		
Oklahoma		−168,790.00	−14,396.00	40,434,170.00
Oregon		8,000,000.00		−117,285.00
Pennsylvania	236,000,000.00	185,000,000.00	184,990,000.00	191,800,000.00
Rhode Island	25,000,000.00	15,000,000.00		10,000,000.00
Utah				
Vermont		2,694,983.00	−23,051.00	
Virginia				35,234,226.00
Washington				1.00
Wisconsin				
Grand total	337,686,875.50	634,344,827.39	195,907,408.00	387,693,454.92

(Note: negative numbers reflect transfers of funds to the bridge program; positive numbers represent transfers of funds of the bridge program)
Source: FHWA–FMIS L11A-dlj.

Mr. OBERSTAR. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from the State of Minnesota (Ms. MCCOLLUM), whose district borders on the I–35W Bridge.

Ms. MCCOLLUM of Minnesota. Madam Chairman, I rise in support of H.R. 3999, the National Highway Reconstruction and Inspection Act.

Nearly 1 year ago, Minnesota made the national news when the Twin Cities lost a bridge, and so much more. In the wake of heroic rescue efforts in Minneapolis, this Congress responded with an emergency Federal appropriation to rebuild the bridge.

Today, our community is healing and a new bridge is nearly complete. But August 1, 2007 must not be about one bridge in Minnesota. Our State's tragedy was evidence of America's desperate problem.

Today, the Congress is rightly and responsibly turning to the task of repairing and maintaining thousands of deficient bridges across this country. We are making a commitment to remove one unnecessary worry from the everyday lives of American families. This vote will be about investing in the public good. This vote will be about protecting public safety. And this vote is about restoring public trust that remains badly broken.

I commend Chairman OBERSTAR, the Dean of the Minnesota delegation, for bringing this bill to the floor and for his strong leadership on transportation policies. I look forward to continuing to work with the chairman during the reauthorization next year, when we begin to build a 21st century transportation system for America.

Mr. DUNCAN. Madam Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER), a member of the committee.

Mr. SHUSTER. I thank the gentleman for yielding time.

I agree with much of what my colleagues on this side of the aisle have said this evening. I first and foremost commend the chairman for putting forth a bill that is going to increase funding for bridges. Certainly it's a tragedy what happened in Minnesota on I–35, and we have to be concerned in America. But our bridges are in grave danger of those types of incidents occurring. Pennsylvania has thousands of bridges that are in a deficient state, and we need to address that.

This bill, though, in talking to leadership at Penn DOT, Pennsylvania Department of Transportation, today, they have grave concern, as I do, that in this bill—I'm not clear how extensively it reduces the flexibility for our States to be able to move money around where they need to do it. I know Pennsylvania, in the past, has been criticized, saying we don't spend as much as we are authorized and appropriated for bridges. But, in fact, because of the flexibility in the past, Pennsylvania spends almost double on fixing new bridges because they're able to move money around in a commonsense way to rebuild bridges that need attention. So I'm concerned that this bill is going to restrict the flexibility.

I'm not quite sure, as we're reading the language and we're trying to work through this to try to understand it, if this legislation is going to reduce the flexibility in the nearly billion dollars that's out there, or if it's going to reach back into our highway funds that we have now, it's going to create stringent requirements on them.

The second thing that concerns me is that there appears to be a new certification program for bridge inspectors. And Pennsylvania, I believe, leads the Nation in training and certifying people to go out and inspect bridges. In fact, in Pennsylvania, it's not always an engineer who's an inspector, but it's somebody who has a tremendous amount of experience building bridges, working around bridges that has gone out and certified these bridges.

And in talking to Pennsylvania today, the Penn DOT, they expressed to me that if this certification program moves forward, it's going to hamper their ability to continue to go out and inspect bridges and decide which bridges need to be dealt with.

In addition to that, the certification program, Penn DOT expressed to me today that it could cost as much as $30 million to recertify bridges under a Federal regime. And as I said, Pennsylvania is a State where we have several thousand bridges that are in desperate need. Pennsylvania is a leader in moving forward, trying to rehab these bridges, making sure they're safe so we don't see tragedies occurring.

And then finally, the risk-based priority regulations in this bill. Pennsylvania doesn't have hurricanes, Pennsylvania doesn't face those kinds of risks. And it's a concern that, with this type of Federal regulation, are we in Pennsylvania going to be hurt by this mandate that's put in place or this type of risk-based priority? Because we do have, as I said, several thousand—I

believe the number is 9,000—bridges that need attention today.

So I have grave reservations about this. I'm trying to work through the bill and trying to understand all that it puts forward, but these are some of the concerns that I've had, not just from me working through the legislation, but in talking to the experts in Pennsylvania. So there are grave concerns here. And again, at this point, I'm going to hold my judgment until I continue to work through the bill and try to understand it.

Mr. OBERSTAR. Does the gentleman have time to yield?

Mr. SHUSTER. I certainly would yield to the gentleman.

Mr. OBERSTAR. Those are valid concerns.

First of all, on the bridge inspection standards, the Federal Highway Administration is directed by the legislation to raise the standards. They will do this in consultation with the States. Pennsylvania is recognized as having very high standards for its bridge inspectors, and the country can benefit from Pennsylvania in that process. So Pennsylvania will be one of the leaders.

Secondly, the matter of transfer of funds, of flexibility, we, for years, when we first established the bridge category, gave States flexibility to transfer funds out of that account up to 50 percent. In the SAFETEA legislation, SAFETEA-LU current law, the language was further refined to distribute funds on a needs basis. If that formula is wrong, if that's the wrong way to do it, then we will correct it in the next legislation. This legislation deals only with current law. And that needs formula is based on the question to be determined by each State, in cooperation with the Federal Highway Administration, on how much it costs to maintain, to replace bridges in a State, and then, under those factors, the allocation is made by the Federal Highway Administration to the States.

Maybe we need to change that altogether in the next legislation. I'm only dealing with current law, again, in this bill. And since we have seen in my State, Minnesota, they transferred 49 percent of their money—just to the limit of the law—out of the bridge account to other purposes, and then said, when the bridge collapsed, that, oh, well, there was so much money spent on bicycle paths, we didn't have money for bridges. They transferred the money out. They made the decision to do that. We're saying in this legislation, fix your bridge, your most critical bridge issues first. Certify you've done that. Then you can transfer those remaining dollars out elsewhere. But I think we want accountability for the States.

Now, the gentleman from Tennessee raised a very important issue—if the gentleman would continue to yield—about this category for bridges. Another issue for consideration next year is whether we should have a bridge category at all. That's something we can make a determination on. Maybe we shouldn't have this at all. Maybe we should just simply have a bridge inspection program and require States to act on the results of their own bridge inspections made to these new higher standards and verified by the National Academy of Sciences.

And I thank the gentleman for yielding.

Mr. SHUSTER. I appreciate the gentleman's comments. And those are certainly all things we need to consider.

And I raise these issues not because I have a deep understanding of this law, but when I talk to the experts back in Pennsylvania, they raised the concerns that—we have good intentions down here sometimes in the Federal Government in Washington, but when the language comes out, it doesn't exactly meet up to our expectations, and certainly not back to the professionals back in Pennsylvania that are working hard day and night trying to make sure these bridges are taken care of.

But they've expressed to me—and again, I'm going to be in consultation with them tomorrow and hopefully committee staff to make sure that we understand that these aren't putting impediments in place to the State of Pennsylvania, in particular, because we have a tremendous need to fix, repair and replace these bridges that are in very, very bad condition. So I appreciate the gentleman's words and will certainly be talking with the staff.

Mr. OBERSTAR. If the gentleman would yield further, ask them that question about whether we ought to have a category for bridges at all.

Mr. SHUSTER. Absolutely.

Mr. OBERSTAR. And that's something we must consider in the broader policy considerations next year.

Mr. SHUSTER. I thank the gentleman.

Mr. OBERSTAR. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Madam Chairman, I rise to engage in a colloquy with Chairman OBERSTAR.

Mr. Chairman, I wish to congratulate you on your ongoing efforts to improve the safety of our Nation's highway bridges. And I'm pleased that H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act, would provide an additional $1 billion in fiscal year 2009 for States to address their structurally-deficient national highway system bridges. I'm concerned, however, that this funding would be distributed through the current bridge program formula.

Traditionally, Wisconsin does not fare well under the current bridge formula, which is based on the number and percentage of structurally deficient and functionally obsolete bridges. While I recognize that the funding apportionment for the Highway Bridge Program is needs-based, I am concerned that the current program does not recognize the commitment States like Wisconsin make toward addressing their deficient bridges. Under the current formula, States such as Wisconsin are penalized because they commit significant resources towards addressing their bridge needs.

This situation is exasperated by the fact that States are permitted to transfer bridge program funds to other Federal highway programs with little or no impact under future apportionment of Highway Bridge Program funds.

Under this current formula, there is little or no incentive to invest in bridge maintenance. More importantly, States that achieve this objective are not rewarded. To address this problem and ensure that bridge program resources are invested in bridge maintenance, I believe that the funding formula should consider a State's level of efforts and performance in addressing its bridge needs.

While I recognize that this legislation does not rewrite the Federal Highway Bridge Program formula, I would greatly appreciate it if the chairman would be willing to assure me as that, as the committee begins to develop the next surface transportation authorization, we will review the formula to accommodate and recognize that States have made these efforts.

And I yield to the chairman.

□ 1900

Mr. OBERSTAR. I thank the gentleman for yielding and for raising this issue as members of the committee on the other side of the aisle have done. And the needs-based formula I think has served us well. It has been a good principle.

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

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

We ought to revisit the needs formula in the upcoming legislation for the new authorization and revamp, if necessary, that needs-based formula so that it more equitably reflects the needs of the States and their commitment to and actions taken on maintenance replacement of their bridges on the national highway system.

Mr. KAGEN. I thank you, Mr. Chairman, and look forward to working with you on this important aspect of the bill.

Mr. OBERSTAR. I think we will have lots of help on that next year.

Mr. KAGEN. It looks like it.

Mr. DUNCAN. Madam Chairman, I have no other speakers at this point for our side and so I will reserve our time until Chairman OBERSTAR is ready to close from his side.

Mr. OBERSTAR. I would inquire of the Chair how much time remains on both sides.

The CHAIRMAN. The gentleman from Minnesota has 18 minutes remaining, and the gentleman from Tennessee has 9 minutes remaining.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Maryland, the Chair of the Coast Guard Subcommittee.

Mr. CUMMINGS. I thank Chairman OBERSTAR for yielding. I also thank him for his leadership on the Committee on Transportation and Infrastructure and for his unwavering commitment to the value of investing in our Nation's infrastructure. I also thank Congressman DEFAZIO for his leadership of the Subcommittee on Highways and Transit and for his work on this legislation.

As a senior member of the Transportation Committee, I rise today in strong support of the National Highway Bridge Reconstruction and Inspection Act and the amendment in the nature of a substitute offered by Mr. OBERSTAR.

One out of eight bridges in the richest land in the world is now structurally deficient. In my own State of Maryland, the State Highway Administration maintains 2,578 bridges and overpasses at an annual cost of $110 million. A total of 129 of these bridges are structurally deficient, while an additional 410 are functionally obsolete. The drivers in this Nation should not have to worry as they cross bridges that the bridge will give way beneath them. But they do now.

To begin to meet our Nation's backlog on bridge maintenance needs, H.R. 3999 authorizes the appropriation from the general fund of $1 billion. Unfortunately, that is just a down payment. And as we work to bring our infrastructure into a state of good repair, the safety of the traveling public will rest on the effectiveness of our bridge inspection regime.

To strengthen that regime, this bill requires the Secretary of Transportation to develop a reliable national bridge inventory, to develop a risk-based method for assigning repair and replacement priorities, and to develop uniform bridge inspection processes. These are commonsense measures that will enable us to manage the resolution of our bridge maintenance needs effectively and efficiently.

Mr. Chairman, our Nation's highway infrastructure is a pillar of our economic success. And by passing this bill today, we can make a modest investment in the maintenance of that infrastructure to ensure that it can continue to carry our Nation's to new successes.

With that, I urge my colleagues to vote in favor of the bill.

Mr. DUNCAN. I have just a couple of additional comments, Madam Chairman, and I recognize myself for such time as I may consume before Chairman OBERSTAR closes. I do want to, once again, commend him for his work on this important legislation.

I think everyone agrees that to have a vibrant national economy, we have to have an effective, efficient and first-class system of transportation. Certainly our local governments have an important role in that process and our State governments have an important role. But there is a very important and legitimate national role in our transportation system in this country.

People in Minnesota, Pennsylvania, Ohio and Florida use the highways and bridges in Tennessee and vice versa. And now under SAFETEA–LU, we are providing an average of $4.5 billion a year for our bridge system. But as so often is the case, terrible tragedies sometimes call our attention to shortcomings or to needs that exist in this country. And the tragedy of the bridge collapse in Minnesota certainly did that and called our attention to the fact that we need to do a great deal of work on our bridges.

This is a one-time, 1-year, $1 billion supplemental authorization for some additional funding for our bridges. As I said earlier, it averages out to about $20 million a State. It will barely put a dent in our problem, but it's a legitimate thing for this Congress to do.

I urge support for this legislation.

I yield back the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield myself 6 minutes.

Here is, in the well of the House, a chart listing the status of the structurally deficient bridges eligible for replacement State by State. We also have a smaller document at the committee table that Members can take with them. But this shows 589 bridges on the interstate system and 2,067 bridges overall on the national highway system that are in the structurally deficient category, eligible for replacement, and that is the standard by which we, in this legislation, determine whether a State qualifies for moving money out of its bridge account. We're just saying, once you have determined that you have structurally deficient bridges, fix them first, and we're saying just those that need to be replaced, not those that just need adjustments, but those that need to be replaced, do that first, then transfer money out of your bridge account.

States have transferred the money out of their bridge account, as I said earlier, and the State of Minnesota didn't address their bridge needs, and then the bridge collapsed. And they're looking for a handout. Well, if we're going to continue in the future with a category for bridge maintenance and replacement, then this is the standard we should have. We can make the determination in the next legislation.

I will rely heavily on the gentleman from Tennessee, the gentleman from Florida (Mr. MICA), the gentleman from Oregon (Mr. DEFAZIO), Chair of the Surface Subcommittee, who has one of the most severe bridge problems on Interstate 5 in the State of Oregon, on whether we should continue with the idea of a category for bridge funding. If we do, then we have to have better standards by which bridges are built, maintained and inspected. And this legislation puts us on course toward that goal.

Now I want to show what has happened. The gentleman from Florida (Mr. MICA) cited the speed with which the State of Minnesota has responded in rebuilding the bridge. These two photographs show the bridge replacement in two phases, the top portion showing where it was just about 3 weeks ago, and the bottom portion with only 2½ feet separating the two segments, the north and south segments of the bridge. I was on that bridge on Sunday afternoon, observed the extraordinary work, the speed with which the bridge was constructed.

This is the way we should build bridges for the future, with sensors embedded in the structure itself, sensors that tell the temperature of the bridge, the coefficient of expansion and contraction. The wind velocity pressures on the bridge will be detected by sensors in that structure. There are also long-in-use rollers on the bridge so they can move north and south, expansion and contraction, but much higher quality than ever before built into those rollers. There is also an ice detection system operated by temperature, so that before freezing conditions are encountered, de-icing may be sprayed onto the bridge structure to prevent icing conditions. These are highly advanced technology systems that have not been built into bridges previously, and as many sensors as are going into this bridge, there are also sensors that detect minute cracks that can develop in a bridge and alert bridge engineers before something serious happens. That is the kind of quality that we need to build into future bridge construction and maintenance and replacement.

Now the questions that have been raised about the transferability, frankly, I am really troubled that in the last 5 years, States have transferred $5 billion out of their bridge account and then turn around and complain that they don't have flexibility. We give them flexibility to transfer up to 50 percent of their bridge account into other programs. But then they turn around and complain that this legislation will restrain their flexibility. I'm saying, as long as we have this bridge category, as long as there is a definition of structural deficiency, that States should address those structure deficiency issues, those structurally deficient bridges and if they are candidates for replacement, replace them. Use your bridge formula funds to replace those bridges. And then when you have done that and certified to the Federal Highway Administration you have addressed this, then you can transfer those funds elsewhere.

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

Mr. OBERSTAR. How much time do we have on our side?

The CHAIRMAN. The gentleman from Minnesota has 10 minutes remaining.

Mr. OBERSTAR. I yield myself such time as I may consume.

There is no limitation on the flexibility of States to use their bridge formula funds so long as they comply with one issue, and that is, certify that where you have structurally deficient

bridges that are on the national highway system that should be replaced that you have addressed the replacement issue.

The Commonwealth of Pennsylvania has the highest number of structurally deficient bridges in the Nation. Yet they transferred $2.2 billion of their Federal highway bridge funds out of that program into other needs of the State. Well, over that same period of time, since 2003, they transferred those dollars, and the number of structurally deficient bridges in the Commonwealth of Pennsylvania increased by 500. You can't have it both ways, I'm saying. We have a category for bridge construction, maintenance and replacement, and if you transfer money out of it, then you can't complain that you don't have flexibility. You can't complain that a bridge fell down because there are other needs. Address those needs first.

The highway bridge program represents about 11 percent of the overall funding level of the current law, SAFETEA–LU, but as the Office of Management and Budget has issued rescission orders cutting funds from the overall surface transportation program, $3.4 billion in rescission of contract authority have come out of the bridge program.

□ 1915

So States are victimizing their bridge formula program when the rescissions come. Now maybe we should make the whole thing a block grant program and not have categories. If we do, then States will have all the authority they need to shift dollars around.

But I think that over the years, successive Congresses in the 50 years of the interstate highway system and the highway trust fund have concurred in the categories of funding. They serve a useful purpose, and we should maintain those categories, and make some adjustments in them. I think we should revisit the needs formula as the gentleman from Tennessee has suggested, and other Members have suggested. We should perhaps rewrite the entire needs formula. But that is a matter for next year, not in this bill.

I thought we should have a down payment of a billion dollars to get States started on addressing their structurally deficient bridge problem and expand that funding next year when we get into the authorization period. For the moment, I think this legislation represents what we can do and should be doing in the short term to set the stage for a longer-haul revision of the bridge program.

Again I compliment the State of Minnesota Department of Transportation for moving ahead so vigorously on I–35W and leaving a great legacy for the future.

I also once again express my great appreciation to the gentleman from Oregon (Mr. DEFAZIO) the chairman of our Surface Subcommittee, and the gentleman from Tennessee, the ranking member on the subcommittee, and my good friend and partner, the ranking member on the committee, Mr. MICA, for participating and for their thoughtful observations about the legislation before us, for the many suggestions that we have incorporated, and look forward to continuing this work as we move towards the reauthorization next year.

Mr. SIRES. Mr. Speaker, I rise today in support of H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act. Maintaining our infrastructure, especially our bridges, is vital to enhancing our economy, improving our quality of life, and most importantly protecting the safety of our constituents. I thank Chairman OBERSTAR for introducing this important legislation and for his leadership in maintaining our Nation's infrastructure.

My district is highly impacted by the structural integrity of our bridges. They provide the necessary infrastructure to support one of the largest ports in the U.S. with more than 25 million tons of cargo moving through the port each year. Most importantly, these bridges serve millions of people who travel on them to and from New York City each year.

In response to the tragic 1–35–W bridge collapse in Minneapolis, Minnesota, New Jersey undertook an extensive review of bridges and identified the improvements required to bring all of the State's structurally deficient bridges to a state of good repair. This bill will help to further that initiative and increase the safety of our bridges.

I urge my colleagues to support this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I rise today in support of H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act.

Madam Chairman, I believe it goes without saying that not only the State of Texas, but all of America stood in solidarity with Minnesota on August 1, 2007, after the tragic 1–35 bridge collapse.

Since this unfortunate tragedy, our Chairman, Mr. OBERSTAR, has worked tirelessly to aid his State and the Nation to ensure that priority attention is given to the state of our country's aging transportation infrastructure.

Texans are intimately familiar with Interstate 35, as roughly one-third of the overall length of the interstate exists within Texas' borders.

The State of Texas—with roughly fifty-thousand bridges—has roughly forty percent more bridges than any other State in the nation.

To its credit, the State of Texas has one of the most aggressive bridge programs in the country. As a testament to this aggressiveness, only four percent of the State's bridges are categorized as structurally deficient. In spite of this success, Texas is facing enormous and rapidly increasing transportation needs.

Increases in population, trade growth, and travel in state have placed unprecedented demands on an under invested system.

Based on Texas's annual Report on Texas Bridges for 2006, Texas has approximately thirty-three thousand on-system bridges. Twenty-one percent of these were built before 1950 and fifty-four percent have been in service for more than three decades.

The bridges that are, or will be, structurally deficient, functionally obsolete, or sub-standard for load only in the coming years must also be improved to ensure design standards are current and up to date.

According my State Department of Transportation, 282 bridges categorized as structurally deficient are currently being rehabilitated or replaced. Another 1,303 bridges classified as structurally deficient are under development as part of the State's ten-year Unified Transportation Plan. The State's remaining 439 bridges classified as structurally deficient are not currently scheduled for rehabilitation or replacement, and no funding has been identified for them.

The need for additional funds and resources for inspections, maintenance, rehabilitation, and replacement of bridges is desperately needed in Texas and it is my hope this bill is able to assist my State in a measurable way.

Recently in my congressional district a 2-foot-by-2-foot hole emerged in an eastern span of the Interstate–30 Bridge in Dallas. According to my State DOT, in addition to the disruption to commuters, the bill just to rectify a 2-foot-by-2-foot hole will cost upwards of $1.4 million dollars.

As a country we are falling behind other industrialized nations tremendously in upgrading our Nation's infrastructure. It is imperative that government at all levels begin to make transportation investment an urgent priority.

Madam Chairman, I urge my colleagues to support this important piece of legislation and yield back the balance of my time.

Mr. HOLT. Madam Chairman, I rise today in support of H.R. 3999, the National Bridge Construction Act.

When the National Highway System was created in 1955, President Eisenhower said ''Our unity as a nation is sustained by the free communication of thought and by the easy transportation of goods . . . [T]ogether the unifying forces of our communication and transportation systems are dynamic elements in the very name we bear-United States.''

However, since the creation of the Interstate Highway System in the 1950s, the Federal Government has failed to fulfill its commitment to maintain our Nation's infrastructure. Conditions on America's surface transportation systems—our roads, bridges and highways, our passenger and freight rail facilities, our public transit networks—are deteriorating. The physical infrastructure itself is showing the signs of age. In almost all cases, the operational efficiency of our key transportation assets is slipping.

The catastrophic collapse of the I–35W bridge in Minnesota last year was a reminder that a lack of funding for proper maintenance of our bridges and roadways is more than an inconvenience, it can be deadly. The legislation before us today would provide a short term solution to this problem by increasing funding for bridge construction over the next fiscal year by $1 billion. H.R. 3999 would also require the Department of Transportation to create a better system for inspecting our bridges so they can ensure their safety. It would also ensure that the bridges most in need of repairs are given the funding necessary for safety retrofits.

In my home State of New Jersey there are over 6,000 bridges, nearly a third of which the Department of Transportation has determined either structurally deficient or functionally obsolete, including 12 in my central New Jersey district. This legislation would provide the State of New Jersey with over $42 million in

much needed grants for rebuilding these bridges, and I urge my colleagues to support it.

Unfortunately, this funding is little more than a drop in the bucket when considering our long term transportation needs. Our transportation programs are drastically underfunded and require immediate attention in order to be corrected. Today the House of Representatives will consider emergency legislation that would authorize the transfer of $8 billion to the highway trust fund which is expected to experience a $14 billion shortfall in Fiscal Year 2009. However, this is still not enough.

When we passed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA–LU) back in 2005, we authorized the National Surface Transportation Policy and Revenue Study Commission to undertake a thorough review of the state of our national transportation system. This study found that we would need to invest $225 billion annually over the next 50 years in order to ensure that our transportation infrastructure is in a good state of repair. I look forward to working with my colleagues on both sides of the aisle to address our pressing transportation needs.

Mr. COSTELLO. Madam Chairman, I rise today in strong support of H.R. 3999, National Highway Bridge Reconstruction and Inspection Act. This legislation is in response to the bridge collapse that occurred on August 1, 2007, in Minneapolis, MN. That incident was a tragedy and serves as a reminder to all that we must properly invest in our infrastructure.

The United States transportation system is the envy of the world. We have an extensive system of highways, ports, locks and dams, and airports. Yet, we have neglected to upgrade and modernize our infrastructure over the years.

For example, currently, the National Bridge Inventory contains information on 594,101 bridges. Of the bridges in the inventory, 73,784 bridges were structurally deficient and over 80,000 were functionally obsolete. Those numbers are astounding and troublesome.

We should not build our infrastructure and then walk away without maintaining it and modernizing it as it becomes antiquated. HR 3999 authorizes an additional $1 billion in FY09 for the Highway Bridge Program and requires updates and changes to be made to the inspection program.

Madam Chairman, we must find a way to make the necessary improvements to our roads and bridges to make sure the highest level of safety is maintained and that the U.S. economy remains strong. That is why I support H.R. 3999 and urge my colleagues to do the same.

Mr. OBERSTAR. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in part A of House Report 110–760 shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Highway Bridge Reconstruction and Inspection Act of 2008''.

SEC. 2. HIGHWAY BRIDGE PROGRAM.

(a) BRIDGES ON FEDERAL-AID HIGHWAYS.—

(1) RISK-BASED PRIORITIZATION FOR REPLACEMENT AND REHABILITATION OF DEFICIENT BRIDGES.—Section 144 of title 23, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

''(b) BRIDGES ON FEDERAL-AID HIGHWAYS.—The Secretary, in consultation with the States, shall—

''(1) inventory all bridges on Federal-aid highways that are bridges over waterways, other topographical barriers, other highways, and railroads;

''(2) identify each bridge inventoried under paragraph (1) that is structurally deficient or functionally obsolete;

''(3) assign a risk-based priority for replacement or rehabilitation of each such bridge after consideration of safety, serviceability, and essentiality for public use, including the potential impacts to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished; and

''(4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

''(c) BRIDGES ON OTHER PUBLIC ROADS.—

''(1) INVENTORY OF BRIDGES.—The Secretary, in consultation with the States, shall—

''(A) inventory all those highway bridges on public roads, other than those on any Federal-aid highway, which are bridges over waterways, other topographical barriers, other highways, and railroads;

''(B) identify each bridge inventoried under subparagraph (A) that is structurally deficient or functionally obsolete;

''(C) assign a risk-based priority for replacement or rehabilitation of each such bridge after consideration of safety, serviceability, and essentiality for public use, including the potential impacts to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished; and

''(D) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

''(2) INVENTORY OF BRIDGES FOR HISTORIC SIGNIFICANCE.—The Secretary may, at the request of a State, inventory bridges, on and off Federal-aid highways, for historic significance.

''(3) INVENTORY OF INDIAN RESERVATION AND PARK BRIDGES.—As part of the activities carried out under paragraph (1), the Secretary, in consultation with the Secretary of the Interior, shall—

''(A) inventory all those highway bridges on Indian reservation roads and park roads which are bridges over waterways, other topographical barriers, other highways, and railroads;

''(B) identify each bridge inventoried under subparagraph (A) that is structurally deficient or functionally obsolete;

''(C) assign a risk-based priority for replacement or rehabilitation of each such bridge after consideration of safety, serviceability, and essentiality for public use, including the potential impacts to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished; and

''(D) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.''.

(2) PROCESS FOR ASSIGNING RISK-BASED PRIORITIES.—

(A) DEADLINE FOR ESTABLISHMENT.—After modifying national bridge inspection standards in accordance with the amendments made by section 3 and not later than 18 months after the date of enactment of this Act, the Secretary shall establish a process for assigning risk-based priorities under sections 144(b)(3), 144(c)(1)(C), and 144(c)(3)(C) of title 23, United States Code, as amended by paragraph (1) of this subsection.

(B) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing a description of the process for assigning risk-based priorities established under subparagraph (A).

(C) INDEPENDENT REVIEW.—

(i) PARTICIPATION OF NATIONAL ACADEMY OF SCIENCES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to permit the Academy to conduct an independent review of the process for assigning risk-based priorities established under subparagraph (A).

(ii) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Academy shall submit a report on the results of the review to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate.

(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $2,000,000 for fiscal year 2009. Such sums shall remain available until expended.

(b) APPORTIONMENT.—Section 144(e) of such title is amended by adding at the end the following: ''In this subsection, the term 'deficient bridge' means a bridge that is structurally deficient or functionally obsolete.''.

(c) PARTICIPATION.—Section 144(d) of such title is amended by adding at the end the following:

''(5) REQUIREMENTS FOR STATE PARTICIPATION.—

''(A) IN GENERAL.—As a condition for providing assistance to a State under this section, the Secretary shall require the State to take the following actions:

''(i) INSPECTIONS.—Not later than 24 months after the date of enactment of this paragraph, and at least once every 24 months thereafter (except as otherwise provided by section 151(d)), the State shall inspect all highway bridges described in subsections (b) and (c) that are located in the State in accordance with the standards established under section 151 and provide updated information on such bridges to the Secretary for inclusion in the national bridge inventory.

''(ii) CALCULATION OF LOAD RATINGS.—The State shall—

''(I) not later than 24 months after the date of enactment of this paragraph, calculate the load rating for all highway bridges described in subsections (b) and (c) that are located in the State;

''(II) at least once every 24 months thereafter, reevaluate and, as appropriate, recalculate the load rating for each such bridge; and

''(III) ensure that the safe load-carrying capacities for such bridges are properly posted.

''(iii) PERFORMANCE PLAN.—The State shall develop, not later than 24 months after the date of enactment of this paragraph, update annually, and implement a 5-year performance plan for—

''(I) the inspection of highway bridges described in subsections (b) and (c) that are located in the State; and

''(II) the rehabilitation and replacement of any of such bridges that are structurally deficient or functionally obsolete.

''(iv) BRIDGE MANAGEMENT SYSTEM.—Notwithstanding section 303(c), the State shall develop and implement a bridge management system that meets the requirements of section 303.

''(B) APPROVAL OF PERFORMANCE PLANS.—

''(i) SUBMISSION TO THE SECRETARY.—A State that establishes a 5-year performance plan under subparagraph (A)(iii) shall submit the plan and each update of the plan to the Secretary for approval.

''(ii) CRITERIA FOR APPROVAL.—Not later than one year after the date of enactment of this paragraph, the Secretary shall establish criteria for the approval of performance plans and updates submitted under clause (i).

''(iii) APPROVAL AND DISAPPROVAL.—The Secretary shall approve or disapprove each 5-year performance plan and update submitted by a State under this subparagraph. If the Secretary disapproves a plan or update, the Secretary shall inform the State of the reasons for the disapproval and shall require the State to resubmit the plan or update with such modifications as the Secretary determines necessary.''.

(d) INFORMATION AND REPORTS.—Section 144(h) of such title (as redesignated by subsection (g)(1)(G) of this section) is amended to read as follows:

''(h) INFORMATION AND REPORTS.—

''(1) UPDATES OF INFORMATION.—The Secretary shall annually revise, as necessary, the information required under subsections (b) and (c).

''(2) REPORTS TO CONGRESS.—Concurrently with the President's annual budget submission to Congress under section 1105(a) of title 31, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing—

''(A) a description of projects and activities approved under this section;

''(B) the information updated under paragraph (1), including a description of the priority assigned, on a national basis and by State, for the replacement or rehabilitation of each structurally deficient or functionally obsolete bridge on a Federal-aid highway;

''(C) a description of any project or activity carried out by a State under this section in the preceding fiscal year that is inconsistent with the priorities assigned by the Secretary under subsection (b)(3), (c)(1)(C), and (c)(3)(C); and

''(D) such recommendations as the Secretary may have for improvements of the program authorized by this section.''.

(e) TRANSFERABILITY OF FUNDING.—Section 144 of such title is amended by inserting after subsection (r) (as redesignated by subsection (g)(1)(G) of this section) the following:

''(s) TRANSFERABILITY OF FUNDING.—Notwithstanding section 126 or any other provision of law, a State may transfer funds apportioned to the State under this section for a fiscal year to another apportionment of funds to the State under this title only if the State demonstrates to the satisfaction of the Secretary that there are not any bridges on the National Highway System located in the State that are eligible for replacement.''.

(f) DEFINITIONS.—Section 144 of such title is further amended by adding at the end the following:

''(t) DEFINITIONS.—In this section, the following definitions apply:

''(1) FUNCTIONALLY OBSOLETE.—The term 'functionally obsolete' as used with respect to a bridge means a bridge that no longer meets current design standards relating to geometrics, including roadway width, shoulder width, and approach alignment, for the traffic demands on the bridge.

''(2) STRUCTURALLY DEFICIENT.—The term 'structurally deficient' as used with respect to a bridge means a bridge that has—

''(A) significant load-carrying elements that are in poor or worse condition due to deterioration or damage, or both;

''(B) a load capacity that is significantly below current truckloads and that requires replacement; or

''(C) a waterway opening causing frequent flooding of the bridge deck and approaches resulting in significant traffic interruptions.

''(3) REHABILITATION.—The term 'rehabilitation' means major work necessary to restore the structural integrity of a bridge and work necessary to correct a major safety defect.

''(4) REPLACEMENT.—The term 'replacement' as used with respect to a structurally deficient or functionally obsolete bridge means a new facility constructed in the same general traffic corridor that meets the geometric, construction, and structural standards, in effect at the time of such construction, required for the types and volume of projected traffic of the facility over its design life.''.

(g) NATIONAL BRIDGE INVENTORY.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary shall take necessary actions to make information contained in the national bridge inventory established under section 144 of title 23, United States Code, more readily available to the public, including actions to make the information easier to understand.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000 for fiscal year 2009. Such sums shall remain available until expended.

SEC. 3. NATIONAL BRIDGE INSPECTION PROGRAM.

(a) NATIONAL BRIDGE INSPECTION STANDARDS.—Section 151(a) of title 23, United States Code, is amended by adding at the end the following: ''The standards established under this subsection shall be designed to ensure uniformity among the States in the conduct of such inspections and evaluations.''.

(b) MINIMUM REQUIREMENTS OF INSPECTION STANDARDS.—Section 151(b) of title 23, United States Code, is amended—

(1) in paragraph (4) by striking ''and'' at the end;

(2) in paragraph (5) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) establish procedures for conducting annual compliance reviews of State inspections, quality control and quality assurance procedures, load ratings, and weight limit postings of structurally deficient highway bridges;

''(7) establish procedures for States to follow in reporting to the Secretary—

''(A) critical findings relating to structural or safety-related deficiencies of highway bridges; and

''(B) monitoring activities and corrective actions taken in response to such a finding; and

''(8) provide for testing with a state-of-the-art technology that detects growth activity of fatigue cracks as small as 0.01 inches on steel bridges exhibiting fatigue damage or bridges with fatigue susceptible members.''.

(c) REGULATIONS ON CRITICAL FINDINGS OF BRIDGE DEFICIENCIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall issue regulations establishing procedures to be used by States in reporting critical findings of bridge deficiencies, and subsequent monitoring activities and corrective actions, to the Secretary in accordance with the standards to be established under section 151(b)(7) of title 23, United States Code, as added by subsection (b)(3) of this section.

(2) CONTENTS.—Regulations to be issued under paragraph (1) shall—

(A) establish a uniform definition of the term ''critical finding'';

(B) establish deadlines for State reporting of critical finding determinations to the Secretary;

(C) establish requirements for monitoring and follow-up actions and reporting following a critical finding determination; and

(D) provide for enhanced training of bridge inspectors relating to critical findings.

(d) TRAINING PROGRAM FOR ALL BRIDGE INSPECTORS.—Section 151(c) of such title is amended by adding at the end the following: ''The Secretary shall expand the scope of the training program to ensure that all persons conducting highway bridge inspections receive appropriate training and certification under the program.''.

(e) FREQUENCY OF BRIDGE INSPECTIONS.—Section 151 of such title is amended——

(1) in subsection (b)(2) by inserting ''in accordance with subsection (d)'' before the semicolon;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) FREQUENCY OF BRIDGE INSPECTIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the standards established under subsection (a), at a minimum, shall provide for—

''(A) annual inspections of structurally deficient highway bridges using the best practicable technologies and methods;

''(B) annual in depth inspections of fracture critical members, as such terms are defined in section 650.305 of title 23, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(C) biennial inspections of highway bridges that have not been determined to be structurally deficient.

''(2) EXTENSIONS.—Upon the request of a State, the Secretary may extend, to a maximum period of 48 months, the time between required inspections of a highway bridge that has not been determined to be structurally deficient if the Secretary determines that—

''(A) the extension is appropriate based on the age, design, traffic characteristics, and any known deficiency of the bridge;

''(B) the extension is consistent with the 5-year performance plan of the State approved under section 144(d)(5)(B); and

''(C) granting the extension will increase the overall safety of the State's bridge inventory.''.

(f) QUALIFICATIONS OF PROGRAM MANAGERS AND TEAM LEADERS.—

(1) REVISION OF REGULATIONS.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall revise regulations contained in section 650.309 of title 23, Code of Federal Regulations, relating to the qualifications of highway bridge inspection personnel, to require that, in addition to meeting the qualifications identified in such section (as in effect on the date of enactment of this Act)—

(A) an individual serving as the program manager of a State be a professional engineer licensed under the laws of that State;

(B) an individual serving as a team leader for a State for the inspection of complex bridges or follow-up inspections of bridges

for which there has been a critical finding be a licensed professional engineer; and

(C) an individual serving as a team leader for a State for the inspection of all other bridges be a licensed professional engineer or have at least 10 years of bridge inspection experience.

(2) APPLICABILITY.—The additional qualification requirements specified in paragraphs (1)(A), (1)(B), and (1)(C) shall apply only to an individual selected by a State to serve as the program manager or a team leader after the date of issuance of revised regulations under paragraph (1).

(g) EFFECTIVE DATE.—Not later than one year after the date of enactment of this Act, the Secretary shall modify national bridge inspection standards and modify the training program for bridge inspectors in accordance with the amendments made by this section.

SEC. 4. SURFACE TRANSPORTATION RESEARCH.

Section 502(d) of title 23, United States Code, is amended—

(1) in paragraph (2) in the matter preceding subparagraph (A) by inserting ''and enhance the safety'' before ''of bridge structures''; and

(2) in paragraph (4) by striking ''for use with existing infrastructure facilities and with next-generation infrastructure facilities'' and inserting ''for assessing the structural integrity of existing infrastructure facilities and next-generation infrastructure facilities''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out section 144 of title 23, United States Code, $1,000,000,000 for fiscal year 2009.

(b) APPORTIONMENT AND USE OF FUNDS.—Funds appropriated pursuant to subsection (a)—

(1) shall be apportioned among the States under paragraphs (1) and (2) of section 144(e) of such title;

(2) shall be used for the replacement and rehabilitation of structurally deficient highway bridges on the National Highway System; and

(3) shall be available for obligation in the same manner as other funds apportioned under chapter 1 of such title, except that such funds shall not be transferable and shall remain available until expended.

(c) LIMITATION.—None of the funds appropriated pursuant to subsection (a) may be earmarked by Congress or any Federal department or agency for a specific project or activity.

SEC. 6. BRIDGE ADVANCED CONDITION ASSESSMENT PILOT PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish and implement a pilot program to evaluate the effectiveness, accuracy, and reliability of the use of advanced condition assessment inspection processes and technologies (including fiber optic, vibrating wire, acoustical emissions, and peak strain displacement technologies) in monitoring and evaluating the structural health of a highway bridge. Technologies evaluated under the pilot program shall be real-time sensing technologies that record objective data to determine accurate conditions assessments of critical bridge elements.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make grants to States to conduct projects under the pilot program.

(2) APPLICATIONS.—A State seeking a grant under the pilot program shall submit an application to the Secretary in such form and containing such information as the Secretary may require by regulation.

(c) ELIGIBILITY.—

(1) SELECTION OF HIGHWAY BRIDGES.—

(A) IN GENERAL.—In awarding grants under the pilot program, the Secretary shall select not more than 15 highway bridges in not more than 5 States for participation in the program.

(B) BRIDGE REQUIREMENTS.—The Secretary may select a highway bridge under subparagraph (A) only if the bridge is—

(i) as of the date of enactment of this Act, classified as structurally deficient under section 144 of title 23, United States Code;

(ii) a nonredundant, fractural critical structure; and

(iii) greater than 200 feet in length.

(2) SELECTION AND USE OF TECHNOLOGIES.—

(A) IN GENERAL.—The Secretary shall select no fewer than 2 types of real-time, in-service, sensor-based, commercially-available, advanced-condition assessment technologies to be used in the pilot program.

(B) DURATION OF REAL-TIME DATA COLLECTION.—The duration of real-time data collection from each highway bridge selected for participation in the pilot program shall be not less than one year.

(C) USE OF CALIBRATED FINITE ELEMENT ANALYSIS MODEL.—At least one-half of the highway bridges selected for participation in the pilot program shall also be evaluated using a calibrated finite element analysis model of the bridge, based upon data from the advanced condition assessment technologies.

(d) FEDERAL SHARE.—The Federal share payable on account of a project carried out under the pilot program shall be 80 percent of the cost of the project.

(e) DURATION OF THE PILOT PROGRAM.—The Secretary shall carry out the pilot program for a period of 2 fiscal years.

(f) FINAL REPORT.—

(1) IN GENERAL.—Not later than 6 months after the last day of the pilot program, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the effectiveness and benefits of the pilot program carried out under this section.

(2) CONTENTS.—The report shall describe, at a minimum—

(A) the cost effectiveness of the technologies and processes selected;

(B) the objectivity, reliability, and accuracy of the technologies and processes employed in providing condition assessments of the highway bridge;

(C) the quality of the data collected and measured; and

(D) any recommendations for improving or expanding the pilot program or the use of structural health monitoring technologies or processes, including a suggested plan for wider adoption based on potential highway bridge repair and replacement savings by the Federal Government and State governments.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

(h) AVAILABILITY OF AMOUNTS.—Amounts appropriated to carry out this section shall be available for obligation in the same manner as funds apportioned under chapter 1 of title 23, United States Code, except that such funds shall not be transferable and shall remain available until expended.

The CHAIRMAN. No amendment to that amendment is in order except those printed in part B of the report. Each amendment shall be considered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110–760.

Mr. OBERSTAR. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

In section 2(a)(2)(A), after ''the Secretary'' insert '', in consultation with the States,''.

In section 2(d), strike ''(as redesignated by subsection (g)(1)(G) of this section)''.

In section 2(e), strike ''(as redesignated by subsection (g)(1)(G) of this section)''.

At the end of section 3(f), add the following:

(3) COMPLEX BRIDGE DEFINED.—In this subsection, the term ''complex bridge'' means a highway bridge with unusual characteristics, including movable, suspension, and cable-stayed highway bridges.

In section 6(c)(1)(B)(ii), strike ''fractural'' and insert ''fracture''.

The CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, I yield myself such time as I may consume.

The amendment makes technical corrections to the bill. It clarifies that the Department of Transportation should consult with States when establishing a process for assigning risk-based priorities for bridge reconstruction and rehabilitation. We want to make sure that the Federal Government is consulting with, taking the best advice and best ideas from all of the States in crafting the risk-based program for evaluation of bridges.

The Federal Government should not be doing this on its own. Our intention from the very outset was that this should be a cooperative program as the Federal aid highway program always has been, and this language makes it very clear that the department must consult with the States. It defines complex bridges for purposes of addressing qualifications for managers and team leaders.

I reserve the balance of my time.

Mr. DUNCAN. Madam Chairman, the minority supports this amendment. We accept this amendment.

Mr. OBERSTAR. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MICA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110–760.

Mr. MICA. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MICA:

At the end of the amendment, add the following:

SEC. 7. EFFECTIVENESS OF BRIDGE RATING SYSTEM.

(a) STUDY.—The Comptroller General shall conduct a study of the effectiveness of the bridge rating system of the Federal Highway Administration, including the use of the terms ''structurally deficient'' and ''functionally obsolete'' to describe the condition of highway bridges in the United States.

(b) EVALUATION OF STATE SYSTEMS.—In conducting the study, the Comptroller General shall evaluate bridge rating systems used by State departments of transportation and provide recommendations on how successful aspects of such bridge rating systems may be incorporated into the bridge rating system of the Federal Highway Administration.

(c) REPORT.—Not later than February 1, 2009, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on the Environment and Public Works of the Senate a report on the results of the study.

The CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Madam Chairman, this amendment is an amendment that deals with what I spoke of during general debate. It is nice that we consider adding additional authorization for money to repair our bridges. It is nice that we institute some corrective measures that will require States to prioritize bridges that are at risk. But I think that we need to go further in trying to look at some of the issues that have brought about the problems we have seen with maintaining some of our bridges, and also pinpointing the bridges that pose a risk that deserve our attention and that warrant action.

So the amendment that I am offering today requires that the Government Accountability Office, GAO, conduct a study on the effectiveness of the bridge-rating system used by the Federal Highway Administration.

Since the collapse of the I–35 bridge in Minneapolis, the terms ''structurally deficient'' bridge and ''functionally obsolete'' bridge have been commonly used and intertwined in describing the condition of highway bridges across the country. I think that is one of the problems that we've had in the whole bridge inspection system is the basic definition.

However, the general public has little understanding of what the terms actually mean. Most people, even Members of Congress, would assume that if a bridge is classified as structurally deficient or functionally obsolete, that the bridge is immediately in danger of collapsing. That's not the case, and we need to differentiate, again a definition that makes sense, on the actual condition of the bridge.

According to the Federal Highway Administration, a rating of structurally deficient means that there are elements of the bridge that need to be monitored and/or repaired. The fact that a bridge is deficient does not imply that it is likely to collapse or that it is in fact unsafe. It means that the bridge must be monitored, inspected, and properly maintained.

In reality, there are structurally deficient bridges at the top end of the current bridge-rating scale that can safely remain in service for 20 years or more if the owner of the bridge, the State or whatever entity, performs the necessary maintenance to keep the bridge structurally sound.

At the same time, there are structurally deficient bridges at the bottom of the rating scale that are closed to all traffic because the bridge may collapse at any moment.

I believe it is a disservice to the American people to have a bridge-rating system that does very little to actually distinguish between the bridges that can stay open and are safe for 20 years or more with a comprehensive maintenance plan, and a 100-year-old bridge that may collapse tomorrow if it remains open to traffic.

So to get to the heart of the issue that we are discussing, to try to approach this on a reasonable basis, if we are going to put money into these programs, repair these bridges and repair bridges that need repair, we need an amendment like this that will require GAO to evaluate the existing bridge-rating system, which is deficient, and it will also evaluate the rating systems used by the State Departments of Transportation and make recommendations on how the existing rating system can be improved to more accurately convey the condition of bridges throughout the United States.

So that's the purpose of this amendment. It is a simple amendment trying to get to the heart of the problem.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. The gentleman's amendment is a very good one, and an important outcome to the endeavor to raise the standards to evaluate bridges and maintain bridges and replace bridges. I think it is important for us to adopt this amendment and to direct the Government Accountability Office to provide recommendations on how successful aspects of bridge-rating systems can be incorporated into the bridge-rating program and be a valuable asset for us next year as we go into the authorization process.

Bridge rating is a very complex process. It will be very useful for us to have GAO's input on better ways of rating bridges, ensuring that the traveling public has a complete understanding of the condition of the bridges on which they are traveling. This does not mean that we can define away the condition of bridges, but rather that we better understand the condition of bridges.

Under current Federal law, longstanding law, States are required to inspect all bridges longer than 20 feet at least once every 2 years and then to report those findings to the Federal Highway Administration. In the course of the inspection, conditions on various elements of the bridge are rated on a scale of zero, failure, to nine, excellent. ''Structurally deficient'' bridge means there are elements that need to be monitored or repaired or that the bridge entirely needs to be replaced.

Now this current rating system, as the gentleman from Florida said, when a bridge is rated structurally deficient doesn't mean it is going to fall down tomorrow or the next day, but that under various conditions it could well be unsafe. And if it is ultimately determined to be unsafe, that structure should be closed. We should have a rating system, but that rating system has not been evaluated in probably 25 years, certainly not since I held those hearings in 1987.

I think the amendment before us will put GAO on the course of doing that evaluation and giving us a better yardstick of measurement for determining various conditions of bridges. I look forward to the work to be done by GAO on both structural and functional deficiency rating systems for our Nation's bridges.

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

Mr. MICA. Madam Chairman, I yield myself the balance of my time.

In conclusion, the intent of this legislation is excellent to identify bridges that are deficient, that are obsolete, that need repair, that need attention, and provide the resources to do that.

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But, again, the rating system by which we determine whether a bridge is structurally deficient or structurally obsolete, that rating system is out of date. We need the General Accounting Office to come up with a better rating system, one that makes sense in the 21st century, so that we can do a better job in assessing those bridges that do need repair, targeting the money to those bridges, but having a good rating system, and that's what this simple amendment does.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MARIO DIAZ-BALART OF FLORIDA

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110–760.

Mr. MARIO DIAZ-BALART of Florida. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MARIO DIAZ-BALART of Florida:

In section 2(a)(1), in the matter proposed to be inserted as section 144(b)(3) of title 23, United States Code, after ''public use'' insert ''and public safety'' and after ''impacts'' insert ''to emergency evacuation routes and''.

In section 2(a)(1), in the matter proposed to be inserted as section 144(c)(1)(C) of title 23, United States Code, after ''public use'' insert ''and public safety'' and after ''impacts'' insert ''to emergency evacuation routes and''.

In section 2(a)(1), in the matter proposed to be inserted as section 144(c)(3)(C) of title 23, United States Code, after ''public use'' insert ''and public safety'' and after ''impacts'' insert ''to emergency evacuation routes and''.

The CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Florida (Mr. MARIO DIAZ-BALART) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Madam Chairman, I yield myself such time as I may consume.

I rise today to offer a very straightforward amendment, but first I would like to thank Chairman OBERSTAR not only for this amendment but for always working with me on issues of importance to my constituents. Also, the Transportation Committee staff has been very easy to work with, especially Jim Tymon, who is here, for working with me and my staff, Lauren Robutaille, to help draft this important amendment. And, of course, I always have to thank Ranking Member MICA. The State of Florida is truly fortunate to have such a passionate champion and such a passionate advocate for issues that are important to our State.

My amendment simply seeks to emphasize the importance of public safety in prioritizing new highway bridge funding as well as place risk-based priority for rehab and repair on deficient or obsolete bridges that serve as emergency evacuation routes.

Transportation infrastructure, especially bridges, obviously, play a vital role during emergency situations, during natural disasters. And we've all seen that from time to time in many coastal areas, and I refer to especially obviously to Southern Florida. Bridges, frankly, sometimes provide the only mainland access for millions of residents and visitors, and during times of emergency, these bridges provide sometimes, again, the only emergency evacuation options, period. And as I said a little while ago, in the 2004 and 2005 hurricane seasons, unfortunately, that emphasized the need for safe emergency evacuation routes when millions of Americans, millions of Americans, faced mandatory evacuations.

Now, Florida bridges—as you all know, we are a peninsula surrounded by oceans. Florida bridges sustain additional wear and tear to frequent storms and saltwater corrosion.

My amendment, Madam Chairman, simply emphasizes the importance of ensuring public safety as well as ensuring that Americans have access to safe evacuation routes during times of disaster, during times of danger.

I again urge my colleagues to support this straightforward amendment. Once again I want to thank the chairman for his great work and for always allowing me to go to him and his staff and the committee staff on issues that are important to my constituents, my State, and, I think, the country.

With that, Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I ask unanimous consent to claim time in opposition, though I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I want to thank the gentleman for his kind remarks but especially for bringing forth this amendment. In the course of consideration of legislation, we can't think of all the circumstances that legislation should cover; so it's useful and important for us to have Members such as Mr. DIAZ-BALART to bring to the committee's attention unique circumstances in discrete regions of the country.

This amendment will add the consideration of public safety and availability of evacuation routes as further elements in consideration of the prioritization of bridges that are structurally deficient or functionally obsolete. And we need look no further than the television pictures of the evacuation in the aftermath of Hurricane Katrina and Rita and Wilma that flashed across our screen day and night to see the congestion and the confusion and the problems and even the question of whether one or another bridge that was on the screen could hold all those vehicles and all the people on those bridges.

The gentleman from Florida, whose State is in the path of nature's fury so often, brings to us a very valuable contribution and one that must be included. And I am delighted that we are able to accept this amendment, and I thank the gentleman for bringing it forth.

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

Mr. MARIO DIAZ-BALART of Florida. Madam Chairman, I once again want to thank the chairman and the ranking member, and I thank Ranking Member DUNCAN as well.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MARIO DIAZ-BALART).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. WALZ OF MINNESOTA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110–760.

Mr. WALZ of Minnesota. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. WALZ of Minnesota:

At the end of section 3, add the following:

(h) REPORT TO CONGRESS.—Not later than 15 days after a critical finding determination is made by a State which results in the closure of a bridge, the Secretary of Transportation shall report to the appropriate Committees of Congress regarding the impact, including the economic impact, on regional transportation and transit that will result from the such bridge closure and recommend solutions to mitigate such impact.

The CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ of Minnesota. I thank the ranking member and the chairman of the committee, not just for this very good piece of legislation, which I stand in support of and offer this amendment to, but I would like to thank the chairman for his leadership.

Madam Chairman, August 1 of last year was a tragic day for the country but especially for those of us in Minnesota, as you've heard the chairman talk about the stunning nature that a bridge could fall in Minnesota. And I've heard many people afterwards refer to it as a wake-up call for many people. If that's true, one person has never slept on this issue, and that's the chairman. He has spoken about this. He has talked about the need for infrastructure rehabilitation and improvements for decades. And leadership is not reacting to a situation, it's being proactive and anticipating and doing the things necessary. So I thank the chairman for that.

Madam Chairman, we in Minnesota this year are celebrating our sesquicentennial. One hundred and fifty years ago this year, our great State joined this great union. And of all the beautiful places across the expanses of the Land of 10,000 Lakes, the North Star State, the U.S. Postal Service issued their stamp, their commemorative stamp, and it came out on May 17 of this year. This stamp highlights one of the most beautiful parts and one of the most recognizable icons of this country, the winding Mississippi River near Winona, Minnesota, as it separates the Minnesota side from the Wisconsin side.

This bridge in the foreground is the Highway 43 Bridge. This was issued on May 17. And less than 3 weeks later, on the evening of June 3, the Minnesota Department of Transportation issued

an immediate critical warning on the bridge and closed the bridge to all traffic. Because of the tragedy of August 1 of last year and because of Chairman OBERSTAR and the changes that happened in the Minnesota Department of Transportation, an accelerated inspection, critical inspection, of these bridges happened, and it was found that the gusset plates had eroded on the Minnesota 43 Bridge. This iconic photo that just came out, it was also eroding in the same manner that led to the collapse of the 35–W Bridge.

This bridge closure was done with caution. It was done with professionalism. It was exactly the right decision to make. But when thousands and thousands of commuters woke up on the morning of June 4, they were stuck in a pretty difficult situation. There are 11,000 vehicles a day that cross this bridge. Over 3,000 people depend on their livelihood for jobs that were literally minutes across, and because of the closure now, they had to travel between 25 and 35 miles to the alternative crossing and then back over again, adding between 100 and 140 miles a day and hours to their commute time. It basically shut down all commerce in one of the larger cities in our district and shut down a major corridor between our two great States of Wisconsin and Minnesota. Other problems were emergency vehicles and response times were dependent on this bridge being open that were no longer there.

And while commuters were dealing with high gas pries, the city was dealing with emergency vehicles, commerce was being shut down to a crawl or to nothing, I do commend the City of Winona, the County, the State officials under Commissioner Sorel for responding as quickly as they possibly could.

What they needed to come up with was they needed to figure out a mitigation plan in very short order. They needed to figure out what they were going to do, determine how long they were going to have to set that up, and this was a situation that fell under very little Federal control and very little Federal help could be offered to the people that were there. And we ended up bringing in ferries and barges and different things, buses, and people worked through it and got it done.

What my amendment says is let's be more proactive on this. This is going to happen in the future. There are going to be emergency shutdowns. We hope that we get to the point where we don't end up inspecting a bridge when we almost see it at a point where it can't be driven on. But the case needs to be we need to proactively plan, especially on these federally aided highways.

This amendment asks the Secretary of Transportation to report to Congress within 15 days of the issuance of a critical finding the results of a bridge closure. The report from the Secretary will include an assessment of the economic impact of the closure as well as the impact on regional transportation and transit patterns. The amendment requires the Secretary to recommend solutions to mitigate these impacts.

The State and the City were able to do this, but it was really a big reach, especially where there were Federal funds involved. It was a Federal aid highway.

So I'm hopeful that we will never use this. I'm hopeful that no other locality will be stuck in this situation. I am pleased to tell you that because within hours of this happening, Chairman OBERSTAR was on the site, standing on the bridge, inspecting it. The community and the State pulled together, and the bridge is now open for limited traffic again and is getting back on. It's scheduled for repair as we speak and should be finished by the end of summer.

But I thank the chairman and the ranking member, and I would ask that the diligence be done to make sure this doesn't happen to another locale.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DUNCAN. Madam Chairman, I rise simply to state that the minority accepts this amendment.

Mr. OBERSTAR. Would the gentleman claim time in opposition?

Mr. DUNCAN. Madam Chairman, I ask unanimous consent to claim the time in opposition to this amendment, but I will not oppose the amendment and will state, once again, that the minority accepts the amendment.

The CHAIRMAN. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. Will the gentleman yield?

Mr. DUNCAN. Yes.

Mr. OBERSTAR. I too concur and I join the gentleman from Minnesota and the local government officials in a review of the Winona Bridge.

As the gentleman pointed out, Madam Chairman, it's such a terrible irony that we're highlighting this bridge on a stamp celebrating Minnesota's sesquicentennial and then the bridge is found to be deficient, so deficient that it had to be closed.

The gentleman's amendment requiring that a report within 15 days of a finding that results in closure of a bridge should also report on the economic impact and the effect on regional transportation, this will benefit all of America, not just Winona or the recent situation at Hastings in Minnesota close by. It will benefit all of America.

I rise in support of the amendment offered by the gentleman from Minnesota (Mr. WALZ).

This amendment requires the Secretary of Transportation to report to Congress, within 15 days of issuing a critical finding that results in the closure of a bridge, on the economic impact and effect on regional transportation that will result from the bridge closure.

This amendment also requires the Secretary to recommend solutions to mitigate such hardships.

The gentleman's district was recently hit with one such closure in the City of Winona. In early June, the Minnesota Department of Transportation ordered the closure of the Highway 43 bridge over the Mississippi River.

The closure was triggered when inspectors raised concerns about steel plates that help to hold the bridge together. One plate was so riddled with corrosion that an inspector's hammer went right through it.

The 2,289-foot-long bridge is the main artery between Winona, Minnesota, a town of about 30,000 people, and the Wisconsin communities of Fountain City and Arcadia. Roughly 11,600 vehicles crossed the bridge daily before it was closed.

Commuters to and from Winona are now burdened with a significant detour on their trip to work. To access the nearest river crossings at Wabasha and La Crosse, they have to drive an additional 60 to 70 miles each way, adding well over an hour to their commutes and forcing them to bear extreme financial burdens given the current skyrocketing price of gas.

To help mitigate this added inconvenience, the City of Winona has been forced to spend almost $85,000 a week to ferry commuters across the Mississippi River. Once across the river, shuttle buses and vans drive commuters to various points in the city.

Many businesses in Winona have also experienced economic difficulties as a result of the bridge closure and employers worry about their employees' ability to arrive at work on time.

We have seen similar hardships in St. Cloud and Duluth, Minnesota, where bridges were closed because of safety concerns.

The flow of goods and people on our nation's interconnected surface transportation system are greatly inconvenienced by disruption to bridges anywhere on the system.

This amendment ensures that we take the necessary steps to consider, at the Federal level, what can be done to minimize the economic impact of bridge closures on our nation's roadways.

To assist cities and States impacted by bridge closures, I urge my colleagues to join me in supporting this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MRS. MILLER OF MICHIGAN

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110–760.

Mrs. MILLER of Michigan. Madam Chairman, I have an amendment at the desk made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mrs. MILLER of Michigan:

At the end of the amendment, add the following:

SEC. 7. USE OF CARBON FIBER COMPOSITE MATERIALS IN BRIDGE REPLACEMENT AND REHABILITATION PROJECTS.

(a) STUDY.—The Secretary of Transportation shall conduct a study of the cost benefits of using carbon fiber composite materials in bridge replacement and rehabilitation projects instead of traditional construction materials.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this section.

The CHAIRMAN. Pursuant to House Resolution 1344, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

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Mrs. MILLER of Michigan. Madam Chairman, my amendment is very simple, very straightforward. I will just take a few minutes to explain it. But it deals with the issue of how, as our Nation undertakes critical bridge reconstruction, that we make sure to use the very newest and the best technology available in our construction methods.

Specifically, I am talking about carbon fiber, which is a very, very lightweight material. It is sturdier. It is less susceptible to corrosion, and it actually is more durable than steel.

Right now we use steel rerods in bridge construction, and regular steel rerods can take up to 60,000 pounds per square inch. But carbon fiber rods, like this one that I hold in my hand, can actually take up to 240,000 pounds per square inch. That makes it actually four to five times stronger than steel. As well, it is 8 times lighter than steel, making it very much, much easier to transport and install as well.

Also, steel fatigues from the pressure of repetitive use, and carbon fiber does not. By using carbon fiber, in addition to some of the new strength concretes that are out there, I think we could conceivably build a 100-year sustainable structure.

In my home State of Michigan, we have already built one bridge using carbon fiber technology, and we are planning on building and reconstruction of three more bridges during the next 2 years.

Madam Chairman, my amendment directs the Secretary of Transportation to study the cost benefits of using carbon fiber composite materials and that technology. And then it would require the findings of the study to be returned to the House Transportation and Infrastructure Committee, as well as to the Senate Environment and Public Works Committee within 180 days of the bill that we are discussing tonight, within 180 days of the enactment of this bill. This would give Congress adequate time to review those findings and to determine if it would be appropriate to incorporate any action related to the findings into next year's highway reauthorization bill.

So I would ask my colleagues to support this amendment.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I ask unanimous consent to claim time in opposition to the amendment, though I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. The gentlewoman from Michigan has brought us a very important technical consideration for bridge construction. The idea of carbon fiber use in bridge construction is a novel but a very important one.

Carbon fiber technology has proven itself in the aircraft industry and manufacturing of critical parts of the fuselage or hull of aircraft, tail sections, the ailerons.

We have seen wide use of carbon fiber technology in the bicycle manufacturing. I have several of those carbon fiber bikes that are extraordinarily durable, flexible, but strong.

And the item that the gentlewoman showed the House Chamber a moment ago, I have seen firsthand as she demonstrated it in the committee and at the Rules Committee. I think this is a great suggestion.

Resistance to corrosion, avoiding costly repairs, longevity and strength all are great qualities. I am delighted the gentlewoman has brought this consideration to the bill that is before us.

And I would also point out that the bridge in Southfield, Michigan, Bridge Street Bridge was the first all carbon fiber reinforced bridge in the Nation. We ought to learn from this experience and adopt this amendment and apply the lessons of Michigan and of the gentlewoman from Michigan.

And we accept, of course the amendment. Having said all these good things about it, I must say we accept the amendment and are delighted she has brought it to us.

I yield back the balance of my time.

Mrs. MILLER of Michigan. Madam Chairman, I certainly appreciate the chairman's words.

And in Michigan we like to think we are on the leading edge of all kinds of technology. And carbon fiber is one thing, but as the chairman knows, we also have the first mile of concrete ever laid in the United States, in the city limits of Detroit, about Six Mile Road. So we like to think of ourselves as ahead of the curve.

But I will close by saying that I certainly enjoy serving on the Transportation and Infrastructure Committee. And one of the principal reasons I enjoy the work so much is because of the leadership and the vision of our chairman. He is certainly internationally recognized as a leader on transportation and infrastructure issues, as well as our ranking member. And so I appreciate that.

Mr. LEVIN. Madam Chairman. I rise in strong support of the amendment offered by my colleague from Michigan, Mrs. MILLER.

Carbon fiber, which is a very lightweight material, is sturdier, less susceptible to corrosion, and more durable than steel. The Michigan DOT has constructed a bridge featuring carbon fiber technology in 2001, and is planning to build 3 more bridges in the next two years. The use of carbon fibers and a new ultra high strength concrete could result in a 100-year sustainable bridge.

The institution pioneering this technology is Lawrence Technological University, which is located in my district, but is very much a regional asset in southeast Michigan.

This amendment requires the Secretary of Transportation to study the costs and benefits of using carbon fiber composite materials in bridge projects and report back to Congress within 180 days of the bill's enactment. This will allow us to review those findings in time for next year's reauthorization of federal transportation programs.

Madam Chairman, using advanced technologies like carbon fiber in bridge construction is a classic investment decision: if we pay a bit more today, we can save money "down the road" on maintenance and repairs.

A cost-benefit analysis of this investment from the Department of Transportation will help us determine how good an investment this will be, and I urge all my colleagues to support the amendment.

Mrs. MILLER of Michigan. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CONAWAY

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110–760.

Mr. CONAWAY. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CONAWAY:

At the end of the bill, add the following:

SEC. 7. SENSE OF CONGRESS.

It is the sense of Congress that each State should prepare a corrosion mitigation and prevention plan, for a project for construction, replacement, or rehabilitation of a bridge, that includes the following:

(1) An estimate of the expected useful life of the bridge.

(2) An estimate of environmental exposure of the bridge, including marine, deicer application, industrial, rural, rainfall, temperature, freeze-thaw, and other factors that influence corrosion prevention and corrosion mitigation strategies.

(3) An identification of the functional classification of the bridge.

(4) Details of corrosion mitigation and prevention methods that will be used with respect to the bridge, taking into account—

(A) material selection;

(B) coating considerations;

(C) cathodic protection considerations;

(D) design considerations for corrosion; and

(E) concrete requirements.

(5) Details of a project maintenance program for the life of the bridge.

(6) A certification that the plan was developed by the State or States and approved by a corrosion expert.

(7) A certification that each individual conducting inspections of Federal-aid highway bridges in the State or States receives training from a corrosion expert.

The CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Madam Chairman, I offer a bipartisan amendment in that it is cosponsored by Mr. ARCURI and Ms. SUTTON.

This amendment is an effort to encourage States seeking Federal funding to develop plans that will alleviate or avert corrosion on all new bridge construction, as well as major rehabilitation projects. It is a commonsense approach to dealing with an issue, one of the issues that faces our Nation's infrastructure and that is corrosion on bridges. It is perfectly reasonable to ask States seeking Federal funds that build or rehabilitate a bridge to submit a plan for how that State plans to maintain it, specifically the State's plan for preventing and mitigating corrosion.

Each year corrosion of our Nation's highway bridges hits the U.S. economy with a hefty price tag. According to the U.S. Department of Transportation Highway Administration report, corrosion costs and preventive strategies in the United States presented to Congress in 2002, corrosion of highway bridges cost the U.S. economy about $8.3 billion annually, with an outlay of repairs of about $3.8 billion over the next 10 years to replace structurally deficient bridges.

The bill, this sense of Congress amendment, would seek that, in order to get approval, to have an approved bridge corrosion mitigation and prevention plan, that it would include the minimum items, such as the estimated useful life of the bridge, an estimate of the environmental exposure that would influence corrosion and corrosion mitigation strategies for the bridge, such as environmental type, marine, industrial and rural, rainfall, temperature, freeze-thaw cycles, deicer applications, and other factors that influence corrosion prevention and corrosion mitigation strategies. An identification of the functional classification of the bridge, details of corrosion mitigation and prevention methods that will be used to protect the bridge, including material selection, coating, cathodic protection, design considerations for corrosion, and concrete requirements, details of a project maintenance program for the life of the bridge, a certification that the plan was developed by the State and approved by a corrosion expert, and a certification that each individual conducting inspections of a Federal-aid highway bridge in the State receive training from a corrosion expert.

Madam Chairman, this is a sense of Congress in a stand-alone version that a couple of other Members and I have in Congress that will be an actual requirement, and I hope that at some point in the future we can work with the chairman and the committee to look at the idea of whether or not this makes sense; that when you build a bridge, one of the factors ought to be how do you protect it from corrosion, how do we taxpayers get the maximum amount of useful life out of a bridge by protecting it from corrosion, and that this plan be in place so that the builders of the bridge not only will know what the cost of the front end of the bridge is, but what the maintenance costs and protective costs, corrosion protection costs for this bridge would be over its life so that they can budget for that cost and make sure that we have those plans in place.

Madam Chairman, I encourage adoption of what I believe is a pretty straightforward commonsense approach to an issue that affects every single bridge of the United States. Whether it is a rural bridge, an urban bridge, a bridge on the ocean or a bridge on the inland seas, has corrosion issues.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to claim time in opposition to the amendment, though I do not oppose it.

The Acting CHAIRMAN (Mr. DONNELLY). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I thank the gentleman from Texas for bringing this very, very valuable amendment to our attention and to the floor today. And we will accept this amendment.

Corrosion is the enemy of all structures. We saw that so repeatedly in aviation, where corrosion from condensation, moisture on the internal structure of hull and movable structures on aircraft are fatal.

We see every time we drive across the country, just looking under a bridge, you see the corrosion at work. It is the enemy of stability in our surface transportation system.

I showed a moment ago the work nearing completion on the replacement of the I–35W bridge. And exactly what the gentleman from Texas has said, Mr. Chairman, the State of Minnesota and the contractor are doing. They are, they have embedded in this structure corrosion-resistant materials. They have also embedded in the structure itself detection systems that can determine corrosion, that can determine deterioration of the bridge before it becomes a critical factor.

So the notion that we should have a corrosion management plan is extremely important to the funding of the program, to maintenance of bridges. And had we had, had there been such a farsighted provision, a requirement in Federal and State law, the Silver River Bridge between Ohio and West Virginia in 1967 might not have collapsed. I would say would not have collapsed.

Now, it is the 20th anniversary of that tragedy in which I held hearings which I referred to at the outset of my remarks in general debate. 20 years later, came back to look at what is the status of bridge inspection, maintenance and construction, and a distinguished bridge engineer, professor of bridge engineers said it is in the Stone Age. The gentleman's amendment will left us out of the stone age and address the issue of stress corrosion cracking. 46 people died, perhaps needlessly. That could have been prevented.

In 1983, the collapse of the Mianus River Bridge in Connecticut. I see the gentleman from Connecticut (Mr. SHAYS) on the floor. Collapse of its bridge bearings rusted internally, pushed a corner of the slab off the support, killing three people.

In the Minnesota, I–35W replacement bridge, those bridge bearings are now enclosed, protected from the elements, and a sensor internally to determine whether there is moisture and whether there might be corrosion. So the gentleman's amendment really is important for the future of sound bridge construction and maintenance, and we are happy to accept it, and thank you for bringing the issue to our attention.

I yield back the balance of my time.

Mr. CONAWAY. Mr. Chairman, I appreciate the Chairman's kind words, and look forward to working with him.

This is a sense of Congress. I hope at some point in time we can actually make it a requirement that the Departments of transportation throughout the United States seriously consider the impact.

Mr. OBERSTAR. If the gentleman would yield, in the authorization next year, I invite the gentleman to the committee to present this concept again as we fashion the long-term legislation, and invite him to make that proposal that we incorporate it in permanent law.

Mr. CONAWAY. Well, I thank the chairman. I appreciate that.

I had the opportunity to be in Ireland in May and drove on some bridges that the Romans built. Bridges can last a long time. Properly maintained and properly cared for, they can last a long time. The taxpayers can get all of the money out of them, all of the benefit out of them that they should have gotten when they were originally built. This corrosion effort, I think, is a good part of that.

Also want to thank my cosponsors, Mr. ARCURI, Ms. SUTTON for their sponsorship of this and look forward to working with the chairman next year. I urge adoption of my amendment.

I yield back.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

The amendment was agreed to.

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AMENDMENT NO. 7 OFFERED BY MR. SHAYS

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 110–760.

Mr. SHAYS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. SHAYS:

Redesignate sections 4 through 6 as sections 5 through 7, respectively.

After section 3, insert the following:

SEC. 4. GAO STUDY.

Not later than one year after the date of enactment of this Act, the Comptroller General shall conduct a study and report its findings to the Secretary of Transportation regarding—

(1) the identification of factors that contribute to construction delays of bridge rehabilitation; and

(2) any recommendations the Comptroller General may have to simplify and expedite the construction of bridges that are to be rehabilitated.

The Acting CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

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

The amendment would direct the Government Accountability Office (GAO) to determine factors that contribute to bridge construction and rehabilitation delays and make recommendations about how to reduce or mitigate these delays.

The Federal Highway Administration (FHWA) estimated major highway projects take an average of 13 years to complete. The bottom line is it takes too long for transportation projects to go from concept to reality.

As our infrastructure continues to age and our growing population puts additional strain on our bridges, projects will need to be completed faster to ensure bridge safety and efficiency and to reduce costs.

The study's findings will tell us where we need to encourage better efficiency in bridge rehabilitation and construction.

Information provided by this GAO report will also be useful in the larger context of the Federal transportation spending bill, which is due for reauthorization next year.

I held a transportation forum in Connecticut's Fourth Congressional District on June 16, 2008 where I convened local, State, regional, and national transportation stakeholders to discuss key transportation needs.

At the forum, several stakeholders, including the Connecticut Department of Transportation, the Regional Planning Association and the Fairfield County Business Council, agreed that infrastructure construction often takes an unnecessarily long time to complete, and given the rising cost of construction materials, it often winds up reducing the value of Federal funding for a project.

The American Road and Transportation Builders Association reported the purchasing power of the Federal gas tax has fallen significantly due to the rising cost of materials used in highway and bridge construction.

By 2010, the purchasing power of the 18.4-cent-per-gallon Federal gas tax will be 10.8 cents per gallon. By 2015, this purchasing power is estimated to fall to 9.6 cents per gallon.

Additionally, the cost of highway and street construction materials was up 15 percent in May 2008, compared to May of 2007. Between 2003 and 2008, the price of street and highway construction has increased 70 percent.

Some factors contributing to the high expense of construction projects, besides overly lengthy project planning and implementation, are lengthy environmental impact assessments. Environmental impact assessments of bridge construction and rehabilitation are essential, but do they need to take so long?

The Federal Highway Administration has estimated the average time to complete environmental impact statements varies between 54 and 80 months. In 2007, the Federal Highway Administration set a target of 36 months for the completion of these assessments. I mean, good grief, that's 3 years. I'm interested to see what factors the GAO determines present significant delays for these assessments.

We need to get a hold of this problem now. By identifying barriers to more timely completion of these projects, we will be able to more effectively use Federal money to rehabilitate and maintain current infrastructure and build new to accommodate increased capacity.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to claim time in opposition to the amendment, though I do not intend to oppose it.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. Over half of the bridges of this country were built before 1964, within the first 8 years of the Interstate Highway System and of the establishment of the highway trust fund. Since then, trucks have gotten 20 percent longer and 10,000 pounds heavier. Cars have expanded in size and now have shrunk in size. More pressure is being exerted on the Nation's road and bridge structures and especially on bridges where even the bridge formula has been modified in the manufacture of trucks and engines.

The gentleman's amendment to direct the GAO to study the factors that play a role in delaying the construction of bridge rehabilitation projects or bridge repair projects is very, very important and thoughtful, especially coming from the State with the Mianus bridge collapse that result in fatalities. So I'm happy to accept the amendment.

Mr. SHAYS. Thank you for all of your good work on these issues. We're very grateful that you would accept the amendment.

Mr. OBERSTAR. I yield to the gentleman from Tennessee.

Mr. DUNCAN. I thank the gentleman for yielding.

I will simply say that I, too, urge support for this amendment. We do need to speed up bridge construction and do everything that Mr. SHAYS has just mentioned.

Mr. OBERSTAR. I yield back the balance of my time.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. LOEBSACK

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in part B of House Report 110–760.

Mr. LOEBSACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. LOEBSACK:

At the end of the bill, add the following:

SEC. 7. FLOOD RISKS TO BRIDGES.

(a) STUDY.—The Secretary of Transportation, in consultation with the States, shall conduct a study of the risks posed by floods to bridges on Federal-aid highways, bridges on other public roads, bridges on Indian reservations, and park bridges that are located in a 500-year floodplain.

(b) CONSIDERATIONS.—In conducting the study, the Secretary shall give consideration to safety, serviceability, essentiality for public use, and public safety, including the potential impacts to regional and national freight and passenger mobility if the serviceability of a bridge is restricted or diminished.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

The Acting CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Iowa (Mr. LOEBSACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

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

My amendment to this bill is simple. It requires the Secretary, in consultation with States, to study the risk to bridges posed by a 500-year flood and to report the results to Congress not later than 2 years after the enactment of this legislation.

In this study, consideration is to be given to safety, serviceability, essentiality for public use and for public safety, including the potential impacts to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished.

As the Nation became aware after the tragedy in the State of Minnesota in August of last year, our transportation infrastructure and especially our bridges are deteriorating.

The State of Iowa, among others, has experienced devastating flooding these past 2 months, which in portions of my

district continues even today. Numerous cities in my district experienced flooding well beyond the predicted 500-year flood level, leading to what will be the worst natural disaster in the State's recorded history.

As of Friday of last week, one bridge in my district was still closed, and even today, eastbound traffic on a major bridge in one city remains closed because of a sinkhole. It is likely that these bridges have sustained damage that could endanger individuals and families in my district. These risks are real, and I commend Chairman OBERSTAR and the ranking member for crafting this legislation and also for creating a risk-based prioritization system for the replacement and for the rehabilitation of deficient bridges.

One very real risk to bridges is a major flood event. It is essential that we authorize the study to further examine the danger to bridges from a devastating flood like Midwestern States have experienced in recent months.

It is my hope with this study that the more information we have to identify safety issues which may endanger people's lives the better prepared Federal, State and local governments will be to cope with flood disasters and to make adjustments to transportation policy to further ensure the public's safety.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I rise to ask unanimous consent to claim the time in opposition to this amendment, but I will not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. DUNCAN. I will simply say that this seems to be a commonsense amendment.

My mother was from Iowa City and moved to Tennessee after college, and I still have many relatives in Iowa, so I watched with great interest the troubles and flooding that occurred in that State. I know that the gentleman from Iowa is trying to do what he can about that, and so the minority will accept this amendment.

Mr. OBERSTAR. Before the gentleman yields back, would he yield to me?

Mr. DUNCAN. Yes, I'd be glad to yield.

Mr. OBERSTAR. I thank the distinguished gentleman.

In the hearing I referenced at the outset of my remarks today, 1987 was the time when the gentleman from Pennsylvania (Mr. Clinger) was the ranking member of the Subcommittee on Investigations and Oversight.

Together, we conducted this hearing and long-term investigation of issues, but I observed that there were two bridge designs that raised questions—the pin and hanger design that was used in the Mianus River Bridge that collapsed and the bridge design using spread footings in which the bridge piers are set on the bottom of a river or of a body of water but not on pilings that go into the subsoil and down to bedrock. That was the structure used in the construction of the Schoharie Creek Bridge in New York State that collapsed in the aftermath or in the course of, I should say, a swirling flood.

Bridges of that nature were not being properly inspected. Bridges that were set in the water were not properly being reviewed by underwater devices or by scuba divers' going down to the base in the aftermath of a flood to inspect the condition of the bridge footing, itself.

So the concern of the gentleman from Iowa of bridges that are located in a 500-year floodplain is supported by the history of bridge collapse in the aftermath of floods. So I think the gentleman's amendment is entirely relevant and appropriate, and I appreciate the remarks of the distinguished ranking member for his support. I support, of course, the amendment.

Mr. DUNCAN. I thank the chairman of the committee, and I will say, once again, that the minority accepts this amendment.

I yield back the balance of my time.

Mr. LOEBSACK. Mr. Chairman, I'd like to yield now to the gentleman from Illinois (Mr. HARE) for 2 minutes.

Mr. HARE. Mr. Chairman, I rise today in strong support of this amendment, and I commend my friend and colleague, Representative Dave Loebsack, for offering it during today's discussion on the National Bridge Reconstruction and Inspection Act.

Mr. LOEBSACK's district in Iowa and my district in Illinois both suffered major flooding in May and June with crests on the Mississippi River of over 500-year levels. As you can imagine, this caused great damage not only to our constituents' homes, farms and schools but also to bridges, roads and to other infrastructure in the flood impacted communities. This is the second 500-year flood to hit our region in the past 15 years.

Something must be done to improve public safety and to ensure minimal devastation from floods in the future. Mr. LOEBSACK's amendment would do just that by requiring the Transportation Secretary, in consultation with the States, to study the risks proposed by a 500-year flood to bridges on Federal-aid highways, on other public roads and on Indian reservations.

I believe the information we gather from this study will result in significant improvement to bridge safety and will help our river communities better prepare for flood disasters in the future. Examining more factors affecting public safety is the role of government, and it's good for our constituents.

I urge my colleagues to support this amendment and the underlying bill. Again, I thank my friend Mr. LOEBSACK for his leadership on this issue.

Mr. LOEBSACK. Mr. Chairman, I want to thank my colleagues for their consideration of this amendment today, and I want to thank them for their support of this amendment. I urge its passage.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. LOEBSACK).

The amendment was agreed to.

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AMENDMENT NO. 9 OFFERED BY MS. SHEA-PORTER

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in part B of House Report 110–760.

Ms. SHEA-PORTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. SHEA-PORTER:

In section 2(c), before the closing quotation marks at the end of the matter proposed to be inserted as section 144(d)(5) of title 23, United States Code, insert the following:

''(C) HISTORIC BRIDGES.—

''(i) IN GENERAL.—A 5-year performance plan of a State under subparagraph (A)(iii) may provide for more frequent, in-depth inspection of a historic bridge located in the State in lieu of replacement of the bridge if the Secretary determines that—

''(I) it is appropriate based on the age, design, traffic characteristics, and any known deficiency of the bridge; and

''(II) granting the exception will increase the overall safety of the State's bridge inventory.

''(ii) HISTORIC BRIDGE DEFINED.—In this subparagraph, the term 'historic bridge' means any bridge that is listed on the National Register of Historic Places.

The Acting CHAIRMAN. Pursuant to House Resolution 1344, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

Ms. SHEA-PORTER. Mr. Chairman, I yield myself such time as I may consume.

I'd like to thank Chairman OBERSTAR and Subcommittee Chairman DEFAZIO for working with me on this amendment.

Mr. Chairman, it is critical that we take a serious look at our Nation's bridge infrastructure and take the necessary steps to ensure that we invest in the maintenance and modernization of that infrastructure. The underlying legislation accomplishes this, and I applaud the chairman for his work on this and look forward to voting for this bill when the time comes.

However, whenever possible, we must take care to protect our Nation's historic bridges, while ensuring their safety. My amendment accomplishes this by allowing States the option to provide for more frequent and in-depth inspection of historic bridges, in lieu of their replacement under the 5-year performance plan outlined in this underlying legislation.

Under my amendment, the safety of these historic bridges is ensured by requiring that States choosing to take advantage of this exception subject these bridges to more vigorous inspections. At the same time it also makes approval of the exception contingent upon the Secretary's determination that the overall safety of the State's bridge inventory will be increased by granting the exception.

Mr. Chairman, this is by no means a blanket exception for historic bridges, as it rightfully puts safety first. But it does provide the necessary flexibility for those States that wish to preserve their historic bridges.

I urge my colleagues to support my amendment and the underlying legislation.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition to this amendment, but I will say that the minority will not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. DUNCAN. The minority has reviewed this amendment, and we will accept it.

Mr. OBERSTAR. Would the gentleman yield?

Mr. DUNCAN. I'd be glad to yield to the chairman.

Mr. OBERSTAR. I concur with the gentleman's remarks.

The amendment ensures that the 5-year performance plans required under the bill will account for historic bridges located within the State.

The gentlewoman has described the limitation on that approval and the requirements expected of the Department of Transportation of the State, and I include in the RECORD at this point my further evaluation of the amendment, which we do accept on our side.

I rise in support of the amendment offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

This amendment ensures that the five-year performance plans required under this bill account for historic bridges located within the State.

H.R. 3999 ensures that States develop a risk-based prioritization of their bridge inventory, and lay out a strategy for addressing their bridge deficiencies.

This amendment recognizes that there are some States with bridges listed in the National Register of Historic Places, and ensures that the performance plans allow for States to institute more frequent, in-depth inspection of these facilities in lieu of replacement of these facilities.

The amendment requires the exemption to be allowed only if the Secretary determines that increased inspection frequency and intensity is appropriate given the condition and usage of the bridge, and will increase the overall safety of the State's bridge inventory.

This amendment ensures that States with these historically significant facilities are not aversely impacted in developing and implementing their performance plans.

I urge my colleagues to join me in supporting this amendment.

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

Ms. SHEA-PORTER. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. CHILDERS

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in part B of House Report 110–760.

Mr. CHILDERS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CHILDERS:

At the end of section 5, add the following:

(d) COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT.—None of the funds appropriated pursuant to subsection (a) may be used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

The Acting CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Mississippi (Mr. CHILDERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

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

Mr. Chairman, I rise today in support of my amendment to H.R. 3999, the National Bridge Reconstruction and Inspection Act of 2008. My amendment is very straightforward, simply stating that ''none of funds appropriated to H.R. 3999 may be used to employ workers in violation of section 274A of the Immigration and Nationality Act.''

The First Congressional District of Mississippi is currently staggering under the prevailing economic situation. On a daily basis, my constituents express their concerns of keeping their jobs despite the influx of foreign illegal labor into Mississippi. Portions of north Mississippi have unemployment rates that are nearly double the national average, a fact that motivated me personally come to Congress to stand up for the hardworking families of the First Congressional District.

I certainly support and am encouraged by the underlying legislation Chairman OBERSTAR brought to the House today, because north Mississippi desperately needs many of the infrastructure improvements included in H.R. 3999 in order to spur economic and community development. However, I am committed to ensuring that every Federal dollar that is allocated to the National Bridge Reconstruction and Inspection Act for employment purposes will specifically go towards employing hardworking American citizens who desperately need a consistent paycheck.

I urge all of my colleagues to join me in supporting this straightforward amendment.

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

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent that I be granted the time in opposition to this amendment, but I will not oppose this amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. DUNCAN. I rise simply to say that the minority will accept this amendment. No other country in this world has welcomed as many people from other nations as has the United States of America, and we're all proud of that. But certainly, the jobs that will be produced by this bill should go to American workers and certainly, above all, to people who are here legally, and not be given to people who are here illegally.

And so the minority will very enthusiastically support this amendment.

Mr. OBERSTAR. Will the gentleman yield?

Mr. DUNCAN. Yes, I'll be glad to yield.

Mr. OBERSTAR. The gentleman has stated the case very well. I think his recitation of the history of the United States accepting people from many nationalities is well-said, and I also support the amendment.

Mr. DUNCAN. Thank you.

I yield back the balance of my time.

Mr. CHILDERS. Mr. Chairman, I just would like to acknowledge my colleagues who support this, and I appreciate that. And I also would like to commend Chairman OBERSTAR not only for his work on this legislation but for his very dedicated service to this committee and to this body.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. CHILDERS).

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

Mr. CHILDERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. OBERSTAR

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in part B of House Report 110–760.

Mr. OBERSTAR. Mr. Chairman, as the designee of Mr. CAPUANO, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. OBERSTAR:

At the end of the bill, add the following:

SEC. 7. NATIONAL TUNNEL INSPECTION PROGRAM.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 149 the following:

''§ 150. National tunnel inspection program

''(a) NATIONAL TUNNEL INSPECTION STANDARDS.—The Secretary, in consultation with State transportation departments and interested and knowledgeable private organizations and individuals, shall establish national tunnel inspection standards for the proper safety inspection and evaluation of all highway tunnels. The standards established under this subsection shall be designed to ensure uniformity among the States in the conduct of such inspections and evaluations.

''(b) MINIMUM REQUIREMENTS FOR INSPECTION STANDARDS.—The standards established under subsection (a) shall, at a minimum—

''(1) specify, in detail, the method by which highway tunnel inspections shall be carried out by the States;

''(2) establish the maximum time period between the inspections based on a risk-management approach;

''(3) establish the qualifications for those charged with carrying out the inspections;

''(4) require each State to maintain and make available to the Secretary upon request—

''(A) written reports on the results of the inspections together with notations of any action taken pursuant to the findings of the inspections; and

''(B) current inventory data for all highway tunnels located in the State reflecting the findings of the most recent highway tunnel inspections conducted;

''(5) establish procedures for national certification of highway tunnel inspectors;

''(6) establish procedures for conducting annual compliance reviews of State inspections and State implementation of quality control and quality assurance procedures; and

''(7) establish standards for State tunnel management systems to improve the tunnel inspection process and the quality of data collected and reported by the States to the Secretary for inclusion in the national tunnel inventory to be established under this section.

''(c) TRAINING AND CERTIFICATION PROGRAM FOR TUNNEL INSPECTORS.—The Secretary, in cooperation with State transportation departments, shall establish a program designed to ensure that all individuals carrying out highway tunnel inspections receive appropriate training and certification. Such program shall be revised from time to time to take into account new and improved techniques.

''(d) NATIONAL TUNNEL INVENTORY.—The Secretary shall establish a national inventory of highway tunnels reflecting the findings of the most recent highway tunnel inspections conducted by States under this section.

''(e) AVAILABILITY OF FUNDS.—To carry out this section, the Secretary may use funds made available pursuant to the provisions of sections 104(a) and 502.''.

(b) SURFACE TRANSPORTATION PROGRAM.—Section 133(b)(1) of such title is amended by inserting '', tunnels that are eligible for assistance under this title (including safety inspection of such tunnels),'' after ''highways)''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 149 the following:

''150. National tunnel inspection program.''.

The Acting CHAIRMAN. Pursuant to House Resolution 1344, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. I yield myself such time as I may consume.

The gentleman from Massachusetts (Mr. CAPUANO) raised this issue of a National Tunnel Inspection Program, of course, from very firsthand experience in the City of Boston, with the collapse of the roof and several sections that collapsed resulting in at least one fatality and many injuries.

At the time, the gentleman offered the amendment on a previous piece of legislation. It was not the appropriate vehicle, and I counseled the gentleman to wait until we would have an appropriate bill from the committee with which we could consider his proposal. This was way last year. I didn't know at the time that we were going to have a bridge collapse in Minnesota and that we might have this very appropriate vehicle.

The amendment creates a National Tunnel Inspection Program at the Federal Highway Administration to develop national inspection standards for proper safety inspection and evaluation of highway tunnels. National standards would be designed to ensure uniformity throughout the States in inspection and evaluation of highway tunnels.

And the tragedy of the tunnel in the Boston harbor tunnel in that city is adequate reminder that we need to raise the standards, do a more vigorous and effective job of inspecting tunnels throughout the United States, and I ask for adoption of the amendment.

I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

This amendment creates a National Tunnel Inspection Program that would establish national tunnel inspection standards and ensure uniformity among the States in the conduct of such inspections.

The substance of this amendment was approved by the House in January by a voice vote.

While the need for these improvements to our surface transportation program has long existed, the tragic tunnel collapse in Boston, Massachusetts, two years ago brought about the catalyst for its implementation.

On Monday, July 10, 2006, at approximately 11:00 p.m., a section of the suspended concrete ceiling above the eastbound lanes of the Interstate 90 connector tunnel in Boston, Massachusetts, fell onto a vehicle traveling to Logan International Airport. A passenger, riding in the right front seat of the vehicle, was killed, while the driver escaped with minor injuries.

The National Transportation Safety Board (''NTSB'') immediately launched an investigation into the cause of the ceiling panel collapse.

The NTSB report observed that had the Massachusetts Turnpike Authority inspected the area above the suspended ceilings at regular intervals, the anchor creep that led to this accident would likely have been detected, and this tragedy could have been prevented.

While we cannot undo the damage caused by this accident, we can, and we must, take the necessary actions to prevent future tunnel collapses.

The NTSB report also found that the Federal Highway Administration (''FHWA'') lacked the regulatory authority to conduct tunnel inspections, and recommended that the FHWA seek legislation authorizing the agency to establish a mandatory tunnel inspection program similar to the National Bridge Inspection Program.

That is exactly what this amendment will do—establish a national program to inspect highway tunnels.

The Secretary of Transportation, in consultation with State Departments of Transportation, private organizations and individuals, will establish national tunnel inspection standards for safety inspections and evaluations of all public highway tunnels.

The program also establishes criteria for certification and training of tunnel inspectors, and requires States to prepare and maintain an inventory of public highway tunnels.

The NTSB report made clear that the death that occurred on that July evening could have been prevented had this tunnel been inspected at regular intervals. This legislation will establish a framework to address this serious safety concern, and ensure that tragedies like that of July 10, 2006, will not occur again.

To address the absence of comprehensive inspections standards for our nation's highway tunnels, I urge my colleagues to join me in supporting this amendment.

I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to be given the time in opposition to this amendment; however, I will not oppose this amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. DUNCAN. I will say simply this, Mr. Chairman, that I was present in committee when Mr. CAPUANO first brought up his concerns and his desire to bring this type of legislation to the floor of the House, and the minority has no objection to this, and we support this.

And I would be glad to, at this time, yield back the balance of our time.

The Acting CHAIRMAN (Mr. CHILDERS). The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

Mr. OBERSTAR. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DONNELLY) having assumed the chair, Mr. CHILDERS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

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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 tomorrow.

RECOGNIZING AND CELEBRATING THE 20TH ANNIVERSARY OF THE NATIONAL BLACK ARTS FESTIVAL

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1286) recognizing and celebrating the 20th anniversary of the National Black Arts Festival.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1286

Whereas the National Black Arts Festival (NBAF) is a nonprofit cultural institution based in Atlanta, Georgia, that celebrates the artistic contributions of people of African descent and their impact on world cultures;

Whereas the mission of the NBAF is to engage, cultivate, and educate diverse audiences about the arts and cultures of the African Diaspora and provide opportunities for artistic and creative expression;

Whereas the NBAF was founded in 1987 after a study commissioned by the Fulton County Arts Council found an unmet need for a festival celebrating and advancing the work of black artists;

Whereas the study provided compelling reasons why the Atlanta community was the right place for such a festival, which led local government and civic leaders to help establish the NBAF and present the first summer festival in 1988;

Whereas, in July 1988, the 10-day event served as the country's first-ever summer festival featuring hundreds of artists of African descent, where 500,000 attendees took part in a triumphant celebration of African art, music, and culture;

Whereas, over the last 20 years, the NBAF has connected with people of all ages and races and celebrated diversity while striking a common chord that resonated with all Americans like no other festival or presenting arts organization;

Whereas the organization has evolved into a year-round cultural institution dedicated to serving artists, audiences, teachers, and students by providing opportunities for artistic and creative expression and sponsoring educational and humanities programs to deepen historical and cultural understanding;

Whereas the NBAF has a global perspective, celebrating the contributions of people of African descent and their impact on world cultures, as well as recognizing the great diversity of the African diaspora throughout the world;

Whereas festival programming is carefully chosen to ensure that ''three generations are at the table'', recognizing the need to appeal to a broad range of ages;

Whereas the mission of the NBAF has given the organization a clear focus and understanding of its niche, which has allowed the NBAF to succeed locally and nationally;

Whereas dedicated volunteers, consistently high quality work, and continued support from the funding community has enabled the NBAF to stand above its peers;

Whereas the NBAF adds a unique and necessary dimension to Atlanta's cultural landscape as one of the city's leading art institutions;

Whereas the NBAF has touched more than 5,000,000 people through music, dance, theater, film, visual arts, literary arts, and family events over the past 2 decades;

Whereas the NBAF has become the premier festival of its kind in the United States; and

Whereas the 20th anniversary of the first summer festival provides an occasion to honor the importance of the NBAF in its cultural fabric of greater Atlanta and all of America: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the important role that arts and arts education plays in the lives of millions of Americans;

(2) recognizes the continuing contributions and influence of African-American art work to America's cultural life;

(3) urges all citizens to support efforts to strengthen artistic training and appreciation in schools; and

(4) recognizes the 20th anniversary of the National Black Arts Festival.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 1286 into the RECORD.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

I rise today in support of H. Res. 1286, which recognizes the contributions of African American artwork to the United States. African Americans use dance, music, visual arts, theater and variations of these art forms to express their cultural heritage and personal identity. The annual National Black Arts Festival based in Atlanta, Georgia, celebrates the artistic contributions of people of African descent to the rest of the world.

After a study in 1987 commissioned by the Fulton County Arts Council, the local agency unveiled a need to commemorate the artistic accomplishments of the African diaspora. In 1988, the first National Black Arts Festival took place in Atlanta, Georgia.

Today the festival lasts 10 days and includes major events like the Pan African Film Festival, which is the Nation's largest event dedicated to showing black films. It will also include a dance tribute to Judith Jamison, Oprah Winfrey's presentation of ''The Color Purple,'' creative conversations with Cornell West and Alice Walker and a jubilant musical evening with Gladys Knight. The festival is full of performances, speaker series, visual arts and a number of student and family programs.

NBAF has evolved into a year-round cultural institution dedicated to serving artists, audiences, teachers and students by providing opportunities for artistic and creative expression and sponsoring an educational and humanities program. Every year there is a summer institute, an African American history elementary quiz bowl, and a children's education village for the youth to learn about African American history.

Black artists have influenced history, education and culture, and African Americans continue to make instrumental contributions to all facets of art. Within their organization, NBAF organizes pieces of black art to educate and entertain fans of African American talent. NBAF helps educate the Nation about components of black culture by hosting such an extensive program in Atlanta. We therefore recognize the contribution of the organization as well as acknowledge the number of black artists affecting our Nation.

Once again I express my support for the National Black Arts Festival and urge all of my colleagues to support this resolution.

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

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

I rise today in support of House Resolution 1286, recognizing and celebrating the 20th anniversary of the National Black Arts Festival.

The National Black Arts Festival was founded in 1987 after the Fulton County Arts Council commissioned a study to explore the feasibility of creating a festival dedicated to celebrating and advancing the work of artists of African descent. The study provided compelling reasons why the Atlanta community was the right place for such a festival, and with Fulton County government as the major sponsor, joined by additional corporate and foundation sponsors, the Festival's first biannual summer festival was held in 1988.

The 10-day event served as the country's first-ever summer festival featuring hundreds of artists of African descent. Half a million attendees took part in a triumphant celebration of African art, music and culture.

Over the last 20 years, artist and attendees alike have come to expect emerging and renowned artists to grace the stages and exhibit spaces of the city; collectors look eagerly to the artists' market for the next opportunity to buy from some of the best artists in

the country; film fans flock to the screenings of known and unknown work; and concert halls are filled with the voices and instruments of those who are considered to be the best in jazz, gospel, R&B and everything in between.

As the festival established itself as one of the most important festivals in the world presenting the art and culture of the African diaspora, it seized the opportunity to expand the year-round educational and humanities programming in addition to hosting the festival every year.

The NBAF connects with people of all ages and races and celebrates diversity, while striking a common chord that resonates with all Americans like no other festival or arts organization. The festival is a cultural institution dedicated to serving artists, audiences, teachers and students by providing opportunities for artistic and creative expression and sponsoring educational and humanities programs to deepen historical and cultural understanding of African and African American culture.

To date, the NBAF has touched over 5 million people and is one of the premier festivals in the world. Today we honor it for its 20 years of dedicated service to the arts and education in the greater Atlantic area as well as to the country.

I urge all of my colleagues to support this resolution.

Mr. LEWIS of Georgia. Mr. Speaker, I would like to thank the Education and Labor Committee and the Majority Leader and his staff for their help in bringing this bill to the floor.

Today I rise to honor and celebrate the 20th anniversary of the National Black Arts Festival. This wonderful festival is taking place right now in my district—the 5th Congressional District of Georgia.

Each year, Atlanta welcomes thousands of visitors, artists, and performers who come from across the country and all over the World to take part in the National Black Arts Festival.

The two week festival is an incredible showcase of the arts and cultures of the African Diaspora.

The National Black Arts Festival has become a leader in arts-education in Atlanta, and across the country organizing special art events for students, including the African American History Quiz Bowl, professional development courses for teachers, and international trips to experience foreign art first hand.

The year-long education programs of the National Black Arts Festival help open the eyes of our young people to sculpture, and painting, to music and writing. It opens windows to the world.

We must reach more students, and more teachers, from around the country and around the world.

I am proud of what the National Black Arts Festival has accomplished over the last 20 years. The sky is the limit for this wonderful organization, led by its talented Executive Producer Stephanie Hughley.

I ask my colleagues to join me today to celebrate the National Black Arts Festival, and the rich artistic history and diversity of the African Diaspora throughout the world.

I am so proud to have the National Black Arts Festival in my district and I look forward to its continued success.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1286.

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.

EXPRESSING SUPPORT FOR DESIGNATION OF DISABILITY PRIDE DAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1355) expressing support for designation of Disability Pride Day and recognizing that all people, including those living with disabilities, have the right, responsibility, and ability to be active, contributing members of our society and fully engaged as citizens.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1355

Whereas all people, including those with disabilities, should be guaranteed the right to receive a quality education, to be productive members of our workforce, to raise families, to exert control and choice over their own lives, and to have equal opportunity to access and participate in all facets of life;

Whereas having a disability should be seen as a natural part of human diversity;

Whereas many people with disabilities share a cultural experience and history;

Whereas 18 years ago, on July 26, 1990, the Americans with Disabilities Act was signed into law, ending discrimination against and providing equal opportunity for persons with disabilities in employment, education, government services, public accommodations, commercial facilities, and transportation;

Whereas in spite of the recent efforts to restore the intent of the Americans with Disabilities Act, people with disabilities continue to face tremendous challenges in our society that test their resolve sociologically, emotionally, and psychologically, as well as face negative cultural assumptions based on fears and myths that need to be eliminated and replaced with presumptions of competence, strength, and individual worth;

Whereas July 26, 2008, is the City of Chicago's 5th Annual Disability Pride Parade, a celebration that will seek to educate and change the way that people think about and define those with disabilities by promoting the belief that disability is a natural and beautiful part of human diversity in which people living with disabilities can take pride; and

Whereas July 26, 2008, would be an appropriate day to designate as Disability Pride Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Disability Pride Day;

(2) acknowledges the efforts of the City of Chicago's 5th Annual Disability Pride Parade organizers to raise awareness concerning the value of people with disabilities;

(3) invites the Nation to join in celebrating the pride, the power, and the potential of people with disabilities by celebrating Disability Pride Day; and

(4) urges public officials and the general public to honor Americans with disabilities by educating themselves on ways to support and encourage understanding of persons with disabilities in our schools, within our diverse workforce, as well as in our communities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 1355 into the RECORD.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

I rise today in support of H. Res. 1355, which designates July 26, 2008, as Disability Pride Day and recognizes that all people, including those living with disabilities, have the right, responsibility and ability to be active, contributing members of our society, and fully engaged as citizens.

Over 54 million Americans have one or more disabilities. That translates into approximately one in five Americans who have a disability. The number of individuals with disabilities continues to increase with advances in medicine and technology, as well as with our aging population.

People with disabilities represent the Nation's largest minority. There are many famous and influential Americans with disabilities. Our 32nd President, Franklin Delano Roosevelt; actors Tom Cruise and Michael J. Fox; scientist Albert Einstein; and disability rights activists such as Justin Dart and Chicago's own Marca Bristo, to name just a few. Disability Pride Day acknowledges the contributions of all Americans with disabilities.

To make this great nation's promise of equality and freedom a reality for people with disabilities, Congress has protected the civil rights of individuals with disabilities through landmark Federal legislation such as the Rehabilitation Act, the Individuals with Disabilities Education Act and the Americans with Disabilities Act.

Eighteen years ago this week, on July 26, the Americans with Disabilities Act was signed into law, prohibiting discrimination against individuals with disabilities in employment, education, government services, public accommodations, telecommunications and transportation.

The ADA has fundamentally changed the landscape of this country, providing equal opportunity for individuals with disabilities and improving access to all aspects of life in our communities.

Despite these efforts, we still have a long way to go. According to a national survey in 2004, people with disabilities live in poverty at a rate three times the national average. Also, people with disabilities are twice as likely to struggle with inadequate transportation, and only 35 percent of working-age Americans with disabilities are employed full or part time.

In the face of these challenges, celebrating Disability Pride Day reminds us that disability is not an abnormal, flawed condition, but, rather, as stated in the Developmental Disabilities Act, that ''disability is a natural and normal part of the human experience.'' Human diversity should be embraced and encouraged, as it represents one of the core values of an empowered nation.

H. Res. 1355 promotes this belief in human diversity, acknowledging that all people, including those with disabilities, should be guaranteed the right to receive a quality education, to be productive members of our workforce, to raise families, to exert control and choice over their own lives, and to have equal opportunity to access and participate in all facets of life.

This resolution invites the Nation to join in celebrating the pride, the power and the potential of people with disabilities by celebrating Disability Pride Day, and it urges all public officials and the general public to honor Americans with disabilities by educating ourselves on ways to support and encourage understanding of persons with disabilities.

Finally, H. Res. 1355 commends the organizers of the City of Chicago's Fifth Annual Disability Pride Parade for their work on the disability pride activities planned for July 26, 2008, and their efforts to raise disability awareness.

I once again express my support for H. Res. 1355, and I urge all of my colleagues to support this resolution.

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

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

Mr. Speaker, today there are approximately 51 million Americans living with one or more disabilities. This means approximately 18 percent of Americans report having one or more disabilities, which may include physical impairment, sensory impairment, cognitive or intellectual impairment, mental disorder or various types of chronic disease.

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Without the contributions of Americans with disabilities we would be without some of our best athletes, artists, and most brilliant minds.

Jim Abbott, the only person in Major League Baseball to be born with one hand, has thrown a no-hitter and has won Olympic gold. Patty Duke, who was diagnosed with manic-depressive disorder, won three Emmy Awards for made-for-television movies and is a nationally recognized actress. Stephen Hawking, who was diagnosed with ALS, is one of the premier physicists in the world.

One-legged downhill skiers have been clocked during sporting events going more than 70 miles an hour. Authors without limbs have written best-selling novels. Blind violinists have played in Carnegie Hall. And the list goes on and on.

Americans with disabilities have contributed to America's culture and society in ways many of us with lesser challenges could not dream of. House Resolution 1355 recognizes the designation of Disability Pride Day, and urges everyone to honor Americans with disabilities.

I'm happy to join my colleague, Representative DANNY DAVIS of Illinois, in support of this resolution and ask my colleagues to do the same.

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

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlelady from North Carolina for her comments, and I appreciate her work with us on this resolution.

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 Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1355.

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.

HONORING THE LIFE AND ACCOMPLISHMENTS OF KATHERINE DUNHAM

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 655) honoring the life and accomplishments of Katherine Dunham, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 655

Whereas Katherine Dunham, a pioneering dancer and choreographer, author, and civil rights activist was born on June 22, 1909, and passed away on May 21, 2006, at the age of 96;

Whereas, at the age of 12, Katherine Dunham wrote her first published short story in a magazine edited by W.E.B. DuBois;

Whereas, as class poet in high school, Katherine Dunham wrote a memoir entitled ''A Touch of Innocence'';

Whereas, in the 1930s, Katherine Dunham revolutionized American dance by incorporating the roots of Black dance and ritual to develop a uniquely different dance form;

Whereas Katherine Dunham received a bachelor of arts degree in social anthropology from the University of Chicago, was a pioneer in the use of folk and ethnic choreography, and was one of the founders of the anthropological dance movement;

Whereas Katherine Dunham used her dance and choreography career and public status to draw attention to the civil rights movement and the issue of segregation;

Whereas, in 1930, Katherine Dunham brought African and Caribbean influences to the European-dominated dance world by founding Les Ballet Negre, one of the first Black ballet companies in the United States;

Whereas the Negro Dance Group, founded in 1934, became known as the Katherine Dunham Dance Company, touring in nearly 60 countries on 6 continents from the 1940s to the 1960s;

Whereas Katherine Dunham was a dancer, choreographer, and director on Broadway, and was the first Black choreographer at the Metropolitan Opera;

Whereas, in 1945, Katherine Dunham founded the Dunham School of Dance and Theatre in Manhattan, providing a centralized location for students to immerse themselves in dance technique and study topics in the humanities, languages, ethics, philosophy, and drama;

Whereas, in 1967, Katherine Dunham left Broadway and established the Performing Arts Training Center in East St. Louis, Illinois, to teach culture to underprivileged youths;

Whereas Katherine Dunham taught dance, African hair braiding and woodcarving, conversational Creole, Spanish, French, and Swahili, and more traditional subjects, such as aesthetics and social science, to the youths of East St. Louis, Illinois;

Whereas Katherine Dunham founded the Katherine Dunham Centers for Arts and Humanities in the late 1960s, and the Katherine Dunham Museum and Children's Workshop in 1977;

Whereas, in 1992, Katherine Dunham went on a 47-day hunger strike to call attention to the plight of the Haitians, thereby helping to shift public opinion on United States relations with the Republic of Haiti and precipitating the return of the first democratically elected president of the Republic of Haiti;

Whereas Katherine Dunham has received over 10 honorary doctorates and numerous other awards, including the Presidential Medal of Arts, Albert Schweitzer Music Award, the Kennedy Center Honors, the French Legion of Honor, and the NAACP Lifetime Achievement Award;

Whereas Katherine Dunham was an activist, teacher, dancer, and mentor to young people throughout the world; and

Whereas with the death of Katherine Dunham on May 21, 2006, in New York City, the United States lost a prolific and premier artist and humanitarian: Now, therefore, be it

Resolved, That the House of Representatives honors the life and accomplishments of Katherine Dunham and recognizes Katherine Dunham's immeasurable contributions to the arts and all of humanity.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H. Res. 655, as amended.

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

There was no objection.

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

Mr. Speaker, I rise today to honor the life and accomplishments of Katherine Dunham.

Born in Chicago in 1909, Katherine Dunham grew into a superbly talented dancer, choreographer, author and activist. She earned her bachelor's degree in social anthropology from the University of Chicago and went on to do extensive graduate field work in the Caribbean, eventually completing her master's degree in that discipline as well.

One of her most profound contributions was her work around the confluence of dance and anthropology. Miss Dunham believed that dance was an important vehicle for understanding another culture, and she is the author of many anthropological works and dance.

Through her visits to the Caribbean, she not only documented the African influence on the dances of the West Indies, but as an artist, she also began to develop a new type of African American dance based on rituals and other cultural events.

When Katherine returned from her travels and field work, she founded Les Ballet Negres, one of the first black ballet companies in the United States. Here she perfected the Dunham technique of dance, including new breathing and movement exercises. Some of Miss Dunham's methods are taught in dance schools today, and she was an influential figure for many years. Alvin Ailey, who we honored with a resolution last week, is one of a long list of contemporary choreographers that name Katherine Dunham as a role model.

For two decades, the Katherine Dunham Dance Company toured nearly 60 countries on six continents, performing from Broadway to the silver screen. Established in the 1940s, her company had to battle racial discrimination. The company refused to perform at segregated theaters, and Katherine used her status as a public figure to draw attention to inequity.

Her dedication did not stop there. In 1967, Miss Dunham moved to East St. Louis, Illinois and established the Performing Arts Training Center. In an attempt to counteract the poor and violent society many of the children of East St. Louis faced on a daily basis, Miss Dunham and her staff empowered their students by teaching them dance, woodcarving, photography, anthropology, and various foreign languages. Miss Dunham once described this outlet for self-expression and development by stating that ''everyone needs, if not a cultural hero, a culturally heroic society. There is nothing stronger in a man than the need to grow.''

In 2006, at the age of 96, Miss Katherine Dunham passed away, but her legacy lives on. Her countless awards pay tribute to her artistry and dedication to social justice.

And so, Mr. Speaker, once again, I honor Katherine Dunham and encourage my colleagues to pass this resolution.

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

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

Mr. Speaker, I rise today in support of House Resolution 655, honoring the life and accomplishments of Katherine Dunham.

Katherine Mary Dunham was an American dancer, choreographer, songwriter, author, educator and activist who was trained as an anthropologist. Dunham had one of the most successful dance careers in American and European theater of the 20th century.

She formed a ballet group called Ballet Negres, the first black ballet company in the United States. Upon receipt of her degree in anthropology in 1936, she was awarded a fellowship and left for the West Indies to do field research in anthropology and dance. From this initial field work, Dunham generated her master's thesis for her degree from Northwestern University in 1947. She lectured widely and published numerous books.

During this time, Dunham also began her investigations into an expression of movement that would form the core of the Katherine Dunham technique. What Dunham gave modern dance was a combination of African and Caribbean styles of movement which she integrated with techniques of ballet and modern dance.

In the 1940s, 1950s and 1960s, Dunham was renowned throughout Europe and Latin America. For more than 30 years, she maintained the Katherine Dunham Dance Company, the only permanent, self-subsidized American black dance troupe at that time, and over her long career she choreographed more than 90 individual dances. Dunham's works have been performed on Broadway and on film, and have left an indelible mark on modern dance.

Today, we honor the life of Katherine Dunham and her contribution to the arts and to the world. I urge my colleagues to support this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, it's amazing how we are always learning. I had always thought that Katherine Dunham was born in East St. Louis and that that might have been the reason that she moved her school and troupe to East St. Louis, a city that was seriously hurting because of the diversion of business and trade opportunities that ultimately went around the town as opposed to through the town. And I'm amazed to know that, no, she didn't have that kind of history with East St. Louis, but because of her tremendous desire to be relevant and to be helpful to those who could perhaps benefit the most from her talent and dedication, she moved to East St. Louis. And I'm very proud that we have on the floor this resolution honoring her life and legacy. I would urge its passage.

Mr. RANGEL. Mr. Speaker, I rise today in support of H. Res. 655 Honoring the life of Katherine Dunham. Katherine Dunham was a woman of astounding grace and character who has altered for the better both our country and our world.

Born Katherine Mary Dunham in Chicago, Illinois on June 22, 1909, and raised in Glen Ellyn, Illinois, Dr. Dunham was among the first black artists to form a ballet troupe and achieve renown as a modern dancer and choreographer on Broadway and in Hollywood. Dr. Dunham passed away in May of 2006 and leaves behind a tremendous legacy of art, education and activism.

She has received countless honors and awards, including more than 10 honorary doctorates, the Presidential Medal of Arts, the French Legion of Honor, and the NAACP's Lifetime Achievement Award.

Dr. Dunham was responsible for exposing to mass audiences a side of black artistic expression that was rarely seen. At a time when minstrel shows with black face were still considered an acceptable form of entertainment, her work was a catalyst that made people see and understand black dance as true art that was to be respected and acclaimed.

In 1931 Dr. Dunham founded Les Ballet Negre, the first black dance company in the United States. Les Ballet Negre later became known as the Katherine Dunham Dance Company, which successfully toured over 60 countries in the 1940s.

In the years that followed, she revolutionized American dance by incorporating the roots of black dance and ritual, and by transforming these elements into choreography accessible to all through the Katherine Dunham Technique.

Dr. Dunham has truly left her mark on society as her technique is still taught today at the world renowned Alvin Ailey Dance Theater in New York. Her influence in the theaters' choreography can be seen in ''Revelations'', Alvin Ailey's most famous and internationally acclaimed performance.

As a human rights activist, she spoke out publicly about the United States' position on deporting Haitian refugees. Dunham was so passionate about the matter that in 1992 she went on a 47 day hunger strike to prove her point. Harry Belafonte stressed the notion that, ''She didn't perform miracles; she performed acts of human kindness''.

In 1967 Dr. Dunham established the Performing Arts Training Center in East St. Louis, Missouri, which functioned as an educational center, children's auxiliary company, and a semi–professional dance group that would go on to tour many parts of the United States. Dr. Dunham set out to transform lives, and did so.

We must keep her memory alive in our hearts and minds so that generations after us will know who she was and what she did. One cannot speak of dance and innovation without mentioning Katherine Dunham, for she truly is a woman who moved the world. I urge you to support H. Res. 655 Honoring Katherine Dunham, civil rights activist, performance artist, and humanitarian.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H. Res. 655, a resolution honoring

the life of an innovative and influential artist and civil rights leader of the 20th century, Ms. Katherine Dunham. Ms. Dunham has left a remarkable legacy behind, from her ground breaking work in studying dance and anthropology to becoming an internationally recognized dancer. While her renowned dancing and choreography entertained people around the world, she always kept in mind the plight of the less fortunate and was strongly committed on issues of social justice. In just one example, at the age of 82, she held a 47-day hunger strike to bring attention to the situation of Haitian refugees.

In addition, I would like to point out the strong connection she had to the community where she lived part of her life, East St. Louis, IL, which lies in my congressional district. Her contributions to the community are immeasurable. She established the Performing Arts Training Center and the Katherine Dunham Museum and Children's Workshop in the city to help revitalize the are and also founded a dance anthropology program at Southern Illinois University—Edwardsville. It was my great pleasure to introduce a bill that became law during the 109th Congress to name a post office after Katherine Dunham within East St. Louis.

Mr. Speaker, it is a privilege to honor this compassionate and gifted individual who contributed so much to her community and our Nation and I ask the House to join me in paying respect to an honored American, Katherine Dunham, by supporting H. Res. 655.

Mr. DAVIS of Illinois. 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 Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 655, as amended.

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

A motion to reconsider was laid on the table.

SUPPORTING THE DESIGNATION OF A NATIONAL CHILD AWARENESS MONTH

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1296) supporting the designation of a National Child Awareness Month to promote awareness of children's charities and youth-serving organizations across the United States and recognizing their efforts on behalf of children and youth as a positive investment for the future of our Nation, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1296

Whereas millions of American children and youth represent the hopes and future of our Nation;

Whereas numerous individuals, children's organizations, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of the young;

Whereas heightening awareness of and increasing support for organizations that provide access to healthcare, social services, education, the arts, sports, and other services will assist in the development of character and the future success of our Nation's youth;

Whereas the President issued a proclamation on May 30, 2008, proclaiming June 1, 2008 as National Child's Day to demonstrate a commitment to our youth;

Whereas September is a time when parents, families, teachers, school administrators, and communities in general increase their focus on children and youth nationwide as the school year begins;

Whereas September is a time for the people of the United States as a whole to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the Nation in support of a month-long focus on children and youth; and

Whereas designating September as National Child Awareness Month would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for the charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the House of Representatives supports the designation of a National Child Awareness Month to promote awareness of children's charities and youth-serving organizations across the United States and recognizes their efforts on behalf of children and youth as a critical contribution to the future of our Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 1296 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H. Res. 1296 which designates September as ''National Child Awareness Month.''

As the resolution points out, September marks the start of the new school year, which is a time when we should all focus our attention on the academic, social and economic well-being of our Nation's children.

The children's charities and youth-serving organizations in our communities are important partners in this effort. In many instances, these organizations provide basic access to health care, social services, and other critical needs. They serve as mentors, friends and coaches, and sometimes the volunteers for these organizations are the only family a child may have.

Organizations such as the YMCA, the YWCA, the Boys and Girls Clubs, the Big Brothers Big Sisters, and the Children's Defense Fund, to name a few, have provided numerous volunteer hours and volunteers, educational assistance and after-school programming for children across the country, filling a critical gap in the afternoon hours when children are most at risk.

And so, not only do we want to promote awareness, but I want to thank all of these volunteers, all of these individuals who spend so much of their time, energy and effort working with children so that they provide to communities and families, as well as to the millions of other people who need the work that is done each and every day.

□ 2100

And so, Mr. Speaker, once again, I express my support for H. Res. 1296 and urge that my colleagues support this bill.

I would reserve the balance of my time

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the author of this resolution, the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I stand in strong support of House Resolution 1296, a bipartisan resolution which expresses the sense of the U.S. House of Representatives that National Child Awareness Month should be established in the month of September

September is traditionally back-to-school month, a time when families focus on preparing children for the coming school year. Recognizing September as National Child Awareness Month will heighten the American public's attentiveness to the importance of our children's health, education, safety and character development through the ongoing efforts of numerous organizations and individuals who help protect and nurture them. With this resolution we express our support for a month-long effort to recognize the importance of children in our society as they grow into responsible citizens.

It is widely recognized that a strong, supportive family unit is the most important factor in the well-being of a child. Unfortunately, this is no guarantee that every child will have a support system to rely on. Thankfully there are many caring organizations that provide for children in need.

Even children with solid support systems benefit from youth-serving organizations. They enrich their lives through activities such as sports, the arts, philanthropy and further education outside the classroom.

I would like to extend my sincerest appreciation to the 50 bipartisan cosponsors. I would also like to thank the gentlelady from Orange County, my Democratic lead cosponsor, LORETTA SANCHEZ, for her efforts on behalf of this resolution. In addition, I would like to extend a special thanks to the Education and Labor Committee leadership and staff for moving the bill

quickly. And I look forward to working with the Senate to have a companion resolution pass in the Senate Chamber. It is my hope that the administration will, by Presidential proclamation, also designate September as National Child Awareness Month so that the many child-focused programs of the Federal Government might be also highlighted.

Finally, I commend the many local and national youth-serving organizations and charities dedicated to the well-being of children.

Mr. DAVIS of Illinois. Mr. Speaker, I would continue to reserve.

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

Mr. Speaker, I rise today in support of House Resolution 1296, supporting the designation of September as National Child Awareness Month.

The National Child Awareness Month will recognize that a long-term commitment to children and youth is in the public interest. This designation will also encourage widespread support for the charities and organizations that seek to provide a better future for the children and youth of the United States.

With that, I thank the gentleman from California (Mr. CALVERT) for introducing this bill. I ask for my colleagues' support in designating September as National Child Awareness Month.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I come to the floor to recognize the many charities across this nation that serve children, and to support H. Res. 1296.

Declaring September as National Child Awareness Month will provide an excellent collaborative opportunity for children's charities and youth-serving organizations by bringing national attention to issues of vital concern to our children such as education, healthcare, social service, active living, arts and character development.

Children's charities and youth-serving organizations come in all shapes and sizes from the Boys and Girls Club to the Saint Joseph Ballet in Santa Ana, California. However, no matter the size, their mission is to improve the lives of the children they serve.

The enhanced awareness of children's charities and youth-serving organizations, that will be made possible by this resolution, will assist these organizations' efforts to raise needed funding and to encourage volunteers to become involved in the lives of the most disadvantaged children in their communities.

This Congress has made many symbolic gestures in support of children in the past. It is my hope that this resolution will have a greater impact resulting in the official declaration of September as National Child Awareness Month.

Ms. FOXX. I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend the gentleman from California (Mr. CALVERT) for his introduction of this very meaningful legislation.

I have no further speakers, and I would yield back the balance of my time.

The SPEAKER pro tempore (Mr. YARMUTH). The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1296, 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. CALVERT. 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.

CONTINUATION OF EMERGENCY REGARDING EXPORT CONTROL REGULATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–137)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice, stating that the emergency caused by the lapse of the Export Administration Act of 1979, as amended, is to continue in effect for 1 year beyond August 17, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 23, 2008*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE PRICE OF GAS

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, one of the things that I think the American people are not aware of is that on September 30, the moratorium on drilling for oil offshore on the continental shelf will expire. And when that expires, this Congress will have to vote once again to extend that moratorium.

Now most Americans are saying, well, what in the world does that have to do with me? The cost of gasoline is now over $4 per gallon. People that go to fill up their gas tank are spending $70 to $80 or even more dollars per tankful to get their car filled up to go to and from work and to run their kids to school. If we are allowed to drill off the continental shelf, it's my belief, and the belief of most of the Members of this body, that the price per barrel of oil will begin to drop precipitously, and that translates into lower prices at the gas pump for gasoline, which will be a benefit for every person in this country that drives a car. But in addition, it will have a positive impact on the purchase of goods and services around this country. Food, clothing and everything else is transported by truck.

And tonight, what I would do if I were talking to the American people, I would ask them to contact every Senator and Congressman in both Chambers, and if I were talking to them, I would ask them to tell their Congressman and Senators to eliminate that moratorium. The minute that moratorium is removed, we will be able to drill for oil and gasoline off the continental shelf. Right now, we're prohibited from doing that. And as a result, the price of gasoline, oil and gas products continue to go through the roof.

It's time that we move toward energy independence, Mr. Speaker. And the American people, if you talked to any of them at the parades that took place over the Fourth of July, or any other meetings that take place, the town meetings, they're all telling us, do something about the price of gasoline. Do something about the price of energy. Make us energy independent. Drill in America. Drill anywhere. But lower the price of energy and make us energy independent.

We have the ability within the next 60 days to remove the moratorium on drilling offshore on the continental shelf. We can do that. All we have to do is not pass a bill that extends that moratorium.

Now, Mr. Speaker, the American people are clamoring for that. They want the cost of gasoline to go down. They want the cost of energy to go down. They want us to be energy independent. Every place we go, they're saying drill here, drill there, drill anywhere, but lower the price of energy and get us to energy independence. We have the opportunity, Mr. Speaker, to do that within the next 60 days.

And so, once again, Mr. Speaker, I know I can't talk to the American people. But if I were talking to the American people, I would say, call your Congressman, call your Senator, and tell

them to not extend the moratorium on drilling offshore on the continental shelf. Because if they do that, Mr. Speaker, then the price of gasoline and energy will go down, and we will move rapidly toward energy independence. And that is what everybody wants.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HONORING CORPORAL JASON DANE HOVATER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. WAMP) is recognized for 5 minutes.

Mr. WAMP. Mr. Speaker, tonight I come to the floor to honor a great American hero, Corporal Jason Dane Hovater, who gave his life 10 days ago in defense of the United States of America in Afghanistan. Corporal Hovater was killed when 200 militants with machine guns, rocket-propelled grenades and mortars attacked his outpost. Thankfully, they were beaten back after a fierce firefight that lasted hours. But nine American soldiers lost their lives.

Besides Corporal Hovater, First Lieutenant Jonathan Brostrom of Hawaii; Sergeant Israel Garcia of California; Corporal Jonathan Ayers of Snellville, Georgia; Corporal Jason Bogar of Seattle, Washington; Corporal Matthew Phillips of Jasper, Georgia; Corporal Pruitt Rainey of Haw River, North Carolina; Corporal Gunnar Zwilling of Florissant, Missouri; and Private Sergio Abad of Kentucky, with the C Company, 2nd Battalion, 503rd Infantry Regiment, 173rd Airborne Brigade Combat Team, these nine patriots gave it all they had. And they laid down their life for our Nation.

Yesterday morning, I had the privilege of being with Corporal Hovater's family at the Holly Gamble funeral home in Lake City, Tennessee.

I was with Jeanna, his wife of only 19 months. They only had 6 weeks together before he went to train, before he spent 16 months on the ground in Afghanistan. He was set to come home 1 week after his death.

I met his mother, Kathy; his father, Gerald; his sister, Jessica; his brothers, Joe and Jesse Darrin; Sean and David. They're very active at the Lake City Christian Fellowship where the memorial service was held Monday night. It was a praise service. You see, he was a worship leader. His family is very involved in this ministry. When I met his family, it was like no other time that I have spent with a family of a wounded or slain soldier. Unfortunately, he was the ninth soldier from Tennessee's Third Congressional District, and every time we've lost one in the last 4 years, I have had the privilege of being with the family and presenting them a Bible engraved in their memory. But this was unusual. In this family's eyes, all of them, all of them, was the love of their Lord.

The humility, the genuine appreciation of our Nation, they honored their son. They believed deep in their soul that God was with him when he was conceived, throughout his life, God was with him when he died on this Earth, and he is with God today. They believe deeply that this is what God ordained for him, to lay his life down voluntarily for our country. I had the privilege to say to them, thank you from a grateful Nation, from every one in the Congress and the executive branch, to thank this family for this extraordinary sacrifice and to share with them that every time freedom has been handed from one generation to the next, it has been by the blood of these American patriots who are willing to stand between a threat and our civilian population and pay the ultimate sacrifice on our behalf.

Corporal Jason Dane Hovater is an American hero in every sense, and we thank him so much for his sacrifice. And we thank this extraordinary family for their witness and their testimony and their faith and their goodness and their trust in God Almighty that Jason is in his arms and they will see him again. I felt it. We love him, and we are so grateful in east Tennessee that they gave their husband, their son, their brother, for all of us. And with his eight comrades, we honor you on the floor of the House tonight and we thank you for standing up for us and giving us, as Abraham Lincoln once said, ''your last full measure.''

We honor you, Corporal Hovater, as a great American patriot and hero. We will always remember, and we will never forget.

□ 2115

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

AMERICAN ENERGY ACT

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, I don't think anyone could have heard that wonderful 5-minute speech just given by the gentleman from Tennessee (Mr. WAMP) without being touched and without reflecting on how much we owe our men and women who are fighting every day to protect us and to allow us the opportunity to do what we do here and for everyone else in this country to do what they do. I also want to express my appreciation. I feel very humbled to come here and speak after him.

But I do want to talk about something that is very important to all of our military families, and that is the price of gasoline in our country and what is happening and not happening in our country related to that.

In 2006, Speaker PELOSI, Majority Leader HOYER, and many other leaders in the Democratic Party promised the American people if they would give them control of Congress, they would do things differently. They said that they would bring down the price of gasoline. Well, the price of gasoline has almost doubled under their watch, and we have yet to see any kind of plan.

However today, House Republicans introduced a bill, H.R. 6566, the American Energy Act, that is a comprehensive measure to reduce gas prices ''by harnessing new technologies, encouraging greater conservation and efficiency, and increasing American energy production in an environmentally safe manner.''

House Republicans will push for an up-or-down vote on the legislation before Congress adjourns for the August recess in 9 days. Our leader, Congressman BOEHNER, has issued a statement on this bill: House Republicans have a plan to lower gas prices by supporting more production of American energy, encouraging more conservation and efficiency, and promoting greater use of alternative fuels.

Today we have transferred our plan into a single bill that reflects our all-of-the-above strategy. We have only 9 days remaining before the August recess, and it is time for Speaker PELOSI to bring this bill to the floor so Members on both sides of the aisle can give it the support we all know it would receive.

A solid majority of Americans and a bipartisan majority in Congress support more production of American-made energy to help bring down the price at the pump. For months on end, Democratic leaders have instead clung to the anti-American energy policies that have driven gas prices to historic levels and increased our costly and dangerous dependence on foreign sources of oil and gas. By blocking a vote on the all-of-the-above plan to reduce energy costs, Speaker PELOSI, Majority Leader HOYER and their colleagues in the Democratic leadership are proving themselves complicit in the financial crunch American families feel every time they fill up their tanks. Congress must not adjourn for the August recess without giving the American Energy Act an up-or-down vote, and House Republicans will continue to fight to hold Democratic leaders accountable until the American people get the vote they expect and deserve.

What Americans need to say to the Democratic leadership: Do it here; do it now; do it for America. We can be energy independent. We have the means.

The good Lord has given us the resources we need. Americans need to demand it of the Democratic leadership in the House.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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 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 Texas (Mr. HALL) is recognized for 5 minutes.

(Mr. HALL of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

(Mr. WELLER of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICAN ENERGY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY. Mr. Speaker, I thank you and I thank my colleagues on the Republican side and our leadership for giving me the opportunity to be on the floor tonight to talk to all of our colleagues, both Republicans and Democrats, about one of the most pressing issues facing this country in a long, long time. And of course the gentlewoman from North Carolina (Ms. FOXX) just spent her 5-minute discussion talking about the very same thing. But we are blessed to have an hour worth of time tonight, as we have done on several nights for the last I would say 3 or 4 weeks talking about this one huge problem, Mr. Speaker.

And I have a number of my colleagues who have joined me tonight to help in this discussion of this energy crisis which is so important that the Nation is now facing. We have a Member who I will yield to subsequently who wants to talk about something very unique, a new bill, something that he has thought of that I think is very, very interesting, intriguing, and I want my colleagues to hear about that.

But let me start the hour, Mr. Speaker, by giving our colleagues a little quiz. This is not a pop quiz. Well, maybe in a way it is, but it is not a difficult pop quiz. In fact, it is the easiest type question, the kind I always enjoyed when in school, it is multiple choice. It is a multiple-choice question. So I want to ask the cameras to sort of hone in on this first slide that I have to my left. This is the question. It is simple. It is straightforward.

How do we bring down the price of oil?

Now I have listed about six possible answers. I could have listed eight or ten. Let's start with A, open up oil exploration in the Arctic National Wildlife Refuge and the Outer Continental Shelf.

Now that oil and natural gas has been closed to us, has been locked up since the mid-seventies when a moratorium was placed. Thank goodness President Bush just recently, in the last 2 weeks, lifted the executive order and now Congress certainly could pass a law and allow us to do that.

So, A, I am sure for many of our colleagues in this body on both sides of the aisle, A, would be their choice as the best answer.

The second answer, B, build new oil refineries. Well, you mean we haven't? No. No, my colleagues, we have not built a new oil refinery in this country probably in 25 years. We have expanded a bit along the gulf coast where most of the refineries currently exist. And, of course, they are right in hurricane alley, and we know what happened during Hurricane Katrina when a lot of refineries were shut down and we had a real crisis because of that.

So darn right, B would be a good answer, build new oil refineries.

And C, commercially develop renewable energy resources. What do we mean by renewable energy resources? Well, I think the main two that come right to mind are wind and solar. Wind and solar. Wind and sun.

There are some parts of the energy where there is a lot of energy produced by wind and sun. The North Sea, the northern part of Germany, Hamburg; in the Netherlands. I have been to both of those countries and seen these huge turbines, wind farms, and some are out in the ocean. You can't see them, they are a long way from shore, but this constant wind source in the North Sea is a good source of renewable energy.

Solar panels, I would say, work real good in the equator in the temperate zones, but they may not work so well in certain parts of our country. But without question, C is a good response to how do we bring down the price of oil, commercially develop renewable energy resources. We are doing that. In fact, we have tax credits to incentivize that. I have recently supported a bill by the gentleman from Maryland (Mr. BARTLETT), to renew those tax credits for renewable to stimulate that industry. These tax credits expire, I think, in about a month, so it is very important that we do renew that.

Right now only 1 to 2 percent of the energy, the electricity in this country is generated from these renewable sources. It ought to be 6 to 8, maybe 10 percent; and hopefully eventually it will. So C is a pretty darn good answer.

The fourth choice, D, commission new nuclear power plants. Well, you know, some of our colleagues may say you mean we haven't? We don't? We have got over 100 nuclear power plants in this country, some in the southeast. The gentleman from Tennessee is with us tonight, and there are some in Tennessee. And there certainly are some in my home State of Georgia. I worked at a nuclear power plant in South Carolina when I was a co-op student at Georgia Tech. But we have not licensed, the Nuclear Regulatory Commission has not licensed a nuclear plant in about 30 years.

The Three Mile Island scare, there was no loss of life, maybe that had something to do with it. But nuclear power today is safe. It is efficient. It is clean; and yes, it is expensive. And maybe that is part of the reason why we haven't gone nuclear in a more meaningful way. Right now I think probably 12 percent of our power in this country is generated by nuclear power.

But when you are paying $140 a barrel for oil, petroleum products, all of a sudden nuclear power would be a bargain. And we have a couple of power plants in the State of Georgia. Plant Vogtle has two and is asking to bring online two more. We need to streamline that.

There are countries, France in particular, 85 percent of their electric power, their electricity, is generated by nuclear power. In fact, they even have to sell some of that to their

neighbor Germany who doesn't allow nuclear power.

The Scandinavian countries, Sweden, they have nuclear power generation almost exclusively, and they have a good way of getting rid of the nuclear waste, of burying it deep in bedrock. We have the same capability right here in the United States out in Nevada where we have spent billions of dollars developing Yucca Mountain, but yet politicians, very powerful politicians from the State of Nevada, I won't mention names, but they are blocking that.

So without question, D, commission new nuclear power plants, would be a darn good answer.

The next choice is E, promote conservation.

Now look, who could disagree with that answer? There are 85 million barrels of oil, petroleum, produced in this world every day; 85 million barrels. The United States of America utilizes 22 million barrels a day. We are about 5 percent of the world's population, and we are utilizing about 25 percent of the world production of crude oil. So there is something wrong with that math, no question about it. That calculus just doesn't add up. So we certainly need to conserve. We need to ride in high-occupancy vehicle lanes on our interstates. We need to probably, slowly but surely, go to smaller automobiles that are more fuel efficient.

□ 2130

We need to go to these fluorescent-type light bulbs. I mean there are so many things that we can do. Yes, we need to tighten our belt; so that answer is not a bad answer.

And I said that we could have put some other things in there. ''Sue OPEC,'' I don't think that would be a very good answer, but I have heard people say that. ''Sue OPEC and Venezuela'' I have heard. And the Democratic majority, Mr. Speaker, has legislation and they want to say, well, we need to stop all the speculating and the hedging and unless you are actually taking possession of the oil, that contract, and you really are buying it for the oil company or for the airlines or for the Air Force, you shouldn't play in that market. I don't know if that's a problem. It may be a little small part of the problem. I could have added that as a possible answer.

But the last choice is choice F, and that choice is ''all of the above.'' And I want to tell you, Mr. Speaker, I think F is the right answer. And I believe that the 5,000 or so people that were chatting with me last night from Harris, Polk, and Carroll Counties of the 11th Congressional District in Georgia told me very clearly that that's the choice that they would take. And I believe that a fifth grade geography class would make the choice, that they would say just what the Republican minority has been saying to our brothers and sisters across the aisle for the last month or 6 weeks, that we need to do all of these things. There is not one silver bullet. You can't solve this problem with the snap of your fingers and sue Big Oil and windfall profit taxes and releasing a few million barrels of oil from the Strategic Petroleum Reserve. You might affect the price for a few days, but it would go right back up. No, we need to look at this not only in the short term but in the long term. If we had done this back in the 1970s, we wouldn't be in this crisis that we are in today. But we went back to sleep is what we did. Shame on us for that, and doubly shame on us if we do it today.

People are suffering, Mr. Speaker. People are suffering severely. And we are about to leave this body. Ms. FOXX was talking about 9 days. Well, really we're talking about 4 or 5 legislative days and we are out of here for recess or vacation or whatever you want to call it. Every August, that's traditional. But in a situation like this, I tell you what, I would be proud to sit right here on this floor Friday and Saturday and Sunday waiting for this body to act and not adjourn until we get something done. Because if we are away from here for a month and nothing is done, when we come back, the kids are back in school, and you know how they're going to get there? They're going to walk or they're going to be riding their bicycles out on these busy highways because those yellow buses are not going to be on the road because these school systems are not going to be able to afford the diesel fuel to put in those buses.

So this is serious stuff, Mr. Speaker, and I think my colleagues understand that. I think my colleagues on both sides of the aisle understand it. And what they don't understand and what my constituents don't understand is why the leadership, the people that bring the bills to the floor, those that have the control that say which bills are voted on and when, why they can't understand it.

Well, in this hour we will get into all of that, but I have got a couple of my colleagues on the floor with me, and I want to give them an opportunity because they have got some very interesting things to say. But I have got one more chart, Mr. Speaker, that I want to show before I yield to my colleagues.

This chart, and of course I have already given the answer away, the answer F, ''all of the above.'' And, of course, it shows this big huge oil rig way out, 150 miles in the Gulf of Mexico. We ought to be doing that off the East Coast and off the West Coast, of course with the States' consent and with their ability to share in the revenue. And the Federal part of that revenue could be used to continue to push and promote alternative energy sources like that wind and solar we were talking about earlier, coal liquefaction, mining shale, doing a lot of things that will make us energy independent and will increase our domestic production.

And, of course, there are some other pictures on this slide as I refer back to it. These are some of the wind farms. That's exactly what they look like in the Netherlands and in other places that I've seen them. This, of course, is a nuclear power plant.

The drilling in ANWR, I put that there just to point out what a small area it is, Mr. Speaker. The light green on the darker green is 2,000 acres in an area of 19 million, and 2,000 acres in an area of 19 million is like a postage stamp on a football field. And it's Coastal Plain, tundra, frozen most of the year. It's 70 miles from the Alaskan pipeline. It's 10 billion barrels of oil, and if you're pumping it, it's probably 1.5 million barrels a day. That increases our domestic production 15 to 20 percent, just that one site. So, obviously, we need to do all of these things if we are going to solve the problem.

And before I go any further, though, as I said at the outset, Mr. Speaker, one of our Members had a very interesting thought. He wants to spend a little time discussing it and making sure our colleagues on both sides of the aisle understand it. He's a long-term Member. He knows about oil. He knows about energy. He's a great Texan. He is the ranking member of the Science Committee. I am proud at this time to yield to my good friend and colleague from Texas, the Honorable Ralph Hall.

Mr. HALL of Texas. Dr. GINGREY, I thank you very much.

I rise today to talk about a bill that I introduced just today, this very day. And, yes, Dr. GINGREY is, I think, the fourth cosponsor on the bill. I have 40 or 45, somewhere in that area. Only four have failed to cosponsor it. They simply want copies of it, and they will cosponsor it. I didn't ask one single member of the Democratic Party to endorse it or to cosponsor it because I want to give them time to look at it, to talk to their Speaker, to see what she thinks about it. I don't want to put them in a bad situation with their Speaker. I hope she is going to accept this bill because I think all of us, Republicans and Democrats alike, want to solve the problem of high prices at the pump that are putting people out of business, that are costing jobs, that are causing airlines to fly full and losing money. And, yes, you have heard this before, a hundred and one times, that my bill's different. But this bill is different.

It's H.R. 6579. Mr. Speaker, I want to talk about this bill just a little bit. It was just this day introduced toward affordable energy independence, and that's a word we have heard. Dr. GINGREY has been going over it here this evening. We hear it day in and day out. I hear it all the time when I go back to the Fourth District of Texas.

My bill is totally different from the multiple attempts to drill on ANWR. And just stay with me. I offer something different. I offer something that should appeal to anyone who believes in States' rights. This bill came to mind last week when I said to myself if we can't drill on ANWR, let's give it

back to those who can. So stay with me. This is a little bit different. It's called the New Resources for Domestic Consumption Act. It transfers the Coastal Plain of the Arctic National Wildlife Refuge, called ANWR, to the State of Alaska. Give it back to them for their environmentally responsible work and exploration and development of oil that's to be explicitly used for domestic purposes or consumption only. By that I mean none of this is going outside the United States, and that's embodied in this bill.

According to the United States Geological Survey, there is an estimated 10.4 billion barrels of oil in ANWR, which equates to 25 years of Middle East imports that we have to rely on today. This would be one of the largest oil fields ever developed in the United States. This is the answer now and not 10 years from now. You hear it said, oh, we can't drill on ANWR and people are against drilling on ANWR. Many environmentalists who don't want us to drill on pristine ANWR say, oh, it would be 10 years before you would get any energy from them. That's just not true. That's not true at all. Let me just talk a little bit about it.

In addition to producing much-needed oil under this bill, the Federal Government will receive much-needed royalties if we give it back to Alaska. I'm saying transfer this by deed, transfer it back to Alaska, and let them make their own decisions about ANWR.

We have not been able to get a bill through, and there have been many bills tried. None of them have reached the President's desk except one. It reached Bill Clinton's desk 10, 11, or 12 years ago. He vetoed it or we might have some $2 gasoline today.

The Congressional Research Service has predicted that with oil at $145 a barrel, ANWR's 10.4 billion barrels would deliver $221.7 billion in corporate income taxes, not just wages, in corporate income taxes and royalty revenue to Uncle Sam.

So what's important about that? Well, I will tell you. This bill would mean more American dollars staying in the United States, not going to OPEC countries, and would result in more jobs for the entire country. A study from the National Defense Council Foundation says the figure could be as high as 1 million new jobs for Americans in all 50 States and the District of Columbia.

A principal argument against it, let me talk about that for a minute. A principal argument against using oil from the Coastal Plain of ANWR to help bring down gasoline prices is that ''it will take 10 years to produce oil because it is on Federal Government land.''

Well, the State of Alaska has a lot better track record than almost anyone else I know about. In 10 years America's largest oil field at Prudhoe Bay, adjacent to ANWR, was discovered and developed, in 10 years. And the building of the 800-mile Trans-Alaska Pipeline that crosses two mountain ranges and many rivers was designed and constructed. The infrastructure is in place for expeditious and environmentally friendly development and production of oil, and the people of Alaska stand ready and willing to help, as they have helped in previous crises in American history.

The attack on Pearl Harbor spawned the construction of the Alaska Highway, a 1,522-mile-long highway stretch that was built in just 6 months in 1942. In the 1970s our Nation faced an energy crisis as a result of the Arab oil embargo, and in a close vote in the U.S. Senate, Congress finally approved construction of the Alaska Pipeline. Both times the people of Alaska stepped up to the plate on behalf of all Americans, and today we need their help once more. As a Texan in one of the producing States—ten States produce energy for this country and Texas is one of them—and as an American, I say let's not hold Alaskans hostage to congressional gridlock. Let's give it back to them.

Now, who's for giving it back to them? According to a Dittman Research Poll, more than 75 percent of the Alaskans support exploration and production, and these are people there on the ground in Alaska, on the Coastal Plain of ANWR.

As well, the Governor of Alaska, Sarah Palin, sent a letter to Senate Majority Leader Harry Reid on June 23 of 2008, just several days ago, asking Congress to authorize development of oil and gas on the Coastal Plain of ANWR. More recently, Governor Palin issued this following statement:

''I strongly support environmentally responsible oil and gas development in the Coastal Plain of ANWR because production there would promote the economic and national security interests of the United States.''

She would know better than anybody, and she would have more say over who produced there and how they produced it and how environmentally perfect they were because she's there. She lives there. This is where they are.

''The decision on how best to accomplish this objective rests with Congress,'' she says. ''However,'' she says, ''I would support any reasonable approach, even including the possibility of State ownership of the Coastal Plain, to facilitate production.''

Governor Palin continued:

''The important thing is that Congress expeditiously authorize exploration and development in the most promising unexplored petroleum province in North America. If Congress elects to transfer the Coastal Plain of ANWR to the State, I promise, on an expedited basis, to initiate a program to explore and develop the petroleum resources located there''—we have never had that promise before from anybody else—''subject to the safeguards,'' the safeguards that she is going to put in, ''designed to protect and preserve the natural resources of the Coastal Plain, including the fish and the wildlife.''

Now, who else is for this? Don Young was the second person to cosponsor this. He's the Congressman for all of Alaska. The two Senators are for it. I don't think there is any question that they will protect their own State.

Mr. Speaker, since the 96th Congress, there have been 19 votes on the House floor that pertained to allowing drilling in ANWR.

□ 2145

19 times on this floor this body has said yes, we want to drill on ANWR. And all of those times, except one time, when President Clinton vetoed it, it failed in the other body.

Votes in the House of Representatives on energy development within the Arctic National Wildlife Refuge are as follows, and these aren't all of them. I am just going to touch a few of them to let you know that we have been doing it a long, long time.

In 1979, in section 152, on a voice roll call, Udall-Anderson substitute for H.R. 39 adopted by the House, including provisions designating all of ANWR as a wilderness. H.R. 39 passed the House, 360–65.

Then on 11/12/1980 it was voice voted, a unanimous vote, Congress, of H.R. 39 passed the House.

In the 104th, in 1995, the House agreed 237–189, the conference report to H.R. 2491, reconciliation of a large bill that included the 1002 area development provisions. That is the ANWR development.

In 2001, the House passed the Sununu amendment to H.R. 4, to limit specified surface development of that same area in ANWR to a total of 2,000 acres, which we agreed, to which the Governor has indicated that all is the only amount she will take.

And yes, Dr. GINGREY told you a moment ago how really ridiculous it is to say that if you drill on 2,000 acres in 19 million acres, that that would ruin the beautiful pristine part of Alaska. That is outrageous. As he said, it is like putting a dollar bill in the end zone of Texas Stadium or in the Yankee baseball field, putting one in any part of the field and saying it ruins the whole baseball stadium or ruins the football field. It is just outrageous, it is not true, and it is almost silly.

In 2001, article 317, the House rejected the Markey-Johnson amendment to H.R. 4, to strike this 1002 area. That is the area we are wanting to develop. It was passed. They rejected Mr. MARKEY.

On 8/2 2002, H.R. 4, an omnibus energy bill, passed the House. Title V of Division F contained the 1002 area development provisions.

And again, in 2003, the House passed the Wilson amendment to H.R. 6, to limit certain features, but still to drill on the 1002 area.

Again, in 2003, again in November of 2003, the House passed a comprehensive energy bill.

And again, in 2005, the House adopted 218–214 the concurrent budget resolution, H. Con. Res. 95, which included

spending targets that would be difficult to achieve unless ANWR development legislation was passed.

In 2005 the House rejected, again, the Markey amendments to strike the ANWR provision in its omnibus energy bill, again, saying we need to drill in ANWR.

Again, in 2005, the House passed an omnibus energy bill, and in 2005, in section 669, the House adopted the conference report on the defense appropriations bill which would have allowed oil and gas leasing in ANWR.

I could go on and on, but on 8/4/2007, the House rejected a motion to recommit H.R. 3221 to the Energy and Committee with instructions to report back with language authorizing ANWR development.

And then 5/14/2008, the House rejected a motion to instruct conferees for S. Con. Res. 70 to adjust budget levels to assure increased revenues from opening ANWR to development. That is 19 times I think that has happened. Not one of these votes has led to us letting an overwhelming number of Alaskans do what we have been asking them to do. Let's give it back to them.

I understand and agree with the desire and the need to maintain pristine environments in our great and vast country. But it is impossible for opposition groups to mislead, and it is irresponsible for them to mislead the public into thinking that the Coastal Plain is the wild and scenic area they would like to point to in photographs.

Let me show you, here is the wild and scenic area. Let me just show you this for a moment. This is the area that they are talking about, and it all looks just exactly like that. The truth is the Coastal Plain is just exactly what it says; it is plain. There are no trees or snow-capped mountains with streams running through them. This is what the Coastal Plain looks like right here. That is what they are talking about wanting to save. How many of you have ever seen it?

I doubt if there is anybody within the sound of my voice or reaching here that have seen that, have even been up there to see it. I have never been there. I bet there haven't been 10 people out of this Congress have ever seen ANWR.

The Arctic National Wildlife Refuge is 19.2 million acres. The Coastal Plain is 1.5 million acres of that. And point to poster 2, right here it is. This is the wilderness right here. This is the little area that they have set out to send back to Alaska, and this is the area that there are no trees or no snow-covered mountains with streams running through them. The Coastal Plain, allowing the Alaskans to drill responsibly on the Coastal Plain in not going to ruin ANWR, nor will it ruin the experience of the average of 1,200 visitors a year to the refuge.

So I would just say to you, Mr. Speaker, I urge my colleagues to support this bill. This is a different bill. There has never been a bill like this involving ANWR. And it will allow them to move through the legislative process and come to the House floor for a vote.

Actually, I tried to speak today to the Speaker. I have asked only Republicans to sign on to my bill. I have not asked a single Democrat to because I am not asking them to sign something that I think that their leader may object to.

I don't think she is going to object to it. Here is what I intend to do. I tried to see her today, but logically she had appointments. I went over and waited a while, but we were in session. I just missed her. She would have been courteous enough to give me a hearing if I could have waited for her. But I am going to talk to her again tomorrow. I want to impress upon her that this bill is different, that this is a different situation.

The President didn't set ANWR up for drilling when he encouraged us to do some drilling on some other areas. Neither of the aspirants for President have set up ANWR up.

Madam Speaker, you could be alone on this. You could be alone in giving back to the people of Alaska the right to protect themselves. They may not drill. You are not directing them to drill. You are authorizing them to drill.

I just hope very much that procrastination has cost Americans dearly at the gas pump. We can't afford to wait any longer. We have an emergency, we have a crisis, Americans need our help.

Mr. GINGREY. Mr. Speaker, I want to thank the gentleman from Texas. He did not disappoint. I think that his explanation was exactly what I anticipated.

And I want to, before I yield to my good friend and colleague from Tennessee, I wanted to point out, reference back to Representative HALL's poster in regard to the map. And he pointed out, of course, that this whole area, the refuge area, 9 million acres, refuge area, no development allowed. That is this orange area.

And then also, in the yellow area, wilderness area, another 8 million acres, no development allowed.

And then this Coastal Plain area on the very top, the north slope, that area was reserved by our own President Jimmy Carter, from my State of Georgia, who fully intended that, eventually, that oil exploration could be allowed in that area that Representative HALL was talking about, and not the whole area, but this small, I mean, it is about 1.5 million acres and we are talking about 2,000 acres. So clearly that was the intent, as he pointed out, back in 1980.

So I love this slide and I love his idea. I think it is intriguing.

And with that I want to yield now to my good friend from Chattanooga, the Honorable ZACH WAMP.

Mr. WAMP. Well, I thank Dr. GINGREY, and I thank Mr. HALL for his unique insight.

It is a privilege to come tonight. I think Mr. HALL is right. There are a lot of people of good will in this body that really want to do something about this. As a matter of fact, the heat is on.

I had a Democratic colleague tell me recently that he was on an airplane and a guy came up to him and said bring down gas prices. And the guy was pretty upset, as we see often now at home. And the Democratic Member said, don't you think if we could do something quickly we would? And that really is the response that a lot of Members give.

And politics sometimes gets in the way of progress. But I have got to tell you that it is important the votes you cast, and it is important when you try to push a legislative initiative, and when things are vetoed and do not go forward, there are consequences. And we find ourselves in that mess today.

I don't come to the floor to blame anybody. Frankly, I come to the floor to offer solutions. And I think the blame game has got a lot of people really dissatisfied with the Congress to begin with. But these solutions really need to be debated and voted on. That is what we are really trying to press is for more legislative activity around new energy sources for Americans.

Now, for the last 8 years, I have had the privilege of co-chairing a large bipartisan group in the Congress called the Renewable Energy and Energy Efficiency Caucus. It is well over half the House. I know both these men, I think, are on the caucus. But it is about 60 percent Democratic Members, 40 percent Republican Members.

And I have to tell you, from our perspective, conservation is kind of job one. I say conservation is not for wimps; it is for warriors. Not everybody is going to put the uniform of our Armed Forces on, but everybody can help our country in a mighty way by increasing efficiency and conserving as they can. They can weatherize their home and save electricity. They can cut back, and they can go to a more efficient vehicle, and they can be smart about how they consume energy. And as we reduce demand prices will come down, and every American has a patriotic obligation to push for efficiencies and conservation, and that really ought to be job one. And we all need to say more about that because it is real.

The number one energy source over the last generation in this country, is conservation, if you just calculate all of the energy and how much we have saved since the 1970s when we conserve and create efficiencies. That is important.

Now, there is an irony here, and that is the Energy Policy Act that was signed into law almost 3 years ago this week, EPAct, the Energy Policy Act of 2005, was a Republican bill with a Republican Congress signed by a Republican president.

And everybody trashes the President and the Vice President for knowing a lot about the oil and gas industry. But the truth is, and I was there and wrote what was called the Energy Efficiency

Cornerstone Act with some industry groups for the renewable and energy efficiency organizations. That was rolled in. And if you were in the wind, solar, biomass, geothermal or renewable energy sector, you loved that bill, and you said, this is the best bill that has been signed into law for us in a long, long time.

But as Dr. GINGREY said, those tax credits to incentivize the investments in those new technologies have expired. Some of them may still be going on, but most of them have already expired. They were 2 years.

Now, if you are in the majority in the Congress today, you have a majority in the House and the Senate, and you believe in those things, why in the world have you not not only extended them for another 2 years, but extended them for 5 years or 10 years?

There is an article today that the chairman of the Senate Finance Committee is frustrated that he can't get the votes in the Senate to bring this up.

You talked about Congressman BARTLETT from Maryland. I am the original cosponsor with him of the extenders for these tax incentives for renewables and efficiencies without any tax increases. Just extend them. If you believe in them, extend them. Don't worry about the budget consequences because it will stimulate. And right now the cost of energy is so heavy we can't afford not to. As a matter of fact, we can't afford to do a lot of things now because of the cost of energy. We really can't afford any more time delays, any more recesses, as Dr. GINGREY says. And these investment tax credits are important.

The industry groups will tell you give us a 5-year investment tax credit and you will see major investments. If you really believe in those things, to the new majority, and I am not blaming, I am just saying, let's get on with it. Bring it up now. Time is of the essence.

The gentleman talked about nuclear. And yes, Yucca Mountain is out there, and yes, you can take the spent fuel from nuclear and you can bury it, but that is a long now protracted process that is involved in a legal dispute.

What does France do? Because they get 81 percent of their electricity from nuclear they reprocess the spent fuel. They are not as afraid of it as we are. Now, listen, the French have not been accused of being overly courageous here of late. Yet, here, they have more courage than we do. Actually they are smarter than we are on energy utilization. They go 81 percent nuclear, and they reprocess the spent fuel and turn most of it back into energy. And they have half as many nuclear reactors as we do. We are at about 105 reactors. They are at about 53 reactors. They have one reprocessing facility, therefore, we would need two. We have the technology to do it. I represent the Oak Ridge National Laboratory. We can demonstrate for the country right now, and TVA is prepared to show we can reprocess the spent fuel and stand up nuclear.

And the gentleman is right. It is 8–12 percent right now, reactors on-line of our total electricity capacity. It needs to be at least ¼ nuclear.

□ 2200

Now they're going to come up, the Democrats, in a few minutes and talk about Boone Pickens. Okay. He's an oilman who now says 25 percent wind. Great. He shows us where they can be put. Great. What they're not going to tell you, as he also says, is go after all of the oil and gas capacity in this country that you can because we have to have new energy, okay? We can go in all of these renewable and efficiency areas, but it's still not enough given the demand. The demand is way up.

We've had a robust economy for 15 years in this country. I know it has sputtered of late, but because of that dynamic economy and because of the demand in India and in China and in other parts of the world, the demand exceeds the supply globally, and the price points are now unacceptable and unsustainable. We have got to have some new capacity as well. The Outer Continental Shelf, way out in the ocean where you cannot see it, should be a no-brainer for people if the State says ''okay.''

So that's what Senator MCCAIN has proposed is let the States decide. That's a good idea. If South Carolina wants to do it, let them do it. If Florida doesn't want to do it, don't let them do it, but get out of the way with the global moratorium.

The President released the executive moratorium on Outer Continental Shelf exploration. Now the Congress should do it. That's another thing that the Speaker ought to bring to the floor. Let's lift the moratorium. Things have changed.

When President Clinton vetoed ANWR in 1996, 70 percent of the American people thought that we should preserve all of that Alaska wilderness and not drill. Today, it's the other way around. Seventy percent of Americans say let's get on with it because we can't afford gas. We need help.

Senator OBAMA says it's going to be 7 years before you can pull any of it out. How much worse off are we going to be in 7 years if we don't get started now? We need all of the above.

Let me tell you that I know a lot of Democrats want to go ahead and start drilling. They want the votes, but they won't let us have the votes. Today, here at the Capitol, in Washington, there were dozens of protesters who were holding up signs, saying, ''Do not drill. Protect our coastlines. Protect our wildlife area regions.'' I've got to tell you that they are now in the minority in this country. The American people don't want them up here protesting our going after American energy for American citizens. We have to do all of the above.

I just want to close on a couple of new technologies that have great potential out of the Silicon Valley, which has, frankly, led the world now for a long time on things like information technology and which has really helped the U.S. economy and our exports.

There is a company called Bloom Energy, and they've developed a solid-oxide stationary fuel cell. It looks like the HVAC system in your home, and without a transmission system at all, it creates electricity. Now, it obviously has to have some feedstock going in, but it can run off a host of feedstocks. It can run off natural gas. It can run off of ethanol. It can run off of solar in some applications. This is a unique, new technology.

We're trying to demonstrate that solid-oxide stationary fuel cell here at the Capitol because all of these lights are on today as a result of a fossil-fired, dirty powerhouse here in Washington where we actually pollute in Washington about as bad as anywhere in the country. There's not much efficiency here. The lights stay on all the time. It's really ridiculous. The Democrats have a greening initiative for the Capitol, but it mostly involves light bulbs. We really need to get serious about it and take some of these buildings off that fossil powerhouse and move into solid-oxide stationary fuel cell-type technology.

Plug-in hybrids, we need them. Get them to the marketplace. Biodiesel, ethanol, new fuel mixes, get on with it. Wind technologies have tremendous potential in the Northern and Central United States.

As the gentleman from Georgia says, the right approach is everything. Don't pick winners and losers. Don't leave anything off the table. They did that in California with electricity, and the lights went out. You can't regulate yourself into a solution here. You can't tax your way into a solution here. We have to have a robust agenda, and it is time for Democrats and Republicans to come together and get this done.

I thank the gentleman for coming again tonight, for giving us the opportunity to talk about what the solutions are, and then let's get on with it. The American people are tired of waiting.

I yield back.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Tennessee. He is always very, very thoughtful, and his presentation is so clear. Hopefully, all of my colleagues can understand the message that we are presenting tonight. That is, really, as we go back, thinking about the initial little quiz, the little pop quiz, multiple choice, it's all of the above. It's all of the above. That is what Representative ZACH WAMP from Chattanooga, who is a member of the Appropriations Committee and who understands this issue, is explaining to our colleagues and to anybody else who might be listening tonight. This is important stuff, and it is critical. It is critical that we do something about it.

Now, Mr. Speaker, I have in my hand—and this is awfully small, but

maybe the camera can focus in on it. This just shows you a number of bills that have been introduced by the Republican minority starting the week of June the 9th:

H.R. 3089, the No More Excuses Energy Act of 2007: No action on that bill. We have a discharge petition. Almost every Republican has signed that discharge petition, but we need 218 of our colleagues. That means some of our Democrat colleagues need to sign these bills as well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COURTNEY). The gentleman is reminded to address his remarks to the Chair.

Mr. GINGREY. Mr. Speaker, thank you. Of course.

The next bill, H.R. 2279, was introduced the week of June the 16th. This bill, the title of it, is Expand American Refining Capacity on Closed Military Installations. Mr. Speaker, as you know, there has been no action on that bill. Right over here to my right, at the desk, is a discharge petition. We've got Republican votes. We're awfully close, Mr. Speaker. We need 218, but so far, no action.

Basically, this bill just says in the BRAC process, where we have a number of closed military installations, we have that government land, and if that community wants to have a refinery placed there, then we can do it. It's a very simple bill. As I said at the outset, we desperately need to expand existing refineries and bring more online.

Now, in the week of June the 23rd, H.R. 5656: Repeal the Ban on Acquiring Alternative Fuels. It reduces the price of gasoline by allowing the Federal Government to procure advanced alternative fuels derived from diverse sources like oil shale, tar sands and coal-to-liquid technology.

I want to spend an extra amount of time, my colleagues and Mr. Speaker, discussing that particular bill because that was a provision—section 526, I believe—in the Democrats' energy bill of 2007. The energy bill, I think, is called the Energy Independence and Security Act of 2007.

Now, this section 526 basically says that no agency of the Federal Government can enter into a contract to purchase any nontraditional fuel if the result of processing that fuel or of burning that fuel is an increase of one scintilla—a scintilla, my colleagues, is a very small amount, indeed, a nanogram, an infinitesimal increase—in the carbon dioxide footprint.

So that means that domestic sources that are not traditional bubble-up petroleum that are easily obtained cannot be utilized, and that is a tragedy. That is a tragedy for this country when the Department of Defense, one agency of the Federal Government, is spending in the year 2008 an extra $9 billion on fuel. Now, this is not the total amount they're spending. This is just the delta because of $145 a barrel on petroleum and what it costs eventually to produce jet fuel.

Yet we have in this country, in the Rocky Mountain States, in three or four States out in the Rocky Mountain area, a product called shale. It's a rock, and it's embedded with petroleum, and it can be mined on the surface. People get concerned, I guess, sometimes about the environmental effects of mining, but if we didn't mine in this world, there would be no highways; there would be no aggregate to produce concrete and asphalt. Indeed, there would be no diamonds, no copper.

Mining shale has the potential in this country of producing 1.5 trillion barrels of petroleum, 1.5 trillion barrels of petroleum, Mr. Speaker. Yes, it's a little more difficult to get it, and possibly, it does yield a scintilla increase in the carbon dioxide footprint, but when we're in a crisis like we are in today in this country and when people are suffering, I'll guarantee you the citizens of the 11th District of Georgia—of northwest Georgia in the nine counties that I represent—and probably my 434 colleagues in this body on both sides of the aisle and their constituents will tell you the same thing:

We're worried about the carbon footprint; we want a clean environment, and we know that that's important to our future, and we're going to work toward that.

Guess what the number one priority is today. That is bringing down the price of gasoline because we can't eat and because we can't get our kids to school. We can't get to work. This is something that you would think, Mr. Speaker, the leadership of this body could clearly see when everybody else in this country can see it.

I could give you some statistics about polling. We all look at polls particularly in this big election year. According to a CNN poll, 73 percent of Americans favor more exploration of deep ocean energy resources far off of American shores. In a Reuters-Zogby poll just this past June, 75 percent of Americans support drilling for oil off the shores of the United States while 59 percent support drilling in ANWR.

We have heard this. This is an undeniable fact. I mean I know people can have their own opinions, but they cannot have their own facts. The fact is we're the only developed country in the world that has not taken advantage of exploring for oil and natural gas off of our Continental Shelf. It makes no sense. In fact, right now, Cuba and China are talking about exploring for oil and natural gas off of the coast of Cuba, 45 miles from our coast, and it's perfectly legal; they can do that. Yet we're sitting on our hands. It doesn't make a whole lot of sense.

Well, I've got a number of other bills, Mr. Speaker, that are sitting over there with those discharge petitions that are just waiting for a few Democratic signatures. I wonder of the conservative members, particularly of the Democratic Conference and of the Blue Dogs, where their signatures are. It's amazing to me that they don't go to their leadership and say, ''You know, you're killing us. We're on the verge of committing political suicide. We've got to do something.''

If I cared only about the politics of it, I probably wouldn't say a word. I would let them continue this folly of their leadership and hope that the political consequences in November would be advantageous to my Republican Party, and we'd regain the majority, and we'd elect President McCain. I hope that happens.

What's more important right now is that we come together in a bipartisan way and that we do the right thing for the American people and then let the politics take care of themselves and let the chips fall where they may, and they will.

As we get toward the close of the hour, in the remaining few minutes, I want to talk about a bill that was introduced just yesterday by the leader of my party, by the minority leader, JOHN BOEHNER, the gentleman from Ohio. What Mr. BOEHNER did is he took all of these bills that our colleagues have introduced over the last 6 or 8 weeks, and he put them together into one bill, the American Energy Act.

□ 2215

We had a press conference today on the West steps of the Capitol, and Chairman BOEHNER, Leader BOEHNER, and our leadership and a number of Members who actually went up to—Mr. HALL said earlier he had not seen the Arctic National Wildlife Refuge and wondered how many Members had. Just this past weekend, Leader BOEHNER and 10 freshman members of the Republican Conference went, and with their very own eyes, they saw this area.

They also went out to Golden, Colorado, to see where all the research that's being done on renewable fuel and coal-to-liquid. We have something like 1.5 trillion tons of coal in this country, and we use a lot of it, a lot of it to fire our electricity plants. But we could convert so much of that excess coal to petroleum, coal liquefaction, and we could do it in a clean and environmentally friendly way.

So Leader BOEHNER introduced the American Energy Act, and as I said earlier, remember the multiple choice question, an all-of-the-above approach to energy independence: increase the supply American made energy in environmentally friendly and sound ways; promote alternative and renewable energy technology; improve energy conservation and efficiency. That's the approach that Leader BOEHNER and the Republican minority is asking our colleagues, Mr. Speaker, to get on board with us for the American people.

And under the bullet point of increasing the supply of American-made energy—we talked about it tonight—open the Outer Continental Shelf, provide an additional 3 million barrels of oil per day, as well as 76 trillion—yes, that's with a T—76 trillion cubic feet of natural gas; open the Arctic National

Wildlife Refuge, an additional 1.5 million barrels a day; and reduce bureaucratic red tape to construct new oil refineries; and increase the supply of gas at the pump, increase the supply of American-made energy; promote alternative and renewable energy technologies.

As I said, repeal that idiotic section 526 prohibition on government purchases of alternative energy and promote coal-to-liquid technology, shale mining, tar sand production. A lot of the oil that we get from Canada already comes from tar sand, but yet we can't get it right here in the United States of America. It's insanity.

Establish a renewable energy trust fund using the revenues generated by exploration in the OCS and ANWR. What Mr. HALL and Representative WAMP were both talking about is when these States share in the revenue, if they allow this drilling off of their coast, 25, 50, 100 miles out to sea, then the Federal Government also shares in royalties. That money could be spent on research and development for alternative fuels.

Permanently extend tax credits for alternative energy production: wind, solar, hydrogen, biomass. We talked about that earlier.

And eliminate, of course, barriers to the expansion of nuclear power production, which we also discussed.

And then the final chart, improve energy conservation and efficiency. There are a number of things on this chart. I could talk about them real quickly: provide tax incentives for businesses and families that purchase more fuel-efficient vehicles; provide a monetary prize for being the first to develop an economically feasible superfuel-efficient vehicle—JOHN MCCAIN is for that—provide tax incentives for businesses and homeowners who improve their energy efficiency.

So, in conclusion, Mr. Speaker, the opportunity, as I say to be here tonight, to talk about these issues, has been a privilege. It indeed has been a privilege, and I want to say to my colleagues, Mr. Speaker, that we Republicans care about the environment. We care about conservation. We want to reduce greenhouse gases for sure. Some of us believe that there's scientific evidence there that suggests that global warming is a real thing and it's caused by too much greenhouse gas production. But we can take care of that problem without breaking this country, if we do it in the right way.

Right now, first and foremost, it is time to lower the price of gasoline at the pump. We can do it by drilling here, drilling now, and saving money for the American people. We're sent here to represent them. We're not doing a very good job of it. No wonder our approval rating is 9 percent. That's shameful.

Let's stay here through the August recess. You know, if it's a week, if it's two weeks, whatever, let's get this job done for the American people.

AMERICAN ENERGY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. SCALISE) is recognized for 5 minutes.

Mr. SCALISE. Mr. Speaker, I'd like to address the House and urge my colleagues to allow a vote on the American Energy Act, a bill that was filed today by many of my colleagues, a bill that I think is very important to bringing real solutions to this national energy crisis that our country's facing.

And if you look at what's happening across the country now, you look at the fact that gasoline is over $4 a gallon; you look at the fact that people are starting to make decisions on whether or not they're even going to take a summer vacation; you look at the fact that this isn't only affecting people at the gasoline pump when they pay a price that's too high, a price that we should not have to afford for gasoline; but the fact that when you go to the grocery store now you're paying higher food costs because the trucking, the transportation of all of our food products are driving up the cost of food; the fact that when you go to a shopping center to buy clothes for children that are going to be going back to school, you're paying more money for those clothes; the fact that many small businesses are starting to have to lay off people or even make decisions on whether or not they're going to be able to make it because they can't pass on these cost increases, this is a crisis that's facing our entire country.

And what's really sad about it, Mr. Speaker, is that we have the ability to do something about it right here in our country. We have American solutions to this American crisis, and there is a long-term and a short-term solution to the problems we're dealing with. And that's why the American Energy Act that we filed today does not just deal with one side of the issue. It deals with all of the above. It deals with a very comprehensive approach to solving this problem that's addressing and facing our entire country.

And so what we're trying to do on the long-term solution is address the alternative fuels issue, to try to explore different methods of providing energy that it's going to take for people to do things that they do in their daily lives.

I was honored to go on the American energy tour, just got back Monday, where over the weekend Leader BOEHNER, as well as about 10 other Members of Congress went first to the National Renewable Energy Lab, and we went and looked at the future of the technologies that are being developed to try to create some alternative sources of energy. And there are some very good alternatives that we are trying to pursue, and in fact, in the American Energy Act that we filed, we support the continued development of these alternative sources of energy because that is our future.

But one of the other things we saw is that those technologies are not on the ground today for consumers to buy. They're not things that are going to help our consumers, the people across this country, improve their way of life and address the problem of this high cost of gasoline that they're paying.

We looked at things like wind, like solar, like hydropower, like electric cars. You drive an electric car right now—and we test drove an electric car. The capacity on an electric car right now, with all the best technology, you can drive 60 miles, and at the end of those 60 miles, you will run out of electricity in the car. It will take you 6 hours to recharge that battery. Now, I sure hope that we continue to pursue this technology so that someday people can drive 300 miles on that electric car and maybe can recharge it in 15 minutes. But we're just not there today, and we're not going to be there for a few more years according to the experts. So we need to also address, in a comprehensive strategy, the short-term problem.

The short-term problem that's truly leading us to the $4 a gallon price that we're dealing with, over $135 a barrel gasoline, is a supply and demand issue. And on the supply and demand issue, you've got a global increase. It's not just American increases in demand; it's a global increase in demand. And yet the supply is flat. And any economist, anybody that's studied Economics 101 can tell you, if you have got demand going this way and supply staying flat, you're going to have an increase in price.

And that's what our country is facing right now, and what we're trying to do with the American Energy Act is say let's deal with the short-term problem as well.

And Mr. Speaker, all we're asking for is a vote, a straight up-or-down vote here on this House floor, on what is the most important issue to our country's economy right now, the issue that's affecting most people in our country.

One of the things we did is we went to Alaska on the American energy tour, and we talked to the people in Alaska. You know, I talked to the Governor of Alaska, and I said what do the people of Alaska think about exploring, opening up some of these moratoriums that Congress has, and exploring our own American energy to make our country more independent of Middle Eastern oil so we don't have to rely and be concerned about what OPEC's going to do. We can solve our own problem with American ingenuity, with American natural resources. And what she told me is about 80 percent of the people in Alaska want to explore for oil right there in Alaska because they understand that this can be done in an environmentally safe way.

And I think that's one of the points that many of the opponents of exploring American sources of energy don't get, the fact that the technologies have advanced so much over the last few decades that in my State in Louisiana, we have extensive drilling. Our State

supplies about 30 percent of the Nation's supply of oil and gas, and we're proud to do it because we know we can do this in an environmentally safe way. And in fact, if you want to go fishing in south Louisiana, you go next to an oil rig because that's the best place to go fishing because the fish actually use that as a sanctuary.

We've got the ability to solve our problem here in this country. All we're asking for is a vote here on this House floor, Mr. Speaker.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it's an honor to be on the floor. As you know, the 30-Something Working Group has been quite consistent coming to the floor over the years, sharing with the American people and the Members of this House, sharing with them and shedding light on things that we should be working on or things that we have worked on and try to push hopefully for their passage throughout this Congress and to get the President to sign many of these great reforms that we're actually doing now.

Mr. Speaker, it has been quite interesting. I kind of got a false alarm that I needed to be on floor by 10 o'clock because the previous hour was going to end, but I'm kind of glad, Mr. Speaker, that that false alarm was wrong because I had a chance to do something usually I don't do, spend some time here prior to going on the floor. Our schedules are so tight, but I was actually running out to get here, and I'm sitting here and listening to the Members on the other side of the aisle, many of whom I would call colleagues and friends.

But the thing about our democracy is that we can disagree on many issues and we can speak to each other and have debate, and at the same time come together as colleagues towards common change on some issues that we can work together on.

But, as you know, many pages of the CONGRESSIONAL RECORD have my words and many words of Mr. ALTMIRE and others that are here in this House in the 30-Something Working Group. I always say that we focus on fact and not fiction, and I could not help but listen to the colleagues on the other side saying they want votes up or down on drilling or they want to conserve or we need to move towards a greener America.

And I lived through the 108th and the 109th Congress under Republican control. Conserve? Green? What's that? Efficiency? What are you talking about? I sit on the Ways and Means Committee, and we spend a lot of time trying to figure out how we could put forth tax credits to Americans who are looking to turn greener, have greener homes, and to be able to conserve and help us towards trying to push the scientists and industry, pushing them in the direction of alternative fuels so we can invest in the Midwest versus the Middle East.

□ 2230

I just couldn't help, Mr. ALTMIRE and Members, to listen to some of the Members that went over to ANWR this past weekend.

It's quite interesting, because I took a trip down with the Speaker and several other Members down to Louisiana to fulfill our commitment to the people of the gulf coast that this government will never leave them behind as they were left behind in many areas immediately after the storm, and that's well documented. That's not me talking, you can get on the Internet or you can just remember how folks were stranded there.

Now they are trying to bring their lives back together. I am very, very pleased and encouraged to report to the House, and I know that the Democratic leadership will share, but this was a congressional CODEL. It wasn't just a Democratic CODEL. We had Republican Members at the last minute drop out, some of whom are from Louisiana, whose districts we visited, their constituents, that we were concerned about what they haven't received yet and also looking at what has worked so that we can make sure that the taxpayers' dollars are being spent appropriately.

When we look at the whole issue of the gulf coast and the rebounding of the gulf coast, you can't help but understand the gas down there is like $3.97. I even found gas there at $3.89. It was interesting, because the refineries are there, and it's closer for the transportation costs that many of us have to pay in your district and down in my district down in south Florida.

But when we started talking about the solution, toward some of the issues that the Members from the other side were talking about, on the Republican side, I have the names, which I will not call, but 11 Members from the Republican side went on this ANWR trip, went to the Arctic National Wildlife Refuge. When they were in the majority, they didn't go.

When they had the opportunity to deal with some of these issues, they didn't deal with them. They were too busy, some of them, watching this chart climb to the top, watching these record-breaking profits on behalf of Big Oil.

I don't blame Big Oil, I just blame the old Republican majority for setting the stage and the administration for setting the stage for these record-breaking profits that these oil companies were making or are making. To try to turn this around and to hear now, talking about conserve and all, this has happened under their watch, this perfect storm that they had, both House and Senate and the White House.

I am not going to dwell on that, but I just wanted to bring that chart out one more time, because I think it's very, very important to what we're looking at. Then when I start looking at the Members that went on the trip, the ANWR, quote-unquote, we're going to come up with a solution to bring gas prices down.

On the DRILL Act, which encouraged use it or lose it, which was a Democratic initiative that we had votes on the floor, every last Member that went on that trip voted against that bill. That was about bringing gas prices down now. That was about let's deal with the Strategic Oil Reserve, bring them down now.

Use it or lose it, another piece of legislation, H.R. 6251, every last Member that went on that trip voted no for gas prices to come down, price gouging. Every Member with the exception of two folks that went on that congressional CODEL trip voted ''no.''

This is the real kicker, H.R. 6049, and the reason why I am calling these House Resolutions out is that I don't want any Member or anyone that can hear me or see me to think that it serves any great pleasure for me to be here on the floor spreading fiction and stretching and embellishing. I don't have to do that. Go to the CONGRESSIONAL RECORD.

H.R. 6049, Renewable Energy Act, every last Member that went on that trip voted no.

So when you start thinking about it and you start hearing what's being said here, that's the reason why I like that we have folks that get all this information, we go back and forth, we meet weekly, and we try to get all this stuff together.

We spend all this time, we come to the floor, I think that's the reason why the 30–Something Working Group has the credibility that we have and have built over the years, because we don't come to the floor for entertainment purposes. We come to the floor because this is serious business. There are people going through heartache and trying to figure out how they are going to get from point A to point B.

We don't have time to say, well, if we could only have a vote. Well, you know something, we're having these votes, and the folks on the other side of the aisle are saying if we could only have a vote, they're just not there.

Energy security, a number of them voted ''no.'' No OPEC price fixing, only five of those individuals out of 11 that went on the trip voted for no price fixing.

So when you look at how you can make this turn, and many of those votes have sent a signal to the White House on some of these votes that he knows that we can't override them, because a number of Republicans have voted on behalf of a philosophy that has allowed Big Oil to make these record-making profits.

So we are going to talk about many things, and I know that we are going to

go around to Members here tonight. But I am just so glad to be here tonight like I am when we do get together to be able to talk about these issues.

I yield to the gentleman from Pennsylvania.

Mr. ALTMIRE. I greatly appreciate the gentleman from Florida yielding his time, and I just want to say to start, I think that the gentleman is, unfortunately, kidding himself when he says that he is not an entertaining speaker. He says we're not here for entertaining purposes.

You're selling yourself short, I would say to the gentleman, Mr. Speaker, because he is somebody who can be a very entertaining speaker. So don't sell yourself short on that. We do have some fun here, but we do get to the facts.

The facts are that the price of gas has gone down a little bit over the recent week, week and a half, and we are going to talk about why that has happened. But it's hit an all-time high over the last several weeks. We as a Congress have taken action. We have brought legislation to the floor to address this issue and specifically dealing with drilling, we have brought legislation to the floor to encourage the big oil companies to drill on the 86 million acres of land, 91 million acres of land, that is already ready to go, approved by Congress. Sixty-eight million of those acres are already leased, permitted, ready to go, owned by the oil companies. There is no reason why they can't start the process of surveying, doing the geological work, getting down to the business of drilling here and drilling now. Like the slogan says, there is no reason why they can't do that.

The other 20 million acres plus are in an area of Alaska outside of ANWR. We're going to talk about ANWR, and this area is called the National Petroleum Reserve. That's the area we are talking about.

It's already been approved by Congress to drill in the National Petroleum Reserve in Alaska. There is more oil in the National Petroleum Reserve, in the reserves, than is in ANWR. That is a fact. It has been documented, and we are going to talk about that.

Now, the folks on the other side, who we listened to for the hour before us, we heard about how there is no oil in those 68 million acres, and those are dry wells. I think it's a pretty hard case to make that there is no oil in an area of Alaska that's called the Strategic Petroleum Reserve. That's the area that we are talking about. So why aren't the oil companies drilling there?

In some cases the oil companies own the leases, but in some cases the Department of the Interior has dragged their feet in getting those leases out and having the auctions and the lease sales to get the process started.

We brought legislation to the floor to say to the oil companies, you use it or you lose it. You have 68 million acres on which there is 4.8 million barrels of oil per day every day in our own land and in our own territory that we can bring out, 4.8 million barrels that would almost double domestic production.

Those lands are already leased, and if you as a big oil company don't start producing on that land, or at least do some due diligence, we understand it takes time, takes 10 years before the first drop of oil comes. At least start the process, do the surveying, do the geological work. If you can't prove that you are doing that, we are going to give it to somebody who will, because we are for domestic production.

My good friend from Georgia (Mr. GINGREY) was on right before us. I take him at his word when he talks about how Republicans are for conservation, and Republicans understand the issues around this very complicated problem with our energy crisis and the environmental situation that the gentleman referred to. I take him at his word when he says Republicans are for that.

I would hope that he takes me at my word and takes us at our word when I say that Democrats support domestic drilling. Democrats have brought legislation to the floor to encourage domestic drilling. The only way we can drill here, drill now, is if we allow the oil companies, encourage the oil companies, to drill on land that's already permitted, leased and ready to go.

I yield to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. I thank the gentleman from Pennsylvania. I can't let you continue. I think you're giving a little bit too much credit to our friends from the other side of the aisle.

I certainly take Mr. GINGREY at his word that Republicans are for conservation, but being for it is a little different than voting for it. Being for it is a little bit different than putting it into practice. Words are one thing and actions are another.

Listen, I am not going to endeavor to try to guess as to exactly why from all of the different reasons that our constituents may have sent us here were at the top of their mind, but I think one of them was that they had figured out for 12 years in this House while the Republicans controlled it and the President for 6 of those years was in the White House, that conservation was simply not a policy of this Congress, that they were following the lead of Vice President CHENEY who now somewhat infamously stated that conservation, in his mind, and we can guess in the administration's mind, is a personal virtue, not a policy.

So I don't think it's any coincidence that that seemed to be the ruling mantra of this House, that conservation wasn't something that the government should get involved in, it's just something you do in your private life. And during that time, that 12 years that the Republicans controlled the House of Representatives, we saw absolutely no action on conservation. In fact, it took the Democrats taking control of the House and the Senate to pass, for the first time in 30 years, a very simple increase in fuel efficiency standards for vehicles, up to 35 miles a gallon. You and I know that's low-hanging fruit. I think we're going to be embarrassed in just 5 or 10 years to think that we set our sights so low as 35 miles per gallon. I think we are going to get up to 45 and 50 miles per gallon on the average fuel efficiency of fleets in this country.

The fact is, I don't suggest that Republicans weren't personally for conservation, I am sure many of them practice it in their own homes. The fact was they weren't setting policy here to actually make that a reality. That fuel efficiency bill that we passed, first time in 30 years, when we passed it, when gas prices were a little bit lower than they are now, that was a $1,000 savings per year for every commuter, for every car owner.

It's probably now, unfortunately, up to $1,500 per year in savings, but that's real action on conservation. That's actually taking words and putting them into action.

Mr. ALTMIRE. The gentleman talks about the lack of action in the previous Congresses. For 6 years, prior to this current session of Congress, the Republicans controlled the Congress, they controlled the White House, and they controlled the agenda, most importantly, of what legislation was brought to the floor, and what issues were talked about, and what the legislative priorities were of the Congress, and what did they do on their pet issue that they talk about right now?

Their top issue, every time they have one of these hours, they come down here and they talk about drill here, drill now. There is nothing more important we can do than drilling and opening up ANWR and opening up the Outer Continental Shelf.

So when they controlled the Congress and the White House for 6 years and controlled the agenda and could have done anything that they wanted, what were they able to do on drilling? How important did they think that it was?

Well, you may have noticed, I say to the gentleman, that they didn't open up ANWR, and they didn't open up the Outer Continental Shelf. For the most part, they didn't even talk that much about it because they didn't see it as a political wedge issue that they can use in an election year when everything is going against them, except for, they feel, this issue.

□ 2245

When they had the opportunity to deal with this, they didn't act. So it falls on deaf ears to this Member of Congress to have them continually come down here and criticize this Congress for a lack of action. When they controlled the agenda, they didn't deal with it. And more importantly, when we control the agenda, we're constantly bringing legislation to the floor

encouraging the oil companies to use the land that's already permitted and ready to go.

Withholding shipments to the Strategic Petroleum Reserve, which has led to the decrease in gas prices that we've seen over the last week to 10 days, that was an action of this Congress that led to that decrease. And many Members on the other side opposed that.

Well, we're bringing legislation to the floor dealing with a variety of issues, dealing with gas prices and energy independence, and they continually vote against it. Yet they have the audacity to come before us for a full hour right before and lecture us on our lack of activity on this issue.

Mr. MURPHY of Connecticut. If the gentleman would just yield for a moment.

I think it's worthwhile also to talk about what was happening here during the time that the Republicans controlled the House of Representatives, during the time you and I, Mr. ALTMIRE, were watching with agony from afar.

During that time, they passed an energy bill in 2005 that was written by the oil companies in secret at the White House in DICK CHENEY's office. That, no so coincidentally, gave billions in tax breaks to the oil companies, leading today to the biggest profits—not in the history of the energy industry, not in the history of the oil industry, the biggest profits in the history of American capitalism are being made today by the oil industry. Guess what? The actions taken by this Congress to give away more tax breaks to that industry had something to do with that.

During that time, they continued to spend money out of control, racking up record deficits in this country, which has led to the devaluing of the dollar, which is a big part of the problem today. Maybe 25 percent of the increased cost of a barrel of oil in this country is attributable to the dollar, which has fallen in value, which is attributable to the actions of this Congress during that time. Over and over again they took steps here to basically invite the crisis that we have seen here today.

And so, Mr. ALTMIRE, I think you're right to say that they had a lot of time to do good things, but one of the biggest problems is during the time in which the Republicans were in control of this House they did a lot of bad things, which led us to the place we are today.

Mr. Meek.

Mr. MEEK of Florida. Mr. MURPHY and Mr. ALTMIRE, the real issue is that I know folks that have died on the battlefield so that we can celebrate the kind of freedoms that some folks just take for granted.

I'm fine. I don't have a problem with our colleagues coming to the floor and sharing the things that they've been sharing for a number of years. And I know sometimes Members, they come, and maybe the information may be inaccurate, and then they have to share the information all over again once they correct themselves, or staff or someone. I mean, human, people make mistakes. And that's the reason why we spend so much time here trying to make sure that we have what we have done. And there is a lot that we're doing and a lot more we can do and a lot more we want to do.

We don't have the White House. And when you don't have the White House, it's hard—and I'm talking about Democrat or Republican. If you have a White House that's saying, you know something, I disagree with eight of the 10 things that you're trying to do, even if the American people have said they want it. A number of bills the President—he didn't change his mind because he thought he needed to change his mind, it was just the uproar of the American people. I can go down the list, starting with one of the major battles in Social Security, privatization of Social Security. All kind of Federal jet fuel was burned flying throughout the country trying to make it so that the American people would endorse such a plan. And on and on and on.

And I see Mr. ALTMIRE is getting his chart out. But these are the things that we've done. And there are one or two things that are not on this chart. But we see the green here that says ''now law,'' ''now law,'' ''now law,'' ''now law.'' You have ''veto threat,'' ''veto threat,'' ''veto threat,'' ''veto threat.''

I didn't come to the floor to share with the Members where George W. Bush stands on these issues. I mean, his term is coming to an end and, come January, there will be a new President that will occupy the White House and that will work with this Congress.

I also believe that the American people, Members, are not fooled. I don't come to the floor to say, you know, hey, I told you so, or I told you this would happen, or I told you this is the way the American people feel. I don't feel that's my job or obligation to share that information.

I've also said in the past that if this was about politics, coming to the floor, then I would just be somewhere at the house maybe watching, you know, a DVD or reading a book or listening to music, or whatever the case may be, and just let the course of democracy play its role.

I try to share with many of my friends on the other side of the aisle that sometimes when you're following the leadership and they're headed in the wrong direction, somebody needs to tap them on the shoulder and say, you know something, there's a new direction, there's a new direction in Congress here. I know we have to show the differences politically of philosophy, but I may not be marching with you next year. And I can tell you right now, I'm talking to some of these candidates that are out there, and it is almost—I never thought that I would see the kind of support—and I'm just talking about support in the polling and everything of saying ''we want change. We want to move in a new direction. We want lower gas prices. We want to be able to see the kind of housing bill that passed this floor today that is going to help my situation.''

If someone is a Republican or a Democrat or an Independent, they didn't elect a Member of Congress or someone to come up here and represent them and say, I sent them up there to represent my partisan views. No, nine times out of 10, and even more than that, they sent us up here to make sure that we represent them and provide a better day for their children and grandchildren. So that's where I feel that this major political paradigm shift is taking place in this country, and it will continue.

So Mr. ALTMIRE and Mr. MURPHY, we should continue doing the good things that we are doing on behalf of this country as it relates to policy. We should continue moving in a bipartisan way, having more bipartisan votes on major pieces of legislation than the Congress has had in the previous Congress under Democratic control, bills that Republicans in this House can vote for because they are good bills that serve the entire country, not just a segment of the country.

So we have to continue moving down the road. We have to continue, as we move to close out this month and before we go on break next month to go back to our districts, to be able to finish the business at hand. And when we come back in September, be able to deal with that business, because there is going to be a lot said between now and then. We're almost within 100 days of the country being able to make the decision of who's going to be the Commander in Chief, who's going to be in the House, who's going to be in the Senate.

So when you start thinking about it, they're going to kick into autopilot, they're going to make the decisions, but I just want to make sure that—not that I'm trying to preserve and increase or maintain the levels that the Republican Caucus is at right now in the House, but I'm just saying what's bigger than politics is getting the job done on behalf of the folks that are counting on us to do it. So that's the reason why we come here.

Mr. Murphy.

Mr. MURPHY of Connecticut. Mr. MEEK, you said it right, it doesn't matter whether you're a Republican or Democrat, when you pull up to that pump you're paying a price that you can't afford. It doesn't matter whether you're a conservative or a liberal, if you can't afford to heat your home this winter, you're going to freeze. That has nothing to do with partisan politics.

I think we come down to this floor and we try to educate people on some of the differences between the two sides of the aisle here. But when it comes down to it, you're very right. I mean,

the people didn't send us here to have a Democratic idea or a Republican idea, they sent us here to try to find some common ground to make this world a better place. And I wish more of that happened here. I mean, I wish we didn't have a chart like the one that you just put up that showed so many vetoes and veto threats from the President. Because I think sometimes the folks in the White House don't understand that pain, that bipartisan, nonpartisan pain that's happening out there. I think some of our colleagues on the other side of the aisle don't maybe feel that as well. I think sometimes, as Mr. ALTMIRE said, it feels like the debate down here is more about scoring political points than it is actually getting things done.

And so, Mr. MEEK, I'm glad you put it that way because I think it's important for us to continue to remind our colleagues here on this floor, through the Speaker, that we can come together, that there are things that we agree on. And if we put politics aside, we can do the will of the American people.

Mr. ALTMIRE.

Mr. ALTMIRE. I appreciate the gentleman from Connecticut.

And the gentleman from Florida (Mr. MEEK) talked about the difference between the freedom that we all enjoy to say things on the floor and the responsibility that we have to quote facts, to use real numbers. And the people on the other side who come down here on occasion I would say are very good at the PR aspect of the job, at getting the message out and in trying to undermine the message that we put out.

We think about this drilling issue, we think about the Outer Continental Shelf, and we think about the Arctic National Wildlife Refuge, ANWR, and we say, well, the numbers that they're using on the other side may not be as accurate as they could be. They might be overstating the situation a little bit, both with regard to the time necessary to get that oil, but more importantly, the amount of oil that's there at all. And the pushback that we get from the other side is often, oh, those are Democratic talking points, and they don't know what they're talking about, and we're not going to listen to them because they're Democrats and they're just reading talking points. So I wanted to read a quote from someone, and then I'm going to put the source of the quote up.

This is from a hearing that was held yesterday here on Capitol Hill, because we're working every day to try to figure out what we can do on a daily basis to bring the price of gasoline down in the short term and the long term. And a hearing was held, and one of the witnesses said this: ''They mislead the public''—talking about the big oil companies and the proponents of opening up ANWR and new areas of the Outer Continental Shelf is who this gentleman is referring to.

''They mislead the public. And the public thinks, well, if we've got 86 billion barrels of oil sitting out there, why don't we just go drill it and produce it and lower the price of gasoline? We can lower it to $2 a gallon. That's the way it's been characterized, which I think is totally misleading. Experts are way off when they say there's 86 billion barrels of oil off the coast. That number is way overstated. They also talk about ANWR having 16 billion. I think the number there is a lot closer to 2 billion. That's all you can get out of there. I don't see any fuel that's going to replace gasoline and diesel except natural gas.''

Well, is that a Democratic talking point? That's basically what we've been saying for the last several months, but no, that was not a Democrat that said that, that was none other than an oilman, and certainly not someone historically who has been very complimentary of Democratic policies, Mr. T. Boone Pickens, somebody who understands the oil industry in this country. That's what he said. And I would ask my colleagues if they've seen the commercials that he's running on TV. And the slogan that he uses is, ''We can't drill our way out of this problem.'' And this is the quote that I read.

So we have validation from sources that understand the oil industry and understand that this is more than just a political hot button issue that we can use to score cheap political points. This is the biggest problem facing the country. And we have to come together as Republicans and Democrats and do everything we possibly can to work on short-term solutions and long-term solutions to solve this energy crisis.

And it's going to take all hands on deck. And the quicker that we move away from the cheap political points and trying to play one-upmanship on the rhetoric, the better chance we're going to have of solving this problem.

So I would yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Well, Mr. ALTMIRE, as we move into closing out tonight, I just want to yield to Mr. MURPHY. And if you have any other closing comments that you would have to make, I think it would be appropriate to make them at this time.

But I can tell you, Mr. ALTMIRE, that I am excited about what we are doing about the solution. You know, the American Housing Rescue and Foreclosure Prevention Act, H.R. 3221, is a part of that testimonial of service that this House has provided, and putting bills on the floor that Democrats and Republicans can vote for to respond to the foreclosure crisis that's out there now. Fannie Mae and Freddie Mac, that has been a part of helping so many Americans get the American dream, putting the kind of regulatory reform that's needed for those two entities to be able to provide the kind of service that the American people would look for them to provide, and allowing Americans to be able to get a piece of what we call ''the American Dream.''

And also being able to watch what's going on as it relates to our economy, investors, and others, to stabilize the market through this legislation, and so much work that has gone into it. And hopefully the Senate will be acting on it soon.

□ 2300

This is a piece of legislation that the President said that he can sign. These are solutions. That is what I tell my constituents when, nine times out of ten, we run into someone, and they start sharing their problems with you. I want to respond. And nine times out of 10 I respond, now let's have a discussion about how we can work toward a solution. Because we're not here to describe the problem. We're here to come up with solutions, and a solution that all of America can share in and that every Member of the House, every Member of the Senate and the President can feel good about signing because legislation like the legislation that passed here, is probably being noted as one of the major pieces of legislation of this Congress in both sessions, first and second session, that has passed off this House floor that is going to touch so many Americans. And that is the kind of leadership, that is the kind of new direction that we talked about.

Mr. MURPHY of Connecticut. Mr. MEEK, you're very right. And we could watch this housing crisis unfold, this energy crisis continue to squeeze families and we could sit here and do nothing. But as you said, we got sent here to do something, to sit down and figure out solutions. And I think it's incredibly relevant as to whom you ask about what the solution should be.

In the last few years when there was a problem with energy prices, this Congress went and asked the oil companies how you fix it. When they wanted to write a new bill to bring prescription drug coverage to seniors, they went and asked the drug industry how to solve the problem. When this housing crunch came down, when foreclosures started to increase, when neighborhoods started to fall apart, we went to our constituents. We went to the people who sent us here. We went to the very people who are being affected or at risk of being affected by this problem, and said, you tell us how we should solve this problem. And what we heard was, listen, give us a chance to stay in our home. I don't want a handout. I don't want a giveaway. I don't want a bailout. I want a chance to stay in my home. I want to pay my fair share. I want a chance to pay a decent rate. But give me a chance. So we passed the expanded FHA insurance program to allow people who were in exorbitant and unfair interest-rate mortgages to get back into something reasonable, at a loss and a haircut to them and to their lender. When people said, I want to buy my first home, but this is a really dangerous time to do it, I think we responded in this bill we

passed today by passing a $7,500 refundable tax credit to allow people a little bit more flexibility to get into that first home.

When people said, I need some help getting counseling to find out how I avoid foreclosure, we put money into counseling agencies to help people help themselves. When you go to the people who are really hurting, you get the right answers. And I'm just as proud as you are, Mr. MEEK, for voting for this piece of legislation this afternoon. It may be the most important housing legislative package that this House and this Congress has passed in the past several years. And I'm just as proud of where the genesis of the ideas came from.

Mr. MEEK of Florida. Very good. Very good. I think that your comments were very appropriate and definitely will give the kind of motivation for bills like it to come to the floor. And it's going to be about solutions, mayors, city council people, individuals back home, everyone along the line of elected officials likes to see bills like this because that is going to help give the backbone to their community that they need.

No one, no Members want to see signs of foreclosure, for sale, quick sales, all of these things. You have folks that are holding on to their mortgage. I have constituents who come to me and say, Kendrick, I bought my condo at $600,000, $500,000 or $300,000 and someone had to carry out a quick sale within our building, and my property value went down. And I have already lost. And I am holding the flag up, and I'm doing all the things I have to do. And I didn't get into an interest-only loan. I went into a conventional. But I'm suffering from that. So everyone, it is almost like folks are getting pulled down. This bill today is helping to shore up that housing market, even rental housing in urban and rural areas.

So with that, Mr. Speaker, it's always an honor to come to the floor to address the House. I want to thank the Democratic leadership for providing us with this hour once again. And we look forward to coming back in the future.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. HOYER) for today and the balance of the week on account of important district business.

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. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. WELLER of Illinois, for 5 minutes, today.

Mr. POE, for 5 minutes, July 30.

Mr. JONES of North Carolina, for 5 minutes, July 30.

Mr. FLAKE, for 5 minutes, today and July 24.

Ms. FOXX, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. SCALISE, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3295. An act to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes; to the Committee on the Judiciary.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on July 22, 2008 she presented to the President of the United States, for his approval, the following bills.

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.

H.R. 3985. To amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes.

H.R. 4289. To name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the ''Euripides Rubio Department of Veterans Affairs Outpatient Clinic''.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, July 24, 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:

7718. A letter from the Director Office of Energy Policy and New Uses, Department of Agriculture, transmitting the Department's final rule — Designation of Biobased Items for Federal Procurement (RIN: 0503–AA30) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7719. A letter from the Regulatory Review Group Director, Department of Agriculture, transmitting the Department's final rule — Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs (RIN: 0560–AF60) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7720. A letter from the Secretary of the Army, Department of Defense, transmitting notification that the Average Procurement Unit Cost (APUC) and Program Acquisition Unit Cost metrics for the Armed Reconnaissance Helicopter Program have exceeded the 25 percent critical cost growth threshold, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

7721. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Evan M. Chanik, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

7722. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Joseph F. Weber, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7723. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Brigadier General Harold W. Moulton II, United States Air Force, and his advancement to the grade of brigadier general on the retired list; to the Committee on Armed Services.

7724. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Brigadier General Gregory A. Feest, United States Air Force, and his advancement to the grade of major general on the retired list; to the Committee on Armed Services.

7725. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7726. A letter from the Inspector General, Department of Defense, transmitting the semiannual report of the Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

7727. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA–B–7788] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7728. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Medical Device Reporting; Baseline Reports [Docket No. FDA–2008–N–0310] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7729. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — In the

Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers [CG Docket No. 03–123 WC Docket No. 05–196] received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7730. A letter from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 1.80(b) of the Commission's Rules Adjustment of Forfeiture Maxima to Reflect Inflation [EB File No. EB–06–SE–132] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7731. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Harper, Texas) [MB Docket No. 07–211 RM–11400] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7732. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the matter of Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Dededo, Guam) [MB Docket No. 08–12 RM–11414] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7733. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 [CG Docket No. 02–278] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7734. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 11–08 informing of an intent to sign a Project Agreement between the United States and Israel, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

7735. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

7736. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–77 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Germany for defense articles and services; to the Committee on Foreign Affairs.

7737. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–34 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Singapore for defense articles and services; to the Committee on Foreign Affairs.

7738. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–37 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Morocco for defense articles and services; to the Committee on Foreign Affairs.

7739. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–43 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Finland for defense articles and services; to the Committee on Foreign Affairs.

7740. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–53 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Qatar for defense articles and services; to the Committee on Foreign Affairs.

7741. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–74 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services; to the Committee on Foreign Affairs.

7742. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–63 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services; to the Committee on Foreign Affairs.

7743. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the Understandings Reached at the April 2008 Australia Group (AG) Plenary Meeting; Additions to the List of States Parties to the Chemical Weapons Convention (CWC) [Docket No. 080528717–8722–01] (RIN: 0694–AE36) received July 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7744. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Republic of Korea (Transmittal No. RSAT–01–08); to the Committee on Foreign Affairs.

7745. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's Annual Policy Report for FY 2007 and Report on Cooperation with Private Insurers, in accordance with Section 240A of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

7746. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting the Department's Fiscal Year 2007 Inventory of Inherently Governmental and Commercial Activities, as required by OMB Circular A–76 and the Federal Activities Inventory Reform Act of 1998; to the Committee on Oversight and Government Reform.

7747. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998, the Department's FY 2007 inventory of commercial and inherently governmental activities; to the Committee on Oversight and Government Reform.

7748. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7749. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the New Orleans, Louisiana, Appropriated Fund Federal Wage System Wage Area (RIN: 3206-AL68) received July 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7750. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2008 through June 30, 2008 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 110–136); to the Committee on House Administration and ordered to be printed.

7751. A letter from the Director, Office of Congressional & Legis. Aff. — Indian Aff., Department of the Interior, transmitting the Department's final rule — Law and Order on Indian Reservations (RIN: 1076–AE67) received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7752. A letter from the Director Office of Protected Resources, NMFS, NOAA, Commerce, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the Explosive Removal of Ofshore Structures in the Gulf of Mexico [Docket No. 080302357–8703–01; I.D. 030905A] (RIN: 0648–AT79) received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7753. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 080103017–8598–03; I.D. 120304D] (RIN: 0648–AS01) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7754. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Catcher Vessels Participating in the Limited Access Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No. 071106671–8010–02] (RIN: 0648–XI37) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7755. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Trawl Catcher Processors in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673–8011–02] (RIN: 0648–XI69) received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7756. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on applications for delayed-notice search warrants and extensions during fiscal year 2007, pursuant to 18 U.S.C. 3103a(d); to the Committee on the Judiciary.

7757. A letter from the Chairman — Surface Transportation Board, Department of Transportation, transmitting the Department's

final rule — REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES-2008 UPDATE [STB Ex Parte No. 542 (Sub-No. 15)] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7758. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Escrow Accounts, Trusts, and Other Funds Used During Deferred Exchanges of Like-Kind Property [TD 9413] (RIN: 1545–BD19) received July 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7759. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008–65] received July 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7760. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Change to Office to which Notices of Nonjudicial Sale and Requests for Return of Wrongfully Levied Property must be sent. [TD 9410] (RIN: 1545–BF54) received July 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7761. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — REMIC Residual Interests — Accounting for REMIC Net Income (Including Any Excess Inclusions) (Foreign Holders) [TD 9415] (RIN: 1545–BB84) received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7762. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Grantor Retained Interest Trusts — Application of Sections 2036 and 2039 [TD 9414] (RIN: 1545–BE52) received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7763. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determining the Amount of Taxes Paid for Purposes of Section 901 [TD 9416] (RIN: 1545–BH74) received July 16, 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. WELCH: Committee on Rules. House Resolution 1367. Resolution providing for consideration of motions to suspend the rules (Rept. 110–768). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1368. Resolution relating to the House procedures contained in section 803 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. (Rept. 110–769). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BERMAN (for himself and Ms. ROS-LEHTINEN):

H.R. 6574. A bill to implement the United States-Russian Federation Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself and Mr. TOM DAVIS of Virginia):

H.R. 6575. A bill to require the Archivist of the United States to promulgate regulations to prevent the over-classification of information, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. WAXMAN (for himself and Mr. TOM DAVIS of Virginia):

H.R. 6576. A bill to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. OBERSTAR (for himself, Mr. LATOURETTE, Mr. CONYERS, Mr. EHLERS, Mr. HIGGINS, Mr. ENGLISH of Pennsylvania, Ms. SUTTON, Mr. SENSENBRENNER, Mr. RYAN of Ohio, Mrs. MILLER of Michigan, Ms. BALDWIN, Mr. CAMP of Michigan, Ms. KAPTUR, Mr. PETRI, Mrs. JONES of Ohio, Mr. EMANUEL, Mr. KAGEN, Mr. LIPINSKI, Mr. NADLER, Mr. VISCLOSKY, Ms. MOORE of Wisconsin, Mr. OBEY, Mr. LEVIN, Mr. ROGERS of Michigan, Mr. KIRK, Mr. DINGELL, and Mr. KILDEE):

H.R. 6577. A bill to express the consent and approval of Congress to an interstate compact regarding water resources in the Great Lakes-St. Lawrence River Basin; to the Committee on the Judiciary.

By Mr. LAMPSON (for himself and Mr. MARKEY):

H.R. 6578. A bill to provide for the sale of light grade petroleum from the Strategic Petroleum Reserve and its replacement with heavy grade petroleum; to the Committee on Energy and Commerce.

By Mr. HALL of Texas (for himself, Mr. YOUNG of Alaska, Mr. SAM JOHNSON of Texas, Mr. HUNTER, Mr. COBLE, Mr. CULBERSON, Mr. CARTER, Ms. GRANGER, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. GOHMERT, Mr. WESTMORELAND, Mr. BISHOP of Utah, Mr. GINGREY, Ms. FALLIN, Mr. SMITH of Nebraska, Mr. PRICE of Georgia, Mr. CONAWAY, Mr. MCCARTHY of California, Mr. DAVID DAVIS of Tennessee, Mr. ALEXANDER, Mr. ROHRABACHER, Mr. JONES of North Carolina, Mr. SALI, Mr. KING of Iowa, Mr. MCHENRY, Mr. KELLER, Mr. SHUSTER, Mr. MCCOTTER, Mr. SULLIVAN, Mr. KINGSTON, Mr. EVERETT, Ms. FOXX, Mr. HOEKSTRA, Mr. HENSARLING, Mr. LEWIS of California, Mr. JORDAN, Mrs. BACHMANN, Mr. MCKEON, Mr. GARY G. MILLER of California, Mr. BURTON of Indiana, and Mr. FORTUÑO):

H.R. 6579. A bill to require transfer of the 1002 Area of Alaska to the State of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. NUNES, Mr. COSTA, Mr. MCNERNEY, Mr. RADANOVICH, Mr. CARDOZA, Mr. MCCARTHY of California, and Mr. WILSON of Ohio):

H.R. 6580. A bill to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, Ways and Means, 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. MAHONEY of Florida (for himself, Mr. BOYD of Florida, Mr. PUTNAM, and Ms. WASSERMAN SCHULTZ):

H.R. 6581. A bill to appropriate funds for the provision of emergency financial assistance to producers and first handlers of fresh tomatoes for losses incurred as a result of the removal of fresh tomatoes and products containing fresh tomatoes from the market and other actions undertaken in response to a public health advisory regarding tomatoes issued by the Food and Drug Administration in June 2008; to the Committee on Agriculture.

By Ms. VELÁZQUEZ (for herself and Mr. PITTS):

H.R. 6582. A bill to encourage the development of small business cooperatives for healthcare options to improve coverage for employees (CHOICE) including through a small business CHOICE tax credit; 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 Ms. HERSETH SANDLIN (for herself, Mr. KILDEE, Mr. COLE of Oklahoma, Mr. GRIJALVA, and Mr. UDALL of New Mexico):

H.R. 6583. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Natural Resources, Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY:

H.R. 6584. A bill to designate the facility of the United States Postal Service located at 19300 South Molalla Avenue in Oregon City, Oregon, as the ''Alice Norris Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. HOOLEY:

H.R. 6585. A bill to designate the facility of the United States Postal Service located at 311 Southwest 2nd Street in Corvallis, Oregon, as the ''Helen Berg Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. HOOLEY:

H.R. 6586. A bill to designate the facility of the United States Postal Service located at 3624 Commercial Street Southeast in Salem,

Oregon, as the ''Sue Miller Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. LATHAM, Mr. BRALEY of Iowa, and Mr. KING of Iowa):

H.R. 6587. A bill to provide tax relief for the victims of severe storms, tornados, and flooding in the Midwest, and for other purposes; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California:

H.R. 6588. A bill to preclude searches of laptop computers and similar devices based on the power as sovereign to search at the border or upon entry to the United States; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California (for herself and Mr. DANIEL E. LUNGREN of California):

H.R. 6589. A bill to provide financial support for the operation of the law library of the Library of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 6590. A bill to amend the Immigration and Nationality Act to require the country of origin of a nonimmigrant religious worker to extend reciprocal immigration treatment to nationals of the United States; to the Committee on the Judiciary.

By Mr. PERLMUTTER:

H.R. 6591. A bill to amend the Consolidated Appropriations Act, 2008 to provide for the conveyance to the United States of certain non-Federal land to be used by the Secretary of Veterans Affairs for the construction of a veterans medical facility; to the Committee on Natural Resources.

By Mrs. WILSON of New Mexico (for herself and Mr. PEARCE):

H.R. 6592. A bill to authorize the conveyance of certain public land in the State of New Mexico owned or leased by the Department of Energy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and 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. BRADY of Pennsylvania (for himself and Mr. EHLERS):

H. Con. Res. 395. Concurrent resolution authorizing the printing of an additional number of copies of the 23rd edition of the pocket version of the United States Constitution; to the Committee on House Administration. considered and agreed to.

By Mr. KNOLLENBERG:

H. Res. 1366. A resolution recognizing Honor Flight Michigan, Inc., for its important work in recognizing World War II veterans and expressing condolences to the family and friends of David Cameron following his death; to the Committee on Veterans' Affairs.

By Ms. LEE (for herself, Mr. PAYNE, Ms. WOOLSEY, Mr. DAVIS of Illinois, Mr. CARNAHAN, Mr. MILLER of North Carolina, Mr. SIRES, and Ms. JACKSON-LEE of Texas):

H. Res. 1369. A resolution recognizing nongovernmental organizations working to bring just and lasting peace between Israelis and Palestinians; to the Committee on Foreign Affairs.

By Mr. BERMAN:

H. Res. 1370. A resolution calling on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens, to cease repression of Tibetan and Uighur citizens, and to end its support for the Governments of Sudan and Burma to ensure that the Beijing 2008 Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness; to the Committee on Foreign Affairs.

By Mrs. GILLIBRAND:

H. Res. 1371. A resolution congratulating the Saratoga Race Course as it celebrates its 140th season; to the Committee on Oversight and Government Reform.

By Mr. TERRY:

H. Res. 1372. A resolution celebrating the 100th anniversary of the University of Nebraska at Omaha and recognizing the partnership between the City of Omaha, its citizens, and the University to build a vibrant and dynamic community; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. CARNEY and Mr. ISRAEL.

H.R. 303: Mr. KINGSTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HIGGINS, and Mr. LEWIS of Georgia.

H.R. 332: Mr. MARCHANT.

H.R. 423: Mr. FRANK of Massachusetts and Mr. MCCOTTER.

H.R. 643: Mr. SARBANES.

H.R. 690: Mr. UDALL of Colorado, Mr. PERLMUTTER, Mr. HODES, and Mrs. BLACKBURN.

H.R. 699: Mr. ROGERS of Kentucky.

H.R. 770: Mr. FRANK of Massachusetts.

H.R. 996: Mr. SIRES, Mr. BRADY of Pennsylvania, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Ms. KILPATRICK, and Ms. SUTTON.

H.R. 1073: Mr. RUPPERSBERGER.

H.R. 1321: Mr. ROTHMAN.

H.R. 1338: Ms. RICHARDSON and Ms. TSONGAS.

H.R. 1359: Mr. SESSIONS.

H.R. 1532: Mr. RODRIGUEZ.

H.R. 1542: Mr. RYAN of Ohio, Mrs. LOWEY, Ms. BORDALLO, Ms. CASTOR, Mr. WALZ of Minnesota, Mr. BRADY of Pennsylvania, Mr. RODRIGUEZ, Mr. MEEKS of New York, and Ms. BERKLEY.

H.R. 1589: Mr. FEENEY, Mr. SHUSTER, and Mr. MCHUGH.

H.R. 1619: Mr. MORAN of Virginia, Mr. MEEKS of New York, Mr. MEEK of Florida, Ms. EDWARDS of Maryland, and Mr. KIND.

H.R. 1621: Mr. KIRK.

H.R. 1647: Mr. WAMP.

H.R. 1738: Mr. ROGERS of Michigan.

H.R. 1827: Mr. CONAWAY.

H.R. 1881: Ms. SUTTON and Mr. MURTHA.

H.R. 1921: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1927: Ms. BORDALLO, Mr. KINGSTON, Mr. HODES, and Mr. MCHUGH.

H.R. 2020: Mr. BURTON of Indiana and Mr. BAIRD.

H.R. 2075: Mr. FILNER.

H.R. 2192: Mr. BUYER.

H.R. 2208: Mr. MARCHANT, Mr. SMITH of Texas, Mrs. MILLER of Michigan, and Mr. LINDER.

H.R. 2244: Mr. TERRY.

H.R. 2266: Ms. CORRINE BROWN of Florida.

H.R. 2371: Mr. KAGEN.

H.R. 2392: Mr. BRADY of Pennsylvania.

H.R. 2580: Mr. WITTMAN of Virginia and Mr. SCALISE.

H.R. 2606: Mr. ELLISON.

H.R. 2682: Mr. KLINE of Minnesota.

H.R. 2712: Mr. TIM MURPHY of Pennsylvania.

H.R. 2713: Mr. MCHUGH.

H.R. 2802: Mrs. JONES of Ohio and Mr. LATHAM.

H.R. 2833: Mrs. NAPOLITANO.

H.R. 2880: Mr. COBLE.

H.R. 2923: Mr. SHAYS and Mr. CARDOZA.

H.R. 3035: Mr. FRANK of Massachusetts, Mr. BARTLETT of Maryland, Mr. PLATTS, Mr. MCCOTTER, and Mr. BOREN.

H.R. 3054: Mr. UDALL of Colorado and Mr. WITTMAN of Virginia.

H.R. 3089: Mr. KNOLLENBERG.

H.R. 3119: Mr. MICHAUD.

H.R. 3144: Mr. WALDEN of Oregon.

H.R. 3187: Mr. KAGEN.

H.R. 3257: Mr. ROSS.

H.R. 3334: Mr. HALL of Texas and Mr. MCNULTY.

H.R. 3457: Mrs. MUSGRAVE.

H.R. 3563: Mr. HONDA, Mr. BERMAN, and Mr. ISRAEL.

H.R. 3573: Mr. LOBIONDO.

H.R. 3737: Mr. FRANK of Massachusetts and Mr. FILNER.

H.R. 3846: Mr. SHAYS.

H.R. 4091: Mr. CUMMINGS.

H.R. 4255: Mr. BUYER.

H.R. 4450: Mr. KENNEDY.

H.R. 4544: Mr. KLEIN of Florida and Mr. CAPUANO.

H.R. 4990: Mr. ENGEL.

H.R. 5161: Mr. FORTUÑO.

H.R. 5176: Mr. MURPHY of Connecticut and Ms. ROYBAL-ALLARD.

H.R. 5266: Mr. JACKSON of Illinois.

H.R. 5268: Ms. DELAURO, Mr. BOSWELL, Mr. LIPINSKI, Ms. WATSON, Mr. FORTUÑO, Ms. KAPTUR, Mrs. LOWEY, Ms. GIFFORDS, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. PAYNE, Mr. LYNCH, Mr. WELCH of Vermont, Mr. KLEIN of Florida, Mr. JEFFERSON, Mr. HODES, Ms. MCCOLLUM of Minnesota, Ms. SHEA-PORTER, Mr. WALSH of New York, Mr. WALZ of Minnesota, Mr. MICHAUD, and Ms. VELÁZQUEZ.

H.R. 5546: Mr. BISHOP of Georgia and Mr. FATTAH.

H.R. 5549: Mr. ISRAEL.

H.R. 5607: Mr. DEFAZIO, Mr. DOGGETT, and Mr. HASTINGS of Florida.

H.R. 5652: Mr. CALVERT and Mr. MILLER of Florida.

H.R. 5694: Mr. WITTMAN of Virginia.

H.R. 5756: Mr. FILNER.

H.R. 5762: Mr. HOLT.

H.R. 5793: Mrs. CAPPS.

H.R. 5833: Mr. WATT.

H.R. 5854: Mr. GONZALEZ.

H.R. 5882: Ms. LORETTA SANCHEZ of California and Mr. DAVIS of Alabama.

H.R. 5892: Mr. MITCHELL, Mr. HODES, and Ms. ZOE Lofgren of California.

H.R. 5921: Ms. LORETTA SANCHEZ of California and Mr. DAVIS of Alabama.

H.R. 5925: Ms. SCHAKOWSKY.

H.R. 5946: Mr. BOUCHER.

H.R. 5954: Mr. HINCHEY.

H.R. 5998: Mr. GORDON.

H.R. 6039: Mr. DAVIS of Alabama.

H.R. 6045: Mr. DAVIS of Illinois, Mr. ISRAEL, Mr. DOYLE, Mr. REYES, and Mr. GORDON.

H.R. 6057: Mr. FILNER and Ms. WOOLSEY.

H.R. 6066: Mr. ELLISON.

H.R. 6114: Mr. MICHAUD.

H.R. 6122: Mr. STUPAK.

H.R. 6132: Mr. WALDEN of Oregon.

H.R. 6144: Mr. FORTUÑO.

H.R. 6145: Mr. ROSKAM, Mr. KING of New York, Mr. WALSH of New York, Mr. BRADY of Pennsylvania, and Mr. MCGOVERN.

H.R. 6151: Mr. FILNER.

H.R. 6210: Ms. GRANGER.

H.R. 6215: Ms. HERSETH SANDLIN.

H.R. 6217: Mr. MCINTYRE.

H.R. 6221: Mr. BUYER.

H.R. 6225: Mr. BUYER.

H.R. 6258: Mr. DAVIS of Alabama.

H.R. 6282: Mr. TURNER.

H.R. 6292: Mr. RENZI.

H.R. 6321: Mr. RANGEL.

H.R. 6371: Mr. ALTMIRE.

H.R. 6372: Mr. DONNELLY.
H.R. 6379: Mrs. MYRICK, Mr. FORTUÑO, and Mr. KUHL of New York.
H.R. 6381: Mr. OLVER.
H.R. 6399: Mr. CHILDERS.
H.R. 6407: Mr. GONZALEZ and Mr. WAXMAN.
H.R. 6410: Mrs. MCMORRIS RODGERS.
H.R. 6427: Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. CARNAHAN, Ms. DELAURO, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. PATRICK MURPHY of Pennsylvania, Ms. SUTTON, Mr. DOYLE, Mr. SARBANES, Mr. SCOTT of Virginia, Mrs. TAUSCHER, Mr. BISHOP of New York, and Mr. ALTMIRE.
H.R. 6428: Mr. CAZAYOUX.
H.R. 6434: Mr. SHAYS.
H.R. 6438: Mr. TOM DAVIS of Virginia, Mr. SHAYS, Mr. GONZALEZ, Mr. LOEBSACK, Mr. BUTTERFIELD, and Ms. SUTTON.
H.R. 6439: Ms. SUTTON and Mrs. NAPOLITANO.
H.R. 6444: Mrs. MCCARTHY of New York.
H.R. 6453: Mr. GOODE, Mr. HAYES and Mr. JONES of North Carolina.
H.R. 6460: Mr. LEVIN and Mr. VISCLOSKY.
H.R. 6478: Ms. ROS-LEHTINEN and Mr. BOOZMAN.
H.R. 6485: Ms. LEE, Mr. MICHAUD, Mr. KLEIN of Florida, Mr. BERMAN, and Mrs. NAPOLITANO.
H.R. 6491: Mr. PUTNAM.
H.R. 6506: Mr. DAVIS of Kentucky.
H.R. 6508: Mr. KENNEDY.
H.R. 6511: Ms. DEGETTE, Mrs. MUSGRAVE, Mr. PERLMUTTER, Mr. UDALL of Colorado, and Mr. SALAZAR.
H.R. 6520: Mr. MCGOVERN, Mr. BUTTERFIELD, Mr. JEFFERSON, and Ms. NORTON.
H.R. 6523: Mr. HILL.
H.R. 6532: Mr. CRAMER, Mr. DONNELLY, Mrs. EMERSON, Mr. RYAN of Ohio, Ms. SHEA-PORTER, and Mr. MCHUGH.
H.R. 6533: Mr. GRAVES, Mr. LUCAS, Mr. NEUGEBAUER, and Mrs. MUSGRAVE.
H.R. 6566: Mr. UPTON, Mr. Fortuño, Mr. FORBES, Mr. ALEXANDER, Mr. AKIN, Mr. CONAWAY, Mr. PITTS, Mr. MICA, Mr. KNOLLENBERG, Mr. REGULA, Mrs. MUSGRAVE, Mr. DENT, Mr. DANIEL E. LUNGREN of California, Mr. DOOLITTLE, Mr. GOODLATTE, Mr. KELLER, Mr. FEENEY, Mr. JORDAN, Mr. BARTLETT of Maryland, Mr. MACK, Mr. TIAHRT, Mr. GARY G. MILLER of California, Mrs. WILSON of New Mexico, and Mr. RENZI.
H.R. 6570: Mr. BOREN.
H.J. Res. 39: Mr. FEENEY.
H.J. Res. 96: Mr. COBLE.
H. Con. Res. 24: Mr. JOHNSON of Georgia.
H. Con. Res. 351: Ms. BALDWIN, Mr. LEWIS of Georgia, Mr. DAVIS of Alabama, Mr. MEEKS of New York, Mr. WU, Mr. DELAHUNT, Mr. TIERNEY, Ms. DEGETTE, Mr. WELCH of Vermont, Ms. HOOLEY, Mr. CARNAHAN, Mr. CRAMER, and Mr. MCNULTY.
H. Con. Res. 360: Mr. TOWNS, Mrs. CHRISTENSEN, and Ms. WATSON.
H. Con. Res. 362: Mr. SPRATT.
H. Con. Res. 378: Ms. HOOLEY, Mr. LAMBORN, and Mrs. MCMORRIS RODGERS.
H. Con. Res. 382: Ms. LINDA T. SÁNCHEZ of California.
H. Con. Res. 386: Mr. MILLER of Florida.
H. Res. 102: Mrs. MUSGRAVE.
H. Res. 645: Mr. ROGERS of Alabama, Mr. CAPUANO, Mr. EHLERS, and Mr. MILLER of Florida.
H. Res. 1019: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 1042: Mr. GRIJALVA.
H. Res. 1064: Mr. DUNCAN and Mr. WALBERG.
H. Res. 1069: Mr. MILLER of Florida.
H. Res. 1078: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 1081: Ms. KAPTUR.
H. Res. 1143: Mr. CARDOZA, Mr. WELCH of Vermont, and Mr. PITTS.
H. Res. 1200: Mr. JONES of North Carolina, Mr. MEEK of Florida, Mr. ROTHMAN, Mr. LEVIN, and Ms. GIFFORDS.
H. Res. 1286: Mr. BRADY of Pennsylvania.
H. Res. 1288: Mr. Childers, Mr. DOYLE, Mr. NEUGEBAUER, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. RICHARDSON, Mr. RENZI, Ms. SUTTON, Mr. NEAL of Massachusetts, Mr. GUTIERREZ, Mr. ORTIZ, Mr. Fortuño, Mrs. BOYDA of Kansas, Mr. HILL, Mr. YOUNG of Alaska, Mr. TOWNS, and Mrs. MALONEY of New York.
H. Res. 1303: Mr. KENNEDY and Ms. WOOLSEY.
H. Res. 1306: Mr. HOLDEN and Mrs. BACHMANN.
H. Res. 1314: Mr. KUCINICH and Mr. SMITH of New Jersey.
H. Res. 1316: Mr. WITTMAN of Virginia and Mr. POE.
H. Res. 1328: Mr. MCCOTTER, Mr. MCHUGH, and Mrs. EMERSON.
H. Res. 1330: Mr. ALTMIRE.
H. Res. 1332: Ms. HIRONO, Mr. GRIJALVA, Mr. MICHAUD, Ms. SUTTON, Mr. MCGOVERN, Mr. ARCURI, Ms. MATSUI, and Mr. SHULER.
H. Res. 1351: Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. FORTENBERRY, Mr. PITTS, Mr. WOLF, Mr. CAPUANO, Mr. FRANKS of Arizona, Mr. SIRES, Mr. POE, Mr. BERMAN, Mr. HOLT, Ms. GIFFORDS, Mr. DELAHUNT, Mr. FALEOMAVAEGA, and Mrs. MALONEY of New York.
H. Res. 1352: Mr. REYNOLDS, Mr. UDALL of Colorado, Mr. MICHAUD, and Mr. WOLF.
H. Res. 1355: Mr. COSTELLO and Mr. RUSH.
H. Res. 1361: Mr. ACKERMAN, Mr. WAXMAN, Mr. CHABOT, Mr. SCHIFF, Mr. ENGEL, Mr. WEXLER, Mr. ISRAEL, Mr. KLEIN of Florida, and Mr. POE.

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

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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our fathers and mothers, make our hearts temples for Your presence and reveal to us Your purposes for this day. Abide with the Members of our legislative branch, meeting their needs and directing their steps. Lord, allay the fever of fretfulness and lift them above corroding care. In these challenging times, keep their hearts untroubled and their minds focused on You. Prepare for them green pastures and still waters for the restoration of their strength. Lead them, great shepherd, in the paths of righteousness for Your Name's sake. May the urgency of the world's needs remind them that promises do not solve problems or alleviate suffering.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 23, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the motion to proceed to S. 3268, the energy speculation legislation. The time until 11 o'clock will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the next half. Then the time from 11 until 4 p.m. will be controlled in 30-minute alternating blocks of time, with Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes. At 11 a.m. today, in the Rotunda, there will be a congressional ceremony commemorating the 60th anniversary of the integration of the U.S. Armed Forces. There will be a classified briefing for Senators in S–407 from 4 until 5:30 p.m. today with National Security Advisor Stephen Hadley.

ORDER OF PROCEDURE

It is my understanding that there is an agreement—and if not, I ask unanimous consent that it be so—that time postcloture will continue to run during that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Tomorrow, July 24, there will be a 10th anniversary commemoration of the murder of U.S. Capitol Police Officers Chestnut and Gibson. As I indicated yesterday, there will be a moment of silence throughout the Capitol at 3:40 p.m. in remembrance of the fallen officers. That was the time they were killed. Senators are encouraged to be at their desks in the Senate Chamber for that moment of silence.

MEASURE PLACED ON THE CALENDAR—S. 3297

Mr. REID. Mr. President, S. 3297 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for a second time.

The assistant legislative clerk read as follows:

A bill (S. 3297) to advance America's priorities.

Mr. REID. I object to any further proceedings with regard to this legislation.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

HOUSING

Mr. REID. Mr. President, the House is going to vote, probably sometime shortly after lunchtime today, on the comprehensive housing legislation. I have spoken during the last month or so to Secretary Paulson several times. Each call he places to me—I don't call him, even though I feel comfortable in calling him—is because he is very concerned about what is going on with the American economy. He recognizes that there are deep problems, but one of the problems is housing.

People understand more every day that it is more than just the person losing their home that is a concern to us with foreclosures. There are 8,500 new foreclosure notices every day. It is more than just that person or that family in that home. It affects the neighborhood. It affects the government entity where the home is located

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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because their taxes are no longer coming in. And, of course, it also has a dramatic effect on the servicer of these loans and the ultimate lender of these loans. It is a situation where, if there is a homebuilding turndown or cessation of homebuilding, it has a tremendous impact because so many different items go into a home—carpeting, appliances, brickwork, landscaping. It has a tremendous pyramid effect. Secretary Paulson recognizes that.

The package that has been put together by Senator DODD and the distinguished Senator from Alabama, Mr. SHELBY, working with their counterparts in the House, is a piece of legislation imperfect in nature but a very good piece of legislation. The package basically keeps the Senate-passed bill intact but includes a variation of the proposal made by the administration to shore up Fannie Mae and Freddie Mac.

I am happy to report to everyone that the Bush administration has reversed its veto threat on this legislation. That is really good news for the American people. But we still see, even in today's press, there are some Republican Senators threatening to delay and possibly try to derail this legislation. I have had conversations with Senator MCCONNELL, and I don't think it can be derailed. They can slow it down a little bit. We are going to do everything we can—I am confident that is the case—Senator MCCONNELL and I, to get this done just as quickly as we can. I hope we can finish it today. That would be great, if it could go to the President today, because now that President Bush has joined our call to pass this crucial legislation into law, I would hope those few stragglers who have said in the press they will do what they can to slow this down would understand that if we have to invoke cloture, because it takes a couple days, it would mean another 17,000 foreclosures. I hope that is not necessary. The Senate doesn't need and our country cannot afford another filibuster on this matter.

ADVANCING AMERICA'S PRIORITIES

Mr. REID. Let me briefly say on the package of bills we have put together because of the obstruction of mainly one Senator, I was disappointed to read in this morning's press that a Republican Senator held most of these up, saying: I am going to do everything I can to stall this legislation, to prevent it from passing. He may be successful. If we don't get enough support from our Republican colleagues, that, in fact, will be the case. But I hope everyone understands that this has some extremely important measures in it.

This package we have put together has the Christopher and Dana Reeve paralysis legislation. It is so important. From the time we started moving forward on this legislation until today, they are both dead. One experienced the paralysis; the other experienced taking care of Superman, the man who was Superman and was injured in that very terrible accident where he was thrown from a horse.

We are trying to establish with this legislation a registry for people who have Lou Gehrig's disease. This is a terribly difficult disease. From the time one is diagnosed with it until you die is an average of 18 months. We will never, ever get ahold of this disease unless we pass what we are trying to do in this bundled legislation. We are simply trying to establish a registry so that for someone in Baltimore, MD, who has this disease—there are about 6,000 people who get this disease, and then they die—someone in Las Vegas, someone in Louisville, someone in Chicago, there is a registry where physicians can put it all together, start computerizing it so that scientists trying to get ahold of this disease can look at the histories of these patients from around the country. That is the beginning of every successful scientific conclusion to these diseases, so that something can be done to alleviate the pain and suffering and hopefully arrive at a cure.

Those are just two examples. There are many others. There are 40-odd bills. There is the Emmett Till bill which directs the Federal Government to do something about these unsolved murders. There is legislation in here dealing with child pornography.

I would hope people don't look at this as taking away Senators' rights. This doesn't take away Senators' rights. I saw in this morning's press one Senator said: Well, I don't like to start taking away Senators' rights. In fact, it is just the opposite. When 98 Senators think something should happen, why should 1 or 2 Senators prevent for months and months our moving forward? We had to do it once before, bundling a bunch of bills from the Energy Committee that had already passed the House. These bills have all passed the House of Representatives. They have all been reported out of the committees overwhelmingly. I would hope that when we get to this, it can end very quickly.

ENERGY

Mr. REID. We have, as Democrats, made it clear that we will consider responsible solutions or a solution to energy policy that would help alleviate the price of gas. We would hope we can do something that would deal with energy supply, do something to reduce demand and ultimately lower prices for American families.

Earlier this week, we offered a comprehensive proposal to address the energy crisis. As a first step, though, we have offered a proposal to stem excessive speculation of Wall Street traders who buy and sell oil futures with the click of a mouse. They have only been able to do that for 8 years, but now they are doing it in huge numbers. What they do is they bid the price higher and higher and leave the American people to pay the money they are putting into their pockets.

I am somewhat disconcerted. We have had on this Senate floor 47 of 49 Republican Senators come to the floor and talk about speculation being a real problem with America, and gas prices. As part of their package of doing something about the energy crisis, they had in that speculation. So we have a measure on the floor now, and they don't want it. They don't want to do that. It is very hard to comprehend that.

We know speculation is not the problem, but we do know it is a problem. We know there are experts who have said that speculation has raised the price of oil from 20 to 50 percent. So it seems that it is something we should address and address very strongly, and that is what our legislation does.

Now, I said this is not the entire solution. Of course, not. It is a problem but not the only problem. We Democrats believe there should be more domestic production, and we have said that day after day after day. We are willing, as Senator BINGAMAN has so directed in public forums and privately—we have legislation we believe will increase significantly domestic production.

Right now, oil companies hold leases to 68 million acres of land on which they could be drilling but are doing nothing. It was less than 2 years ago that we worked with our Republican colleagues to increase the ability of oil companies to move into the Gulf of Mexico, which they said was the best place they wanted to go. We were generous; 8.3 million acres are now available off the coast that were not before, but in the 2 years the oil companies have done nothing.

Again, you do not have to take just what I say. Time magazine yesterday said if you go through all the steps for offshore drilling, it will take 13 to 15 years. Once you decide you are going to go out and take a look at it, it would take 13 to 15 years before a drop of oil would come out under the best of circumstances.

So the American people obviously cannot wait 13 years for solutions to high energy prices. We have heard day after day, now week after week, the Republicans saying the panacea, the silver bullet, is to allow Governors to decide where drilling should take place off the Outer Continental Shelf. So we have said: Fine, if you want to vote on that, let's have a vote on that. We would have Senator BINGAMAN's proposal as a so-called side by side. We would vote on both of them. I do not understand why now we hear from the Republican whip that the Republicans want to offer 28 amendments. I have heard the statements. I have heard the statements: On other bills, we have offered more than one amendment. We have spent days debating this.

We are where we are. We are here. We are going to be out of session, hopefully, by a week from Friday. So we do

not have 3 weeks to do on this Energy bill, and we cannot do everything that needs to be done with energy. But it would seem to me if we did something about speculation and solve the domestic production problem, as the Republicans have said they want to do—let's vote on their issue and let's vote on ours—it seems to me that is a pretty fair way to go. But Republicans will not take yes for an answer.

The oil companies run full-page ads saying: Please let us drill off the Outer Continental Shelf more than what we do now. Please let us do that. They pay for these full-page ads. For the Republicans, that is part of their playbook. They go along with what the oil companies want. We are saying: Go ahead. We will have a vote on that. You said for weeks now that is what needs to be done. In fact, they had a term that said: Talk less, drill more. So let's have a vote on their proposal.

But as of a short time ago, we had no one agreeing to do that. If they choose to reject a vote on their drilling amendment, it will be left to the American people to clearly decide—and I think it would be pretty easy—as to who is serious about addressing the energy problems we have.

UNANIMOUS-CONSENT REQUEST—S. 3268

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be yielded back and the Senate adopt the motion to proceed to S. 3268; that once the bill is reported, the only amendments in order be one amendment for each leader, or designee, on the subject of drilling and that these amendments be subject to an affirmative 60-vote threshold; that if the amendments do not achieve that threshold, then they be withdrawn; that debate on each amendment be limited to 2 hours each, to be debated concurrently, equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate proceed to vote in relation to the majority amendment first in the sequence; that upon disposition of both amendments, the bill be read a third time, and the Senate then proceed to Calendar No. 864, H.R. 6377, the House companion; that all after the enacting clause be stricken and the text of S. 3268, as amended, if amended, be inserted in lieu thereof, the bill be advanced to third reading, and the Senate then vote on passage of H.R. 6377, as amended, without further intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, reserving the right to object, we all agree—I know the majority leader agrees with me—and we all understand the price of gas at the pump is the biggest issue in America. The only thing that has rivaled this in recent years was terrorism right after 9/11.

The American people overwhelmingly are in favor of seeing us get at the business of solving this problem. With all due respect to my friend from Nevada, to deal with the biggest issue in the country with a couple amendments is not consistent with the traditions of the Senate, not even consistent with the traditions of this current Senate led by my good friend from Nevada.

On last year's Energy bill, we had 15 days on the floor. We had 16 rollcall votes. Forty-nine total amendments were agreed to. At the time we were dealing with our Energy bill last year, the price of gas was $3.06 a gallon—about a dollar per gallon lower than it is now. Even though it was a serious problem, it is even more serious now.

Back in 2005, when my party was in the majority, we had an energy bill on the floor. We spent 10 days on it. Gas at that time was $2.26 a gallon. We had 19 rollcall votes. Fifty-seven amendments were ultimately agreed to.

The American people expect us to approach this issue seriously, to grapple with it. I think sort of dealing with it in a dismissive fashion or trying to deal only with a small portion of it does not pass the threshold of credibility.

So, Mr. President, I would object to that consent request, and I would offer a counter consent request that would be more consistent—I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MCCONNELL. That would be more consistent with the way we have operated on this hugely important issue, even in this Congress just a year go.

Mr. President, I ask unanimous consent that when the Senate proceeds to the bill, it be limited to energy-related amendments only; further, that the amendments be offered in an alternating fashion between the two sides; I further ask unanimous consent that the bill remain the pending business to the exclusion of all other business, other than privileged matters and other matters that the two leaders might agree upon.

Before the Chair rules, I would say to the other side that what this would do would be to allow us to have a debate on this issue consistent with the way we have dealt with this issue in the past, when it was not even the biggest issue in the country, as it is now, entirely consistent with the traditions of the Senate on matters of this magnitude.

I would say to my good friend from Nevada, what are we afraid of here? Why should we not be spending our time dealing with the most important issue in the country?

So, Mr. President, that is the consent request I proffer.

The ACTING PRESIDENT pro tempore. Is there objection?

The majority leader is recognized.

Mr. REID. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, for the American people here, let's check this out and understand the Republicans are not even now wanting to maintain the status quo. They want to go backward. They want yesterday forever. We are not back when we were debating other energy bills. We are debating today's energy crisis, and that energy crisis is pretty significant.

We have two issues before this body today that we should resolve. No. 1, all experts, with rare exceptions, say the runup in prices is caused by speculation—20 to 50 percent. The American people could stand a break at the pump. If we pass antispeculation legislation, let's say it is the lower number—we only lessen gas prices by 20 percent—that is pretty significant. Let's do simple math: $4—20 percent—that is 80 cents a gallon. It is then $3.20 a gallon rather than $4 a gallon. Pretty good. That is what we are being called upon to do here today. The Republicans do not want to do that.

In addition to that, get this picture: For weeks, the Republicans—weeks—the Republicans have been talking about they want to have Governors decide what should happen off their coasts. Let's have a vote on that. If they think that is the crucial thing to do rather than speculation—drilling is their deal—let's vote on their proposal, and anytime we will take that as a debate we would love. We will take theirs. We will have a counterproposal. We will debate those two issues. That is what we should do. But instead of that, the Republicans are running as they have done all year, dodging and feinting and saying: Well, not today. Later. Later. We are saying: It is time to do this now.

There is no question this energy thing is extremely important, and we should do something about it. We say: Let's do it. Let's get the domestic production thing done. Let's have a vote on that. We believe our proposal is extremely important, and it will certainly do a great deal to affect the price of oil, not the least of which in our proposal is telling President Bush to do something with the huge multimillion gallon reserve we have, the Strategic Petroleum Reserve, and start drawing some oil out of that. His dad did it, and it lowered prices some 10 or 15 percent. So we have speculation at 20 percent minimum. We will do that. We have another 10 percent. That is 30 percent. We are willing to do that debate. That is a pretty significant debate.

We have a lot of other things we have to do—maybe not as important as gas prices but pretty important. Housing we have to work in here sometime. We have to do something with old people, senior citizens, people who are infirm and disabled who benefit from LIHEAP. We want to do that legislation. That is important, and that is also energy related. But we are being prevented from doing that because the Republicans

want to live yesterday again. We want to look to the future. That is why we believe speculation is where we should be. We should also do something about domestic production.

Finally, there are other things. We are going to have a recess. The national conventions are coming. We have to come back in the fall and complete our work and that could take a significant period of time. But we also have to do something with renewable energy. That is one of the main things pending—renewable energy—and we have been prevented from doing that.

Why? Listen to this one. Because the Republicans do not want to pay for it. They want to continue, as we have done with the Iraq war, spending $5,000 every second in borrowed money. We have been told by the House of Representatives—and I have a letter with 218 signatures on it—saying: Send us the bill for renewables, and send it quickly, but you cannot have it not paid for. You have to pay for it. We have two pay-fors. We are going to tax the hedge fund companies, but they agree it should be done because they are manipulating the system by going offshore playing around with their taxes. Even the hedge fund operators say: That is right, we should not be able to do that. But the Republicans are holding that up.

In answer to the energy problems of this country, Sun, wind, geothermal, biomass, that is where the future of our country is, as indicated by a staunch lifetime Republican by the name of T. Boone Pickens. Eighty-one years old, and he has suddenly become bipartisan. I am happy about that. I have great admiration and respect for T. Boone Pickens. T. Boone Pickens has said: I have made my fortune in oil, and that is not where it is. His words were: I don't want to leave this Earth thinking all I was interested in was making money. I want to change this country. What he wants to do is have a few years—5, 6 years—where there would be a bridge using natural gas, and then it would all be done with renewable energy. That is T. Boone Pickens, and he is putting his personal fortune on the line to do that.

Al Gore has done a wonderful job presenting the problem. T. Boone Pickens has done a wonderful job of pointing out to the American people what the solution is. That is what we should be doing—not debating how many amendments will be offered. We want to do something on speculation. We want to do something on domestic production. That is a pretty good step forward for the American people.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

LOWERING THE COST OF ENERGY

Mr. MCCONNELL. Mr. President, I notice my good friend from Nevada did not mention T. Boone Pickens' views on whether speculation is a part of the problem. Republicans are perfectly happy to have a speculation component of the overall issue. But if we are in the business of quoting T. Boone Pickens, I had a chance to meet with him for an hour on Monday. He told me, without equivocation, he did not think speculation had anything to do with this particular runup. I do not know whether it does. I think most of my Members are in favor of transparency. We want to put more cops on the beat to make sure the markets are working properly. But if we are quoting Pickens, I am sure I will be safe in saying Pickens would not be voting for this bill that the majority leader thinks is the way we ought to go.

Right now in Lexington, KY, and Las Vegas, NV, and every other city and town across the country, Americans are hurting from high gas prices. Right now, there is a man watching his hard-earned paycheck go into his gas tank instead of his daughter's college fund. That man doesn't care about cloture motions or second-degree amendments; he wants Congress to do something. He wants us to act.

We have all heard the frustrations from constituents literally for months. They have made their feelings known. So we were surprised yesterday to learn about the intentions of our friends across the aisle when it comes to high gas prices. The majority leader told reporters that voting on more than one amendment per side—this is in some ways almost laughable—voting on more than one amendment per side on the No. 1 domestic issue facing our Nation is unreasonable.

Let me repeat that. Our friends on the other side are saying that having a real debate and considering good ideas from all sides is too much for the Senate to handle. They have apparently rejected the idea of finding a serious solution to high gas prices. Instead, they want us to take up a proposal that is designed to fail. They want us to try to fool our constituents into believing we are addressing this problem in a serious way, when everyone knows we are not.

It is no surprise that the Democratic leadership won't allow Americans' top priorities to be heard. It is the same reason they have been canceling hearings and markups all week. They don't want to choose between their Presidential nominee—whose position on bringing down gas prices is: No, we can't—and the demands of the guy at the gas pump who is watching his daughter's college fund shrink with every gallon he puts in the tank.

It is a sad commentary, given the propositions they made. Our friends across the aisle promised a year-and-a-half ago in their ''Six for 06'' pledge to lower gas prices and to free America from dependence on foreign oil, but things didn't turn out exactly as planned. The fact is, a gallon of gas is now $1.70 higher than it was when the new majority took over and promised to lower it. At a time when Americans are clamoring for them to make good on their pledge, they must muster the political will to do something about it. We should not be content to leave town after a couple of failed votes and a speculation proposal that no serious economist in America believes will have a significant impact by itself on the price of gas.

Let me reiterate. The Republicans believe we can strengthen the futures markets. Our bill would do just that—the Gas Price Reduction Act. If bad actors are out there, we would like to find them by putting more cops on the beat and by bringing greater transparency to the market, but we don't claim this provision alone will solve the problem. No serious person would claim that. The other side has made the astonishing claim that the speculation provision alone will lower the price of gas by 20 to 50 percent. Yet I have found no one—not the chairman of the Federal Reserve, not the 27-nation International Energy Agency, not even the most famous rich Democrat in America, Warren Buffett—to back up that claim.

Yesterday, our colleague, the junior Senator from Texas, asked here on the floor for any citation backing up such a claim. My good friend the majority leader came back to the floor to respond, but the only person he could name who had made this claim had been so thoroughly discredited here in the Senate that the Democratic chairman of the Senate's Permanent Subcommittee on Investigations issued a stinging 11-page rebuttal of his recent testimony. In testimony before the committee, the majority leader's source—a lawyer, not an economist—claimed that ''overnight,'' the speculation bill dealing with energy commodities would ''bring down the price of crude oil, I believe, by 25 percent.''

The committee's public response to this notion of an overnight reduction of 25 percent was blunt. Here is what the committee had to say:

> There is no credible evidence that simply amending the Commodities Exchange Act to regulate energy commodities as if they were agricultural commodities will lead to lower energy prices.

So in other words, the one source our friends across the aisle point to when they claim their bill will lower the cost of energy by 20 to 50 percent is the subject of an 11-page, bipartisan rebuke which says there is zero credible evidence to support his claim.

Mr. President, I commend to my colleagues the report from the Permanent Subcommittee on Investigations.

Let me say it again: We, as do our friends, support legislation that keeps bad actors from driving up gas prices. We have addressed this in our own bill, the gas price reduction bill, but serious people understand that if this activity

is occurring, it is a small portion of the overall problem.

This leads me to a broader point. The price of gas at the pump is a serious national problem that requires a serious legislative response. We cannot solve this problem with timid, halfhearted measures. We need to act boldly, and that means we need to consider good ideas from both sides, as we have typically done when dealing with the biggest issues in the country. Now is not the time to be timid or to play political games that are designed to benefit a single party. Our job, it seems to me, is to help the man or woman at the gas pump who is making hard choices in order to keep his gas tank full. That is why it is so irresponsible to shortchange this debate. Until we have acted boldly to cut gas prices and our reliance on Middle East oil, we will be ignoring the demands of the American people.

So it is time to be serious about this problem. No more unsupportable outlandish claims, no more relying on discredited testimony, no more canceling markups simply to avoid taking votes on a serious approach to lowering the price of gas at the pump.

We need to find more and we need to use less, and we need to start now. We need to consider good ideas from all sides, and we need to take seriously that energy is the No. 1 domestic issue facing our Nation. We simply can't go through a failed process, claim credit for trying, and then pack up and go home. Let's get serious. Let's open this debate to more than one good idea rather than bring it to a premature conclusion, and let's find a solution that incorporates increased domestic supply as well as conservation. We need to find more and use less, and the American people are simply demanding no less from us.

I see the Senator from New Hampshire is here.

Mr. GREGG. Mr. President, would the Republican leader yield for a question?

Mr. MCCONNELL. I am happy to yield to my friend from New Hampshire.

Mr. GREGG. As I understand the proposal from the Democratic leader, it would not allow an amendment, for example, on oil shale. As I understand it, the Democratic proposal suggests that we use the Strategic Petroleum Reserve. That would give us an estimated 3.5 days of oil. Were we to be able to extract oil shale, as I understand it, we would have the potential for 40,000 days of oil.

I guess my question to the Republican leader is if we are going to have a comprehensive energy policy, shouldn't we at least take up the issue of whether the restrictions which have been placed on the ability to use oil—which restrictions have been offered by the Democratic Party—shouldn't an amendment on that issue be allowed, as well as an amendment on drilling in the Outer Continental Shelf?

Mr. MCCONNELL. Mr. President, I say to my friend from New Hampshire, of course. That moratorium was installed by this new majority last year to shut down this promising new source that we have right here in our country, some have estimated as much oil as the entire reserves in Saudi Arabia times three.

Mr. GREGG. I appreciate the Republican leader's answer on that.

Mr. REID addressed the Chair.

Mr. MCCONNELL. I believe I have the floor, Mr. President.

Mr. REID. The Senator was not talking.

Mr. KYL. Mr. President, I also have a question for the minority leader.

Mr. MCCONNELL. I am happy to yield.

Mr. KYL. I am trying to understand basically the differences between the proposals that have been put forth by the majority leader and by the minority leader in terms of unanimous consent requests. As I understand it, they basically boil down to the following, and I wonder if the Senator could confirm this for me.

What the majority leader has said is there could be either one amendment—or possibly two, I am not clear—but that they would pit the two sides against each other; that is, a Democratic proposal and a Republican proposal.

What I believe the minority leader has suggested is that we engage in what Senators call the regular order, which is a process of debate and proposals for amendments which would try to build a bill with amendments that could actually be adopted by both sides—or by Members on either side, let me put it that way—rather than simply having two party positions, neither of which could win 60 votes, would fail, and therefore we would end up with nothing. What the minority leader is suggesting is a process by which both Democrats and Republicans could offer ideas—pieces of the puzzle, as it were—that could appeal to Members on both sides in such a way that a bill could eventually be built and passed to actually do something about this energy crisis and the high cost of oil; is that correct?

Mr. MCCONNELL. I think my friend from Arizona is correct. What I proposed to the majority leader and to the Senate—to which he objected, unfortunately—was that we proceed on this measure related to the subject that is most on the minds of the American people in a way entirely consistent with the way we have dealt with energy in the past when it wasn't the No. 1 issue in the country.

Last year when we were on an energy measure, the way we proceeded involved 15 days on the floor, it involved 16 rollcall votes and the adoption of 49 amendments. I say to my friend from Arizona, at that time gasoline was way too high, but it wasn't nearly as high as it is now. It was $3.06 a gallon; now it is about a dollar a gallon higher. That was in this Congress.

In 2005, when our party was in the majority, we passed an energy bill, and we spent 10 days on the floor. At that time gas was $2.26 a gallon. We had 19 rollcall votes, 57 amendments were adopted, and we passed the bill.

So if we were treating the subject of energy in a credible way consistent with Senate traditions in 2005 when it wasn't the No. 1 issue and in 2007 when it wasn't the No. 1 issue in the country, my thought is why in the world would we be trying to do something less than that—something that doesn't give all Senators, many of whom have good ideas to propose on both sides of the aisle, an opportunity to craft a proposal that gets at the No. 1 issue in the country. That is what my unanimous consent request would have allowed. I proffered it a while ago. It was objected to. It would have allowed us to have energy-related amendments only, I would say to my friend from Arizona, that we would rotate from side to side—a Republican amendment and then a Democratic amendment—and we wouldn't put a sort of arbitrary timeline on ending the discussion prematurely before we had dealt with the problem.

Mr. REID addressed the Chair.

Mr. MCCONNELL. Mr. President, I believe the Senator from New Hampshire——

The ACTING PRESIDENT pro tempore. The Republican leader has the floor under leadership time.

Mr. GREGG. I was wondering if the Republican leader would entertain another question.

Mr. MCCONNELL. I would be happy to yield to my friend from New Hampshire for a question.

Mr. GREGG. The Republican leader has made the point that we need to have a good piece of legislation, something that can be bipartisan in the area of drilling. Hopefully, we can also have an equally bipartisan effort in the area of oil shale.

Isn't it also likely we could probably have a bipartisan amendment on the issue of how we bring more nuclear power online, and shouldn't that be considered as part of any energy solution, because it addresses the environmental concerns which the Democratic leader spoke of so well relative to making sure we have clean energy? Shouldn't that also be part of any package such as this? Isn't it also totally reasonable that we could allow these types of amendments and do it in a fairly orderly way and in a quick way within this week, and certainly within next week, which is a small amount of time and certainly a reasonable amount of time, considering the fact that the American people continue to pay such extraordinary fees at the gas pump and expect us to act?

Mr. MCCONNELL. I say to my friend from New Hampshire that under the consent agreement I proffered, to which there was an objection lodged by the majority leader, such an amendment would have been entirely appropriate, and as he suggests, entirely

consistent with the subject that I know my good friend, the majority leader, cares deeply about.

He brought up in the Senate a climate change measure back in the first week of June—something he obviously felt was important. We spent a number of days on it. Many people feel nuclear power is one of the best solutions to the climate change issue, an entirely relevant subject to energy, and would have been permitted under the consent agreement that I offered earlier.

So I think the point is well made, that it is the kind of amendment you would normally expect in the Senate on the biggest issue in the country to be offering, debating, and voting on.

I see my friend from Texas.

Mrs. HUTCHISON. Would the distinguished minority leader yield for a question?

Mr. MCCONNELL. I am happy to yield for a question.

Mrs. HUTCHISON. I have been listening to the colloquy and the questions and the urging all of us have been making to have an open amendment process.

I wonder if the Republican leader, the Senator from Kentucky, is aware that we actually have a vehicle that would increase production, and the process could be done immediately, and that is through the appropriations bills that have been steadily marked up by the Appropriations Committee. But is the leader aware that the markup for Thursday was canceled?

It was canceled because the Interior appropriations bill, which has the moratorium against offshore drilling and shale production, is in that bill, and there was going to be an amendment offered by myself and Senators DOMENICI and BOND to take that moratorium off so that we could do something for the American people to bring the price down and start production and use our own resources. But that markup was canceled. I wanted to see if the leader was aware of that and what possible reasons could there be for not having the opportunity, again, to address this issue of production.

Mr. MCCONNELL. Mr. President, I might say to my friend from Texas that I was surprised to learn that not only was the meeting canceled, the rationale for canceling the meeting was announced by the chairman as being precisely what the Senator from Texas suggests, which was the avoidance of having to vote on the question of offshore drilling.

The last two surveys I looked at—one is a Fox survey and one a CNN survey—indicated that over 70 percent of the American people believe we ought to move in previously off-limits offshore areas to increase American production. I was surprised to see that the chairman of the committee doesn't want to allow a vote on that. It strikes me that there is a lot of dodging and weaving going on here to try to avoid voting on the things the American people are clearly asking us to do.

I thank the Senator from Texas for raising that issue. Does she have another question?

Mrs. HUTCHISON. Mr. President, I would just say that the Appropriations Committee and this Senate have had a tradition of bipartisan participation, and there is a great bipartisan bill for the Interior to be able to go forward, and we have the chance to address the issues of the congressional moratorium in a bipartisan way. There is no other bar to being able to let the States explore on the Outer Continental Shelf, and the States that have oil shale reserves, to be able to open those, and that bipartisan spirit has been in the Appropriations Committee.

So I just saw that we have this opportunity on the Senate floor right now to work all weekend, with amendments, deciding what the majority of the Senate wants to do. We have something that is an opportunity that I hope we will take, and that is to let the American people see the debate and let the American people decide if we have some proposals that would increase production, and would that in fact bring down the price of oil and gasoline at the pump right now.

Mr. MCCONNELL. The appropriations process has certainly been used in the past to achieve the opposite result. I believe the process was used last year to put a moratorium on going forward with the development of oil shale, much of which is found in Utah. I see our friend from Utah. So it is not at all inappropriate, it strikes me, for the appropriations process to consider the other side of the equation, which is to actually provide additional domestic production.

It is pretty clear what is going on here, I say to my friend from Texas. There is a great effort to avoid having the Senate go on record on the issues that are on the minds of the American people, that they believe—I think correctly—would take us in the direction of moving toward energy independence, which is something that clearly has not been accomplished.

Mr. President, this is an important debate which I and most of my Members think we ought to continue to be on for many days, and to try to achieve an accomplishment for the American people that would make a difference. I don't think we should be afraid of this issue. That is what the Senate is here to do—grapple with the big issues confronting the country. This is the biggest one. It is time that we dealt with it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, what the American people are now watching is what has been taking place for 18 months. The Republicans said they wanted a vote on drilling. We offered them a vote on drilling. They cannot take yes for an answer.

We have had statement after statement by people who say drilling is important. But remember what Senator MCCAIN said. The Republican nominee for President, JOHN MCCAIN, said drilling wouldn't make any difference; it is only psychological. Think about that. They have been talking for weeks about drilling.

We say: OK, let's have a vote on drilling.

They say: No, we don't want a vote on drilling, we want the open amendment process.

That is a buzzword for: Folks, we are not going to do anything.

If they want a vote on shale, I thought that would be part of their amendment. If they want a vote on shale, we will give them a vote on shale. They want a vote on nuclear. We could limit the time on those three amendments. We are happy to do that if they want a vote on drilling, shale, and nuclear.

Of course, Mr. President, everybody knows, as Senator MCCAIN has said, these are only psychological things. We know that shale would take at least 15 years, even if we started doing something about it yesterday. We know that, regarding nuclear, there hasn't been a new nuclear plant built in 40 to 50 years, and there likely would not be in the near future.

These are only ploys by the Republicans to avoid voting on what they said is the best thing. They go through all this stuff about the appropriations process. The appropriations bills are going nowhere because of George Bush, the President. Remember, last year, he had us where he wanted us. We had to do everything he wanted because, otherwise, we would have to deal with him in January after a CR. Well, we will not have to deal with this guy anymore; after January 20, he is gone.

To suggest that in some way I have said we are only going to have one amendment—I didn't say that. We made a unanimous consent request asking them to do what they said they wanted. They said they wanted drilling. OK, drill. Vote on that. We believe our domestic production is much better than theirs.

Now, let's talk about a few other things, Mr. President. These are the words of my Republican counterpart: ''Timid, half-hearted, bobbing and weaving.'' Talk about bobbing and weaving—we give them what they want and they say no.

Now, on speculation, we have done this before, and we will do it again.

Economist Mark Zandi said speculation is driving up oil prices.

Gary Ramm of the Petroleum Marketers Association of America blamed speculation for driving up oil prices. He did that less than a month ago.

The Acting Chairman of the Commodity Futures Trading Commission said the oil markets are ''ripe for those wanting to illegally manipulate the market.''

The former Director of the Commodity Futures Trading Commission's Trade Division, Michael Greenberger—

now a professor at the University of Maryland Law School—said speculation is one of the big problems with the energy problem. He also said the price has gone up 20 to 50 percent because of speculation.

The Japanese Government said speculation added $30 to $40 to the cost of each barrel of oil last year.

Consumer advocate, Mark Cooper, testified that speculation on energy has cost the American people $500 billion in the last 2 years.

Now, let's take one of the pals of the Republicans. ExxonMobil Senior Vice President Stephen Simon testified that ''the price of oil should be about $55 a barrel.'' It is speculation, Mr. President.

So the Republicans are where they have been for 18 months. They still have their nose out of joint because we are in the majority. It is a slim majority. They have done everything to slow down, stop, or disguise their stalling.

We have said we think we should do something about speculation. Now they say it is no big deal. We are willing to vote on what they think—and they have been saying it for a month—is the most important thing to do: drill off the Outer Continental Shelf. We are saying: Good, draw up your amendment and let's vote on it.

Now they say oil shale, and now—it is remarkable—they are back-talking about nuclear. If you want to talk about the only thing that uses more water than coal, it is nuclear. There isn't enough water in Nevada to have a nuclear powerplant. It is in the West. That is why they are usually on oceans or rivers because they need huge amounts of water.

Mr. DURBIN. Will the majority leader yield for a question?

Mr. REID. Yes.

Mr. DURBIN. So the record is clear, I ask the Senator, we want to consider the impact of speculation on energy prices and whether it is raising the cost of a barrel of oil and the cost of a gallon of gasoline—we believe it is—and we want to put in more regulators to watch this industry, add more transparency, more computer capacity, make sure there is more disclosure from markets around the world.

We want to limit the trades to commercial trades that really have value to businesses rather than just speculators, as the leader said, clicking a mouse and moving around millions of dollars. And we want to offer this as an amendment.

I ask the majority leader, did we say to the Republican side: You can offer your own version of the speculation amendment, and you can try to strike ours, if you wish. Offer yours. But we are giving you the opportunity to offer your amendment, in your terms, with your substantive suggestions, and we will vote on each one of them. Is that the offer on the table to the Republicans?

Mr. REID. Mr. President, I say to my friend, they are not seriously trying to solve the problem. They are stalling, as they have done for 18 months. My friend, the Republican leader, said—to answer the question of the senior Senator from Illinois, the assistant leader—that no serious person has suggested that speculation has anything to do with the price runup.

Talk about a serious person. Glenn Tilton is running a company that we have all heard of, United Airlines. United Airlines is trying to hang on without going bankrupt. Is this just some corporate executive who has an idea that the price of oil is too high? He is also a former president of Texaco and formerly the vice chairman of Chevron, so he has a little background.

He said speculation is a big problem. My friend, the Democratic whip, attended a meeting where he desperately told us we needed to do something about speculation. Does he remember that meeting?

Mr. DURBIN. Yes. I ask the majority leader, if we believe that speculation on energy prices is part of the problem, and we have a measure to try to address it, and we say to the Republicans ''offer your version of it,'' are we stopping them from the substance of the amendment that they offer? Are they able, under our proposal, our suggestion, to put whatever they want into their version of the amendment?

Mr. REID. We have been saying that for weeks. Certainly, since our bill has been on the Senate floor, it has been clear—and I have said it on the floor many times—if they don't like our speculation bill, come up with a better one.

Mr. DURBIN. We have also offered to the Republicans to put together their Energy bill, to include in their Energy bill what they think is important. Day after day, in press conference after press conference, they say drill, drill, drill—which they could include in their Energy bill. We have heard talk about oil shale. We have not objected to them putting a provision for that in their bill.

Senator GREGG said, ''Let's bring in nuclear power.'' If we said to them, write your own bill, bring it to the floor, and we will debate it and have a vote, with the same number of votes on both sides, and let's see who prevails, have we restricted the Republicans in anything that they include in their Energy bill in the proposal we have given to them?

Mr. REID. I say to my friend that we have not stopped them from doing anything. We have oil shale as part of our proposal. Senator BINGAMAN put that in as part of his bill. So I relish the debate of our proposal and theirs. I suggested 2 hours. If they want more time, that would be fine. But they want to live yesterday. They want to live yesterday forever. The status quo isn't even good enough for them now.

Mr. DURBIN. The last question I ask the leader is——

Mr. REID. Mr. President, I ask unanimous consent that the Democratic whip—the Republican leader took a lot of time, and I have no problem with that. So I ask unanimous consent that the Democratic whip be allowed to finish his question.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. This will be my last question. I wanted to do a calculation. When we talked to the Republicans 2 days ago, they suggested that at that time they had 28 amendments they wanted to offer. We are hoping to wrap up this session without stopping for the weekend by going 10 straight days.

I heard from the Republican leader that in a previous debate over the span of 15 days of debate on the floor of the Senate, there were 19 rollcall votes. If I do the simple math here of 28 separate Republican amendments to start with 2 days ago, there is no way in 10 days we could finish this debate on the Energy bill before the August recess.

I ask the majority leader, does the math work in terms of opening this to as many amendments as people can dream up and actually finishing within 10 days?

Mr. REID. Mr. President, I say to my friend, that is what they want, and in the process housing is gone, it is a casualty; the Lou Gehrig registry is gone; the Reeve paralysis bill is gone; we don't do anything about LIHEAP to help the disabled and old people who are going to freeze this winter, and we don't do anything about renewables. But this would be in keeping with the 83 filibusters that have taken so much time, 83 Republican-led filibusters.

They are not serious about this. We have tried. We have told them: Here is what we will do. They cannot take yes for an answer.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

STOP EXCESSIVE ENERGY SPECULATION ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3268, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the bill (S. 3268) to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 4 p.m. will be equally divided, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes and alternating in that fashion thereafter.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I sat and listened to this exchange, and it is

amazing to me after 32 years in the Senate that they want to bring up a bill and allow their bill and one substitute amendment that they know will fail, where there are components of that substitute amendment that they know will pass and will help us to find some oil and alleviate some of the pressures we have in this country.

I wish to address the legislation under consideration in the Senate today, the speculator bill.

Here we are, the Congress of the greatest Nation in the world, facing a national energy crisis, a crisis that affects every single American, the American economy, and America's place in the world, and this is the best we can do, this speculator bill? This is our answer, another proposal that will not produce one drop of oil or hardly any energy? It will not produce any energy. Frankly, I am embarrassed for this body and for the people we represent.

At some point, I wonder when the leaders of the Democratic Party will wake up and realize that blaming and taxing the energy industry does not equate to an energy policy. It is an anti-energy policy. Finding someone to blame is no substitute for finding more oil. And the answer to getting America to use less oil is not always more taxes and more mandates.

We are a country of addicts in that sense. The seeds of our addiction to foreign oil have been sown here by an anti-oil Congress. If Members of Congress are hunting for some of the blame, they are in luck because the blame begins and ends right here under the Capitol dome.

It is very clear that the most extreme environmental groups have an anti-oil agenda, and it is just as clear that the Democrats have adopted that agenda as their energy platform. It is a recipe for disaster, and America is reaping the whirlwind as a result.

Some are arguing for more solar, wind, and geothermal as an answer to high gas prices. I sponsored the current tax incentives for renewable electricity, and I hope my actions speak to my support for renewables. That is law now in the 2005 act. I know enough about energy to recognize trains, planes, automobiles, and ships do not run on electricity. They run on oil right now.

This first chart is solar, wind, and geothermal. They are not transportation fuels. Biofuels is still only 3 percent of transportation fuels, and yet that is the only other major alternative to oil at the present time. We rely on oil for 97 percent of our transportation needs, and the other 3 percent is made up mostly of biofuels, especially corn ethanol. I have strongly opposed the current ethanol mandate, but I have long supported free-market incentives for ethanol. In fact, I sponsored the CLEAR Act, as I mentioned, which is the current law giving tax incentives for E85 fuel and E85 infrastructure. We need as much ethanol as we can make, and I am all for it. But I also recognize that ethanol has so many inherent limitations that it will not be able to break us free from our dependence on foreign oil.

The fact is that we will have to tap into our Nation's gigantic resources of oil shale or we will remain addicted to foreign energy traffickers for the long haul. They are afraid to have a separate amendment up on oil shale because we should win that amendment. Anybody with brains would vote for it. There are 3 trillion barrels of oil in Colorado, Wyoming, and Utah, in oil shale, about 2 trillion of which is estimated recoverable—more oil than all the rest of the world combined. If we don't tap into those resources, we are going to remain addicted to foreign energy traffickers for the long haul.

When the Republicans controlled Congress in 2005, we passed a very bipartisan energy bill which promoted each of these very necessary unconventional oil resources, along with alternatives, renewables, and conservation. When the Democrats took over Congress, they immediately began dismantling every effort to develop oil from oil shale, oil sands, and coal-to-liquids even though they knew full well that we have more oil in those resources than all the rest of the world combined.

Chart 2 says world oil reserves are 1.6 trillion barrels. Recoverable U.S. oil shale is between 1 and 2 trillion barrels of oil.

In most cases, an addiction brings about financial ruin. Democrats in Congress have made a lot of noise about the tens of billions of dollars we spend each year on the war on terror, but apparently it does not bother them as much that our citizens send more than $700 billion every year to foreign governments to feed our addiction, some of which are not even friends; in fact, some of which are enemies. Congress's lamebrained anti-oil actions have put our people at the mercy of foreign governments that are smart enough to produce their own energy—something we could do if they would open this bill to amendment. We are selling away our Nation's place in the world and funding the rise of our most aggressive competitors and even our enemies.

Of the major world oil shale resources, we hold 72 percent of the total. We can see Israel, Estonia, China, Australia, Morocco, Jordan, Brazil, United States, and the total world. Did you know, Mr. President, that China and Brazil have been smart enough to produce their own oil from oil shale for decades—China and Brazil—and that Estonia has produced oil from oil shale for over 90 years? We act as if we cannot do it. My gosh, of course, we can do it. Did you know the United States controls more than 70 percent of the world's known oil shale resources? Yet we are stopping its development because of their anti-oil agenda over there, and that is what is involved here, trying to cover it up with a so-called speculators bill that all of us will be glad to have in a final bill, but that does not produce one drop of oil to help our problems.

Is it because our industry cannot compete or is it unwilling to invest in oil shale production? They most definitely are willing, but the sad fact is that our own Government owns most of the oil shale in the United States and our own Government has said no because of these people over here.

The biggest argument I keep hearing against oil shale development is we cannot allow the Government to even establish rules for oil shale development because we just plain don't know enough about it yet. Think of Estonia: For 90 years, they have been producing oil from oil shale. Think of Brazil: For decades, they have been producing oil from oil shale. You think the greatest Nation in the world can't do it? We don't know how much water it will use; we don't know how much wildlife habitat it will use, they say; we don't know about the greenhouse gas footprint. Guess what. The Department of Energy has been studying oil shale for decades, and we have a pretty good idea about each of those questions.

Why do the Democrats say no to oil shale production? I hear some say they are concerned about water use. Let's take a look at water use compared to ethanol.

Mr. President, did you know oil shale uses less water than ethanol, no more than gasoline? Right now, corn does not rely on irrigation, for the most part. However, if we hope to increase ethanol's share of the fuel supply, we will have to move into drier areas that require irrigation.

Look at the water use. Ethanol takes 4 to 5 barrels of water and 1,000 barrels of water on irrigated lands. Oil shale, for the entire process—processing, upgrading, and land restoration—three barrels of water. A September 2007 article in Southwest Hydrology states that irrigated corn requires well over 700 barrels of water for each barrel of ethanol. A barrel of ethanol has about 30 percent less energy than a barrel of oil. In other words, to make just 1 oil-equivalent barrel of ethanol, it would take over 1,000 barrels of water. The Department of Energy reports that oil shale, for the entire process, including land restoration, would require just three barrels of water for every barrel of shale oil, about the same as gasoline.

Let's compare how much water it would take to make enough ethanol to produce 20 percent of our fuel with the amount of water it would take to produce the same amount of oil shale. Look at what it would take. Look at the red, ethanol. We can hardly see the red of the water required for oil shale. We would need about 64 cubic miles of water to produce that much ethanol and only .17 cubic miles of water to produce the same amount of oil shale.

It is time we stop confusing oil shale with Canadian oil sands. They require

completely different processes. Canadian oil sand production uses a lot of water and a lot of steam to produce oil from oil sands. With oil shale, you apply heat directly to the rock. The last thing you want in your process is water. They are very different, so let's stop pretending they are the same thing. And let's remember Estonia and Brazil. Isn't this country as good as them?

The other red herring often raised against oil shale is concern about land use and wildlife habitat. Mr. President, did you know that oil shale uses much less land than either ethanol or gasoline? One acre of corn produces 7 to 10 barrels of ethanol. One acre in the oil patch produces about 10,000 barrels of oil. One acre of oil shale produces between 100,000 and 1 million-plus barrels of shale oil. That is right, on average, 1 acre of oil shale will produce around 500,000 barrels of oil.

So those who are truly concerned about land use and wildlife habitat, let's look at how much land it would take to make enough ethanol for 20 percent of our fuel supply compared to the same amount of oil shale.

With regard to that green spot in the middle of this chart, it would take those five States to produce 20 percent of our energy needs from ethanol. Think about that. Producing 20 percent of our oil from oil shale would take the equivalent of the smallest county in Kansas being in production at one time, and as each oil shale acreage is used, it would be restored to nature, according to the very strict mining and gas laws already on the books. It is environmentally sound as well.

We are learning that land use is very important, and not just in terms of wildlife habitat and watershed protections. Scientists have determined that disturbing land for activities such as cultivating corn and switchgrass, or any other crop, releases a giant amount of CO_2 into the atmosphere.

Look at this chart. Oil shale without carbon capture, 7 percent more than gasoline, but switchgrass for ethanol, including land use, is 50 percent more than gasoline. Greenhouse gas emissions for corn ethanol, including land use, is 93 percent more than gasoline. Oil shale is much more environmentally sound from the get-go.

Even taking into account that burning ethanol is an improvement over gasoline, the researchers discovered that when land disturbance is calculated, corn ethanol emits 93 percent more greenhouse gases than gasoline. Thank goodness for switchgrass, our new hope for the future of biofuels. The problem is that the same study calculates that switchgrass, even when grown on existing corn land, produces 60 percent more carbon emissions than gasoline. The Department of Energy calculates that oil shale production emits only 7 percent more greenhouse gases than gasoline, and that is without any carbon capture technology, which many in the industry plan to use.

Whether your concern is carbon emissions, water use, or wildlife habitat, oil shale is a better answer than ethanol. And when it comes to transportation fuels, ethanol is the only alternative of any real significance today. The fact is that I am for it, but let's not get confused on which one is more efficient and better. I am certainly not here to bash ethanol. I still believe we should produce as much as possible, but ethanol is the only current significant alternative to transportation fuels available today. It is important that we start dealing in realities around here and not just political puffery, is what we are hearing from the other side.

To be honest, when it comes to energy policy, it is like never-never land on Capitol Hill. On the one hand, we pass a giant mandate on top of giant incentives to produce ethanol, with all its limitations. On the other hand, we ban oil shale production which would give our people access to almost unlimited amounts of cheap energy. The oil shale industry is not asking for any mandates, environmental loopholes, or subsidies. They simply ask to have access to the Federal Government's vast oil shale resources.

I have no problem with debating the impact of speculation on oil prices. It is something we ought to be discussing. I have no problem with that. But it is not going to produce one drop of oil. It is no substitute for providing our people with the transportation fuels they need, and we will never accomplish that goal until we find more and use less.

Our goal as Republicans is to amend this bill so we can find more oil and use less of it so that we can solve our problems as we go into the future, where we get into not only hybrids but plug-in hybrids, electric motors, fuel-cell motors, hydrogen cars and, of course, nuclear, wind, solar, thermal, and geothermal. We have to do all of that. But until we can really move down that line, we have to have oil to run our transportation needs.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, will you let me know when I have consumed 9 minutes, please?

The PRESIDING OFFICER. The Chair will notify the Senator from Tennessee.

Mr. ALEXANDER. Thank you very much.

Mr. President, I listened to the Democratic leader discuss the legislative calendar. With respect, I believe the Democratic leadership in the Senate is approaching the crisis of $4 gasoline with all the urgency of naming a post office. It seems their idea is to talk until there is one amendment over there and one amendment over here, both of which may fail, and then go on to the next thing.

I have just come back from 4 days in Tennessee. I believe that if I walked down the street in Nashville or Maryville or Knoxville or wherever and talked to 100 people and said: What do you think we ought to be doing in the Senate? I would get the same answer. It would be this: We would like for you to go do something serious about $4 gasoline prices and we would like you to work across party lines to get it done.

We are ready to do that, we on the Republican side, and I think many Democrats are as well. Yet what the Democratic leadership did was bring up a bill on Friday that addresses oil speculation and put us in a procedural situation where all we can do is talk and talk and talk. We could have started last Friday with amendments on finding more oil and using less oil. We have 25 or 30 on this side. I will bet there are that many on the other side—I will bet there are more than that. We could be on our fifth day of debating and voting on a substantial piece of legislation to increase the supply of American energy and reduce our use of oil, which is the way to lower gasoline prices. That is what we should do today. If we do not do it today, we should do it tomorrow. We should not stop until we get it done. That is why we are here. That is what the American people expect of us.

The majority leader has brought up a bill about speculation. There is nothing wrong with that. It is his right to do that. We recognize that, because in the Republican bill we offered, we suggested we would find more oil by drilling offshore and giving States the option to do that on their shores, and by lifting the moratorium from oil shale final regulations—that would increase American production of oil by a third. That is substantial. We are the third largest producer of oil in the world. That may help affect prices. On the other side, we want to use less oil, and we would do that by making plug-in cars and trucks commonplace, cars and trucks powered by electricity, which would reduce our use of oil. If we did those three things on the find more and use less side, we could cut our use of imported oil in half over time, which would stop sending about $250 or $300 billion a year overseas to other countries, some of which are paying terrorists who are trying to kill us.

But oil speculation has its limits. Oil speculation is a part of our bill. We believe we should put 100 cops on the block. We need more cops on the block who are commodities regulators. We need to find out more about these new financial instruments and the effect they might be having on the price of oil. But you cannot deal with oil speculation unless you deal with supply and demand.

The Interagency Task Force on Commodity Markets has been studying this question for 5 years. They said today—I heard it on National Public Radio because I drove in early—their interim report on crude oil studied fundamental supply and demand factors and

the roles of various market participants, and it found that ''the fundamental supply and demand factors provide the best explanation for the recent crude oil price increases.'' That is what the Government says.

Here is what a private sector individual, who has been pretty successful, says—Warren Buffett: ''It is not speculation, it is supply and demand.''

We can deal with oil speculation. We have proposed doing that in the Gas Price Reduction Act. But saying that by passing a bill on oil speculation we deal with $4 gas would be like saying we are passing a bill on thirst without dealing with water. We have to move on to supply and demand. That is why we say we should be finding more and using less.

In Tennessee yesterday, Nissan announced that it was entering into an agreement with the State of Tennessee and the Tennessee Valley Authority to make our State hospitable for a pure electric car that Nissan intends to have on the market for fleets by 2010 and for individuals by 2012. According in Nissan's plans, the car will go 100 miles without having to be recharged. Carlos Ghosn, the president of Nissan and Renault, wants a zero emissions or an emissions-free car on the market. He wants counties and mayors who want that to be able to have it in their fleets.

That is part of the Gas Price Reduction Act proposal. We understand we have to reduce demand as well as increase supply. But the other side is stuck on using only half of the law of supply and demand. They have forgotten economics 101. We say offshore drilling. They say no, we can't. We say oil shale. They say no, we can't. We say five or six new nuclear powerplants a year so we can have clean electricity for our plug-in cars and trucks. They say no, we can't.

We say bring up gas prices and put it on the Senate floor and let's stay here until we finish. I heard all this talk about the legislative calendar. The legislative calendar isn't more important than the family budget. The legislative calendar is not more important than the family budget, and what is breaking the family budget today is gasoline prices. Four-dollar gasoline is driving up the price for fueling our cars and trucks. It is driving up the cost of food because, as we know, energy is such an important part of agriculture.

People are hurting. Every week, I am on the floor reading e-mails from Tennesseans who are canceling their vacations, losing their jobs, unable to go get medical treatment because they cannot afford the price of gasoline. What are we doing? We are talking when the Democratic leader could instantly put us into a situation where we could spend a week or 10 days considering two or three dozen good amendments, vote them up or down, and see if we could work across party lines to come to a result.

Will we solve every problem in a week's debate in a bill we pass before August? No, of course not. We really should be on the path toward clean energy independence. I suggested in May that we need a new Manhattan Project, like the one we had in World War II for the atom bomb, where we have a crash program for 5 years on the things we don't know how to do, such as make solar power competitive with fossil fuels or reprocess nuclear waste so it can be stored more easily or make more new buildings green buildings or advanced research on biofuels—crops we don't eat.

But there are some things we know how to do today. Mr. President, 85 percent of the Outer Continental Shelf, where we have the opportunity to produce oil and gas, is, by congressional action, off limits today. It was off limits according to the President's action too, but he changed the Presidential order last week. What happened? The price of oil went down. I don't know exactly to what extent the President's action had an effect on the price of oil, but I do know this: If we were to take action today on supply and demand, the price of gasoline today would stabilize and begin to go down because today's price is based upon the expected supply and demand 3 to 5 years from now. If we demonstrate in our proposal, as our proposal says, that the United States of America, which consumes 25 percent of all the energy in the world, is prepared to increase our production of oil by a third and reduce our use of oil by a sixth, that together would reduce the supply of imported oil; it would cut it in half. If we did that today, it would affect the price of oil today.

Our solution is four words: Find more, use less.

The ACTING PRESIDENT pro tempore. The Senator has used 9 minutes.

Mr. ALEXANDER. Find more, use less. We believe in both parts of the supply and demand. The other side is dancing around. I think they have badly misjudged the American people and the urgency of this question. We need to do everything we can in the next week or so to fashion a bill that takes a substantial step toward increasing the supply and reducing demand for oil—not saying no, we can't; no, we can't; no, we can't. We can say yes, we can, to finding more and using less, and the American people expect us to do that. That is why we are here. We can start today.

The PRESIDING OFFICER. The senior Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent to be permitted to speak in morning business for up to 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, America is suffering a gas price crisis. In response, our Democratic colleagues are blocking our attempts to get gas prices down for new oil supplies. Yesterday, Senate Democrats went so far as to cancel an Appropriations Committee markup over fears that an amendment to open offshore oil production would succeed.

Senator HUTCHISON of Texas and I had announced our intention to offer an amendment to rescind the continuing moratorium in appropriations bills that currently blocks new oil production off our Atlantic and Pacific shores. With the support of Senators DOMENICI, ALEXANDER, and all the committee Republicans, we would have given the Appropriations Committee a chance to reverse the annual law blocking America from new oil supplies. I suppose they were afraid we would win the vote, and that is why they canceled the meeting. How undemocratic can you get? You are afraid to lose a vote? Cancel the vote.

We have been struggling all year with Democrats blocking Republicans from offering amendments on the Senate floor. Democrats are saying currently that they will block Republicans from offering amendments to lower gas prices by increasing oil production. Afraid to vote on the floor? Block the vote. Cancel the vote. Block the vote.

What is next? Will Democrats try to disband the Senate or have the majority leader act as a Rules Committee so only what he says can be voted on on the floor? That is not the way this Senate acts.

Why is this so hard? Why are Democrats so desperate to deny the relief the American people need and are demanding? Maybe things are different in New Jersey, Illinois, Nevada, and California, but I can tell you Missouri families are struggling with record pain at the pump. Not just families, Missouri truckers and small businesses and charitable institutions and local governments are suffering from record-high prices. Diesel prices are driving truckers out of business. Missouri farmers are fed up with high energy costs. They do not need to hear, as our Presidential candidate from Illinois said, that the problem is not that gasoline prices have gone up; the problem is they went up too quickly. I can tell the Senator from Illinois that the people of Missouri are fed up with both the speed and the level of gas price increases. Four-dollar gasoline is as popular in Missouri as a Belgian company trying to buy out Budweiser.

Missourians know this is a fundamental problem. We all learned it in economics 101. Prices are high because there is not enough supply to meet demand. We need to find more and we need to use less. There is plenty out there to find, if only they will allow us to go and get it.

We have heard the numbers before, but let me repeat them again. At least 18 billion barrels of oil are waiting for us in the waters off our Atlantic and Pacific shores. That is 10 years of supplies we can give ourselves. Republicans plan to add 10 years of new supplies versus a Democratic plan to open the Strategic Petroleum Reserve, which would give us, by that rate, 3.5 days more oil supply.

Today's new Democratic half measure—it is not even a half measure, it is not a quarter measure, it is not an eighth measure—is to swap sweet crude for heavy crude in the Strategic Petroleum Reserve, again to get a little more gasoline when the oil is refined. It still takes refining capacity. It is still a Band-Aid that is not even well placed over the wound.

These Democratic ideas for ''new supplies'' keep getting smaller and smaller, weaker and weaker. They say: Well, drill where you have leases. It is called exploring. And when you explore, you did not find something, you do not drill, it goes back to the Government. That is already the law. Give us a break.

At prices as they are today, if there is oil out there, if they see an opportunity to get it, the oil companies are going to go after it, because that is how they make money. That is how they make the money they invest in developing more oil supplies.

We are not forgetting that the biggest thing we can do, the boldest thing we can do, the most aggressive thing we can do is to increase domestic oil supply. And that is exactly what we will need to end this gas price crisis.

Yes, there are other things—using less. I come from a battery State. We need a major American battery manufacturer, because right now most of the batteries coming in for hybrid and hybrid plug-in cars come from Asia. We need to put Americans to work in a large facility or facilities making batteries that will run electric cars.

These are the big ideas. American people do not deserve small Democratic ideas. They do not deserve modest Democratic ideas. They do not deserve timid Democratic ideas. The American people deserve bold action, the American people deserve aggressive action, the American people deserve real action. It is time we get real about gas prices.

We need to stop putting offshore oil off limits. Give us a vote to open more offshore oil production. That is what we propose. That is what we demand. That is what the American people deserve. We cannot fulfill our duty to the American people by walking away from half a loaf, a half a small loaf solution without giving the American people the right to see where their elected Senators are going to vote in terms of providing the big relief we need for a big problem. We need to have votes and we need to move on that oil bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State is recognized.

Ms. CANTWELL. Mr. President, unless we change course, our Nation will soon be sending $1 trillion a year abroad to purchase foreign oil, and no amount of drilling is going to change that. That is why I am frustrated that we are wasting valuable time here on the Senate floor debating last century's policies instead of talking about tomorrow's solutions.

We know that today we are facing an oil crisis, but we also know that with less than 2 percent of the world's oil reserves, there is no way the United States is going to drill its way out of this quagmire. American families and businesses are depending on us to put aggressive new policies in place, not continue to dwell on the old policies that are not going to provide any relief at the pump.

Unfortunately, it seems as though there are some who only want to focus on big oil's top priority; that is, lifting the moratorium on Outer Continental Shelf drilling.

Pro-drilling advocates, and certainly the President of the United States, seem perfectly comfortable perpetuating what I think is a cruel hoax on the American people saying that drilling will lower oil prices. They are willing to imply, to insinuate, and to pretend that drilling off of our coastlines will somehow provide relief at the pump or somehow lessen our dangerous dependence on foreign oil.

The reality is even the biggest drilling advocates admit that opening our Nation's pristine coastlines will have no impact on pricing at the pump. That is right, no impact.

In fact, the President of the United States, on June 15, said:

> I readily concede that, you know, it is not going to produce a barrel of oil tomorrow, but it is going to change the psychology.

My colleague who is running for President seemed to say a similar thing:

> I do not see any immediate relief, but even though it will take some years, the fact that we are exploiting these reserves would have a psychological impact that I think is beneficial.

According to the Los Angeles Times, a senior adviser for Senator MCCAIN also acknowledged in a news conference in a call to reporters that:

> New offshore drilling would have no immediate impact on supplies or gas prices.

In fact, the White House went on to say the same thing:

> There's not a real good short-term answer to high oil prices, and we've been very explicit about that from the beginning.

So I think it is safe to say many people are confused about what is being discussed here on the floor.

Another White House spokesman said:

> Anyone out there saying that something can be done overnight or in a matter of months to deal with the high prices of gasoline is trying to fool people.

Now, this is from the same White House and Republicans that are now advocating that maybe there is a psychological advantage here that somehow supply that we will not see until 2030 could have an impact on gas prices today.

Well let me tell you what some energy experts told the Energy Committee's roundtable on oil prices Roundtable this past week. And for those of you who did not attend—we had many of our colleagues attend—we had two expert witnesses, Daniel Yergin, the chairman of Cambridge Energy Research Associates, an author of a very well-known book about oil, and Roger Diwan, an energy analyst at PFC Energy. They both firmly rejected the notion that the President's announcement he was breaking the Outer Continental withdrawal moratorium somehow caused a drop in oil prices. They were asked that question and basically laughed at the suggestion that lifting the moratorium could cause a drop in oil prices.

For those who want to pretend that opening up drilling could have any psychological effect, I think this chart illustrates what is going on. We see here on the left that prices are forcing Americans to basically consume less. Basically they are using 800,000 fewer barrels of oil than we did this time last year. But that certainly has not had a psychological impact on the price. We know that Saudi Arabia, here in the middle, announced that they were going to increase output by 500,000 more barrels a day. That announcement did not have any immediate impact. In fact, we saw oil prices surge to $140 a barrel.

So the lesson here is that even though these are significant reductions in demand and increases in supply happening it is not impacting world old price. So how can some of my colleagues argue that by producing 200,000 barrels a day, which is what the Outer Continental Shelf drilling would get you, that somehow that is going to have a psychological effect? How can they make that case when this amount of reduction of consumption cannot, and this amount of new supply did not; that somehow by producing 200,000 more barrels per day in 2030 is going to magically reduce prices today. I think what is clear is it does not matter how many oil fields we have, or how many holes we poke in the ground, it is not going to bring down the price. Only by ending our oil addiction and providing Americans with real energy solutions can we do that.

I am not the only one who believes that. The administration's own Energy Department has said similar things. In fact, in the Energy Information Administration's 2007 Annual Energy Outlook they have said:

> Access to the Pacific, Atlantic, and eastern Gulf regions would not have a significant impact on domestic crude oil and natural gas production or prices before 2030.

No impact before 2030. That is 22 years from now. In 22 years, we need to have a significant reduction in fossil fuels or our climate will be giving us a lot more things to worry about than the price of oil.

Scientists are now telling us there is a 75-percent chance within 5 years the entire North Polar icecap will completely disappear in the summer months.

According to Tufts University, doing nothing about global warming will cost the United States economy more than

3.6 percent of our gross domestic product or $3.8 trillion annually by 2100.

So why are we talking about taking on all of this risk of drilling in the Outer Continental Shelf? For what? We are talking about something that is a fraction of the demand of oil the United States is going to need in the future.

In fact, the Energy Information Administration says we will be using 22.6 million barrels a day in 2030. But the most we would get from the Outer Continental Shelf drilling would less than 1 percent of what the United States will need in the future. So some of my colleagues have staked America's energy future on a proposal that is going to give us less than 1 percent of what the United States needs today.

In fact, the Energy Information Administration continued on this discussion and said that drilling in the Outer Continental Shelf and lifting the moratorium, that these 200,000 barrels a day would have a minimal impact on what the United States needs.

This particular chart shows you how much additional supply we will need, 2 million barrels more a day than we are currently using today. And this is what the Outer Continental Shelf will give us, only 200,000 barrels per day. So it is not exactly as if this is going to help much if at all in the future.

In fact, the Energy Information Office continues to say:

Because oil prices are determined on the international market, any impact on average wellhead prices is expected to be insignificant.

That is an analysis of drilling in all the offshore areas currently in moratorium. So the math is simple. Even if we drill in every last corner of our Nation, we would never be able to have an impact on world oil prices. The world price is always going to be set by others, leaving a critical aspect of our economy in the hands of OPEC.

As long as we use a quarter of the world's oil and have less than 2 percent of the world's oil reserves, facts that no amount of drilling can change, our country is vulnerable. It reminds me of the old adage: If you are in a hole, stop digging. But some want us to keep digging, digging toward a meager 200,000 barrels a day.

And that 200,000 barrels assumes that drilling off the coast of the Atlantic and Pacific is something people will want to do.

We have already heard from some States that think the risks are too great to their economies. For example we will not be able to drill the 10 billion barrels that are covered under the Federal ban off the coast of California, a State where bipartisan opposition exists to further drilling.

Here is what Governor Schwarzenegger said recently:

California's coastline is an international treasure. I do not support lifting this moratorium on new drilling off of our coast.

The Governor added:

We are in this situation because of our dependence on traditional petroleum-based oil. The direction our country needs to go in, and where California is already headed, is towards greater innovation in new technologies and new fuel choices for consumers. That is the way we will ultimately reduce fuel costs and also protect our environment.

I could not agree with the Governor more.

Governor Schwarzenegger is not alone in his straight talk because there are many citizens across the country from coastal States who also know the impact of what oil spills can have, that it can mean billions of dollars in economic loss. Ask the tens of thousands of people who lost their livelihood after the Exxon Valdez. I know some of my colleagues have made remarks that new technology somehow makes spills from offshore platforms impossible. I know the minority leader said recently there was not a single reported example of spillage in the gulf during the Katrina hurricane.

I respectfully—and I mean respectfully—ask the minority leader if he has seen the President's own report on lessons learned from the Federal response to Katrina. This is a copy of the cover of the report. It says:

Hurricane Katrina caused at least ten oil spills, releasing the same quantity of oil as some of the worst oil spills in U.S. history.

There it is. A report that basically says it caused ''ten oil spills, releasing the same quantity of oil as some of the worst oil spills in U.S. history.''

The report goes on to say:

All told, more than 7.4 million gallons of oil poured into the Gulf Coast region's waterways, over two thirds of the amount that spilled out during America's worst oil disaster, the rupturing of the Exxon Valdez tanker off the Alaskan coast in 1989.

This is a satellite image of the Gulf of Mexico on September 2, 2005, right after Hurricane Katrina hit. It shows the various areas of oil spills that did, in fact, happen.

Although there are oil risks, the fact is that most of our Nation's recoverable oil supplies and related infrastructure are, for better, or worse, in the Gulf of Mexico. That is not to say we can't have environmentally responsible oil and gas recovery. In fact, many of my Senate colleagues did support in 2006 opening more of the gulf waters after President Bush issued a Presidential directive stopping some of the drilling that was endorsed by the previous administration. But in hindsight, opening the gulf seemed to be another lesson in how we are not going to help impact the price. Back when we opened 6 million acres in lease 181, many oil companies promised it would have a dramatic effect on new production. It was going to be an incredible find. The price was at $57 a barrel.

But a year later the price was already $89 a barrel and we all know the price today. Obviously, access to more drilling didn't help us impact the price of oil then.

And with prices so high, why did the oil companies bid on only 200 million acres of the 500 million acres recently put out for bid in the Gulf of Mexico? Not utilizing existing leases seems to be a pattern with oil companies. In fact, many oil companies are not using 83 percent of the public offshore lands they have tied up in leases. That is an area larger than the States of New York or Alabama that is just sitting idle. This chart shows that 83 percent of the leases offshore are not producing energy, and the oil companies are choosing to only use this area in the green.

Why don't we hear more about why they aren't choosing to drill? It doesn't make sense, given what the price is. We know one of the reasons may be that every single available drill rig, drill ship is being used right now. You can't go and drill when you don't have the equipment. According to the House of Representatives, oil companies have access to over 100 billion barrels of conventional oil in areas not under moratorium. That is how much is already there in existence on land that can be leased. It is already there. It is already available. But clearly the oil companies can't, or it is in their financial interest not to, utilize this vast amount of public land they already have.

The fact is, depending on oil companies to get us out of this mess is exactly what has gotten us into this mess. It is not a viable solution. We need to break our addiction to oil.

The question is, What can we do today to help bring supply and demand into balance? Last week, Dr. Yergin told us at the gas prices forum:

If Americans took a few precautionary steps when driving, including properly inflating their tires, demand for oil would decrease by 600,000 to 700,000 barrels per day.

That is something we can do now, not in 10 years, not 20 years. We can do it now. In fact, there are many things we can do now to reduce our dependence on oil. More efficient tires is one of them at 300,000 barrels per day; keeping your car tuned, 400,000 barrels a day; commuting with an extra passenger once a week, 200,000; keeping tires properly inflated, 200,000; and other ideas. These are things that can have an impact today, not like drilling which will only have an insignificant impact and only in 2030.

These are the things we should be working on aggressively. These are the low-hanging fruit we should be grabbing. Drivers are desperately seeking any measure that they can use to lower prices at the pump. That is why the Bush administration should speed up its rulemaking on a provision in the 2007 energy bill that established fuel efficiency tire labeling. We need a national campaign of public awareness to show consumers how to properly inflate their tires. I am for giving away air pressure gauges at the stations and making sure there is a national education program in place. We can start helping consumers today.

According to tests by the Consumers Union, choosing the right tires and maintaining them with the proper pressure can save consumers about $100

based on today's gas prices. It is critically important we take actions such as this that will help consumers, that will give them some relief.

To me, the debate over drilling highlights a generational change that we actually need in Congress. Americans know it instinctively. They know many of our institutions and safety nets are not working when it comes to this issue.

Think of what a different situation we would be in if we had spent the last 8 years acting more aggressively to build a clean energy future that our country desperately needs. For example, we could have been investing more in plug-in electric hybrid vehicles, which would have had a tremendous impact on oil addiction. The Pacific Northwest National Lab found that our current electricity infrastructure could support an estimated 70 percent of America's passenger vehicle fleet. Seventy percent of our Nation's cars could be supported by today's electricity grid, if we would have gotten plug-in hybrids into the marketplace. Fully utilizing the grid would displace 6.5 million barrels of oil a day, an amount equivalent to 50 percent of what we import, and cut our greenhouse gases by 20 percent. That is the type of policy we should have been pursuing.

Juxtaposed to drilling, the 6.5 million barrels of oil plug-ins could save is basically 32 times the savings of what the proposal for Outer Continental Shelf drilling would be. Obviously, that could have a significant impact.

The study also found that charging a plug-in electric vehicle at the current national electricity rate would cost the equivalent of just $1 a gallon. Instead of paying the fuel prices you are paying today at $4, you would be paying only $1 to plug in your car. A car that gets 100 plus miles per gallon. It would have such an unbelievable impact on the American consumer and the economy and opportunity.

There is a lot more we could have also done in the last 8 years. There is much more we could do now in making sure we extend expiring clean energy tax incentives that will save $20 billion in clean energy investments. I don't think it is too late to get the extender package and have 42,000 megawatts of planned renewable energy projects in 45 States go forward. That is the equivalent of 75 baseload electricity generation stations. I hope we can see progress on that bill.

Passing clean energy incentives will also provide renewable energy that will lessen demand for natural gas, lowering household electricity bills, to say nothing of what New England is facing with the high price of fuel for their homes.

Also under the Baucus extender bill, consumers can utilize $500 in tax incentives for measures that make their homes more efficient. This could lower their home heating bills by 20 percent or more. That is a huge opportunity for us moving forward, if we would only pass the legislation.

I don't know how much time I have remaining.

The PRESIDING OFFICER. There is 6½ minutes remaining on the majority side.

Ms. CANTWELL. I will take a minute or two more.

These solutions I talked about are solutions we can do now. They are near term. If you look at this chart of what options we have for the future, this is what drilling and the moratorium can save us in barrels of oil by 2030, less than a million barrels a day. Here is what efficiency in automobiles and trucks and the measures I described in the last few minutes can do in saving us on energy and oil consumption, over 6 million barrels per day.

We have to get off this 27-year debate and get on to an energy future that will help make America more secure. We must move faster, further past these old energy policies, past convoluted logic and on to an opportunity where the United States can become an energy leader. We know there are countries that are already doing it. Let's make sure we have learned the lessons from our global neighbors about changes they have made. Let's commit to a real energy strategy on renewables. It is something America deserves and something we need to pass as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 5 minutes remaining to the Senator from Virginia for majority time.

Mr. WEBB. I will do my best. I wish to speak for a few minutes today about why I believe it is not only appropriate but important for us to be focusing on the issue of oil market speculation, separate from the larger issues that confront us in our energy policies, as a way to address the most serious problem and the most fixable problem as it relates to the high price of oil and the high price of gas. There are many on the other side who have commented that speculation is not the reason gas prices have gone up so dramatically, that this is simply the free market working. I am reminded that when this Congress voted in October of 2002 to go to war in Iraq, the price of oil was $24 a barrel. It has gone up all the way to $145 a barrel. That is six times the cost of oil when we went into Iraq.

I certainly wouldn't venture that demand has gone up six times in the last 6 years, even if we adjust for the devaluation of the dollar taking place for a lot of reasons, that demand has gone up in those kinds of multiples. I, similar to many on this side of the aisle, would like to see a comprehensive energy package, a comprehensive energy strategy that addresses all our assets and all the assets we can bring to this issue in the future.

This simply is not the right time. You cannot do this with a series of amendments, whether it is for another week or another 2 weeks. You can only do that with another serious consideration of a piece of legislation that addresses all these different areas. I am among those on this side of the aisle who are not opposed to the idea of offshore exploration for oil and natural gas and have joined the senior Senator from Virginia in a proposal to that effect.

I would like to see us go into a more serious development of nuclear power. We have not had a new nuclear power plant built in this country in 30 years. Nuclear power technology has improved. Carbon dioxide emissions from nuclear power plants is benign. It is good for the environment. It would have a dramatic increase in jobs. These are all positives.

I also would like us to explore, in a proper way, alternative energy proposals that have become increasingly popular and increasingly viable over the last 20 years. There has been a lot of attention on wind power over the past few days because of what Mr. T. Boone Pickens has proposed. Solar technology has dramatically increased in its capabilities over the past 10 to 15 years.

I come from a State that produces a lot of coal. I think the answer to coal—which is a national asset in this country in terms of the supply that is available—when it is used under the right circumstances can be environmentally neutral, when we develop the right technologies.

Those are all issues which should be on the table as we approach a full energy strategy in terms of reducing our dependence on foreign oil and becoming more energy independent. But they are simply not the only issues we should be addressing this week.

Why is speculation so important? Quite obviously, because as of the end of 2000, there are people other than users who have been buying oil futures. They have been buying them not for their use, but purely as if they were buying stocks. They are doing this in an environment where there are no regulations in the same sense as there are in other investment areas, the areas that apply to stocks.

As I said, this policy changed in late 2000, and this is when the speculation market began to have these aberrations in it. You can buy oil futures for 3 or 4 percent on margin. We have dramatically more investors than we have users, and there are plenty of estimates available as to how this has affected the market, totally absent from supply and demand.

A whole series of big oil executives have agreed that the oil market has been affected by as much as $60 a barrel because of this type of speculation.

Mr. President, I ask unanimous consent that four of those testimonies be printed in the RECORD at this time, rather than going through them, in the interest of time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EVEN BIG OIL EXECUTIVES AGREE EXCESSIVE SPECULATION HAS DRIVEN UP OIL PRICES

CEO of Royal Dutch Shell Said Fundamentals of the Oil Market Are the Same as When Oil Sold for $60. Jeroen van der Veer, CEO of Royal Dutch Shell said, ''The [oil] fundamentals are no problem. They are the same as they were when oil was selling for $60 a barrel, which is in itself quite a unique phenomenon.'' [Washington Post, 4/11/08]

Marathon Oil CEO Said $100 Oil Isn't Justified By Physical Demand, Blamed High Oil Prices on Speculation in the Futures Market. In October 2007, Marathon Oil CEO Clarence Cazalot Jr. said, ''$100 oil isn't justified by the physical demand in the market. It has to be speculation on the futures market that is fueling this.'' [Detroit Free Press, 10/30/07]

Exxon Mobil Executive Testified Price of Oil Should Be $50-$55 Per Barrel. Exxon Mobil Senior Vice President Stephen Simon told the Senate Judiciary Committee, ''The price of oil should be about $50-$55 per barrel.'' [Senate Judiciary Committee, 4/1/08]

President of the Inland Oil Company Testified Speculation is the Fuel that Is Driving Up Oil Prices. In June, Gerry Ramm, President of the Inland Oil Company on behalf of the Petroleum Marketers Association of America, testified, ''Excessive speculation on energy trading facilities is the fuel that is driving this runaway train in crude oil prices.'' [Senate Commerce, Science and Transportation Committee Hearing, 6/3/08]

Mr. WEBB. The whole point of this is, we need, as a government, to gain control over this process for the benefit of all Americans.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WEBB. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I appreciate that.

We need to gain control over this process for the benefit of all Americans, as a necessary, preliminary step before we begin addressing all these other areas I mentioned, as we move toward a more balanced and independent energy future.

This is an area where the potential for immediate impact on the price of oil is available, and it is not only appropriate we address the issue of speculation, in my view, it is absolutely necessary if we are going to bring down, in a reasonable time period, the price of oil and the price that our citizens are paying at the pump.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I ask unanimous consent that speakers on the Republican side be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, the bill before us today has to do with speculation. Let's talk about speculation for a minute. What is it? It is investment on the basis of assumption or expectations.

There are those who are investing in oil futures because of the expectation that the price of oil will rise. If you want to get speculation under control, you have to change those expectations.

What are the expectations of investors right now with respect to oil? It is their expectation that the price of oil will go up. It is very rational. The only reason they are buying an oil futures contract is they expect the price to go up.

What can we do to change those expectations? Well, let us look at the oil market as a whole and look at it in a historical perspective. The first thing we must remember—and remember all the way through this debate—is this: The oil market is a world market. Oil prices are set by world supply and by world demand. It is not a market that is limited to the shores of the United States of America.

So what has been going on in the oil market? Over the last 10 years, available sources of supply—that is, reasonable sources that could be producing oil relatively quickly—have been growing but very slowly. I have tried to get absolutely authoritative figures.

I have been unable to come up with exact ones. But there is a consensus that available production capacity has been growing over the last 10 years at the rate of about 1 percent per year. What we do know is, over the last 10 years, worldwide demand has been growing at 2.5 percent per year. Oil demand now is roughly 25 percent greater than it was just 10 years ago.

It does not take a mathematical genius to put these two numbers together and recognize that if the available sources of supply are growing at only about 1 percent per year, and demand is growing at 2.5 percent per year, the time will come when the safety margin between available supply and worldwide demand will be very small.

We have reached that time now. We have reached the time where the safety margin between available supply and worldwide demand is so small that any one single incident anywhere in the world can immediately trigger expectations that the price of oil is going to go up. Whether it is domestic difficulty in Nigeria or political activity in Venezuela, the price of oil goes up when an event comes along that indicates there might be a hiccup in available oil supply. This is perfectly rational. It is not an act of manipulation on anybody's part. It is simply a logical expectation.

Now, at one time in our history America could determine what the world price of oil would be. The Texas Railroad Commission could determine what the available productive capacity would be simply by permitting a few additional wells in east Texas. Every time there was a concern that there would not be enough oil, the Texas Railroad Commission would permit more wells. People would look at the safety net between available production and demand and say that it is high enough for us to keep the price of oil close to the cost of producing. For years and years and years, the price of oil was around $7, $8, $9, $10 a barrel because that is what it cost to produce, and the safety margin between the available source of supply and demand was very large.

Sometime in the 1970s, that power left our shores. It went from America over to the Middle East, and the Saudi royal family replaced the Texas Railroad Commission as the agency that could determine the price of oil. They would either increase production or lower production, and they found they could control the world price of oil by what they did to the safety margin.

But as the safety margin has shrunk, now even the Saudi royal family cannot control the price of oil. There are Members of this body who have written President Bush asking him to go to the Saudis with a tin cup and beg them to increase that safety margin in the hope it will bring down gas prices. That is not the long-term solution to this problem.

What I want to do, what Republicans want to do, is get America back in the game and bring the pricing power back on American shores by finding more and using less oil. We can do this because we have, within our continental boundaries, the ability to increase that safety margin. The Gas Price Reduction Act talks about it in two obvious areas.

The first one is oil development in the Outer Continental Shelf. This could produce enough oil to increase the safety margin by a million barrels a day originally, and it could go up significantly from there. This would change the expectation, if you are focusing on speculators. Right now, 85 percent of our Outer Continental Shelf is off-limits by virtue of an executive branch moratorium that was placed on it over 25 years ago.

President Bush has lifted that moratorium and the markets reacted immediately and the price of oil fell dramatically—not because the oil was immediately available but because the expectation was changed. Now it is up to Congress to lift the congressional moratorium on the Outer Continental Shelf and make sure the expectation is fulfilled.

The second area where we can find more oil is in oil shale, an abundant resource located in my home State of Utah. There are people who say, ''Oh, the technology is expensive. The technology does not work.'' Oil shale is producing oil in other countries today. It is time we allowed oil shale to produce oil in the United States. And how much? There is three times as much oil in the oil shale in my State, Colorado, and Wyoming than there is in all of Saudi Arabia. We have not gotten to it because it is all on public lands, and we have been prevented from going on to that.

There is now a moratorium in the law that prevents the Department of the Interior from even writing the final

rules under which exploration for oil shale can take place and bids under which the oil shale for leases can go forward. The Department of the Interior has now issued a draft of what the rules will be if that moratorium is lifted. In the Gas Price Reduction Act, we call for that moratorium to be lifted.

As soon as the moratorium is lifted, what will happen to the speculators? Expectations will change, and they will understand that America is serious about getting back in the game and bringing the pricing power back onto American shores and away from the Saudi royal family.

Now, there has been discussion here about the other aspects of the Gas Price Reduction Act: hybrid cars, plug-in hybrids. I have been driving a hybrid car for 8 years. I know what it is like to drive a car that gets 55 miles to the gallon. I understand how important that is. That is why it is in the Gas Price Reduction Act.

I have already addressed the question of speculation. What we need to do—and it is in the Gas Price Reduction Act—is increase the number of accountants at the Commodity Futures Trading Commission so we can make sure, if there is real market manipulation going on, it can be discovered and dealt with. But only going after speculators is not the way to get the price of oil down. I agree with Warren Buffett, perhaps the Nation's richest Democrat, who says all this talk about speculation being the problem is nonsense. The problem is supply and demand.

The Gas Price Reduction Act is the logical way to deal with supply and demand, get America back in the game, change the expectations, and bring down the price of oil.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The junior Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I ask the Chair to indicate when I have used 8 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. VITTER. I thank you the Chair.

I am very glad we are finally taking significant time on the floor of the Senate to debate and hopefully to act on the single most important challenge facing American families, and that is gasoline prices and energy. I have been urging all of us in the Senate to do this for some time, and finally we are on that key topic.

Let me restate the obvious: This is the top challenge facing American families across our country, certainly including Louisiana. This is the core of everyone's uncertainty and concerns about our economic future. To get to the heart of the matter, this is what hits people in the pocketbooks every week because they gas up every week. They go to the gas station. They need gas to get to work. They want to be able to take family vacations during the summer. This hits everybody where it hurts: in the family pocketbook.

That is why it is crucial we attack this problem head on. That is why I am hopeful we are going to act in a meaningful, broad-based way here on the Senate floor. I urge all of my colleagues—Democrats and Republicans—to come together to bring every good idea they have related to gasoline prices and energy to this debate so we can act in a broad-based and meaningful way; not just talk and not just debate and certainly not just point fingers and be partisan but come together and act for the good of the American people. The American people are hurting. They are jolted by the dramatic rise in gasoline prices and they want us to act.

It is also in the best traditions of the Senate that we have open and full debate and an open and full amendment process. I urge all of us—again, Democrats and Republicans—to come together and demand and rally around the concept of the best tradition of the Senate being an open and full debate and amendment process. The American people want this because they not only understand this is the greatest challenge facing their families, they also understand there is no single answer. There is no silver bullet. There is no magic wand. We need to do a number of things, and we need to do them now. In fact, we needed to do them yesterday—last year, 10 years ago—but certainly at this point we need to act now. We need to act on a number of fronts.

The majority leader's bill on the floor is a narrowly drafted bill about speculation on oil and energy in the marketplace. I certainly support addressing that, among other issues, as we try to stabilize and bring down gasoline and energy prices. Again, the American people get it. They understand there is no easy or single answer. There is no magic wand or silver bullet. We need to do a number of things, both on the demand side and the supply side. We need to use less and we need to find more right here at home.

Today I am filing seven amendments for consideration and votes in this debate. We need to do a number of things that are significant to help stabilize the price of gasoline, to help develop a rational energy policy, and we need to act both on the demand side and the supply side. We need to use less and we need to find more right here at home.

Let me speak about exactly what those amendments are. My first amendment would increase domestic production of oil and gas offshore as well as develop alternative energy sources offshore. It is based on a free-standing bill I introduced several weeks ago, the ENOUGH Act—the Energy Needed Offshore Under Gas Hikes Act. It allows for increased domestic production of oil and gas in the Outer Continental Shelf when a particular State's Governor, with the concurrence of the State legislature, petitions the Federal Government for this activity. It would also provide an incentive for States to do that by offering revenue-sharing. Specifically, while 45 percent of the royalties on that production would still go to the Federal Treasury, 37.5 percent would go to the producing State involved, 12.5 percent would go to the Federal Land and Water Conservation fund, which I strongly support, and 5 percent would go to historically producing States which have produced for 50 years or more and never got revenuesharing for all of that commitment to meeting the Nation's energy needs.

This amendment is not only about producing more; it is also about alternatives. In addition, this amendment develops alternative energy offshore by establishing a grant program for offshore alternative energy production, by converting existing offshore energy infrastructure into alternative production facilities—for instance, turning old lease areas into new offshore wind farms—and for allowing revenuesharing in that alternative energy production offshore as well. I urge my colleagues to look favorably on this positive amendment.

My second of seven amendments would flat out repeal the present congressional moratorium on activity in the Outer Continental Shelf. Last week, President Bush took a very positive and necessary step forward. He lifted the existing Executive moratorium that had been in place for the Outer Continental Shelf. However, as we all know, there is a congressional moratorium at the same time, so his action wasn't good enough to allow us to develop those resources. My amendment, my second amendment No. 5090, would lift the existing congressional moratorium. It too includes developing alternative energy offshore—that package of proposals I enumerated—to develop new, clean, alternative energy sources offshore.

My third amendment is somewhat akin to the second amendment which lifts the congressional moratorium on the OCS. My third amendment would lift the present congressional moratorium on shale production in the West. As we all know, Congress placed a moratorium on final regulations for the development of oil shale in the western United States. That puts to a halt all of that positive productive activity that could lead to major energy finds in the western United States on land—oil coming out of that western shale.

The PRESIDING OFFICER. The Senator from Louisiana has consumed 8 minutes.

Mr. VITTER. I thank you the Chair.

It is very important that we lift that counterproductive congressional moratorium and move forward with regard to western shale. There are enormous energy resources there. We need to tap those. To do that, the first step we need to take is lifting that current congressional moratorium on all of that activity.

My fourth amendment is to develop alternative energy offshore—that package of proposals I mentioned a few minutes ago which is also part of the first three amendments.

My fifth amendment is to streamline the permitting process so we can expand refinery capacity. We would start with existing refineries which have the ability to expand. As we all know, we need to find more energy here at home, but we also have a refinery capacity issue and we need to address both sides of that coin. So it is crucial we streamline the permitting process for refineries right here at home. It is far too cumbersome and uncertain and complicated. My fifth amendment would allow us to expand refinery capacity here at home in a way we sorely need to do.

Finally, my final amendment would streamline the permitting for offshore leases. Excuse me. That is No. 6, to streamline the permitting process for offshore leases, which also is far too cumbersome and complicated and takes far too long, to allow producers and developers to get in the field and actually produce energy from those offshore leases.

My seventh and final amendment would change the seaward boundaries for the Gulf States of Louisiana, Mississippi, and Alabama.

Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. I thank the Chair.

Under current law, Florida and Texas have State waters for 9 miles from their coastline, but in stark contrast to that, Louisiana, Mississippi, and Alabama's State waters are only the first 3 miles from their coasts. This is grossly unfair. In addition, expanding the State waters of Louisiana, Mississippi, and Alabama to match their neighbors to the west and the east—Texas and Florida—would help promote more production in the gulf because it is a far easier, less cumbersome process to produce, get permitting, and move forward on State waters than on Federal lands.

With that in mind, I certainly hope we can have the full, open debate and open amendment process to consider these and other good ideas.

In that vein, I ask unanimous consent that when the Senate proceeds to S. 3248, it be limited to energy-related amendments only; further, that the amendments be offered in an alternating fashion between the two sides. I further ask unanimous consent that the bill remain the pending business to the exclusion of all other business other than privileged matters and other matters that the two leaders might agree upon.

The PRESIDING OFFICER. In my capacity as a Senator from Ohio, I object.

The senior Senator from Wyoming is recognized.

Mr. ENZI. I thank the Chair.

I rise today to also discuss the No. 1 issue that is facing our Nation. That issue is the rising price of energy. Everyone out there whom this affects knows who they are: It is anyone who rides or drives or eats. While I am glad the Senate is finally considering energy legislation, I am disappointed by the scope of that legislation. I hear from my constituents each and every day that the Senate needs to do something about energy prices. I couldn't agree more. We need to put aside partisan politics in order to pass legislation that will address the energy situation we are facing.

Today, the Senate is considering S. 3268, the energy speculators bill. This bill is kind of like a hearty meal of meat, bread, and potatoes but without the meat—oh, and without the bread—and it doesn't really have potatoes in it either. This bill deals only with the issue of oil speculation. It does not deal with the issue of supply and demand. It does not deal with the need to encourage conservation. It does not deal with the extension of important tax credits to promote renewable energy.

Instead, the bill seeks to extend the long arm of the law to reach out and strike down those ''speculators'' who are supposedly driving the price of oil faster and higher than a rocket ship. I ask my colleagues now, why would we in the Senate want to strike down teachers, civil servants, and farmers? The bill does not recognize that that is who the so-called speculators are. Speculators are oftentimes pension fund investors who protect the retirement of teachers and civil servants. The ''evil'' speculators are American farmers who want to save money on their supplies and fertilizer and on airlines that want to cut fuel costs by locking in a price that will make the customer's plane tickets cheaper.

This legislation does not recognize that futures markets and the investors who trade in them are crucial to getting the best price for the product and attracting investment in the United States. Cities such as Dubai and countries such as India and China are the places that will benefit from this bill. They would benefit because many of the jobs that would be in New York or Chicago—jobs that are currently American—would no longer be.

I am the ranking member of the Senate committee that handles pensions, so let's get back to the people who have pensions and how this bill impacts them. These people are the employees of most of our largest companies and include airline, trucking, automotive, manufacturing, education, and public civil servant employees. This bill would hurt them. I am alarmed the bill could declare portions of our financial markets off limits to institutional investors, including pension funds, endowments, and foundations.

Laws we have passed say that pension money should be vested in a prudent manner. We in Congress have long insisted pension plans diversify their assets so they don't have ''all their eggs in one basket.'' However, if we start down the slippery slope the majority leader has set before us in his bill, then we will limit the ability of pension plans and other institutional investors to diversify their investment strategies. This bill takes away baskets that they could put their eggs in. If the pension plans are prudently invested and well-managed, there is no reason they should be barred from any segment of the commodities, futures, or capital markets.

The majority contends that this legislation will bring down the price of gas. Let's see, this bill will not result in the production of any more gas, nor will it result in any less demand for gas.

I tend to agree that many of the Nation's brightest minds who suggest that ''speculators'' have little to do with the increase in energy prices are right.

Warren Buffett, the Nation's wealthiest Democrat, does not believe speculators are the cause. T. Boone Pickens, who has been in the news for his efforts to end our Nation's dependence on foreign oil and who addressed Democrats at their weekly caucus lunch, has said that speculators play a minimal role. Federal Reserve Chairman Ben Bernanke made his views clear at a hearing before the Senate Banking Committee on July 15 when he stated:

> If financial speculation were pushing oil prices above the levels 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 show notable declines over the past year.

Bernanke continued:

> This is not to say that useful steps could not be taken to improve the transparency and functioning of futures markets, only that such steps are unlikely to substantially affect the prices of oil or other commodities in the longer term.

Chairman Bernanke's statement should provide us with a starting point for any legislation, and I am a cosponsor of legislation that begins the process of having a sensible energy policy. The Gas Price Reduction Act addresses the need for more transparency in our markets and more oversight by the Commodities Futures Trading Commission. However, that is not the focus of the legislation. While the transparency is important, the larger problem we face is a lack of supply and an increase in demand. The majority leader's bill is like the novel an unwise motorist reads while driving down the highway. The novel is the wrong focus and while you pay attention to that you could get sideswiped by something you should be paying attention to—in our case, no supply and a whole lot of demand.

We need to find more American oil from American soil at the same time that we use less, and we need to look at alternative fuels.

The Gas Price Reduction Act includes provisions to open coastal waters in States that want energy production. It ends the ban on the development of promising oil shale in Wyoming, Colorado, and Utah. At the same time, it encourages increases in supply. It promotes the development of better technology so that we use less energy, and it explores alternative sources. The supply and demands issues are not addressed in the majority leader's oil speculation bill.

The majority leader's bill also ignores the important role that coal can play in securing America's energy future. It ignores the need to streamline the process for permitting new refineries. It ignores the need to increase the use of nuclear as a clean energy source.

You will notice that a lot of these things are also not in the Republican bill that I mentioned. That bill is a compilation of items that everybody here ought to be able to support. The items that have been controversial have been left out. We can use my 80/20 rule. We can agree on 80 percent of the issues 80 percent of the time. If we stick to that and leave the rest to the pundits, it will work out well. Sometimes we try to do things that are too comprehensive because one amendment will pull off 3 votes and another one might pull off 10 votes and another might pull off 15 votes. Then you don't have a majority to pass a bill. I am not sure that is what the other side is hoping for.

I hope we can keep this simple and get something done—something besides just speculation. I hope we are able to have an open debate over the next 2 weeks. I hope we are allowed to offer energy amendments and have up-or-down votes. If we can have that real debate, I am confident the Senate can come up with a package that could be signed into law, and both sides will get credit. Believe it or not, I actually agree with the majority party on some steps that would help to make this country more energy independent. Wind tax credits are one example. But restricting Senators' participation, stopping them from representing those who put them in office, is not going to get us any further than an empty tank of gas. That is what this bill will do in its current form.

The PRESIDING OFFICER (Mr. MENENDEZ). The time of the Senator has expired.

Mr. ENZI. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, today gas costs $4.09 in Bellefontaine, OH. In Conneaut, it is $4.05 a gallon. In Galion—not far from where I grew up in Mansfield—gas costs $4.04 a gallon. In southern Ohio, in New Boston, on the Ohio River, gas costs $4.06 a gallon.

Instead of helping the residents of those communities and in other States around the country, my Republican colleagues are asking for another handout for Exxon, Shell, BP, and Chevron. The last thing oil companies need is a handout. They don't need more drilling permits on top of the unused permits they already have. What big oil does need is to revisit their business strategy because if they think complaining about the need for more drilling permits and getting my friends on the other side of the aisle to do their bidding and having a President of the United States and a Vice President—two oilmen—siding with them time after time—if they think that will win over the hearts and minds of the American people, they have another thing coming. The people I report to don't like opportunists, they don't like snake oil salesmen, and they don't like unbridled greed.

Big oil has 68 million acres, directly or indirectly, of leased Federal lands they are not even drilling. That is 2.5 times the size of my State of Ohio. But somehow, to big oil, that isn't enough. Somehow, record profits aren't enough. Somehow, big oil executives making tens of millions of dollars every year isn't enough. Big oil wants the right to drill everywhere and anywhere so they can attract more shareholders and make more money. Perhaps that is understandable. What is not understandable is people who are elected to office doing bidding for them. Oil companies should use the lands that are already leased, and they should reinvest in refineries and alternative fuels—not lobby for another land grab.

Republicans back the oil companies up, parroting them on the need for more drilling. I suppose it is nice to have friends in the oil industry. But we are not in Congress to make friends with the oil industry. We are not in Congress to do the oil industry's bidding. We are in Congress because Americans put us here, and they deserve real answers, real solutions.

Talking about drilling is a lot easier than doing real work. It is easier than tracking down the most promising avenues in alternative energy and accelerating their development. It is easier than opening the stockpile of U.S. oil and demanding real accountability from oil companies. And it is easier than taking on the speculators—as the majority leader's bill does today—who are making handshake deals that push prices higher and higher.

Going after the speculators is what this bill we are debating today is about. It would go after unscrupulous, unregulated traders. It would crack down on underhanded price manipulation so we can pop the energy price balloon.

Instead of cuddling up to the energy industry and specialty oil companies, we should go after price gouging, price manipulation, and price speculation. The White House may report to big oil, but we don't. Some in the other party, in both the Senate and House, may do the bidding of big oil too, but we should not and cannot, and we won't.

Mr. 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.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I come to the floor this afternoon to speak about the myth about oil shale and what some people have been talking about on the floor of the Senate and around the country is a quick fix to the oil challenges we face in America today, a quick fix to the high prices of gas and diesel we are paying across the country, and offering oil shale as the panacea that will cure that problem.

The fact is that is not the case. Those who are propounding that view of our future energy world, in my view, are false prophets because they are not telling the American people the truth about oil shale.

I am concerned and involved with this issue because of the fact that 80 percent of the oil shale reserves are located in my State of Colorado. We are not at a point in time where the technology has been developed for us to move forward in the development of oil shale. So anyone who says this is a panacea to the oil challenges we face in America today is simply wrong.

The oil companies themselves have said we are not ready to move forward with a commercial oil shale leasing program at this point in time. Chevron, one of the largest oil companies in the world, had the following to say:

> Chevron believes that a full-scale commercial leasing program should not proceed at this time without clear demonstration of commercial technologies.

That was March 20, 2008. That is what Chevron is saying. Yet notwithstanding what Chevron says about oil shale and development of oil shale technology, we have the Department of the Interior, the White House, and the Bureau of Land Management saying we have to move full speed ahead and rush forward with the issuing of these oil shale regulations which essentially will lock up close to 1 million acres of lands across the West, most of that in my State of Colorado, and doing it without knowing whether we have the technology to develop oil shale.

I suggest to my colleagues that as we engage in this debate concerning the high price of gas and our addiction to foreign oil that we come together in a bipartisan way and focus on solutions that ultimately will get rid of the addiction we have to foreign oil and that we embark on a Manhattan-type project that will actually get us to the point where we can finally claim we have set America free.

There is broad bipartisan agreement on real solutions that we know work. In fact, in the Energy Committee, on which the Presiding Officer has been

such a distinguished and effective member, we know we have come up with solutions that we need to continue to push and push further.

If we think back to what we did in 2005, 2006, and 2007 to increase supply, we have also done a lot to diminish the demand for oil in the United States of America. The CAFE standards alone, which we passed and which the President signed into law last December 2007, will save the United States about 1.2 million barrels of oil per day. We use about 20 million barrels of oil per day in America. The CAFE standards we have put in place will save us 1.2 million barrels per day. That was accomplished in a bipartisan spirit, Republicans and Democrats working together in this Congress.

With respect to biofuels, an agenda which also is neither a Democratic nor Republican agenda, we have a law now in place that will embrace a new energy frontier that includes biofuels. It is not only ethanol, it is cellulosic ethanol and other forms of biofuels we can use. We know when we do the estimates of how much oil we will save by use of biofuels, we will be able to save up to 1.6 million barrels a day that we will not have to import from the Middle East and other countries that have the world's oil reserves.

There are things we have done that we know, in fact, will work. This morning in the Energy Committee, we had a hearing on some of the things that can work. We had a memorandum prepared by the staff of the Energy Committee in which they reviewed some of what we have already done, starting with the 2005 act. They included the following:

Section 701, use of alternative fuels by dual-fueled flex vehicles. That is the Flex Fuel Program. Review of the fuel/hybrid vehicle commercialization initiative; advanced vehicles; fuel cell transit bus demonstration; clean schoolbus program; diesel truck retrofit and fleet modernization program; fuel cell schoolbuses; railroad efficiency; reduction of engine idling.

Each of those is a different section in the 2005 Energy Policy Act which passed under the leadership of Senator DOMENICI and Senator BINGAMAN, and with many of us on both sides of the aisle a part of crafting it.

It goes on. Ultra-efficient engine technology for aircraft; enforcement of the fuel economy standards; Federal procurement of stationary, portable, and micro fuel cells; diesel emissions reduction authorizations; renewable content of gasoline, and on and on.

There are major provisions enacted into law which are good policy which will help start getting us off this addiction we have to foreign oil.

We continued in that fashion in 2006 when, again, a bipartisan group of Senators came together and decided to open part of the gulf coast with lease sale 181. That opened about 8 million acres for exploration and production in the gulf coast, a place where we know we have some of the largest reserves that are under the control of the United States.

We have been pushing programs that embrace a new energy frontier, as well as trying to put more production online here for the United States of America.

It is very important to think about what happened not so long ago, at the end of last year with the Energy Independence and Security Act of 2007. We passed a series of programs that are intended to help us get to energy independence. Chief among them was CAFE standards which were so long in coming and which had been neglected for such a long time. Those CAFE standards, when implemented, will save, as I said earlier, over 1 million barrels of oil a day that we will not have to import from other countries.

Those are the kinds of efforts on which we can come together. We can find a new way for America that will deal with the inescapable forces of our time that call us to move forward in an imperative way toward energy independence. Those inescapable forces that are with us today are the national security of the United States of America, the environmental security of our globe, and the economic opportunity which we can create at home with a new energy agenda.

That is the kind of program we ought to be getting to today and this week as we try to move forward with energy legislation in the Senate.

But there are those who would say, again, it is all about oil shale, that what we ought to do is go ahead and open the OCS, including those areas where there are moratoria. They say we ought to go ahead and take the 1 trillion barrels or 800 billion barrels of oil that are locked up in the rock of the West. And they say we ought to do that to deal with the current problem we have.

I am one of those people who is pro-production, and we do have a lot of production that comes from my State. In fact, in the last 5 years, the production of oil and natural gas in my State has increased more than twofold, so we are adding significantly to the pipelines that produce energy for our Nation. But oil shale is not the answer. Chevron said they do not believe we are ready for commercial regulations for oil shale. They were joined by some of the major newspapers in both Colorado and Utah, Colorado being the place where most of the oil reserves are.

The Denver Post said:

> Developing oil shale has been a dream since the early 20th century. But careful planning is needed to make sure the dream doesn't turn into a nightmare.

In recent days, some politicians loudly demanded the immediate leasing of massive oil shale reserves in Colorado, Wyoming, and Utah as a way to swiftly lower gasoline prices.

The Denver Post says:

> The idea is ludicrous, and goes directly against the advice of the very energy companies that are actively researching how to tap the enormous but economically elusive oil shale reserves.

They were not alone. The Grand Junction Sentinel, which covers 20 counties, had the following to say:

> The notion that the one-year moratorium on commercial leasing approved by Congress last year is somehow a barrier to commercial development is nonsense. If anything, that moratorium should be extended.

One might say that is what the oil companies said and one might say that is what the editorial boards of Colorado said, where 80 percent of the oil shale reserves are located.

What do the Department of the Interior and the Bureau of Land Management have to say with respect to how we move forward with oil shale development? Yesterday, the Bureau of Land Management and the Secretary of the Department of the Interior said we are going to go ahead and issue regulations that will allow the full-scale commercialization and development of oil shale in the West.

What is included in the report that the Department of the Interior and the Bureau of Land Management issued? In their own words, this is what the BLM said yesterday in issuing the report on commercial regulations:

> Currently, there is no oil shale industry and the oil shale extractive technology is still in its rudimentary stages.

It ''is still in its rudimentary stages.'' It baffles my mind why it is that the Bush administration and the Department of the Interior would want to move forward as fast as they can to get this done before the election and a new administration. Why would they want to do that? Why would they want to do that given their own findings in the Department of the Interior?

That is not all they said. They continued in their own report concerning commercial oil shale regulations to say the following:

> The lack of a domestic oil shale industry makes it speculative to project the demand for oil shale leases, the technical capability to develop the resource, and the economics of producing shale oil.

So with that kind of a statement, how is it that the Department of Interior, Bureau of Land Management, can be in a place where they can issue finalized regulations for the leasing of oil shale for commercial production?

The BLM, again in its own words—this is not an editorial board, it is not even one of the oil companies, this is the Department of the Interior, Bureau of Land Management in its own findings saying:

> It is not presently known how much surface water will be needed to support future development of an oil shale industry. Depending on the need, there could be a noticeable reduction in local agricultural production and use.

I wish to make a comment about that. I spent good part of my life dealing with the water issues of the West—the water issues of Colorado, the interstate compacts that deal with the allocation of water in the West—and there

is no question that for those of us who come from the arid West, we recognize that water is the lifeblood of our communities. Without water, communities die. They dry up and they go away. We are a water-short State. We don't know how much water will be used in the development of the oil shale of western Colorado. The BLM says we don't know how much water will be used in the development of oil shale in western Colorado. So how, without knowing this very crucial fact, can the Department of the Interior and the Bureau of Land Management be ready to move forward with a full-scale commercial leasing program for oil shale? It makes no sense in the world.

That is not all they say. They continue with some other comments. Again, this is the Bureau of Land Management, July 22, 2008. That was yesterday, by the way, when the BLM went ahead and issued its proposed regulations. In the documents, July 22, 2008, the BLM says:

> We have no reasonable way to generate meaningful scenarios to quantify the potential impacts for an industry that does not exist or technologies that have not been deployed.

This is not the Denver Post or the Rocky Mountain News or the Grand Junction Sentinel or even the likes of the Salt Lake City Tribune. These are not the words of the Chevron Oil company. These are the words of the Department of the Interior, Bureau of Land Management. Yet notwithstanding these realities, we have a number of people who are telling us to rush headlong and develop the shale of the West.

If you look at that shale, what you will find is rock. It is solid rock. That is why, for nearly 100 years, people have been trying to figure out how they can extract the oil from that rock. It is a lot more difficult than it seems. That is why this sense that oil shale development is something that can help deal with the gasoline prices we are facing today is simply a falsehood.

I would hope, as we move forward with the debate over our energy future in this country, we can address real solutions—the problem with speculation, which experts tell us accounts for 20 to 50 percent of the price we are now paying for a barrel of oil. We can address the issue of speculation that is included in legislation the Republicans have offered in their amendment and the legislation Senator REID has on the floor, and there are other proposals we can also include in an energy package, including being much more aggressive in those issues we have included in the 2005 Energy Policy Act, as well as in the 2007 Energy Act we passed.

So I hope as we move forward, we will offer real solutions, not false solutions. I believe we have a bipartisan basis from which we can develop that way forward in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, is this the beginning of the Republican time?

The PRESIDING OFFICER. There is 1½ minutes remaining on the Democratic side, but it does not appear it is presently being asked for, so the Senator is recognized.

Mrs. HUTCHISON. Mr. President, am I correct that the next 30 minutes is Republican time?

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Mr. President, I rise to speak because I think the Senate has a duty. We have a duty to the American people to take positive, logical, decisive action to deal with the energy crisis we are facing. Since control of Congress changed hands last year, the price of gasoline has soared from an average of $2.33 a gallon to $4.06 a gallon. That is a 75-percent increase.

In my State of Texas, my husband took our van to fill it this weekend and he came home with sticker shock, similar to every husband or wife in every family in this country. It is $100 to fill a tank in many places in our country. So the American people have a right to look to Congress for leadership, but what have they gotten in response? The bill that is before us today does not reduce a single drop of oil, not a cubic foot of natural gas, and not a single watt of electricity. There is nothing in this bill before us that will address the issue of producing more and using less.

What we have is addressing one very small portion of what might be a part of the problem, and that is speculators. We should be looking at speculators, I agree. We all support transparency in speculation. But we have an energy bill and an opportunity on the floor today. Why don't we open this bill so we actually are doing something about the price of energy? The long-term solution is the short-term solution. Bringing down the price of oil and gas at the pump is a long-term solution that will have short-term consequences that will help every American small business and every family in this country.

We could be looking at conservation. We have already done something in the last Energy bill we passed. We increased CAFE standards to 35 miles per gallon by the year 2020. That is conservation, and it will make a big difference. We have time to get to that point. We have included in the Gas Price Reduction Act that the Republicans put forward a provision that will help America's transportation sector transition into advanced hybrid and electric vehicle technology more quickly.

But what is missing? What have we not addressed that would make a difference? Increased production, that is what. By refusing to pass any bill that would produce more energy inside our country, we are left to wonder: Do our colleagues want to bring down cost? Do they understand the plight of the American people? Or is it an exercise to deal with something that is very much on the fringes and which is not going to make a consequential difference and certainly not a long-term solution.

Does anyone think Congress can take an action on a speculation bill and say: Oh good, we have done something for the American people? The Republicans do not believe that is the case. Here is what Republicans want to do: We want to apply common sense and expand access to drilling on the Outer Continental Shelf.

According to the Minerals Management Service, the OCS—the Outer Continental Shelf—could produce 14 billion barrels of oil and 55 trillion cubic feet of gas. Advances in technology have made it possible to conduct oil exploration in the Outer Continental Shelf that is out of sight of tourists, and it protects against oil spills. States should have the option of opening the OCS resources off their own shores, and the Federal Government should allow States to have a share in the leasing revenues.

State leaders in Virginia, North Carolina, South Carolina, and Georgia have expressed support for this concept. Why won't Congress give it to them? Because we are being blocked by the Democratic majority, I am sad to say. We can do this, and we can do it right now. There are four provisions that prevent us from using those resources. All we have to do is delete that moratorium that has been put in place by Congress. The President has asked Congress to do this, and we could move forward.

I was disappointed yesterday to learn that the Senate Appropriations Committee canceled the markup on the bill that was scheduled to be marked up tomorrow, the Interior Appropriations bill, and it appears the reason is that last week, Senator DOMENICI, Senator BOND, and myself announced we would have an amendment that would strike the congressional moratorium on Outer Continental Shelf options for States. The markup on an Appropriations bill for the Department of the Interior was canceled because they didn't want to vote on an amendment that would open the Outer Continental Shelf based on a State option.

The initiative also would tap the potential of oil shale. Now, I heard the Senator from Colorado say we shouldn't be acting because we don't know enough yet. The other Senator from Colorado says: Yes, we should act because we know there is shale in Colorado, Utah, and Wyoming that is controlled by the Federal Government, and the estimates by the experts are there is 800 billion barrels of recoverable oil, which would be three times the reserves of Saudi Arabia. Again, the President has called on Congress to lift the moratorium. If we don't take the first step, we will never know. We will never know how much is there, and we will not be able to start the process of increasing supply so the price will come down.

For those who say we can't drill our way out of the energy problem, I agree. We can't drill our way out of it. But drilling should be part of the solution. The oil and gas we have in places such as the OCS can be used as a bridge to cross into the next generation of energy technologies, including solar power, wind, and nuclear power. The American people see this. Thank goodness the American people have the common sense to see through the argument it will take too long to do it; that we shouldn't be looking at our own natural resources, that we should be ranting about other countries not using their natural resources for our benefit.

We should take control of our own resources and we should solve this problem the way Americans have always solved the problems of our country over the last 200 years and that is to look to ourselves—look to our natural resources, which are abundant, let's use technology, let's use our brains, let's use solar, wind, and the new energies we know can be found if we put our minds to it—and oil and natural gas are the first step. They are the transition. They are what we know now, and we know we can do this in an environmentally safe way.

Some question: Well, what about the environmental impact of drilling offshore? We had one of the worst hurricanes, with the worst damage aftermath in the history of our country—Katrina—in 2005, which was followed immediately by Hurricane Rita, and it struck the gulf coast hard. We have oil rigs in the gulf coast. Yet there was not one major spill. There was no damage to the environment. The technology has improved so much for offshore drilling, that we know we can do it and protect our environment and also help our people, our economy, and our national security by controlling our own energy supply and destiny.

Our country will spend hundreds of billions of dollars this year to import energy from foreign countries, many of which do not wish us well and could shut us off in a moment. Those dollars should be spent right here in America, giving jobs to Americans and giving an energy supply to American small businesses and families that will bring the price down. That is what the Republicans are offering.

It is time for Congress to act in a bipartisan way with a policy that is balanced, that will give us a transition into the next generation of energy. We have the chance. I implore the majority to give us that opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, I ask unanimous consent that Senator COCHRAN and I be permitted to use 10 minutes to enter into a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, in the next few days and weeks, the Senate has an opportunity to engage in real bipartisanship. We have a chance to adopt pragmatic solutions in the 25 or so remaining days we have in session this year. We can adopt concrete steps to address what many regard as the greatest energy crisis of our lifetime. I see an opportunity for Congress to act now to bring an end to the pain Americans are feeling each time they go to the pump.

As a Senator from Mississippi, I can tell you as I travel around my State, as I have town meetings and as I talk to people on the phone and engage them in any way a legislator does, that the No. 1 issue among my constituents is the ever increasing price of gasoline. We have some urban areas in Mississippi but not many. We have some suburbs, but we are mostly small towns and rural areas. We do not have the option of using public transportation. We know it is not possible for the farmers in Mississippi to park their farm equipment if they are going to try to stay in business.

Skyrocketing gas prices are hitting American families and communities and they are also hitting our government agencies. Police departments, fire departments, schools, and even our military are being squeezed by the high price of fuel. Yes, the price of fuel and our reliance on foreign sources even constitute a threat to our national security because of the effect they are having on our military. We are reaching closer and closer to a true emergency situation and it is past time for real legislative accomplishments. What the people of the United States need and what our Nation deserves is a comprehensive long-term plan for domestic exploration, conservation, and the introduction of renewable and alternative fuels into the energy marketplace. That is why I hope we can have an open amendment process on this legislation, to allow open debate in the Senate about this.

The average price of gas in my home State of Mississippi is currently between $3.80 and $3.90 per gallon. Only a year ago it was $1 less. Many people do not understand why these prices have risen so dramatically. There is a variety of viewpoints but it all comes back to our unwillingness to produce more energy here in the United States.

At this point I yield to my friend from Mississippi, the senior Senator.

The PRESIDING OFFICER. The senior Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I thank my distinguished colleague for yielding. I am pleased to join him, to thank him for his remarks and his leadership on this pressing concern. The Department of Energy estimates that even with intensive conservation efforts in place and enforced, maintaining our economic growth through 2025 will require a 36-percent increase in energy supply. Unfortunately, over half of the oil we are now using is imported, imported from high-cost foreign sources. As demand rises and domestic supply is not increased to accommodate for our own needs, we will continue to be subject to the prices being set by foreign countries.

This is not only due to increases in demand from developed countries. The increased cost for petroleum is also affected by the demand in emerging economies such as India and China. There are new pressures and new reasons why the cost continues to go up. In fact, between 2008 and 2030 it is expected that in China and India, they will account for 70 percent of the increase in global consumption.

What we are urging is not just to take the shortsighted look, the easy answer the majority party has put before the Senate, but take a bold stance—come out for using more American energy, not from expensive foreign sources. We can develop our offshore resources in the Gulf of Mexico, for example, far from the coastline, and add to our energy supply. That will bring down costs.

We need to do real things. We need to conserve more. We need to look for alternative sources, and there are plans in place and programs to do that. What I am saying is we should not give up. That is what this bill that has been brought before the Senate does. It is a bill to surrender—surrender to the high cost of foreign oil and gas. We do not need to adopt it. There are better alternatives and we are urging that we embrace them.

I appreciate the Senator yielding.

Mr. WICKER. Mr. President, I have long supported the efforts to lift the moratorium on energy exploration in the United States and Alaska's Arctic National Wildlife Refuge, which we commonly refer to as ANWR, and also on the Outer Continental Shelf. A lot of us in Washington, DC use the term ANWR and we bandy it about. I am afraid some people out in grassroots America may not realize what ANWR is. ANWR is an Arctic reserve that is the size of the State of South Carolina. It is a vast frozen area in the very northernmost part of Alaska.

What we have proposed is drilling for oil there in a small area, about the size of the typical metropolitan airport in this vast reserve. Congress sent President Clinton a bill in 1995 to provide for energy exploration in ANWR. We are told that if President Clinton had not vetoed that bill in 1995, we would today be getting the same amount of crude oil from ANWR as we are currently having to import from Saudi Arabia. This would have been American jobs. This would have been American dollars spent here in the United States to make us less energy dependent on foreign and unstable sources.

Last week, President Bush took a major step in moving us toward energy independence when he lifted the Executive ban on offshore drilling. We still have the obstacle of a congressionally mandated ban on offshore drilling, which we ought to be discussing in this

legislation today. We ought to be voting on it in the next 25 legislative days that we have remaining.

The peak of pricing for a barrel of crude oil was $146 per barrel only a few short days ago. Yesterday it closed at $126.80 per barrel. There are experts who will tell you that the confidence injected into the markets by this simple step by President Bush caused a drop of some $19 per barrel in the price of crude oil.

If Congress would take the further step and actually pass the legislation to lift this ban or, more precisely, to allow the moratorium to expire at the end of the fiscal year, I think there would be even more confidence in the market, and the price of crude oil and gasoline would continue to drop.

We also need to eliminate the ban on oil shale. This has been discussed this morning. We have three times the amount of crude oil reserves in three Western States in the form of oil shale, three times the supply as we currently see in Saudi Arabia.

I think lifting the moratorium on offshore drilling, lifting the moratorium on ANWR, and lifting the moratorium on the exploration of oil shale in our own country, are steps we definitely need to take. Every moment we are idle we will be ever more dependent on foreign sources of oil. I think we need to act and act this year.

Again, I toss it back to my friend, the senior Senator from Mississippi.

The PRESIDING OFFICER. The senior Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank my colleague for yielding again to me. We do not have time to waste. This is the point. We have proposals to utilize more of our own energy. We can do it. We just need to make ourselves realize that is a better answer than pushing the dates farther along when we do nothing, do nothing, say we are doing something but not getting at the problem. Unless we produce more of what we need here at home, we are going to continue to be subject to the decisions being made overseas by those who have the oil, have greater resources than we do. But we have enormous resources in the Arctic National Wildlife Refuge. Technologies have developed to the point we can produce that energy and protect the environment at the same time. We need to gut it up and approve it, approve expanded exploration and production from our own resources.

The Gulf of Mexico has a huge reserve of untapped resources. We need to use that too.

Senate Republicans are not interested in structuring votes designed for failure and designed for political cover. This issue is too important to blame for our collective lack of accomplishment. We now need to address this vital issue. Energy and gas prices should not be politicized and we are not going to walk away and give up on this debate. We are here to stay and fight.

Mr. WICKER. Mr. President, this is an immediate problem and it deserves immediate and comprehensive attention. Last week I sent a letter to Senate leaders, the majority and minority leaders, to say we should not leave Washington for the annual August work period without passing energy legislation that will make a true difference for the American people. There is no more important action that this body should be taking than to address this issue with pragmatic solutions to the problem. This is a critical time and this is an important debate, the most important debate we could have as elected officials.

I am encouraged to hear that there are bipartisan discussions going on even as we speak to adopt solutions on which we can all agree. I know that a bill I would craft might not receive a majority vote in the Senate, but there are common solutions that I believe a majority of us can and must agree on. The time to act is now.

May I ask how much time remains in the 10 minutes that has been allotted?

The PRESIDING OFFICER. The Senator has consumed his 10 minutes.

Mr. WICKER. If I might continue to speak. I see we have no one who has asked to speak at this time. When another speaker arrives, I will be happy to yield at that point.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. WICKER. As I mentioned in my introductory remarks, this is an economic security issue. But it is also a national security issue.

Last week, the LA Times reported that the Pentagon will spend $16.4 billion on fuel this year—$16.4 billion as compared to $5.2 billion in 2003. The cost of fuel for our national security has gone up that much. This is a major concern for our military. They are having to budget for ongoing missions in Iraq and Afghanistan and all of the areas around the world in which we are engaged.

That same article in the LA Times mentioned another important point about the need to adopt alternative fuel sources, now more than ever. The Air Force, a branch where I served for some 4 years, and longer than that in the Reserve—the Air Force is already researching the use of coal to liquid for its fighter jets.

Their goal is to have half of the planes burning coal-based fuel by the year 2016, a substance which we have an abundance of in the United States of America.

At these record prices, commercial carriers are beginning to follow suit. The Federal Government should encourage and incentivize the ventures, doing research on coal-to-liquids.

Congress has an opportunity to be proactive. We could choose to boost our economy by producing more energy domestically, and I am proud to join my Republican colleagues in a clear message which I think also states an obvious truth: We need to find more resources and we need to use less.

That is the reason I have readily cosponsored the Gas Price Reduction Act. We offered it only a few weeks ago, and it gets to the very heart of our debate—increasing supply to keep up with increasing demand as well as using less through conservation and alternative fuel methods here in the United States.

Both Senator COCHRAN and I are cosponsors of this legislation. It is my hope that we can work together across partisan aisles to come up with a solution for America. We do not need political games. We do not need to have a limited structural legislative vehicle that allows our side only one vote on one proposal which probably cannot pass in its current form and allows one vote on the Democratic side for a legislative proposal that will also probably not ever see its way to the statute book. We need to do something about this problem. And this year, these few remaining days of this legislative session comprise the time to act.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Republican side has 2 minutes 40 seconds remaining.

Mr. DOMENICI. I was a bit late arriving. I ask unanimous consent for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, fellow Senators, let me say to you that I rise to speak again on what may be one of the most important issues facing the American people.

Let me repeat, today we have before us a bill that addresses speculation in the energy business in the United States. I regret to tell you that the high cost of gasoline is straining our Nation's family budgets. The American people are looking to us to do something. Instead of providing some needed relief, the majority has brought a speculation-only bill before the Senate with limited debate and minimal, if any, opportunity for amendments. I am forced to say that in my 36 years in the Senate, I have never seen a problem so big met by a proposal or a solution that is so small.

The other side suggests that at this particular time in our history, there is no need to move beyond this, the one bill which the majority leader, using extraordinary rules, has brought before us under our rule called rule XIV. It has not been before committee, it has not been reported out by a committee; just put together in his office. And it is the Energy bill supposedly for the end of this year; it is all we are going to do, with the American people clamoring for us to do more since they are so burdened with the high price of gasoline. The American people, by an overwhelming majority, want action. They are getting nothing except excuses and evasion.

Yesterday, the majority continued to trot out a baseless proposal that they are calling ''use it or lose it'' in an attempt to convince Americans that despite all the evidence to the contrary, they are actually in favor of some domestic production. Make no mistake, if the Democrats wanted more production, they would have included in the underlying bill, the one I just described that the majority leader got before the Senate, if they wanted to address some real energy issues, then there is no question that all they had to do was add those issues to that bill, and those issues would be before the Senate.

If we needed any more evidence that most of my colleagues on the other side opposed new domestic energy production, it came in the form of a canceled Appropriations Committee markup.

In the news this morning, we read that the majority's spin on this decision is:

On the Interior Appropriations bill, the Republicans had threatened to strike the ban on offshore drilling that has been in effect for nearly 20 years, even though they have been offered a separate vote to strike this ban on the Senate floor. Their rejection of this offer makes it clear that they are more interested in playing political games to score cheap political points than to complete action on the bills that fund America's priorities.

Can you imagine? I beg to differ. Republicans are not trying to score cheap political points, we are trying to get something done—something done to deal with the supply and demand imbalance at the heart of this energy crisis. Our rejection of the so-called offer to bring up a single amendment tells you more about the majority's decision to avoid, at all costs, a solution that measures up to the scale of the energy problem than it does about the Republican's desire to get our work done here in the Senate.

This ban on production of our own energy resources can no longer stand in the face of a growing crisis. What we are talking about now, Senators, is that starting 20, 25 years ago, some 27 years ago, the Congress of the United States decided, 1 year at a time, in the appropriations bills, that they would put a ban on drilling off the shores of certain States, until we got to the point where 85 percent of all the coastal areas of America have a ban, a congressionally imposed ban. You cannot go into those areas using the lease proposals of the U.S. Government and give oil companies, large and small, leases to drill and find oil and gas for the American people.

Now, obviously this ban on production of our own energy can't stand with today's problems. Those bans started when we were worried about oil spills, and they started when we didn't worry about the price of oil. They started when oil was so cheap that we did not care about producing our own. We could, with reckless abandon, put bans and prohibitions on drilling anywhere we wanted and nobody would get hurt and the American people would not suffer.

Such is not the case now. That is why I beg to differ with Democrats who say we are here playing some kind of politics. If there is any politics being played, it is the politics that is trying to prevent Republicans from presenting here on the floor amendments that try to do the people's business, that try to use this oil and gas that is ours in such a way that it will reduce the price of gasoline at the pump.

They have called hearings on their own proposals; they have canceled them. They have called for markups on their own bills which would include these same issues; they have canceled those hearings. They can avoid hearing testimony on their own policy proposals. They can avoid production votes on their own appropriations measures. They can even avoid real production votes on the Senate floor. However, my colleagues will not be able to avoid their constituents during the August recess.

Thus far this week, instead of action, we have heard a great deal of talk from the other side. We have heard tales of how Republicans are ''blocking another bill.'' I mean, it is really hard for a Senator like this one, who has been here 36 years—this is my last year—I have been in charge of energy legislation, been in charge or ranking member only for the last 4 or 5 years. Prior to that, I did budget work and other work. But in terms of being chairman or ranking member, it is only a few years. We got a lot of things done in those few years.

We are here since the Democratic leader brought a bill to the floor. It was his choice to bring it here. He brought the bill here in an extraordinary manner. It is now here, it is pending, and it should be treated the same as any ordinary bill that is pending.

It is a bill which allows for any responsible provision to be added to it as an amendment and a responsible provision, as we see it, that will help with the crisis confronting America and we say any amendment that will produce more oil, more gas that will be added to what America can drill for and use. That is important. We are not blocking anything.

Can you imagine, they bring down a bill that does one little thing that has been said by most experts to not even be needed. If anything, it is a minor problem. And they want to vote on it and go home and tell the American people they have done something about the energy problem? We turn around and say: Yes, let's do something about it, and we are the ones ''blocking'' another bill.

The majority has said they want something done on energy. This would be believable if the leadership on the Democratic side had not clearly stated in December that they would pivot away from highlighting accomplishments in the coming year, abandoning any attempt at accomplishments, and a staged attempt to manufacture the appearance of obstruction is transparently political.

This strategy of campaigning from the Senate floor has weakened the institution and left the American people without much needed leadership during this energy crisis. Instead of impugning the name of the American President from the Senate floor, instead of reading poll numbers on the Senate floor, instead of providing daily opinions on the status of the Presidential campaigns—Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Instead of providing daily opinions on the status of the Presidential campaign and special elections, the Senate could have been legislating.

We have been told that Republicans may be allowed to offer one amendment; I repeat that, just one amendment. And I repeat that in my 36 years, I have never seen a problem so big met by a proposal or a proposed solution that is so small. The offer of a single amendment was accompanied by a baseless assertion from the majority that they are willing to compromise and work together on energy legislation that both sides can live with.

We were told that one amendment from the majority and a competing proposal from the minority is how the legislative process is supposed to work. I disagree. The Senate passed bipartisan comprehensive energy legislation in 2005 and 2007. I was here every moment of it. The process for those bills, which passed both Chambers in the Congress and were signed by the President, was quite different.

Take the Energy Policy Act of 2005, for example. And now I will go through the history of that one and the two that followed it.

We devoted 10 days of the Senate's time to debating that measure. There were 19 rollcall votes held on amendments, 23 rollcall votes on the legislation itself, there were 235 amendments proposed, and 57 of them were agreed to. There is a similar story to be told of the Energy Independence and Security Act of 2007. Over 15 days, the Senate voted on 16 amendments, held 22 votes on the bill itself, saw 331 amendments filed and 49 of them agreed to.

We can look back further, of course, to a time when the Senate successfully moved legislation focused purely on environmental protection. During consideration of the 1990 Clean Air Act Amendments, the Senate devoted 5 weeks to a thorough and open debate. A total of 180 amendments were offered and 131 were ultimately acted upon by the full Senate.

And yet, we are told that one amendment from each side is how the legislative process is ''supposed to work.'' This approach is more accurately described as a lesson in how to steer the legislative process towards failure. The

American people want action, not excuses; they want real proposals, not political ploys; and they want genuine solutions, not small measures.

During the recent climate change debate, perhaps it was good that the majority undertook a process that was doomed to fail. The cap-and-trade bill would have increased gas prices by more than a dollar per gallon, and energy prices across the board would have increased as well. But now, as a growing majority of Americans from all political camps demand more energy production here at home, we have to get serious about doing the work that we have been elected to do. Advancing a bill that focuses on such a narrow part of the energy crisis we face, stifling the ability to offer amendments to that bill, cancelling markups, and abandoning hearings are not what the American people want from the Congress.

I am disappointed that we will not be offered the opportunity to act in a real way this week on the most important issue facing the American people. Despite the majority leader's assertions about the recent decline in the price of oil, talking will not solve what all experts say is a supply and demand imbalance. Solving this problem requires action and leadership. I hope we will see both before we depart for our home States in August.

It is pretty clear to me, and I think we are able to make it pretty clear to anybody who is interested, that now is the time to pass meaningful legislation that will help the American people through the crisis of the high prices of gasoline. While we are building a major plan and have come along with a minor plan, in a couple weeks we could knock out a very good bill. I am willing to sit down, bipartisan. If the majority side is willing and the chairman of the committee is willing to invite me, I will be there. Maybe we can do it. Thus far, it seems it was not possible. So we are trying the best we can to do the work for the American people. That means good amendments to a pending bill which we did not bring up, but it is there for us to use, pursuant to our rules.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSING CRISIS

Mr. CASEY. Mr. President, I rise to talk about the housing crisis which has gripped the United States for many months now, more than a year, but especially to talk about the bipartisan work done in the Senate and across the Capitol in the House. I commend the work of Chairman DODD and Ranking Member SHELBY from the Senate Banking Committee, as well as Chairman FRANK on the House side, for their efforts to put together a bipartisan piece of housing legislation which will have the effect of stemming the tide of foreclosures and bring some measure of relief to families. We know the data, the statistics, which bear repeating. Every weekday in America, only because courthouses are not open on Saturday and Sunday, some 8,500 families begin the foreclosure process or take some step in the process of being thrown into that nightmare. Every day that happens. No day does it not happen. We are thinking today about those families and their problems and their lives.

We think about the necessity of this legislation on a lot of days, but today the New York Times reported the average 30-year fixed mortgage rate went, from last week, from 6.44 percent to 6.71 percent, in a matter of days going up by that much. For a lot of those families, interest rates are going up. The misery and the nightmare of foreclosure is overwhelming them. It is incumbent upon the Senate and the House and the administration to do something about it, not just to keep talking about it but to do something about it. Fortunately, there are people who have done that.

One of the elements to this, of course, is dealing with the crisis which has gripped the two largest providers of mortgages, two entities in our system that provide as much as $5 trillion—it is hard to comprehend that number—of our mortgages, Fannie and Freddie, as we know them by their commonly known names, using that terminology.

In the first quarter of this year, 70 percent of all new mortgages were provided by Fannie and Freddie. These two government-sponsored enterprises, described as mortgage giants, have a tremendous impact on our mortgage market but also have a tremendous impact on our economy here at home and around the world. We cannot let them fail. Some people will talk about what Secretary Paulson has proposed and others about Fannie and Freddie, and they will say how much does it cost. That is an appropriate question. There are a series of questions I have asked that I will get to in a moment. The other question we need to ask is: What is the cost of letting them fail? That is why this bipartisan effort has been so important.

I commend Secretary Paulson for doing an extraordinarily difficult job under difficult circumstances. He has worked hard. He has tried to find common ground. I haven't always agreed with him. I am sure he has not always agreed with me and every Member of the Senate and the House, but I think he has worked hard with both parties to try to work something out.

It is very simple. If Fannie and Freddie are going to come to the Congress and say, we need your help, we need a line of credit, and we need to have the authority to purchase equity, then we say, last time we checked, we were elected by taxpayers. So if you are going to ask us for help, we are going to ask you questions and demand that you put on the table and we put into any agreement the kind of principles any taxpayer should have a right to expect. That is the exchange. They want help, and we will give them help. We think it is important to make sure they don't fail. But if they are going to get the help, they have to put some principles in place. So Fannie and Freddie, those major organizations—institutions—have to bring some measure of accountability to their own practices.

I looked at a chart yesterday. I am using round numbers here, but they are not off by very much, to generalize. If you look at the top people at Fannie and Freddie, about 13 people, when you add up bonuses and salaries and other incentives, it is about $76 million in 2007. So if 13 people are getting $76 million in 1 year, you better believe taxpayers have an interest in this. I think Fannie and Freddie have still a ways to go. Even if the House does their job today and passes this legislation, even if the Senate passes it, Fannie and Freddie have to prove to taxpayers, these two mortgage giants have to prove to taxpayers that they are going to be accountable, that it is not just symbolic. They have to put practices in place and measures in place.

I have asked for that. I have said both of them should pursue litigation, if it takes that, to recover excess bonuses. They should make sure that when they make any agreement on stock purchases or any other benefit to their executives, that they have to consider steps that will hold them accountable, in addition to all the other safeguards taxpayers have a right to expect, if taxpayers are going to help them. Again, I support making sure we don't let these two fail, but taxpayers have an interest here.

One of the other features of the bipartisan legislation is that in order for Fannie and Freddie to work well, to be effective in the mortgage market, we have to have a tough, independent regulator for both. That is what we worked out in the Banking Committee. The Presiding Officer knows of our work. We have worked that out as part of the legislation. It is critically important the American people know that part of the non-Fannie and Freddie part of this housing legislation is a provision that speaks to how we regulate their activities. In addition to working on any kind of help that we are going to give Fannie and Freddie, the Banking Committee and people in this Chamber have a real concern about making sure we have a strong, independent regulator in place.

Two more points, one of which is on community development block grants. Thank goodness that apparently Secretary Paulson and others, I and others have called upon the President to lift his veto threat and to stop using help for local communities as an impediment to signing housing legislation

which is needed to stop those 8,500 foreclosures every day of every week. Apparently, from what we hear today, the President has, in fact, lifted his veto threat. Thank goodness for the housing market. But also thank goodness for families across America, especially those who might be 1 of those 8,500 every day of every week in the near term, before families fall into that dark hole, that nightmare we hope this legislation will help.

Community development block grants are one way to help here. There is no reason why local communities, those local officials who are closest to the problems and closest to the people, there is no reason why they shouldn't get the help they need through this legislation. There are a lot of other provisions we could talk about in the legislation, but I wish to commend the work done by the committee, the Banking Committee, by Chairman DODD, Ranking Member SHELBY, and Chairman FRANK on the House side. This, in the end, is not about some esoteric Fannie Mae or Freddie Mac issue. It is not about some distant theoretical housing issue. This is about real lives and real families. Many of them are not just struggling with impending foreclosure and the devastation that can bring; this is about families also who are paying the highest gasoline prices we have ever seen in American history, paying higher health care costs, paying college tuition costs, paying the higher cost of food. This is one of many problems that has been heaped upon middle-class and low-income families.

This legislation will provide some relief. I am thankful the House is working on it today. I look forward to prompt passage in the Senate and having President Bush sign it into law.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I come to speak basically about the need for more energy production as well as more conservation. Before I do, I would like to follow up on the comments of my colleague from Pennsylvania. This housing bill we have all worked on for quite some time now is hopefully going to be passed by the House. The President has withdrawn his threatened veto. It looks like this major piece of reform will finally come to pass. I thank Chairman BAUCUS, Chairman GRASSLEY, and Chairman DODD for including in that bill, before it left the Senate, an extremely important provision for the State of Louisiana and Mississippi, the whole gulf coast, that will provide some significant tax relief to people who had received Road Home benefits based on the extent of their damage, whether they received a $20,000 grant or a $50,000 grant or a cap at 150, to try to make them somewhat whole.

This is not making people whole along the gulf coast. But if their insurance failed them or they were in a place that was not a flood plain and didn't have insurance because they weren't in a flood plain but lost everything anyway because of the magnitude of the storms, we allow them an opportunity for a grant to rebuild. It is working. It has been very slow. It has been painful. The programs were not established correctly initially, but both Mississippi and Louisiana are making great progress. The problem was, these grants would have been taxable, putting people in a tax bracket where they would have to write a check to the Federal Government for $5,000 or $15,000 or $20,000. It would be impossible for them to do that under these circumstances. So this bill has corrected that. They will still have to pay regular taxes but not on these Road Home grants. It is basically a billion-dollar direct relief to homeowners in the gulf coast. We could not be more grateful to the Members, to the Presiding Officer and others who voted to include that and particularly to the chairman. If any homeowners in America need help, not just the ones who were foreclosed on through no fault of their own but most certainly the 300,000 homeowners who lost their homes because these storms took everything they had, we are very grateful for that help in housing.

I wish to speak about energy. There have been a lot of charts and graphs put up because this is a dynamic and tense debate. There are legitimate issues on both sides. I wished to bring a new chart that can explain the situation at least much more clearly. The facts are that in the United States, along the Outer Continental Shelf which is off our shore, there is currently now a moratorium along the west coast, along the east coast from Maine to the top of Florida, and on the eastern side of the gulf. This goes out 200 miles from State waters, and it is now off-limits to exploration.

Meanwhile, Canada, our friendly neighbor, is drilling right here off their entire coast.

I do not know how much they are producing off this coast, but it is substantial resources. Right here in the gulf, off the coast of Louisiana, Mississippi, and Texas, as you all know, we have a long tradition of believing that natural resources actually belong to the public, and we should be exploring these resources for the benefit not just of our region but for the Nation.

Most of the oil and gas—basically a third of the oil and gas—of the Nation is coming off the shores of Texas, Louisiana, Mississippi, and, to some degree, Alabama, despite the no-drill zone or no-exploration zone off Florida.

Now, interestingly enough—which is what is partly driving a change in this debate—is this area right here, as shown on the map, which is off the coast of Cuba but very close to Florida. It is currently being leased for drilling by the Chinese, by European powers. So the fact is, while we sit and lock up our resources off our coasts, China and Europe are coming in and drilling closer to the land of the United States than we are allowing ourselves to drill, which does not make sense.

What we need to do to get prices down is to increase the supply of oil and gas domestically and—and—significantly reduce our usage of it by moving away from gasoline-only vehicles. It does not mean we all have to move from big cars to tiny cars. It does not mean our farmers have to give up their pickup trucks. It does not mean our truck drivers have to park their big vehicles and sit on the side of the road.

What it does mean is we can, through legislation, build new trucks, new cars, and new pickup trucks that get 50 miles a gallon or 60 miles a gallon and not just gallons of gasoline but gallons of ethanol produced from corn or from sugarcane or cellulosic matters or fiber or waste, municipal waste.

So we need to look and see where we can drill safely in these places. There is drilling allowed right now in Alaska but very limited. Although it is allowed, it is limited. We need to look at how we can accelerate this drilling. The great news is—even though I support drilling in ANWR; we do not have enough votes to do that—ANWR represents this tiny dot, a dot. We should not stop fighting about ANWR, but we should also think about other places in Alaska where we could drill safely and open exploration in limited places, providing a buffer zone for States and providing very strategic care.

One myth I wish to correct today—because it is a rampant myth—is that there is hardly any oil and gas off our coast. People will come to the floor and say: The Senator is correct. This is off-limits to exploration, but the reason it is is because there is no oil and gas there.

That is not true. I know people are not purposely misleading because they are citing statistics from old material. But I wish to give you some statistics that will prove my point.

The estimates come from Minerals Management through the Energy Department. In 1995, the Government was making estimates of what was in the Gulf of Mexico. They said, in 1995, there were only 5 billion barrels of oil in the gulf. But when they started drilling more and exploring more and using new technologies, we have now determined there are 20 billion barrels of oil.

So in 1995, the same group that is doing these estimates here, said in the gulf there was only 5 billion barrels. But after we did the right kind of exploration and testing, we actually found more than 20 billion. That was in 2000. So the idea is that today, if we would allow the inventory to take place right now, the estimates might be that there are only a few billion barrels. But based on the experience we have in the Gulf of Mexico, we know it is going to jump considerably.

We are the only country, to my knowledge, in the developed world that

has not even explored or taken an inventory of what the resources are. In those days, we did not have the kind of technology we have today. So we can use modern 3D seismic technology. I am going to suggest we do not have to wait until 2030. We do not have to wait until 2040. There is infrastructure in place now in this part of the Gulf of Mexico, and it could be established in some other places as well, to go after the oil and gas that is there that this country needs to increase our domestic supply.

Mr. President, I know I only have 1 more minute to close.

As you know, people from this Chamber send letters overseas.

Mr. President, I ask unanimous consent for 1 more minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized for an additional minute.

Ms. LANDRIEU. We keep sending letters overseas asking everybody else to increase production so they can send us oil and gas. Yet off our own shore, we have great resources of oil and gas for which we must make a breakthrough and open for exploration.

So I know my time is wrapping up now. I wish to come back to the floor and talk about the safety and the new technology.

I am going to show one picture in the Chamber. This is what an offshore oil rig looks like. There is a platform on top of the water, which a lot of people have not seen. But you can see these off the coast of Texas and Louisiana. We like the way they look. It talks about money and independence. That is what it means to us. It can be done quite safely. This is as blue as the water looks, with lots of fish around those rigs. The pipelines are down on the ocean floor.

So I will come back and talk more about the new technologies that allow us to drill safely. But I hope the facts I have shared help us to come to terms with opening more resources in the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise with my colleagues to help explain the need—the crucial need—for comprehensive action on the Nation's most pressing domestic issue, as explained so eloquently by Senator DOMENICI. We all owe him a debt of gratitude for his leadership and his service in the Senate.

This is a national issue. But I wish to focus on an individual because this affects individual people and families as well as it being a national and domestic energy issue.

Never was the energy crisis made so clear to me than when I met with John Grau, a Kansan who runs a cattle operation—or did before a tornado—near Soldier, KS. I visited with John at what used to be his home, until a June 11 tornado reduced it to a basement, opened to the sky except for a fruit closet, of all things, with the fruit jars still there. What a miraculous thing. He and his wife had taken shelter and—also a miracle—they had survived, thank the Lord.

Despite everything he had been through and everything he would face as he would begin to recover from his losses—we were standing there, looking at what used to be his ranch and what used to be his home—he wanted to talk about gas prices. He said: I am going to be all right, after the storms. I can make it back. Look at the 200 friends here helping me. But Congress has to do something, he said, because the high cost of gas was a crucial hardship for his employees, his neighbors, his friends, and his future.

Now, I have been retelling this story because it is important for those engaged in the debate to understand how high prices are affecting real people and that we need real answers and we need them now.

Now, when I hear those on the other side of the aisle criticize our proposals on the basis that it will take several years for new oil and gas to hit the market, I am reminded that over the last two decades this body has held over 20 votes on energy production. That is 20-plus votes on deep sea, oil shale or Alaska production that have been blocked by my colleagues.

The only thing that has changed in this surreal argument is energy prices and gas prices have continued to increase to a crisis level proportion. Twenty years of policy that increased our reliance on foreign oil is enough. That is why the American public is calling for us to change course and to do it now.

They know we cannot tax or regulate our way out of high energy prices. We must enact a long-term, comprehensive strategy that steers the Nation in the right direction so we are not at the mercy of foreign interests.

This is also a matter of national security. We do not want to be dependent on people with names such as Ahmadinejad and Putin and Chavez. It is not only about John Grau. As I have said, it is a matter of national security. But John Grau is the individual who is being hurt, similar to so many millions of Americans today.

The answer is pretty simple: Adopt policies that lessen demand on energy and create more energy here at home, from sources we can depend on. We need action on this strategy, and we need it now.

The Gas Price Reduction Act takes these necessary steps. The bill would tap as much as 14 billion barrels of oil along the Atlantic and the Pacific. The legislation would also open three times the oil reserves of Saudi Arabia through Western State oil shale exploration.

Now, some of my colleagues want to paint this side of the aisle as advocating for drilling only. It is obvious they have not read our proposals. Yes, we—and the majority of Americans—support increased domestic production. But we also support reduced consumption and increased transparency, oversight and efforts by the CFTC regarding the futures markets.

Our policy position does not stop at ''find more.'' Our message—and the message from my constituents—is: Find more and use less.

Our bill encourages alternative sources of energy, including plug-in electric vehicles through the development of better batteries to maximize electricity range and use less gas.

Our bill is the latest in a number of actions we have taken to reduce demand on foreign oil and increase production of clean energy here at home. In 2005, we passed the Energy Policy Act that developed incentives for ethanol production. In 2007, we passed the Energy Independence and Security Act, which improved vehicle fuel economy by increasing CAFE standards and provided incentives to develop cellulosic ethanol, the next generation in ethanol production. I might add, in regards to the CAFE standards, it was also with the cooperation of the automobile industry, for the first time.

Limiting our efforts to only address concerns about speculation ignores the root cause of higher prices, and that is production. The President lifted the ban on offshore exploration. All that is left is for Congress to act.

Again, clearly, the next step is action on a long-term comprehensive energy solution for the Nation which would increase the supply of affordable, clean domestic energy. We can start by passing the Gas Price Reduction Act. However, the alternative on the floor—the bill we are debating—is the majority leader's speculation bill, and it has been proposed basically on the floor. It did not go through the committee process. The President's working group, working on the very same problems, has strong concerns with this bill.

The Interagency Task Force on Commodity Markets' preliminary report just came out and also shows that supply and demand is the driving factor in energy price increases. Another final report will hopefully be out in September.

Now, concern for the unintended consequences of this so-called speculation bill is precisely why we must engage in an open and fair debate where ideas and all pertinent proposals are discussed and should be voted upon. The American people deserve no less. However, that is not happening. That is not happening, and that is an egregious error.

Our constituents expect and deserve more from their Senators. They need solutions—real solutions, comprehensive solutions—and they need them now.

I harken back to my comments in regard to Kansas cattleman John Grau looking over his home and ranch, completely destroyed by a tornado. He said

it best: I can make it back, PAT, but Congress has to take real action. We should—we should and eventually we will—find more and use less. I completely agree with John Grau.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mrs. DOLE. Mr. President, it is imperative—imperative—that American leaders declare war on high gas policies and implement policies to achieve energy independence. We are almost 60 percent dependent on foreign sources of oil, from the likes of Iran's Ahmadinejad, Russia's Putin, and Venezuela's Chavez, all of whom harbor anti-American sentiments and get richer while American families are suffering and our businesses are hurting terribly.

To secure our energy future, America needs what I would call a ''kitchen sink'' policy. We need to throw everything and the kitchen sink at our energy crisis—conservation, alternative energy, exploration, and market fairness. We need policies that provide immediate relief as well as short- and long-term solutions.

I urged that we halt deposits to the Strategic Petroleum Reserve, and we successfully passed legislation to that effect. I support right now releasing one-third of the current reserves which would increase supply, drive down prices, and signal to speculators that the U.S. Government is dead serious about addressing high gas prices.

It is also important to protect consumers from illegal market manipulation and corporate corruption. I, along with some of my colleagues, am calling for an oil and gas market fraud task force to police oil speculators and ensure that energy markets are functioning properly.

As we know, the Senate is currently considering a bill to rein in energy market speculation, and I agree that additional enforcement and transparency can help better manage these commodities that are critical to our economic and national security. We should move forward with responsible actions, but cracking down on speculators alone will not solve our gas price woes.

We must also decrease demand and increase supply. Rising gas prices are driven primarily by supply and demand imbalance in global energy markets. Last year, global demand exceeded supply by nearly 1 billion barrels per day. The result: Over the past year, gas prices in North Carolina have increased by more than 30 percent.

To decrease demand, I strongly support conservation efforts and investments in alternative energy research. No question, America needs a crash course in conservation. I have cosponsored numerous bills to pursue these goals, including the Clean Energy Investment Act, the Climate Security Act, and the Clean Energy Tax Stimulus Act.

To increase supply, we also must utilize America's vast energy resources. Surely, bringing these energy resources on line will not happen overnight but, if anything, that means we should move more quickly to pursue them. For instance, if President Clinton had not vetoed legislation in 1995 to open 2,000 acres of the 19 million acres in remote areas of Alaska for exploration, our current energy deficit would already be reduced by roughly 1 million barrels of oil a day.

After careful consideration, I support lifting the moratorium on the Outer Continental Shelf—OCS—giving States the option of allowing exploration at least 50 miles offshore, where it is not visible from land. A portion of revenues generated from leases would go to the States and could be used for dredging and beach renourishment and other coastal priorities. Families struggling with high gas prices cannot afford for Congress to keep energy options off the table. They must all be on the table.

I am excited about lifting restrictions on oil shale exploration in the Rocky Mountain West. With the potential for oil shale to produce more than three times the proven reserves of Saudi Arabia, we can ill afford to further delay utilizing this American oil resource.

However, we should not explore for more petroleum at the expense of alternative energy. We must pursue all available resources, including nuclear, clean coal, natural gas, wind, solar, and biofuels.

Along those lines, let me add that not only are families being slammed with high energy costs, but they are also being hit hard with escalating food prices. I am very concerned that food-to-fuel mandates have resulted in a substantial volume of our corn crop and vegetable oils being diverted into ethanol and other fuel supplies, severely impacting food and feed prices. In fact, since February 2006, the price of corn has increased by more than 200 percent, and this has caused feed price increases that impact the cost of basic items such as milk, eggs, and meat.

During consideration of the 2007 Energy bill, Senator INHOFE and I tried to include a safeguard in the renewable fuel standard which would have helped prevent a situation such as we face today. The administration should waive the mandates, and we need to correct these unintended negative consequences where an excessive amount of corn and vegetable oils have gone to ethanol production. This is having an impact worldwide and emptying the shelves of our food banks and our food pantries. Alternative energy must absolutely be a part of our energy future, but there are obvious and painful lessons to be learned from the ripple effects of these mandates.

One day we will be free from the stranglehold of high gas prices and dependence on foreign oil. We will power our economy with alternative energy sources, and no longer will the petrotyrants in Iran, Venezuela, and Russia be able to hold the world economy hostage.

However, to get there, we are going to have to throw everything and the kitchen sink at our energy crisis. I call on President Bush to hold a national summit now for congressional and national leaders to come together and develop a comprehensive plan. The time is now for realistic, bipartisan solutions to provide families and businesses with immediate relief to meet our energy needs for the short term and to secure our energy independence for the future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip is recognized.

Mr. KYL. Mr. President, I think Senator DOLE's idea of the kitchen sink approach is right on target. Maybe we will even find a way for the kitchen sink to somehow help us out here, but at least it is everything but the kitchen sink that Republicans are suggesting is the answer to our oil crisis.

There isn't just one answer. That is why we don't agree with the Democratic bill, which is simply to deal with speculators and speculation. I am going to talk about that in a moment. First, to reiterate what Senator DOLE said, Republicans support a broad-based, balanced approach to this problem that recognizes there isn't one silver bullet, but through a combination of things such as conservation, such as renewable energy, such as producing a lot more oil and gas which this country has. Also, if we will simply lift the moratoria that currently preclude us from exploring for more energy, deal with speculation to the extent it exists, as well as certainly nuclear power—all of these things together can help us work our way out of the crisis. Part of it is short term, part of it is medium term, part of it takes long term. We have to look at this as a long-term problem.

I shake my head at those who say: Well, that particular solution doesn't do anything for 3 to 7 years. My answer is, of course, I have never completed a journey I didn't start. If we had completed some of the things we started years ago, we wouldn't be in the crisis we are in right now. However, we are stuck right now with one bill on the floor. Unfortunately, it is not the Republican approach, which is a balanced, broad-based approach, and includes new production, but simply the limited approach of dealing with so-called speculators.

I wish to talk a little bit about why only focusing on speculation isn't going to produce one more drop of oil, it is not going to reduce the price at the pump, it is not going to solve the problem and, in the long term, could actually hurt, and I will try to explain why.

It is propitious that yesterday a report came out that supports what I am now saying. We didn't have anything to

do with the timing, but I say it is propitious because it helps to answer questions that people have been asking. For over 3 months now the regulatory body of our Government that looks at speculation, called the Commodity Futures Trading Commission, has been testifying, and despite enormous pressure from the other side to point the finger at speculators, they have consistently said they don't think it is speculators. We believe it is the law of supply and demand, the fact that there is much more demand for oil than we are producing that is creating a problem.

Well, an interagency task force led by the CFTC and composed of staff from the Departments of Agriculture, Energy, Treasury, the Federal Reserve, the Securities and Exchange Commission, and the Federal Trade Commission all reaffirmed yesterday that:

> Current oil prices and the increase in prices between January 2003 and June 2008 are largely due to fundamental supply and demand factors.

Furthermore, the report—and again I am quoting:

> suggests that changes in futures market participation by speculators have not systemically preceded price changes. On the contrary, most speculative traders typically alter their positions following price changes, suggesting that they are responding to new information—just as one would expect in an efficiently operating market.

The other side has ignored this CFTC analysis for a long time. I hope the new report will not be ignored, because what it illustrates is you are not going to solve this problem by trying to figure out a way to somehow regulate speculators. You have to deal with the law of supply and demand.

I tried to explain this to a younger person who was wondering what all of this debate was about, and this is the example I came up with—or the analogy: These are investors, these so-called speculators, and what they are trying to do is to predict into the future what the price of something is going to be. Now, if they guess right, they can make money. If they guess wrong, they may lose money. They are researchers and they are looking at the best evidence they can. One of the things they look at is will there be more supply or more demand. Obviously, if there is more demand, then the price is going to go up. It is a little bit like the weatherman predicting the weather. The weatherman is a professional too and he looks at all of the research and he concludes that by this weekend we are going to have some rain. Now, he may be right, he may be wrong, but that is his job, to try to predict, and more often than not, he can predict it fairly accurately. What if we don't want rain next weekend? What if we don't think rain is a good idea? Are we going to muzzle or fire the weatherman and say: We don't want you to report this because we don't want the rain? Is that going to do any good? It doesn't do any good at all. If it is going to rain, it rains. If not, it won't.

If the prices are going to go up because Iran is rattling its sabers in the Persian Gulf, the prices are going to go up. If they don't, and the prices don't go up, it is not the speculators who make the price go up or down. The speculators are reporters. They are people who are trying to figure out what the price is going to be. They don't make it what it is; they are trying to figure out what it is going to be.

That is why the CFTC said they typically alter their position following price changes, reacting to new information. Again, it would be like trying to shut the weatherman up because we don't like the weather he is predicting. That is the role these speculators have. They are trying to predict the future and they actually help the market by setting a price that is useful to those who are trading in the market.

I appreciate that there are colleagues on the other side who are skeptical about this, but let me explain why I think it is unlikely that commodity traders actually push up the price of oil. Here is the explanation. They can only do this and drive up prices if they actually took physical possession of the product and then hoarded that, withheld it from the market.

But between 2003 and May of 2008, only about 2 percent of oil futures contracts actually resulted in physical delivery. Those are the utilities, airlines—folks like that.

If commodity index fund investors were, in fact, hoarding actual physical inventories to raise prices, one estimate suggests that they would need to fill storage tanks with more than 40 times the amount of oil currently held in the inventory at the Cushing oil terminal in Oklahoma where the West Texas intermediate oil contract is valued. Since we have not seen all of this frenzied new construction of oil storage tanks and facilities equivalent to 40 Cushing oil terminals, it is very clear that there is no hoarding occurring.

What is actually happening to supply today? Total oil stocks in the developed countries have been static. In other words, we have not been increasing the supply. A year ago, including strategic reserves, they amounted to about 4.1 billion barrels and today are at about the same level. Global demand, on the other hand, was 86 million barrels a day in 2007, while supply totaled 85.5 million barrels, creating a deficit of half a million barrels a day. As one would expect, prices are rising to reflect the fact that there is not as much supply as there is demand for the product.

I also think it is interesting that when you talk about speculators, you know the price has been going down in the last few days. I haven't heard anybody complaining that the price of oil is going down. If they are to blame for the price going up, maybe we ought to pat the speculators on the back for driving the prices down. Of course, they don't have that effect; I am being facetious. But who are these nefarious investors?

If you have a relative who is retired or a friend or someone who has a pension, you probably know a speculator. That is who is primarily investing in these kinds of funds. All investors want to diversify their portfolios to protect themselves against risk. You do that by purchasing as many different kinds of assets as you can, by investing in commodities. Pension funds and other institutional investors can protect beneficiaries like retirees from market downturns. In the current market, commodities are one of the few investments that have been actually generating positive returns. Under the legislation before us, if you declare these people bad investors or illegitimate speculators, you are going to be hurting regular investors in the market. I don't think we want to do that.

Interestingly, one of the pieces of legislation the Republicans have sponsored—the legislation called the Gas Price Reduction Act—is very similar to a bill introduced by my colleague from Illinois, Senator DURBIN, who I think takes a thoughtful approach to speculation in the energy markets. Like our bill, his focuses primarily on increasing the resources available to the CFTC so it can continue to do its job and even do a better job of ensuring there is enough transparency in the system to enable it to continue to investigate and take action, if need be. With just a few modifications, I think the Durbin bill would be a good approach, as is the Gas Price Reduction Act, which Republicans have introduced, which strengthens the CFTC and makes sure it has the assets it needs to do the job we asked it to do.

In conclusion, I think everybody agrees that a stronger CFTC and additional transparency are good. I think we can all support that. It is part of that kitchen sink approach we heard talked about earlier, but it is only one small part of this. In no way are we going to see that approach drive down the price at the pump. As I said, it is little bit like the weatherman, these speculators. They find out what the price is and they, in effect, report it by their purchases or sales—either one. But you don't improve anything by killing the messenger—the speculator—any more than you improve the weather by shooting the weatherman.

As we proceed with the debate, I hope my colleagues will agree that while there may be a lot of good ideas—and one may be to strengthen the CFTC somewhat—that is not the answer to the crisis we face. It doesn't produce one more drop of oil or gas. At the end of the day, we are not going to be successful unless we find a consensus to enable us to produce more so that, along with using less, we can drive down the price of gas at the pump.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, it is now Wednesday, and we have been debating the issue of speculation for

several days. I believe it is time to stop talking and it is time to vote to end speculation in the oil marketplace.

There is an honest debate going on about our long-term energy policy—one I am glad we are having. We need to talk about the potential of expanding our domestic production and about new refineries. I live next door to North Dakota, and I see their potential with the oil shale. Certainly, as T. Boone Pickens has been doing over the last few weeks, we need to lead the way with wind, solar, and to put the focus on hybrid and electric cars, biofuels, as we have seen in Minnesota. We have seen a revival in our rural areas with wind. We are third in the Nation with wind. We have seen it with biodiesel, biofuels.

I have seen firsthand the potential for this next energy revolution. It is my belief that we should be investing in the farmers and workers of the Midwest and not the oil cartels of the Mideast. So I welcome this debate, and I hope we can get something done on that.

Let's look at the short-run. What are the American people facing now with $4-per-gallon gasoline? Right now, they don't have the time or the patience for us to tell them we are not going to get anything done on speculation even though almost every Senator in this Chamber has admitted there are problems with speculation and that it is part of the problem. We may differ on how much of a problem it is, but we know it is part of the problem.

I believe our Stop Excessive Energy Speculation Act will help to pop the oil speculation bubble. This bill has a number of provisions that will fight the kind of excessive speculation that drives up energy prices for hard-working American families.

This bill will close the so-called London loophole. It will stop traders from routing transactions through offshore markets to get around limits on speculation put in place by U.S. regulators. The Intercontinental Exchange, or ICE, allows trading on American oil futures, gasoline, and home heating oil with far less stringent reporting requirements than we have here at home. I can tell you that my constituents—it is not great to tell them: Don't worry, Dubai or London will be taking care of you. They don't buy that, and they don't buy it for a good reason. The way the world has worked now with the loopholes that have existed, like the Enron loophole—and I see Senator FEINSTEIN, who worked to close that loophole to the point where we can better regulate our energy future. We know there is more we can do, and that is what this bill contains.

This bill will make foreign trades in American oil and gasoline futures subject to the same reporting requirements as trades made here at home, so we can stop a glut of overseas trades from driving up our energy prices.

This bill would also require the CFTC to review the letters of ''no action'' that it issued to the ICE electronic exchange in Atlanta, and the Dubai electronic exchange, which operates in cooperation with NYMEX in New York. With these ''no action'' letters, the CFTC gave these exchanges permission to operate in this country and trade in American energy futures with no oversight from U.S. regulators. Personally, I don't believe it is good enough to say that the Dubai Financial Services Authority is looking out for people in my State. We need to let speculators know that if they want to trade in American energy futures, they are going to be subject to American regulation.

The bill would also convene an international working group of financial market regulators to develop uniform reporting and regulatory standards in the major trading centers in the world to put an end to the problem of speculators shopping around for the country with the weakest regulations. The world has changed. One of our jobs in the Senate is not to just put our heads in the sand and pretend the world hasn't changed. It has. The laws must change with it.

This bill would also require the CFTC to impose position limits on speculators who trade in energy futures but don't actually produce energy or receive physical deliveries of energy commodities. If you are an investor who buys and sells oil futures but you don't plan to ever take delivery of actual barrels of oil, this bill will limit how much you can buy and sell so that you won't be distorting prices for your own personal gain. We know some limits are in place right now in American laws, and this is to cover the situation we see going on in the world today.

Last, this bill is going to give the CFTC the funding authority to hire at least 100 full-time employees so the Commission can strengthen its regulations and improve its enforcement over the energy derivative market. As a former prosecutor, I know—I have seen it before—you can pass all the laws you want, but if you don't have the cops on the front line enforcing the law, you will not be able to get the job done. I heard the head of the CFTC testify before the Agriculture Committee. I was surprised. As a prosecutor, I said: Give me all the tools I need, because you want to have the tools. That is what this bill does.

We have heard from the other side of the aisle that speculation is not a major contributor to high oil prices. It is hard to imagine such a position, but our friends on the other side seem intent on finding some straw to hang on to that just doesn't work. They are literally living in an evidence-free zone. Look at what has happened. Oil prices are up 25 percent. Gasoline is up 25 percent in 6 months; it is around $4. We know demand hasn't gone up 25 percent. Have we seen some increase in worldwide demand? Yes, but demand in the United States is down. It is nowhere near 25 percent, though.

We know something is going on. It is our job to adjust our laws and give the agency that enforces these laws the funding it needs to do its job. We saw this happen with the Consumer Product Safety Commission. Exports went way up, millions of exports; at the same time, the agency became a shadow of its former self. It is no surprise that we suddenly had little foam toys, which were supposed to inflate in water, morph into date-rape drugs. We had a little boy in Minneapolis die because he swallowed something from a toy that was 99 percent lead.

You have the same thing going on here. It is this Congress which has to step in and say: Let's get the agency the resources it needs to do its job. When oil prices jump $16 in 2 days without any events to drive them up, we cannot say speculation isn't having an impact. When the 12th largest private company in the United States is filing for bankruptcy after losing billions in oil trading, we cannot say speculation isn't having an impact. Even Walter Lukken, the Acting Chairman of the CFTC, has stated that oil markets are ''ripe for those wanting to illegally manipulate the markets.'' We had an expert testify before Congress that speculation in the oil market is the biggest gambling hall in America. We had CEOs saying it should be trading at $55 or $60 a barrel. Do you know who is taking a hit? It is Americans across the country. They are taking a hit every time they go to fill up their gas tanks.

There is no excuse for this Congress not to act on speculation. We are listening to the people of this country, and we are hearing that this bill—Majority Leader REID's bill—makes common sense to everyday Americans.

Groups across the country that deal with high gas prices every day have come out in support of our efforts to stop the out-of-control speculation going on in the oil market. These groups include the National Farmers Union, the Teamsters, the Air Transportation Association, the Consumers for Competitive Choice, Northwest, and the American Feed Industry Association. And the airlines in Minnesota aren't exactly partisan organizations. They are businesses. They have seen their profits go down. They have seen their routes go down. The number of planes they can fly has gone down. They have unhappy customers. They have millions of airline customers who are writing in to do something on speculation. Speculation is where the rubber hits the runway for the airlines in this country. We must do something about it. Even the beer wholesalers want to do something about it. I talked to one of their members last night. They want to get something done. I can tell you that my friends across the aisle say speculation has little to do with this. I will use a good beer word: That is all foam and no beer.

It is time to get something done. It is time to act on speculation.

In conclusion, the cost of energy is hurting Americans from all walks of

life, in businesses and every sector of our economy. We need to work hard. I have pushed, in the last year and a half, for a long-term energy policy. We need a bold energy policy to carry our Nation forward. We also need to do something now—today, not tomorrow, not next week, not in September. Let's pass this speculation bill and help the people of this country.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak for 12 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

Mrs. FEINSTEIN. Mr. President, I wish I could come to the floor and say there is a quick fix for gasoline prices at the pump. This is needed as much as anywhere in California where gas prices are high and at times the very highest. I wish I could say there was this quick fix, but I cannot. I wish I could say if we could drill all of the Outer Continental Shelf, if we could drill on all of the public land in America, the price of gasoline at the pump would drop immediately, but I cannot.

In all good conscience, I do not believe opening the Outer Continental Shelf to new drilling would lower the prices at the pump anytime in the near future. In the first place, it takes 2 years for MMS, Minerals and Management Service, to do the contracts. Secondly, all drilling rigs are now leased. There need to be new rigs. Thirdly, there is no additional refining capacity. Fourth, drilling in the Outer Continental Shelf and on public lands in America over the last 8 years has increased by 361 percent and, at the same time, the price of oil has doubled. So there is no relationship between drilling on the Outer Continental Shelf, drilling on public lands in America, and the price of oil. I deeply believe this.

Some say it is simply a problem of supply and demand, but physical supplies of oil and natural gas have remained relatively stable over the past year. In fact, if you remember, executives from oil companies testified before Congress recently and asserted that the price should be about $60 a barrel if it were just a matter of supply and demand.

Some point to instability in the Middle East and Africa's production regions. Others have pointed to the falling dollar. These are certainly factors. But I cannot explain the sharp uptick in prices we have seen at the pump over the last few months.

So what is really going on? What is new in this picture? Consumption in America has dropped 3 percent this year over the same period last year. So what is new? There is only one thing that is different, there is only one thing that is new, and it is a massive influx of speculation in the marketplace. This is the 800-pound gorilla.

Increasingly, experts now say rampant speculation in energy markets accounts for anywhere from 25 to 40 percent of the energy price increase. Some will say even more. So I think we have to take a look at why this is the case and what we can do about it.

In May, Congress took a major step forward in the effort to bring more oversight to energy futures markets when we enacted legislation to close the notorious Enron loophole. The Senator from Minnesota just referred to it. I had worked on this for 6 years. I came to the floor when Phil Gramm argued against it. I lost. I got just 48 votes. We came back again. We finally got it in the farm bill this time, and the notorious Enron loophole today is closed.

What was that? This loophole was created in 2000 when a measure was inserted in the dark of night into a must-pass appropriations bill at the behest of Enron and others to essentially eliminate them from the Commodity Futures Modernization Act. Two commodities were left out: energy and metals.

During the western energy crisis in 1999 and 2000, we saw the costs in my State soar from roughly $8 billion in 1999 to $27 billion in 2000 and then to $27.5 billion in 2001. The reason for this was, in the main, manipulation, fraud, and reckless speculation of the worst sort, all because you could trade on electronic platforms with no transparency and there was no antifraud, antimanipulation oversight by the Commodity Futures Trading Commission.

When all was said and done, these energy traders left California taxpayers with an increased bill of about $40 billion. To date, 32 companies have pled guilty to market manipulation and settled $6 billion in claims.

In recent years, we also saw the $6 billion collapse of the Amaranth hedge fund because of unregulated speculation in natural gas futures on electronic exchanges. And the list goes on.

This has typified the energy marketplace. So it became clear that a legislative fix was needed. We finally got that done, as I said.

The bill, which is now law, ensures that all major trades of energy futures that could drive up prices or have what is called a price discovery impact are placed under the oversight of the Commodity Futures Trading Commission. The new law imposes limits on rampant speculation, prevents fraud and manipulation, requires traders for the first time to keep records, and provides an audit trail to the CFTC. This was a significant victory. It is signed into law.

But as we continue to learn more about what is really going on with energy futures markets, it is clear more work remains to be done. We are learning about additional loopholes that must be closed, and the legislation before us is critical to ensure that we can level the playing field in energy markets, that there is transparency there.

First, the problem of large institutional investors, such as pension funds; this is what is new in this market. From 2003 to 2008, institutional investments in commodity index funds rose from $13 billion to $317 billion. That is in 5 years, from $13 billion to $317 billion.

One might say, what does that have to do with it? Daniel Yergin, to a great extent, said what it has to do with it when he said:

> Oil has become the ''new gold''—a financial asset in which investors seek refuge as inflation rises and the dollar weakens.

''Investors seek refuge.'' So the implications are potentially devastating, and here is why. Unlike gold, energy and agricultural commodities meet essential needs in everyday lives of average people. They are limited. They are not potbellies. Energy is limited in the amount we have.

These institutional investors, the big pension funds, such as my own, the California Public Employee Retirement Fund, has invested over $1 billion in these markets. These institutional investors are trading long on energy futures prices. In other words, they are betting that the prices in these future markets continue to rise. They are not hedging against the risk of changing oil prices, as airlines and utilities frequently do. They never take delivery of a product. They participate in the oil markets only on paper. Yet these investors, the big ones, are currently exempt from CFTC regulation when they execute these trades through brokers or dealers. These trades are called swaps.

Currently, the CFTC limits speculation positions to a total of 20 million barrels of oil and 3 million barrels of oil in the last 3 days of a contract. However, these same investors avoid these limits by executing their trades as swaps. This is a mistake. Institutional investors have become speculators.

Last month, the CFTC announced that it will review trading practices for these investors, and this is a positive step. But legislation is still needed to level the playing field and close the loophole. The bill before us will limit the size and influence of institutional investor positions in energy markets.

To further increase transparency, this bill also requires the CFTC to begin distinguishing between the institutional investor index trader and the swaps dealers who broker their trades. This legislation closes the swaps loophole, bringing transparency and speculative position limits to contracts executed through swaps dealers, in that way preventing a price discovery function as much as possible to keep prices from continuing to escalate.

Specifically, the bill gives the CFTC the authority to begin collecting data on large over-the-counter traders so that it can determine whether price manipulation or excessive speculation is taking place. This would ensure that the CFTC has a clear picture of all

trading in over-the-counter commodity markets.

The London loophole, what is the London loophole? I think we also must prevent U.S. crude oil contracts from being traded on international exchanges without robust oversight.

I ask unanimous consent for 2 more minutes, please.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. A recent CFTC report found the traders were using the London exchange to trade U.S. crude oil futures to avoid U.S. regulations—in other words, go around it. Trades exceeded U.S. speculation limits every single week since 2006.

Last month, CFTC announced that it would limit this offshore market speculation and require recordkeeping and an audit trail for these traders. That is a start. But legislation is still needed to codify the regulation. This legislation will require foreign exchanges with customers in the United States to adopt the same speculation trading limits and reporting requirements that apply to U.S. trades, ending the regulatory race to the bottom. This language is based on legislation that Senator LEVIN and I introduced previously.

I believe very strongly that we must ensure that American energy commodities are protected from manipulation and excessive speculation, regardless of where the commodities are traded.

Bottom line, this bill brings transparency, it brings accountability, it brings recordkeeping, it brings oversight to the energy markets. It would impose sound, proven economic principles to markets that are currently broken and where speculation has increased so dramatically that it is pushing up the price. It would close regulatory and legislative loopholes that prevent the CFTC from enforcing the Commodity Exchange Act in energy commodity markets.

I hope my colleagues will support the bill. I suspect it may not pass. I hope it does because there is no question in my mind that the 800-pound gorilla in the price of gasoline at the pump is excessive speculation on commodities futures markets dealing with energy.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, will you be kind enough to notify me when there is 30 seconds remaining so I can conclude without imposing on the other party's time?

Mr. President, today, Rhode Island drivers are paying more than $4 a gallon for gas, and they have been paying those prices for well over a month now. We all know that 8 years of two oilmen in the White House equals over $4-a-gallon gas, a nearly sixfold increase in oil prices.

These record oil prices have sent consumer prices skyrocketing, not only at the pump but at the supermarket and the department store. Food and household goods take energy to produce and transport and have become more and more expensive. While George Bush and DICK CHENEY's friends in the oil industry celebrate grotesque profits, ordinary Americans struggle to make ends meet. Families in Rhode Island and across the country are having to choose between filling their tank and feeding their families and between heating their home and buying needed medicine. They are frustrated, they are angry, and they are looking for solutions any way they can find them.

Unfortunately, rather than taking steps that will help consumers today, the Bush Republicans are now trying to harness Americans' anger and frustration and, of all things, use it to capture more inventory for big oil. The energy companies have already bought 68 million acres of public lands to drill, and they are sitting on it. They are spending more buying back stock than they are drilling these holdings. Now, rather than drill what they have, they want more.

The administration and its allies have said that opening more land to drilling is the one and only way to lower the price of gas in this country. That is flat wrong. The United States owns 3 percent of the world's oil reserves and consumes 25 percent of the world's oil. The measures endorsed by the administration and its allies would have zero effect on gas prices—zero effect for at least a decade. Even then, the Energy Information Administration projects these proposals aren't likely to make any significant dent in gas prices—cold comfort for Americans who have watched gas prices rise by about $3 a gallon while two oilmen occupied the White House.

We cannot drill our way out of this problem, now or ever. But that is not all. Even as the Bush Republicans say their only answer to our energy crisis is drill, drill, drill, they have repeatedly refused our good-faith offer to bring their proposal to a vote. If they are confident this is the right solution, then give each of us the chance to vote up or down, based on what we think is right for the people we represent.

Why not? Because as we have seen, time and time again, they are not interested in finding the right solution, in doing what is right by families who need help today. No, the Bush Republicans are much more interested in playing politics and pouring more money into the pockets of oil companies already reaping world record, history-of-the-universe profits. Their proposal would encourage our continued dependence on oil, harm our environment, and delay our badly needed transition to the vibrant green economy that beckons us. Make no mistake, if the Republicans would let us walk through this door, a vibrant green economy does beckon American workers and families.

We need real commonsense solutions that can make a difference now. One factor most economists believe has played a major role in driving up prices is rampant speculation in the commodities and futures markets, something we can address today. Speculators invest in oil futures with no intention of taking possession of the commodity itself. They have historically played a role in the marketplace, but under George Bush's watch, excessive and irresponsible speculation has exploded. Experts may disagree on whether speculators have run up the price of oil by 10, 30 or 50 percent, but there is broad and growing agreement that speculation is a serious problem and that fixing that problem can help bring gas prices down now.

Of course, the big oil companies, and those in Congress who support them, say the dynamics of supply and demand, not speculation, is the real cause of the massive price increases. There are two problems with that argument. First, we have heard testimony from experts who say there is no way that simple supply and demand for oil can explain the huge rise in energy costs that have plagued American families in the last several months. Second, energy speculation has its own supply and demand in the commodity market. According to data from the CFTC, speculators now control 71 percent of the oil market, up from 37 percent when President Bush took office.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator has 30 seconds remaining.

Mr. WHITEHOUSE. I thank the Chair.

With relatively constant supplies of futures and the dramatically expanding demand of speculators, prices have nowhere to go but up. So I am here to support legislation that our colleagues have offered to get to the bottom of the energy speculation boom. Senator MARIA CANTWELL, in particular, has been a leader, but I wish to commend Majority Leader REID for offering the Stop Excessive Energy Speculation Act of 2008, which would address the problem of excessive speculation.

In the time that remains, I will simply urge my colleagues to take a look at this problem. When there is $16 billion that used to chase these indexed futures funds and it is now over 300, clearly something is going on in these markets that we need to get a look at. We should regulate them the way we do other markets, such as grain.

These funds, which include university endowments and pension funds, may unknowingly be helping drive up prices by holding energy assets—commodities they don't intend to sell or consume—as part of broad investment strategies.

The amount of money in commodity-based index funds has exploded in recent years, rising from $13 billion in 2003 to $317 billion today, according to one estimate.

Leader REID's bill would bring to light the role of index traders in the energy market by requiring the CFTC to collect and publish data on their

participation. Greater transparency combined with the new investigatory resources that this bill provides will help lower energy prices.

Do we know for sure that speculation is driving oil prices? Not for sure. But we do know two things—one, we regulate speculation in this commodity, oil, less than we do other commodities such as grain, and two, there is more than enough evidence of excessive speculation to prompt a reasonable and prudent person to act.

I hope the Senate will act quickly to pass legislation strengthening the government's authority to crack down on rampant speculation in the energy markets and call on my Republican colleagues to take action that will help consumers in the near term, instead of resorting to political gimmickry.

I appreciate the courtesy of the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Would the Chair remind me of how much time I have.

The PRESIDING OFFICER. The Senator has up to 10 minutes.

Mr. CORKER. If you wouldn't mind letting me know when 60 seconds remain.

The PRESIDING OFFICER. I would be happy to notify the Senator when he has 60 seconds remaining.

Mr. CORKER. You are a most helpful Chair, and I thank you so much.

Madam President, I rise to talk about energy today. My good friend from Rhode Island mentioned how we would like to vote, and I agree with him. I think it is an amazing thing that the biggest issue in the country today is energy and here we are, in the greatest deliberative body in the world, for some reason, not allowed to vote to try to solve this particular issue.

I had a townhall meeting last night. On the telephone, we had about 1,200 callers at all times. I can assure you that while other subject matters arose, the issue constituents care most about today is gasoline prices.

I am part of a bipartisan group that is trying to craft some kind of legislation to pass, and we were all asked to put down on a piece of paper those things we think ought to be considered and those things that should not be considered—five Republicans and five Democrats. After we did that, there were many things we all agreed should at least be discussed as part of an energy bill. Yet it is fascinating to me that when we have an issue of supply and demand—and I think contrary to what my friend from Rhode Island said, most economists all agree there is a supply-and-demand issue—an issue where we have continuing demand throughout the world and in this country and we have lessening of supplies and, in fact, the price of oil continues to rise, it is interesting to me that when we have this phenomenon of supply and demand, we focus on speculation.

Now, this is one of those bills, unfortunately, Madam President—and I know you are from the great State of Missouri and use a lot of common sense in the things you have done there—that is a ready, aim, fire bill. This is not a bill to be taken seriously. It is a bill to sort of take the American people's minds off the issue of supply and demand.

Let me read a couple of sentences. On page 14, it says:

> Not later than 30 days after the date of enactment of this subsection, the Commission shall impose by rule or regulation speculative position limits on trading that is not legitimate hedge trading.

The bill is referring to the CFTC in that sentence. Then it goes further to say that they will, 30 days after enactment, put together an advisory group that, after 60 days, will make some recommendations. This is, of course, after the CFTC has already, per this ''shall'' language, imposed various requirements and stipulations on hedging in place. Then, after that, 270 days after that, this advisory commission will look back over what has occurred to see if it is right or wrong.

This bill is not on the floor to be taken seriously, and I think most of us who have talked with people throughout the industry realize that. Again, this is something to take the voters' minds off the real issue—the issue of supply and demand.

I wish to say to my colleagues on the other side of the aisle that I am willing to look at everything there is to look at in the equation of supply and demand. There is no question that in a country which has 3 percent of the oil reserves in the world, has 4 percent of the population, yet uses 25 percent of the world's oil production, conservation needs to be a big part of it. I would love to talk with my colleagues on the other side of the aisle about what we might do in the area of conservation. My guess is there would be a lot of people on both sides of the aisle who would reach agreement over what we ought to do as a country to lessen demand by focusing on conservation.

Yesterday, in the State of Tennessee, Nissan—a great automobile producer—announced their focus on producing an all-electric car by the year 2012. I welcome that day. I look forward to the day when I and my daughters and my wife Elizabeth drive a vehicle that we plug in at night, that is being charged with base load power at low prices and that we drive the next day and not use petroleum. Why don't we debate some amendments on this floor that have to do with that?

Much of the discussion has been about offshore drilling, about the Outer Continental Shelf. Again, as part of the equation, we ought to look at supplies. I am all for looking at additional offshore development. I think it only makes sense at a time when we have rising demand and lessening supplies. But I would like to talk about a lot of other things.

Again, it is an interesting thing to me that one person, the majority leader of the Senate, can decide that we have one so-called speculation bill on the floor that, again, majors in the minors. The issue is supply and demand. Yet in this body of ''100 great Senators,'' we don't have the ability to talk about an issue that is the biggest issue in front of the American people.

I think all of us know right now what I am doing, and this is something I am not accustomed to doing, but I am burning up time on the floor. The last speaker was burning up time on the floor. Basically, what we are doing is waiting to see if later this afternoon the majority leader of the Senate will allow 100 grownups—100 grownups elected by their respective States—we are basically waiting to see if the majority leader of the Senate will allow 100 grownups, who represent people all across this country, to actually offer amendments that might help solve the supply and demand issue we have in our country.

I think it is very obvious that we, as a country, need to produce more and use less. My daughters, 19 and 20, learned this when they were in middle school; that there is an issue of supply and demand.

Again, I wish to meet my colleagues in the middle. I agree that conservation, as I have stated before, needs to be a big part of this, but it is a diminishment of this body to know that basically all day long people are parading back and forth on this floor to make points on one side or the other about energy, the biggest issue before the American people, and what it is all about is killing time until we find out whether the majority leader will allow us—treating us like teenagers—allow us to offer amendments. It is an amazing thing.

It seems to me that if we were going to be serious about this, that we would have the gumption to stand here on the floor, offer real amendments, talk about those amendments, and hash them out. That is why I came to the Senate. I think that is why the Presiding Officer came to the Senate and has offered so much in the way of making this body function in an appropriate way. So I hope that very soon we will move away from these political games and things that might affect the fall elections and move to the serious issues the American people care about. That is what I came to do.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. There is 1 minute 15 seconds.

Mr. CORKER. So for 1 minute 15 seconds I will talk about supply and demand again, something that I think most of us understand.

I will say again to my colleagues on the other side of the aisle that I am willing to look at every possible amendment that has to do with conservation, that has to do with green technology, that has to do with additional production, so that over the next 10 years, we don't send $10 trillion overseas.

We talk a lot about the oil companies in this country, and I know there are some things that can be said pro and con, but the fact is they are public companies and they do operate in the light. It seems to me that when we argue about big oil—and we do that in a negative way sometimes—what we forget is that every year—this year $700 billion—and again over the next 10 years, under present trends, we will send $10 trillion overseas to countries that, in many cases, wish us ill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORKER. I thank the Chair for your courtesy, and I now yield the floor.

Mr. CORNYN. I thank the Senator from Tennessee for his good work and good words on this important issue. I agree with him that it is a serious problem and it calls for serious answers. We need a response by the Senate when it comes to energy, when it comes to our dependency on imported oil. As T. Boone Pickens has pointed out in his crusade to try to help people understand where we are on this, he said we send $700 billion of American money to foreign countries to pay for the oil we import. That is because we are not producing enough here at home, because we are not conserving, and we are not far enough down the road in terms of coming up with alternative sources of energy.

What is Congress's role in all this? We have done some things. I think we ought to give credit where credit is due. We have passed a corporate fuel efficiency standard for automobiles. We have passed tax benefits and subsidies for things such as solar power and wind energy. We have encouraged the production of biofuels such as ethanol, although we are finding sometimes that the unintended consequences of using food for fuel creates problems in and of itself. Suffice it to say, this is a serious problem and Congress has, in many respects, acted I think appropriately to address some parts of the problem. Unfortunately, like so much of politics these days, this sometimes degrades into a name-calling contest. I am going to try my best not to engage in that. But I do want to respond to the accusation that was made earlier that somehow this is attributable to the current administration's tenure in office.

As you can see from this chart, the price of gasoline back when President Bush was sworn into office in January 2001 was $1.49 a gallon. It has grown over time to when the Democrats took control of the Congress, in January of 2007, to $2.33 a gallon. Then of course it has spiked since that time to now on the order of $4.06 a gallon on average, more than $4 a gallon. It has gone from January 2001 to today to more than $4 a gallon. While our friends who are in charge of the agenda and the floor schedule of the Congress, the Democrats who were put in a majority status, have been here, we have seen it spike to the figures of today.

That is not to say it is directly attributable to them, but I would say it is unfair to suggest that because President Bush has been in office since January 2001, he is the only one responsible. The fact is, it is our responsibility too. It is the majority leader's responsibility, I submit, to give us an opportunity to come up with serious answers to a serious problem and not play the same old broken game of politics and ''gotcha'' that turns people off so much when it comes to the Congress. It is no secret why the approval rating of the Congress is at historic lows. There is no secret to that. It is because people look at what is happening here in Washington, DC, and they say: They are not listening or they may be listening, but they are playing political games rather than trying to solve real problems on a bipartisan basis.

I know there is plenty of fault to go around, but why can't we work together to try to solve the most pressing issue for working families in America today, and that is the high cost of gasoline and energy? We know there is a bill on the floor that deals with one part of the problem. This has to do with the so-called speculation. Last month, Warren Buffett, one of the richest men in America and perhaps one of the richest in the world, the CEO of Berkshire Hathaway, said: It is not speculation that is the problem, it is supply and demand.

T. Boone Pickens, whom I mentioned a moment ago—who is spending $50 million of his own money—met with Republicans today, met with Democrats yesterday, to explain why he is spending so much of his own money to elevate the profile of this issue so it will be something Congress cannot run away from and neither can the Presidential candidates but is something they will have to address and solve. He said focusing solely on speculation is a waste of time.

Why would Congress deal with a bill that only addresses speculation? I would say I am not sure. What I am willing to do is certainly consider and probably support a bill that would be supported on the Democratic side that would provide for greater transparency of the commodity futures markets and would provide more resources to make sure we have more cops on the beat, so to speak, to police the commodity futures trading that goes on and to make sure that is not the problem or, if it is part of the problem, as the majority leader said yesterday—he stood here on the floor of the Senate and said he thought it was 20 percent of the problem in terms of the price of oil. I don't know if T. Boone Pickens is right; I don't know if Warren Buffett is right; I don't know whether the majority leader is right. Let's say the majority leader is right and it is 20 percent of the problem. Why in the world would we leave the other 80 percent off the table? Why would we settle for a 20-percent solution when we could have a 100-percent solution, in trying to address this important domestic issue?

We have come up with a lot of ideas. We have said we need to explore and produce more American oil so we have to buy less from overseas. We have been told no, we cannot do that. We have been told no, we can't produce more nuclear power to help generate more electricity. No, we can't investigate the possibility that we could use the coal we have here for new technology that would allow us to use that coal to make aviation fuel—as the U.S. Air Force is currently testing, a synthetic fuel made with coal-to-liquid technology.

Again—I don't think this is unfair and I think this is exactly what we keep hearing—it seems that the answer from the other side of the aisle is: No new energy. They want to investigate. They want to litigate. They want to raise taxes. But when it comes to new energy sources, they say no.

The one law that Congress of course cannot repeal or suspend, even here in Washington, DC, is the law of supply and demand. We know from the experts that there is rising demand in countries such as China and India, with more than a billion people each. They are buying cars, they are consuming more energy. They have watched us and they have seen that America consumes about 25 percent of the oil in the world, even though we represent a small fraction of the population. They look at that and they say maybe that is the reason for their great prosperity.

I think there is something to that.

We are having more and more competition globally for this scarce commodity. What is our answer on this side of the aisle? We say we need to find more and we need to use less. Find more, use less.

I heard the Senator from Tennessee bemoan the fact that the majority leader has said he will not allow a full debate and amendments to this legislation. I think it is absolutely critical that we allow full debate and amendments that would be likely to actually solve the problem, rather than go through what is a patently political exercise so somebody or another can check off the box and say: OK, we have been there, done that. Now we can go home on August recess. I believe we ought to stay here. Rather than go on recess in August, I believe we ought to stay here until we actually come up with a commonsense solution to this problem.

Some have said OK, if we start drilling today in the Outer Continental Shelf, it is going to take years for that oil to come on line. I wish we had thought better about that 10 years ago, when President Clinton vetoed production from the Arctic National Wildlife Refuge, which Congress had authorized, which would have produced 1 million additional barrels of oil 10 years ago. That would be flowing today if President Clinton had not vetoed that bill.

The fact is, oil is a globally traded commodity. That is where we get back

to the speculation question. Actually, the market is a pretty rational process. For everybody selling a contract for future delivery of oil, there is somebody who is willing to buy it. That is how the market works, a willing seller and a willing buyer. If Congress were to do the rational thing, the sensible thing, the thing that would actually have a positive impact by pushing gas prices downward, we would say we are open to producing more American energy, perhaps as many as 3 million additional barrels of oil a day here in America, which is 3 million barrels less than we have to purchase from abroad. That would give us some time.

It would also send a message to the commodity futures markets that in the future there is going to be additional supply that is going to come on line. That would help bring down the price of oil because 70 percent of the price of gasoline is related to the price of oil. I think that would have a dramatic impact on the price of gasoline at the pump and would provide the American people some relief at a time when they need some financial relief.

It would give us some time so we could do the research and use good old-fashioned American ingenuity to come up with alternatives, things such as in 2010, when many of the big automobile companies are going to introduce plug-in hybrid automobiles that you can actually plug into the wall socket in your home and charge the battery you can use then to commute to work or, if you believe what Boone Pickens has suggested, he said if Government would mandate that all new Government cars and trucks run on natural gas, that would relieve a lot of the pressure on gasoline and oil prices and bring down the price of gasoline by 38 percent.

Mr. DURBIN. Will the Senator yield for a question?

Mr. CORNYN. I will be happy to.

Mr. DURBIN. Senator CORNYN probably heard, as I did, when President Bush said America is addicted to oil. I took that to mean that we try to find a way to move to alternatives and renewable and sustainable energy. I hear the Senator's speech moving in that direction as well.

Could the Senator tell me why he believes 68 million Federal acres of land, which we have now given to the oil and gas companies, which they are not using for exploration and production, is an argument for giving them more acreage?

Mr. CORNYN. Madam President, I appreciate the question and the opportunity to try to answer that. Let me do the best I can. I think there is the illusion here in Washington that every acre of land that is available for exploration is going to produce oil. As a matter of fact, in Texas—I am not unfamiliar with the term ''dry hole.'' As a matter of fact, this is a very complex enterprise, where you do seismic testing to try to figure out where oil is likely to be. Sometimes you are wrong and it costs millions, even sometimes billions of dollars to invest to try to produce that oil.

What the oil companies try to do is figure out where their chances are best so they start there. But the more land—including the submerged lands in the Outer Continental Shelf—that is available to them that now Congress has put out of bounds, I think the better the chances are they will be able to find it.

As a matter of fact, there are experts—I am not an expert, but I read what the experts say—who believe there are vast quantities of oil and gas available in the Outer Continental Shelf that are not available now on the lands to which they have access.

Mr. DURBIN. Would the Senator yield for another question?

Mr. CORNYN. I would be happy to yield.

Mr. DURBIN. If you were given the opportunity to lease either a barrel of rainwater or a lake to go fishing, I assume you would lease the lake. And I assume these oil and gas companies, in leasing this land, believe it is likely to have oil and gas.

So I ask you, if they have paid their money to lease Federal lands, 68 million acres—half of it offshore, half of it onshore—and another 23 million acres in Alaska, where is this mother load of oil you are so certain we are holding back from these oil and gas companies that would bring us the oil instantaneously and bring down gas prices?

Mr. CORNYN. Well, I am delighted to try to answer that question, as well, because I think the Senator's question demonstrates—I am not complaining; I am not criticizing. You know we are not oil and gas experts, but I have had a little bit of exposure. Let me try to answer that.

There is not a big lake of oil under the surface of the land that is available to anybody who can punch a hole in the earth and then suck it out with a straw. So I do not think the analogy is apt.

These oil companies in America are owned by shareholders. They are not interested in drilling dry holes. They are interested in drilling where there is actually going to be some oil that can be produced. The more opportunity they have, the more lands available to them, the greater, they believe and I believe, they can maximize the likelihood that they will actually find oil.

This is not to help the oil companies, this is to help us quit sending 700 billion a year of American dollars to foreign countries for oil while we have more of it at home, if you believe the experts, about 3 million barrels a day.

Mr. DURBIN. Would the Senator yield for another question?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. Madam President, who is in control of time now?

The PRESIDING OFFICER. The minority has 3.5 minutes remaining.

The Senator from South Carolina is recognized.

Mr. GRAHAM. Americans are probably wondering what the Congress is doing to solve the Nation's energy problems? Apparently, just asking each other questions.

What I would like to do is do something. I would like to have a comprehensive plan that would address the fact that most of you out there who are listening to me are hurting. You are having to fill up your car's gas tank with $4-plus gas. Food prices are going up, and we are fiddling while your budget is burning.

I cannot explain this; I do not know. But you are figuring this out. The Congress is at an all-time low in terms of approval rating. It seems to me this is something we could all agree on: how to address our energy needs.

Seventy percent of our oil comes from overseas, most of it from the Mideast. If you feel good about that, great. I do not. I think most Americans would like to get away from that. There is oil off the eastern coast.

I do not know why you would not want to add more supply. If there are leases that the oil companies have now they are not using, they expire in 6, 8, or 10 years, and they have to pay to renew them. I would imagine if there is oil out there, they would go get it.

But there is a lot of oil and gas, they tell me, off the east coast. But there is a moratorium on us being able to explore for it. Lift the moratorium, add it to our supply. Every barrel of oil America can extract from American-owned resources is one less barrel we need from the Mideast, and it makes us more independent. And, yes, get away from using oil. I am all for that. But that is not going to happen anytime soon.

Just by lifting the moratorium at the executive level, oil prices have come down about $20.

Nuclear power—everybody talks about it. The French, 80 percent of the French power comes from the nuclear industry. They recycle the waste too. They do not put it in the ground. They know what to do with the waste. Surely we can be as bold as the French.

Anyway, there is a lot we could do, but we are choosing to do nothing. We are choosing to blame each other.

There is a bill on the Senate floor that addresses one part of the problem, speculation. We should be dealing with speculators, we should be adding domestic inventory, we should be doing something about nuclear power to make sure we can expand our nuclear footprint. It would be good for the environment. It would make us less dependent on fossil fuels, and, yes, we should come up with new cars that run on batteries.

We should be doing it all. We should do it together. All boats rise if we could work together. This is one time when Democrats and Republicans, if we would lay down the partisanship and focus on America's interests, would

look better. But we have a bill that allows us to do one thing, and that is ridiculous. We should be doing a bunch of things together.

Ladies and gentlemen of the Senate, America is watching and they are not pleased.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, before my friend from South Carolina leaves the floor, as usual, but not always, I agree with him. I hope we can get to a point where we can deal with both of those issues, offshore drilling and the development of more nuclear powerplants.

I wanted to clarify for the RECORD, when you said we should be as bold as the French, you were speaking only of their use of nuclear power?

Mr. GRAHAM. Yes. I would like to refine my remarks. But I would like to add, if I may, the French, with all joking aside, the French have figured out how to use nuclear power in a safe manner. And we can learn from everyone, including the French.

I say to my good friend from Connecticut, he has the right attitude about his job. I wish we all would adopt it.

Mr. LIEBERMAN. I thank my friend from South Carolina.

Madam President, I rise to speak in favor of the Stop Excessive Energy Speculation Act.

I want to commend and thank Senate Majority Leader REID for considering and adopting a series of ideas on this subject, including particularly the Commodity Speculation Reform Act, which I was privileged to introduce along with Senator COLLINS of Maine and Senator CANTWELL of Washington State.

The commodity markets perform a crucial function in our economy as a place where producers and consumers of specific commodities can enter into what are called futures contracts that help hedge the risks of price fluctuations in their industries to give them this certainty that they can buy or sell the product that they are dealing with at some time in the future. And that gives them some stability for their businesses.

Those markets have existed for a long time, and they perform a critically important function. The real physical commodity market traders—the airlines, the refineries, the manufacturing firms, and the other users and producers of energy—are the people who actually intend to produce or take delivery of those commodities such as oil as part of doing their business.

That is why they go out to the futures markets. Historically, participation in those markets, quite naturally, has been dominated by those commodity traders. That is why they were created, why the markets were created.

Financial speculators, including pension funds, university endowments, and other large institutional investors, however, have in recent years poured billions and billions of dollars into commodity markets betting on rising prices.

Let's make it clear, these are bets. There is nothing illegal about what they are doing. But as I learned long ago, just because something is not illegal does not mean it is not wrong or it does not hurt people. And the underlying premise of this legislation is that excessive speculation in these commodity markets, futures markets for oil, particularly, is unnaturally raising the price of oil, which is to say immediately, the outrageous price of gasoline that people are paying all across our country today.

The difference between the physical traders, as we call them, the people who actually want the product physically or have it to sell, such as the producers of energy or airlines or refineries or manufacturers and the speculators, the speculators never intend to buy or sell the product.

They are moving paper around, and they are moving enormous amounts of paper around. The numbers speak for themselves. In the past 5 years, the amount these so-called institutional investors have put into commodity index funds has gone from $13 billion to $317 billion. That is with a ''b,'' billion.

And, of course, the price of commodities in these funds rose nearly 200 percent over the same period. That is what is shown in this chart: 1970 is here, 2008 there. You can see the black line shows the prices, and it shows the stock price commodity index over here, the amount of money put in.

It goes up and down, but it is basically staying here. Then, yes, look at that. The amount invested goes up and the prices go up dramatically.

One way to understand this is I think one of the witnesses before our committee said there had been an amazing increase in the demand for those futures contracts. So, in part, the price has gone up for that reason. But I will come back to that.

Moreover, the amount of money that pension funds have moved into the commodities thus far may be the tip of the iceberg. Estimates suggest that less than 1 percent of the $2 trillion—trillion this time with a ''t''—of private pension fund assets is currently allocated to commodities. Imagine if that percentage increases to 5 or 10 percent, what an impact that will have.

Through some mystery and magic that I never fully appreciated and certainly do not support, futures contract prices, even though they are for oil that will be delivered in the future, somehow get read right out at the gas pump pretty much the next day. Add that private pension money to increasing commodity investments from State and local governments, pension plans, hedge funds, insurance companies, and other institutional investors, and the result is clear: rising oil, gas, and food prices.

The stark reality is the speculators today threaten to overwhelm our commodity markets and substantially increase food and energy prices for years to come.

In a series of hearings that Senator COLLINS and I conducted in our Homeland Security and Government Affairs Committee, we heard testimony from one expert that this kind of excessive speculation in the commodity markets may be adding as much as $40 to $60 to the cost of a barrel of oil. Of course, that then gets pushed through the system and we pay at the pump or this winter in our home heating oil purchases.

There are some people who say that 40 to 60 number is much too high. But I would say most everybody we talked to said that speculation in the commodities market is certainly adding something to the retail price of fuel. I would say even a single dollar increase due to excessive speculation is a dollar too much because of the terrible effect it has on individual consumers who are struggling to spread their budget and use it for the necessities of life, but also because of the overall effect it is having now on the American economy.

Let me give you this example: One of the worst protected industries by the increase in fuel prices is the airline industry. Fuel prices are an important part of them doing business. And what we read periodically when they file their quarterly reports are the stunning losses that they are suffering; laying off people as a result, cutting flights as a result from their schedule.

So here is a number. According to the Air Transport Association, every $1 increase in the price of a barrel of crude oil adds $470 million a year in jet fuel costs, almost half a billion dollars more cost to the American airline industry. Of course, those costs are passed on to consumers in the form of higher ticket prices and other surcharges that are now keeping a lot of passengers on the ground and the airline industry reeling.

If speculators want to invest in energy, they can buy stock directly in energy companies and that would bring needed investment into a means of production; that would increase supply and eventually contribute to lower gasoline prices.

Unfortunately, the Commodity Futures Trading Commission, known as the CFTC, has ignored the urgent task of providing a frontline defense against this rampant speculation in the commodity markets. As we listened to the witnesses from this commission before our committee, it seemed they had not even been prepared to recognize and acknowledge that there is such a thing as excessive speculation and that it is contributing to rising commodity prices. Instead, the commission has delegated much of its regulatory authority to the for-profit commodity exchanges themselves. This is a very unusual circumstance. These are very professionally run exchanges, but what

has happened is that the regulator we created—and I will talk about that in a minute—in the 1930s has given the authority to the regulated exchanges to say how many speculation positions—in other words, how many futures contracts—any one investor in the market can hold at any one time.

The Commodity Futures Trading Commission was created in the 1930s because some of the physical traders, particularly in food-related products—grains, et cetera—felt that speculators were unfairly and unnecessarily driving up the price of food. So the Congress created the Commodity Futures Trading Commission and gave them the power to regulate and prevent manipulation and, we would say, excessive speculation. They seemed to say they only have the right to police manipulation, which is doing something out and out unethical, as opposed to putting billions of dollars into the market, moving paper around, and raising the price of commodities for consumers. In contradiction with Congress's original legislative intent, therefore, the commission seems to view its responsibility as confined to that single purpose—preventing market manipulation. On the contrary, the record will show that Congress fully intended the commission to regulate not only market manipulation but what we are seeing today that is hurting consumers all across the country badly, and that is excessive speculation.

I want to talk about what this bill before us does. First, I do want to say, in fairness and clarity, I am not saying—I don't think anybody supporting this bill is saying—that the only reason why gasoline, for instance, has gone over $4 a gallon is speculation on the commodity markets. There are other causes. One is clearly rising world demand. The other is a sense that there is a limited supply of oil under the ground. The third is a problem that we in both Houses of Congress and the President have created over a period of time, and I suppose others in our economy have contributed to it. That is the weakness of the American dollar. What is clear is that one of the reasons why this enormous amount of money is pouring into the commodity markets and speculative index funds over the last 5 years is that the dollar has gotten weaker. People who used to leave their money in the dollar as a secure place to be, as a kind of hedge against inflation, feel it is not working now. That is why they are going into these commodity index funds as a better, kind of a gold standard of the day. Until we do something about our national fiscal health and strengthen the dollar again, there still will be that incentive for people to put money into the index funds. So it is not only speculation in the commodity markets but, I am convinced this is one of the contributing causes, perhaps the one cause that we in the Federal Government, by wisely regulating, can actually do something through that will, in fact, put downward pressure on retail gasoline and oil prices.

Here is what the leadership bill does. It incorporates a bipartisan proposal that was developed with Senator COLLINS and Senator CANTWELL to create a seamless system of speculative position limits that apply to commodity positions held both off and on the regulated exchanges. To be brief, there is a whole world now that has been created over the years outside of the exchanges, New York, Chicago, where these futures are traded, so-called over-the-counter, unregulated, foreign exchanges. This bill has the aim of covering all those. Because if you are going to regulate speculation, you should regulate it wherever it is occurring. We in Congress have the power to adopt a law such as that.

Speculative position limits, the primary policy tool of the CFTC for preventing excessive speculation, authorized back in 1935, were used successfully for decades. Now it should be extended to where the action is occurring. Speculative position limits would put a cap on the size of any one investor's holdings in futures contracts of speculation with respect to a specific commodity, wherever those contracts were purchased. Current caps only apply to positions on the regulated exchanges, and we think that no longer does the job.

In addition, I am working with other Members on a substitute amendment that, similar to this bill, because it covers over-the-counter markets, I want to go on to cover investments on the foreign exchanges, incorporate foreign holdings. The outstanding value of over-the-counter commodity derivatives is estimated by the Bank of International Settlements to be $9 trillion. So no bill that wants to deal with the commodity trading business can do so without addressing over-the-counter trading. We want to go on to the foreign holdings as well so that the system will be complete. It won't have any holes in it. One of the witnesses before the committee said the current system of regulating sales and futures contracts, speculative contracts, is like Swiss cheese, a lot of holes in it. Senator COLLINS and I want to make it like good, strong New England cheddar cheese, no holes.

The bill includes another concept from the Lieberman-Collins-Cantwell bill that establishes a specific criteria that the CFTC must use when it sets the speculative position limits. It adopts and expands a rule from our bill by requiring the CFTC to consider the overall effect of speculative activity and to set the position limits at amounts no greater than necessary to ensure liquidity in the markets. We are not saying all speculation is bad. Some speculation makes the markets liquid. It makes them function. It makes them work for those farmers and fuel producers and home heating oil dealers and airlines that want to deal in the actual physical product. We think that provision is necessary.

Congress fully intended the regulators use the speculative position limits to counteract excessive speculation when it passed the original Commodity Exchange Act of 1935. I talked about this briefly, but you can see it here. Congress stated its purpose was ''to provide a measure of control over those forms of speculative activity which too often demoralize the markets to the injury of producers and consumers. . . .'' ''[T]he bill''—not this bill but the bill in 1935—''has another objective, the restoration of the primary function of the exchanges which is to furnish a market for the commodities themselves.''

That is from a House report of March 18, 1935. A lot of years have passed since then, but that states the problem we are dealing with now. It is worse now because of the hundreds of billions of dollars of speculative activity that is going on now.

Other provisions in this bill are drawn from legislation introduced by several of my colleagues, including a proposal from Senator LEVIN to authorize the CFTC to liquidate over-the-counter positions, if necessary, in response to major market disturbance. It also includes provisions pushed by Senator BINGAMAN of New Mexico that would enhance the tools available at present to the Federal Government to prevent market manipulation.

What I am saying is that rather than constituting a radical disruptive attempt to distort commodity markets, our legislation basically returns the regulation of commodity markets to where it was intended to be in 1935. It adjusts to the changing reality by embracing all the places where these speculation futures contracts are being sold and regulates them as the Congress of 1935 intended. I know some critics of the bill have said it would encourage investors to foreign exchanges. I don't believe so. The bill will actually discourage flight from the major American exchanges, because it puts all trading platforms under the same regulatory umbrella. It is an even playing field now because everybody is going to be covered. Speculators are subject to the same position limits as those who are investing from here, regardless of whether they invest in New York, London, Dubai, or over the counter.

There is another area of the bill I am working with my colleagues to address. I want to touch on it briefly. The bill I have introduced with Senators COLLINS and CANTWELL would extend the reforms to both energy and agricultural commodity markets. The bill before the Senate now only deals with the energy markets. I must say that in many respects the case for reforming agricultural markets is even greater than the case for energy markets, though the American consumer is feeling the increase in food prices less painfully than the increase in gas prices. But trust me, anybody who has been to the supermarket lately knows they are feeling the pinch from increasing food prices as well.

Here is the reason. The agricultural commodity markets are historically very small. As investor money flows into index funds—this is a kind of package of investments in commodities that the big institutional investors put money in—that include agricultural components, there is a significant risk that the speculative activity will actually overwhelm the agricultural commodity markets to the great detriment of farmers and American consumers as well. We put our proposed legislation on the Homeland Security Committee's Web site. We got wonderful responses from people, one very poignant one from actually an agricultural food broker in the Midwest—I believe Iowa—complaining about the unbelievable impact on farmers of this excessive speculation coming into the food commodity markets. As he said, even though the farmers I deal with are making more money because food prices are going up, they know this is going in a bad direction because prices are going up for no good reason. They are going up for speculation.

There are those who will object to the bill because they think that government should never interfere in free markets. The father of capitalism, Adam Smith, noted in ''The Wealth of Nations,'' the great classic text on capitalism, that even in a free market, there needs to be some limits. He wrote:

> Those exertions of the natural liberty of a few individuals which may endanger the security of the whole society are and ought to be restrained by the laws of all governments.

I forgot who said it, but somebody else said, probably a little less elegantly, that the world has never seen anything like a free market system to create wealth. It is a magnificent means of creating wealth. But inherently the free market system has no conscience, and there are simply occasions when, to maximize gain, people will be downright greedy without regard to the consequences on society as a whole.

We honor wealth creation in America. People are not against wealthy people in America. Everybody wants to be wealthy in America. But when there are no, essentially, policemen on the economic beat, then people who have a lot of money begin to take advantage of people who are on the other end.

That is why we have a whole system of regulation. I daresay it is part of the reason failure to regulate adequately, which has been noted by people in both parties—Secretary Paulson and others have talked about it—failure to regulate financial markets, to adequately create accountability in the extension of home mortgages—a banker gives a mortgage to somebody who is not able to pay it over the long term, but the banker has no accountability because the banker puts it in a package, sells it to somebody up the chain, and the next thing you know somebody is buying a bond based on those mortgages who lives in Norway, as somebody gave me a real-life example.

That is beginning to happen in a different way in speculation in commodity markets, which is why I think we have to extend the original law to cover the reality of our day, to protect the American consumer and, in fact, to protect the American economy.

So I know there is what has become a characteristic classic Senate moment where there is a potential gridlock over this bill because of disagreements on what amendments will be allowed. I surely hope we can overcome that because the American people need the relief this bill will offer. I hope we can figure out a way to come to a lot of the other ideas that colleagues want to put on as amendments because the American people need the relief those amendments will offer as well.

I know people comment on and joke about the fact that in recent polling, the people who have a favorable impression of Congress has dropped below 10 percent to 9 percent. My friend, the Senator from Arizona, Mr. MCCAIN, says when you get down to 9 percent favorability for Congress, you are down to family and staff. I want to thank my family and my staff, all of you who are here.

But it is not a laughing matter, and the public is not happy with us for good reason. We are not getting anything done to solve their problems that they worry about, that they face every day: the cost of energy, the cost of health care, the security of their jobs, et cetera, et cetera, et cetera, the price of energy.

This bill is one way to bring some help. So I hope we will figure out a way to get beyond the gridlock and get this done.

ORDER OF PROCEDURE

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the Senate now recess until 5 p.m. today for the briefing from National Security Advisor Stephen Hadley; further, that the time in recess count postcloture, and following the recess, the time from 5 to 5:50 p.m. be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 5 p.m.

Thereupon, the Senate, at 4:03 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. PRYOR).

STOP EXCESSIVE ENERGY SPECULATION ACT OF 2008—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, the Senate has engaged over the last day and a half or two in probably one of the most important debates and, I hope, series of votes and actions this Congress can take this year. For the future years ahead, it may be precedent setting as to whether this country will return to its ability to produce not only traditional forms of energy but will grow to expand into new and alternative sources of energy so we can become increasingly less dependent upon foreign sources.

Great nations—and ours is a great nation—do not depend, in a way that they become dangerously at risk, on other nations' resources for their strength and their vitality. The great strength of our country has always been we could feed our people during a time of war and emergency, that we could take care of our own because we had an abundance of resource. It was also true of energy—all forms from energy—from the day we discovered the use and the effective use of whale oil as a form to light our houses and illuminate our worlds, to a progression from there to petroleum products, coal and then kerosene and then diesel and now, of course, gas and diesel and a myriad of products that flow from the hydrocarbons our Nation so abundantly produced.

I came to this Congress in 1980. At that time, we were about 35 percent dependent for our hydrocarbon needs on foreign nations. The rest of it we produced ourselves. As a result of that, we had flexibility and we had little to no liability, and, therefore, little risk, that we could be held hostage or that our economy and, therefore, our people and their will could be shaped by a foreign power. That time has changed because, over the last two decades, we made a concerted decision—a political decision—to stop producing. We began to put vast known oil reserves off-limits in the name of the environment, and we began to increasingly buy from foreign production and foreign-producing powers. Today, we stand at a near 70-percent dependency, and for any great nation to be 70 percent dependent on someone else other than themselves, that great nation is a nation at risk.

Today, the United States of America is at risk because we don't control our energy destiny. We have to react to it. We send our President to foreign countries with hat in hand, asking them to produce because we have grown so rich and so arrogant we refuse to produce ourselves. That game plan or that scheme, while it wasn't working, at least was reasonably well accepted, until other consumers began to enter that world market of oil: China and India and other developing nations. They began to consume from that finite pool of resource from which we were the large takers. The price began to change.

I remember a few years ago I thought: Well, gee, at $2, that is a

break point. The American consumer will finally react. We went by $2 a gallon for gas as if it didn't exist. Well, at about $2.75, I began to get phone calls from some of my farmers and large consumers saying: Larry, it is getting pretty pricey out here. But the average consumer still wasn't reacting. Last year, we went by $3 a gallon as the world began to recognize we were consuming more and more and producing less and less of a very important product—crude oil. In the high dollar, the $3-and-some-odd-cents range, my phones began to ring. Idaho consumers, who are large consumers of energy—because we travel long distances in big, expansive, Western rural States such as Idaho—were saying: Larry, this is expensive stuff. We are having trouble. That was at $3.50 or $3.60. Then, all of a sudden, it hits four bucks and everybody's phones light up. America asked us—the politician, the public policy shaper—what happened? Why are we here? Why was this allowed? Why are you standing in the way of the ability of the marketplace to drill and produce? That is the debate we are having right now. It is a very important debate.

The majority leader, the Democratic leader, HARRY REID, has brought S. 3268 to the floor saying: It is speculation. Somebody out there in the marketplace is profiteering; therefore, this is the bill that will fix it. Well, I am saying: HARRY, that is fine. There might be some slight maneuvering in the market, so let's debate the bill, but we also know it is clearly a supply-and-demand situation and maybe we ought to figure out how markets work. A few of us know about that. Others try to deny it; that is: If you have more being consumed than you are producing, you create a new value to the commodity or the product being consumed.

So what I am saying and what other Republicans are saying is: We will debate S. 3268, but we want an opportunity to add to it a production concept. We want to be able to produce, to turn this great Nation on to production. Guess what they are saying over here. No, no, no, no. We have built our political base on nonproduction over the last 20 years. We have said let's be green. Let's don't produce anymore. Let's take it off-limits.

It didn't work, did it? No, it didn't. If you are paying four bucks today and you are angry about it, there is a clear answer why you are: This Nation quit producing. We didn't quit consuming. We began to consume what the rest of the world had, and the rest of the world wants it now as badly as we do. That is the reality of the problem we are in. This Senate ought to spend all the time it takes to produce a bill that deals with speculation, if it is there, and allows this Nation to produce once again.

We have done it. We did it in 2005. We were responsible. We brought a bill to the floor, we spent 2 weeks, we had many amendments, we debated them up or down, they passed by 50 percent plus 1 or more votes, and those that didn't failed. We produced one of the better energy bills our Nation has seen. When we started that debate, there wasn't a nuclear reactor on the drawing board for design. Today, there are 33—a direct result of a responsible action on the part of the Senate and the House in the Energy Policy Act of 2005.

Then, in 2007, last year, another energy bill—because the Senate was somewhat awakening and public policymakers were awakening to the reality of the need that had not hit us full force in 2008. We passed a bill that had a new renewable fuels standard that allowed increased production in biofuels. Today, the Department of Energy said if we didn't have ethanol in the market, the gas at the pump would be 25 to 40 cents more a gallon. So we have done some things there, and there are those who oppose it. There were some on the floor who opposed it, but we handled it in a responsible fashion. We brought the bill to the floor. We allowed it to be amended. We debated it. There was no filibuster. There is no filibuster today. It is simply a majority leader of a party that has based their politics on a nonproducing policy, and they can't allow the consumer to understand it or see it. So when we come to the floor and say: Let's amend it, let's add production to it, the answer is: Oh, no. Politically, we can't go there. There is an election out there. Let the American consumer and his pocketbook burn down.

Well, if that is the policy of the day, it is the wrong policy. It should not be allowed. I am one who will refuse to allow it to go forward. We are either going to debate energy in a full-blown, responsible fashion; we are going to allow amendments that are going to be up or down, we will win or we will lose, but America deserves to see a robust, proproduction, proconservation, proalternative, antispeculation debate and bill produced on the floor of the Senate. Anything less isn't acceptable. I hope the American people are listening today. Anything less than that isn't acceptable.

My time is nearly up, so let me conclude because others are on the floor to debate this important issue. Two years ago, I introduced this chart to the lexicon of the debate on American oil production. Then I called it the ''No Zone,'' and others are now using it, and I am mighty proud they are, because this red area was where American politics said you cannot drill. We called it the ''No Zone.'' Well, we know there is potentially billions of barrels of oil there, but oh, we dare not touch it, for whatever political reason, I am not sure. But guess what Americans are saying today and what is incorporated in the opportunity to debate and amend a bill here on the floor: That is to allow effective and responsible exploration in areas where oil is known.

So come on, HARRY REID. Give America a chance to save some money. Give America a chance to get back into production. It is quite that simple. I will conclude by saying: How simple? Use the bill you have. Allow it to be amended. Allow a full debate. Allow Senators to work their will, and we can produce something that in time will allow production to flow and the American consumer to be once again advantaged by a robust energy market.

I yield the floor.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak for up to 4 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, let me begin by suggesting that a number of my Republican friends who come to the floor speak under the mantra: Drill, drill, drill; it is going to solve all our problems. Well, you know what. The American people, the people in Vermont are disgusted, angry, and frustrated that they are paying $4.10 for a gallon of gas. The people in my State—the Northern part of this country—are worried sick about how they are going to be able to heat their homes next winter when the price of home heating fuel may well be double what it was just a few years ago. Well, you know what. Drill, drill, drill is not going to solve the problem because President Bush's own Energy Department has told us very clearly that increased drilling offshore—what many of my Republican friends want—would have ''no significant impact'' on gas prices until the year 2030. Even then, its impact would be negligible.

So if you are outraged about paying $4.10 for a gallon of gas, it is of no help at all for our Republican friends to say: Well, gee, maybe in 20-some-odd years we may be able to lower the cost of gas by a few cents a gallon. We must do a lot better than that. We have some folks who think we should drill for oil in the Arctic National Wildlife Refuge. Well, President Bush's own Energy Department told us in 2005:

> Drilling in the Arctic National Wildlife Refuge would only reduce gasoline prices by a penny per gallon and only in 20 years when drilling is at or near peak production.

So if we are serious about addressing the energy crisis this country has, and we don't want to wait another 20 or 25 years to lower gas prices by a few cents a gallon, we have to start looking at some other options. The first option we have to look at is taking a hard look at the excessive speculation which is now taking place in the energy market.

We have heard experts, energy economists, come before one committee or another to tell us, in fact, that the price of a barrel of oil today may be 25 to 50 percent higher than it should be under normal processes—supply and demand and the cost of production—because of excessive speculation. So we have to move aggressively on the speculation issue.

Second, because I know ExxonMobil feels that the public doesn't trust them, it is nice to see so many of my

Republican friends who have such confidence in the oil industry, and who believe that if we allow the oil companies to drill offshore in areas where there has been a drilling moratorium, to ignore the fact that there are over 60 million acres of land they already have leases on, and people believe if a oil company is given more land to drill, then prices will go down. I am glad to see some people have confidence in the oil companies. I personally do not.

While oil prices have been soaring, it is important to point out that, year after year, oil companies have been making record-breaking profits. Year after year, they have been paying their CEOs huge and excessive compensation packages. Year after year, instead of investing in new machinery to, in fact, drill for more oil, they have been using their profits to buy back stock and raise the price of the stock.

Last year alone, ExxonMobil used $38 billion of their windfall profits to buy back their own stock in increased dividends to their shareholders. Mr. President, $38 billion is enough money to reduce gas prices at the pump by 27 cents a gallon for an entire year. But it is interesting to know that some of our Republican friends have so much confidence that if we gave our friends in the oil companies even more territory to drill on, in environmentally sensitive areas, they will absolutely do the right thing, that the oil companies are staying up nights—ExxonMobil and the others—worrying about the American consumer. If you believe that, I have a couple of bridges to sell you.

I think we have to take a hard look at the continued greed of the oil companies. It would be a nice thing if we had a President of the United States who wasn't, in fact, an oilman. It would be a good thing if we had a Vice President who wasn't part of the oil industry. It would be nice if we had a President of the United States who would bring the oil industry into the Oval Office and say, gentlemen—and they are gentlemen—stop ripping off the American people. You have to start lowering your prices.

Thirdly, when we deal with the myriad of problems we have in terms of energy, we have to be mindful not only of the greed of the oil companies, not only of Wall Street speculation, but we have to understand that right now—right now—this summer and this winter there are millions of Americans who need and will need immediate help to deal with the coming winter, as to whether they are going to be heating their homes, whether they are going to be going cold, and in fact we have to worry about people now in the southern States who are seeing temperatures of 110, 115 degrees, who cannot afford the rapidly increasing price of electricity, and are seeing their electricity turned off.

If you are old and you are sick and frail, do you know what. That 115 degree temperature is not particularly healthy for you. What we need to do—and I hope we can get the bill on the floor immediately—is substantially increase funding for LIHEAP. We have legislation that would double LIHEAP funding. I am proud to say this bill has tripartisan support. We already have 49 cosponsors, including 12 Republicans. I have little doubt that if we can get that bill on the floor, if the Republicans do not continue to object to Senator REID's effort to bring it up, we can get not only 60 votes but maybe a lot more. There is companion legislation in the House. We can move this quickly, while we continue the debate on energy policy, and we should come together. We have the votes to significantly expand LIHEAP funding and make sure that old people who are trying to exist in 115 degree temperatures in the Southwest do not get sick from heat exhaustion because they don't have electricity, which is a problem that LIHEAP could address.

Of course, as part of this overall debate, it is very clear to many of us that we must, finally, in a significant way, a dramatic way, in a way that Vice President Gore was talking about a few days ago, break our dependency on fossil fuel, on foreign oil, and move this country to sustainable energy and energy efficiency.

That is an outline of where we want to go. I think some of my Republican friends are talking about very insignificant lowering of prices in 20 years or 25 years. I think we have to pass the speculation bill that is on the floor right now.

It is interesting to me that we have had executives of major oil companies who have come here to Congress—and people are saying, ''Why is oil $125, $130, $140 a barrel?'' Do you know what they say? The CEO of Royal Dutch Shell testified before Congress:

> The oil fundamentals are no problem. They are the same as they were when oil was selling for $60 a barrel.

That was the CEO of Royal Dutch Shell. My friends say it is supply and demand. That is not what a number of executives from the oil industry, who presumably know something about the issue, are saying.

The CEO of Marathon Oil recently said:

> $100 [this is back when it was $100 oil] isn't justified by the physical demand in the market.

The senior vice president of ExxonMobil, Stephen Simon, told the House Energy and Commerce Committee:

> The price of oil should be at $50 to $55 per barrel.

So you have folks from the oil industry, who, I suspect, know something about oil fundamentals, who are telling us that the price of oil today is way, way, way higher than it should be. One of the reasons they point to is the role of speculation. By ''speculation,'' we mean that as a result of an action by Senator Gramm back in 2000, with the so-called Enron loophole, energy trading has been deregulated. We have seen the results in a number of areas. Some people say: You guys are talking about speculation; you are into conspiracy theories. You are pointing out the bad guys there, and you are trying to create demons.

Let's look at recent history. Is the idea of speculation in energy markets a new idea? Well, in 2000 and 2001, our friends at Enron successfully manipulated the electricity markets, and the results, of course, were that in the western part of our country, electric rates went off the wall. I remind you that during that discussion you may remember that what Enron was saying was: Don't blame us; this is supply and demand. Well, some of those people who were telling us that, I suspect, are in jail now, because as everybody knows, Enron manipulated prices big time until they were finally uncovered. Enron collapsed, and some of their executives, I believe, are now in jail. That was manipulation of the electricity markets in 2000 and 2001.

That is not all that has happened in the last decade. In 2004, energy price manipulators moved to the propane market. Many people use propane to heat their homes. That year, the CFTC, Commodity Futures Trading Commission, found that BP artificially increased propane prices by purchasing enormous quantities of propane and withholding the fuel to drive prices higher. In other words, they manipulated the propane market and prices went up. By the end of February of 2004, BP controlled almost 90 percent of all propane delivered on a pipeline that stretches from Texas to Pennsylvania and New York. BP's cornering of the propane market caused prices to increase by 40 percent during the month of February 2004, which eventually caused them, because of their illegal manipulation of the propane market, to pay a $303 million fine.

So, again, when we are talking about speculation, and people say you are into conspiracy theories, etc, etc, etc—we have, in 2000 and 2001, Enron manipulating the electric market; and, in 2004, we have BP manipulating the propane market.

But it goes on. In 2006, energy price manipulators moved to the natural gas market. When Federal regulators discovered that the Amaranth hedge fund was responsible for artificially driving up natural gas prices—natural gas. So we had electricity, propane, and now we are on natural gas. Amaranth cornered the natural gas market by controlling as much as 75 percent of all of the natural gas futures contracts in a single month. The skyrocketing cost of natural gas, because of Amaranth's control of the market, cost American consumers an estimated $9 billion. Shortly after Amaranth was suspected of manipulating natural gas prices, the hedge fund collapsed.

Today, there are many who believe that what happened in electricity, what happened in propane, and what happened in natural gas is now happening in oil. I think we should not be

shocked by that, given the recent history I have mentioned. I think we have to move very aggressively in dealing with speculation.

Let me take this opportunity to say a few words about the LIHEAP legislation. The bill we introduced would increase LIHEAP funding by going from $2.5 billion to over $5 billion. Basically, it is a doubling of funding. That, in fact, is the amount that has already been authorized. We should be very clear. In terms of the need to increase LIHEAP funding, we are literally dealing with a life-and-death situation. People will die. People will die of exposure to cold. People will die of heat exhaustion if we do not move, and if we do not move quickly.

It is important to understand, because CNN cameras do not go there—they do not go to an old person's house in Tucson, AZ, who is struggling with 110 and 115 degree temperatures without electricity. They don't go to a low or moderate income home in Vermont and Maine when people are trying to stay warm, when the temperature gets 20 below zero. The truth is that more people have died from the extreme heat and hypothermia since 1998 than all natural disasters in this country combined, including floods, fires, hurricanes and tornadoes. I know we all see and appreciate the pain people in the Midwest are experiencing today with the floods. We appreciate and want to respond to the crisis in California with the fires. But the fact is that more people die from exposure to cold and to heat than from these natural disasters, as terrible as they are.

To give you an example—this is hard to believe, and many people don't know this—over the past decade, more than 400 people have died of heat exposure in Arizona. That is one State. That is 400 people in the last decade, including 31 people in July of 2005. All of these deaths could have been prevented if these people had had air conditioning.

What I worry about is that electricity prices are going up because fuel prices are going up. Our economy is tanking, and we are seeing a record number of disconnects. So I ask people to be concerned about what happens when it gets 20 below zero in Vermont and in Maine. I also ask people to be concerned about what happens when people get disconnected from their electricity in Arizona, Nevada, Texas, and other States.

Let me simply conclude that, clearly, we are in the midst of a major energy crisis. There are a number of aspects to that crisis and they have to be addressed. I hope that, as a Congress, while we debate those issues, we come together, as I think we are, in saying that no one in this country this year should die of heat exposure, no one in this country should die through being frozen to death when the temperature gets very low in the northern part of our country.

I thank, again, the 49 cosponsors of this legislation. It is tripartisan. Both Independents are on it. We have 12 Republicans on it. The rest are Democrats. I thank them all. I thank Senator REID for trying his best to try to get that bill to the floor as soon as possible. The AARP and dozens of other national organizations know how important it is that we pass an increase in LIHEAP funding and do it as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I inquire, I believe the Republicans have 13 minutes?

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. Mr. President, will you please let me know when 6½ minutes has expired.

Mr. President, it is somewhat humorous to listen to the class warfare that has been coming from the other side of the aisle talking about trying to explain to the American people that supply and demand does not work. It is interesting that the other day, there was an editorial in the Washington Post saying even Congress can't repeal the law of supply and demand. Supply and demand does work, and it is a tough job to try to explain to people and it is going to be very difficult to explain to people who are buying gas at the pumps why increasing supply is not going to bring down the price.

Let me clarify one point. It is always easier to find someone to blame for a quick fix. On this speculation bill, none of the people who are really well informed on this issue believe that would have anything to do—anything to do—with the price of gas at the pumps. Walter Williams, an economist at George Mason University, said:

> Congressional attacks on speculation do not alter the oil market's fundamental supply and demand conditions.

He goes on to say it wouldn't lower it at all.

We have the International Energy Agency saying:

> Blaming speculation is an easy solution which avoids taking the necessary steps to improve supply of oil and gas.

That is what it is all about, it is supply and demand. There is not a person in America who has a high school education who has not already studied the law of supply and demand, and they know, in fact, it does work.

I came down really to talk about something about which I am proud, and that is what T. Boone Pickens is doing right now. He is saying we have to continue to drill, drill, drill everywhere we can—offshore, ANWR, into the shales—do everything we can to produce and increase the supply. But in the meantime, let's try to do something that has a more immediate effect, and that has to do with compressed natural gas.

Let me state to you, Mr. President, that I have introduced a bill that will allow us to use compressed natural gas for automobile use. It simply does three things.

We now have a tax credit for alternative fuels, and we want to add biofuels to that. One of the problems we have currently, if you have a car that has been converted to natural gas, to compressed natural gas, it is not readily available all over. There is a machine you can get now which you hook up at nighttime which will compress it overnight and you can use it. A lot of people don't have that machine. There are some places you cannot buy it. So biofuels vehicles should have the same tax credit as the alternative-fuel vehicles have. If we can do that, then that is going to allow people to have an engine to run on regular gasoline or on compressed natural gas.

The second thing we need to do is to have the mandatory renewable fuels standard include natural gas. If it does that, that is going to be another great advantage.

The third thing is, I was talking to a man named Tom Sewell in Tulsa. He is the one who I believe invented the machine you can hook up to your gas line and compress the gas for use in automobiles. He said one of the major problems is, when you go to convert your car, you have EPA requirements that are the same—if you have one engine that would be in three different manufactured automobiles, such as General Motors, Chrysler, and Ford, and some others, they have to get the same certification for that engine from each source. Certification is around $80,000. If we can pass this legislation, this will knock down the additional cost of converting your car by about $2,000 for each one.

I think this is something that has to be in the mix. I agree with T. Boone Pickens when he says there are some things we can do that would be effective, but in the meantime we have to take the natural gas we are using for other sources and replace it with—he is saying wind energy. I don't care what you replace it with, but let's use that so we can have compressed natural gas or liquefied natural gas. All these buses around Washington, DC, say ''This bus is running on clean natural gas.'' That is liquefied natural gas. Those technologies are here. You don't have to wait.

To answer the previous speaker—he spent 30 minutes trying to explain to people that supply and demand does not work—just look at this and realize that if we were able to open the Outer Continental Shelf, 14 billion barrels; ANWR, 10 million barrels; Rocky Mountain oil shale, which is the big reserve out there, 2 trillion barrels—right now Democrats have a moratorium, so we cannot go to those areas. They are trying to do the same thing with the Canadian oil sands. They already put a prohibition on using that for defense purposes. There are 179 billion barrels out there. This is what we can use. If we should open this, the market would immediately respond. All the smart people say they know that would happen because they know that help would be on its way.

Some of this we don't have to wait 10 years or 15 years for, as the previous speaker wants you to believe, because it can happen in 2 years or 3 years. In the meantime, the market will respond. People who say it would have taken 10 years for ANWR, if you remember back when President Clinton vetoed the bill that would have allowed us to drill in ANWR as well as offshore—that was 1995—we would have all of that. The next speaker from Alaska will tell you that would be coming down through the pipeline today, more than what we are importing now, not just from Saudi Arabia but all the Middle Eastern countries and Venezuela combined.

Supply and demand still works. It is still out there, it is still alive and well, and Republicans want very much to increase the supply. There it is, right there. It is something we can do. All we need is to have 10 Democrats join us, and we will be able to increase the supply of oil and gas in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, yesterday I had the opportunity to spend about half an hour on the floor talking about the leasing issues around the country and more particularly in Alaska. I had the opportunity to talk about ANWR and about the NPRA, the National Petroleum Reserve, and spent a fair amount of time on the facts. I was quite pleased this morning to come in and read e-mails from people around the country who said: Thank you for talking about some of the facts. We appreciate learning and understanding what ANWR really is, what the potential is in NPRA. Today, I would like to continue on that subject.

In Alaska, as we know, we have been blessed with incredible resources. There have been some suggestions in the debate on the floor that perhaps there isn't enough oil and gas in this country for us to really make a meaningful impact with new production. So I wish to speak just a little bit to the production side of the energy solution.

According to the latest estimates by the USGS and the Minerals Management Service, it is possible to produce nearly 24 billion barrels of oil and 100.6 trillion cubic feet of gas from onshore areas in northern Alaska—these are mean estimates—and up to another 41 billion barrels of oil and about another 290 trillion cubic feet of gas from offshore waters around Alaska. Just this afternoon, USGS came in with their new Arctic resource appraisal, and they forecast that the Beaufort and Chukchi Seas have a mean chance of containing 30 billion barrels of oil. From an oil perspective, Alaska's Arctic is being forecast to contain a third—a third—of all the undiscovered conventional oil in the Arctic region.

We recognize that when we operate up there, we must protect the environment while we develop that energy, and we will. But Alaska offers a lot of energy potential. When I hear some of the comments on the floor that we simply do not even have enough to start, I beg to differ. The potential production from Alaska is triple America's current proven reserves of oil and would be enough oil to meet the Nation's total oil needs for nearly a decade. The gas reserves are nearly double America's current proven reserves and enough to handle all of America's current natural gas consumption for 18 years. These are not trivial reserves, if we are ever allowed to develop them. Just look at what we have up in ANWR, looking at opening the 1.5 million acres of the 1002, the Arctic Coastal Plain.

As we talk about ANWR and its potential, what we are not really hearing is what ANWR's oil potential really means to the Nation at the current gas prices, recognizing we are right at $130 a barrel.

Earlier this year, the EIA released its latest estimates for ANWR production and what it would mean. At that time, it predicted that ANWR's opening would save the Nation from paying up to $327 billion—$327 billion—to buy oil from overseas over the life of the field. It predicted that it could reduce America's dependence on imported oil down to 48 percent compared to the more than 60 percent dependence we are at currently.

The EIA forecast on ANWR from this winter again actually has been used by some on the floor to argue against opening ANWR, saying ANWR doesn't help the Nation enough, it is going to take too long to have an impact, and therefore we shouldn't be doing it. There is a Chinese proverb out there that says the best time to plant a tree was 10 years ago; the second best time is today. I think that holds true with ANWR. Those who make these arguments saying there is not enough and it is too late do not recognize this EIA forecast is based on the most conservative assumptions possible. We believe the benefits are likely to be twice to three times the amount of the official forecast. The reason is this: The report pegs the price of oil in 2020 at $59.49 a barrel in 2006 dollars. They are looking out to 2020, and they are saying: We figure the price of oil is going to be $59.49. Given that oil is more than twice that today and that few economists predict it is going to drop to $70 or $80 a barrel in the future, ANWR production could help to drive down the price at the pump by a whole lot more than the Government officially forecasts.

The International Energy Agency just this week reported that it expects oil prices to rise even further. I know that is not something most Americans want to hear, but given that the era of cheap and easy-to-find gas is over, we should acknowledge that those predictions are reliable.

We all remember the Goldman Sachs comment earlier this year. They forecast that oil could reach $200 a barrel, particularly with the geopolitical tensions that are out there. So opening ANWR could help to lower our prices in this country.

The myth that ANWR production is not worth doing because there is not much oil there is yet, again, another myth. According to EIA's January forecast, ANWR oil development, assuming a 50–50 chance of finding 10.4 billion barrels of oil, is going to produce 780,000 barrels a day starting in 2018. We think that it can be brought on prior to 2018 and believe that is realistic.

We can do more in the State of Alaska. We are ready and standing by to do more, but we need the permission from the Congress to go into ANWR.

I know I just spoke strictly to production. I don't typically like to do that. I like to talk about other efforts, including conservation and renewables. Tonight, it is just the facts on ANWR.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I hope that what is happening on the floor today is visible to people across our country. They have to see what is happening on the Senate floor as they pay through the nose, to use the expression, for higher prices for gasoline. Our Republican colleagues are blocking our efforts to eliminate harmful oil speculation and to provide some relief at the gas pump for hard-working Americans everywhere. They are holding up our speculation bill with a reckless plan to let oil companies drill along our shores.

We do not have to look any further than what happened just this morning on the Mississippi River to understand why this planning is so reckless.

Two boats collided—one was a chemical tanker and the other an oil barge—dumping 400,000 gallons of oil into the Mississippi River. Now, these numbers, 400,000 gallons, may not really reach the senses of people because it is so far removed, but this collision covered more than 12 miles of the river with thick, tar-like fuel oil, and it closed down almost—closed down the Mississippi River for about 30 miles. This spill shut down water supplies to the area, and there is a frantic effort going on right now to try to contain the spill and the damage it is causing to nearby wetlands. This incident highlights the danger and the serious risks of transporting oil from rigs and refineries to other places.

Many of my colleagues have come down to the Senate floor over the last several days to urge more drilling off our coasts, more drilling across our country, but in particular we know the danger to coastlines. We see today that it is clearly not as safe as some would like us to believe.

It is a sad commentary, though, that regardless of the reality, there are those who are carelessly suggesting that drilling will solve our problems with the outrageous price of high gasoline, prices that are robbing our families of their ability to stay financially

afloat. For lots of people, these increases in gas prices destroy any reserve that families had because we are, by and large, a commuting nation, and people pay enormous prices for the ability to get to work or to places of necessity.

But there is something happening here. There is an advantage that accrues gigantically, I might add, to the big oil companies and speculators. Big oil has fared incredibly well during the last 7½ years. That is thanks to their friends and cohorts at the White House. There was a point in time when the energy policy was being written that heads of major oil companies were invited to a secret meeting with the Vice President of the United States to design a program.

Who do you think they were going to take care of? They weren't worried about the average working family, not at all. They were looking at the companies and their ability to price gouge.

In fact, hard to believe, these oil companies have earned—pocketed is a better expression—more than $600 billion in profits over the last 7½ years. For instance, ExxonMobil made over $10 billion in a single calendar quarter, and their profits have been coming out of our pockets and going into theirs.

President Bush's latest plan is to give the industry more public land on which to drill. But this is nothing more than a parting gift, his parting gift to the oil companies.

I want to make one thing clear. More drilling now cannot lower gas prices for American consumers. In the amount of time that it takes to get it to the gasoline pump, we could be witnessing a financial calamity in our country. More offshore drilling will not impact prices until, at the very earliest, the year 2030.

We all recognize the importance of reducing gas prices to stabilize this country's economy and to ease this terrible burden on America's families, but the plan for new drilling along our coasts could be a disaster. It will do nothing to solve our energy crisis, nothing to lower gas prices, nothing to fight inflation, and nothing to help America's families.

Here is another reason lifting the ban on offshore drilling is a bad idea. It will endanger our environment which for coastal communities is a huge source of revenue from tourism and recreation. Just imagine if one of these proposed drilling rigs or, as happened today, a boat had an accident and spread thick sludge along our beaches and coastlines. It would create a disaster culturally, financially, and recreationally. We would see the same kind of economic catastrophe that we had in New Jersey in 1988 after sewage and medical waste washed up on our beaches. The tourism industry, our biggest source of revenue, collapsed for 2 years.

It is clear the oil companies are hoping they can get as many leases as they can out of the Bush administration before this President's term comes to an end. But when it is giving the oil companies new leases, we have nothing to gain and everything to lose. We must not cater to the oil companies, but we can do something to lower gas prices quickly and start easing the burden on the American people, and my Democratic colleagues and I have offered a solution.

I hope my colleagues will step up to their responsibilities and permit us to act on this solution, the Stop Excessive Speculation Act, aimed at combating harmful oil speculation at the expense of the American people in every State in this country.

The price of oil has doubled in the last 12 months, and many point to speculation as the problem.

The top analyst at the Oppenheimer—when talking about speculation—said the commodities market was ''the world's largest gambling hall.'' And the CEOs of Continental, Delta, Jet Blue and other airlines, which are struggling to cope with crushing oil prices, have joined together to create the Web site Stop Oil Speculation Now Dot Com.

The fact is, you don't have to be an airline CEO or even a financial analyst to realize that we must ring out excess speculation from the market. And that is exactly what our bill does.

It fixes the Commodity Futures Trading Commission which oversees the oil futures markets but is currently both underfunded and broken.

It gives the commission more staff and power to police the market and stop speculators from grossly distorting the price of oil.

And it closes a major loophole that allows traders to conduct transactions on foreign exchanges and outside the watchful eyes of U.S. regulators.

For months, my colleagues and I have been working to solve this energy crisis. But the Republicans have blocked our efforts a half dozen times.

American families and American businesses are suffering because Republicans—working on behalf of the oil companies—continue to block our efforts. The Republican tactic of blocking good energy legislation must stop for the good of the economy, the good of businesses and the good of families across this country.

I plead with my Republican colleagues to stop focusing only on giving gifts to Big Oil in the form of a public land grab and to focus instead on ending excessive oil speculation.

Mr. President, I yield the floor.

STOP EXCESSIVE ENERGY SPECULATION ACT OF 2008

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 3268) to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 5098

Mr. REID. Mr. President, I have an amendment at the desk, and I ask for its consideration at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5098.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

The provisions of this bill shall become effective 5 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

AMENDMENT NO. 5099 TO AMENDMENT NO. 5098

Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5099 to amendment No. 5098.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike ''5'' and insert ''4''.

Mr. REID. Mr. President, it seems that the Republicans have two tools in their obstruction and delay kit. It is a tool kit that has worked quite well for them. First, they prevent the Senate from getting to bills. The Republican leader uses this tool when he can convince enough of his caucus to kill legislation before the Senate debate even begins.

Second, when a bill is so popular that the Republican leader is unable to convince enough of his colleagues to kill it before debate can begin, he switches to his second tool—claiming the process is unfair. That is what we have before us today.

The Republican leader requests an unlimited or virtually unlimited number of amendments on which he is unable or unwilling to provide specifics. When these requests are not accepted in their entirety, as the Republican leader knows they cannot be, he then turns to his caucus and asks them to oppose any further action on the bill.

Regardless of which tool the minority leader uses, the result is the same. The Republicans refuse to let us address the most critical priorities of the American people.

This situation reminds me of a story I learned as a young lawyer that has now become somewhat legendary, which says: If you have the facts, you pound the facts. If you have the law, you pound the law. If you have neither, you pound the table.

That is exactly what is happening today and has happened on many other occasions. Unfortunately, it has happened, Mr. President, a record number of times this session—84 filibusters. That is obstruction at its zenith.

Republicans would love to muddy the issue by claiming that the Democratic majority won't let them be heard, but that is simply not the truth. Democrats have proposed a comprehensive plan to address our energy crisis, starting with speculation. The Republicans, if they do not like our speculation legislation, let them offer something to the contrary. The Republicans have been talking about their plan for weeks and weeks now. That plan is to drill, to drill, and to drill.

Now, both parties want more drilling. It is not something that simply the Republicans want. We Democrats believe that increasing domestic production is certainly a big part of the problem, and we should do something about it. But, Mr. President, realistically—and we all know this—realistically we have a situation where we have, counting ANWR and all the offshore oil, less than 3 percent of the oil in the world. We use more than 25 percent of the world's oil every day. So we can't produce our way out of the problem. We can certainly increase domestic production, and we should do that, and we have a comprehensive plan to do that.

Our approach is different from theirs on drilling. We believe our approach is more responsible because we basically force the oil companies to take a look at the land and do an inventory of it and tell us why they are not using certain pieces of land. That is 68 million acres in addition to about 25 million acres in Alaska that are available with the signing of the President's pen. That increases it up to, as you know, about 90 million acres.

We have offered our plan to the Republicans. They say they want to drill. They have talked about what their drilling plan is, and we have said: Let's have a vote on it. But they have said no. They can't take yes for an answer. So it is very clear. The only conclusion the American people can reach from this is that the Republicans would rather talk than act. They would rather score, in their own minds, some kind of political points with the oil companies than accomplish something for the American people.

The Republican leadership has refused our offer of votes on drilling, so I am going to now, Mr. President, file cloture on this piece of legislation before us—the speculation legislation. I think it is very important that we do that, and it is important for a number of reasons.

I should mention that one of the things they refuse to take yes for an answer on is their drilling proposal. But I am confident the American people are seeing what the Republicans are doing, and have been doing, for 18 months—talking and talking about drilling and then running for the exits when we give them a vote on what they have asked to do.

I am equally confident, when given a choice of who to send to Congress, the American people will choose to send people who want to get things done and not those who seek delay, obstruction, and the failed ways of the past.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I apologize to everyone. I wanted to make sure I hadn't missed anything in my script.

I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3268, the Stop Excessive Energy Speculation Act of 2008.

Harry Reid, Richard Durbin, Barbara A. Mikulski, Frank R. Lautenberg, Christopher J. Dodd, Byron L. Dorgan, Bernard Sanders, Patty Murray, Benjamin L. Cardin, Dianne Feinstein, Amy Klobuchar, Robert P. Casey, Jr., Ron Wyden, Ken Salazar, Bill Nelson, Debbie Stabenow, Daniel K. Inouye, Sherrod Brown.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

MOTION TO COMMIT

Mr. REID. Mr. President, I move to commit the bill to agricultural committee with instructions to report back forthwith, with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill (S. 3268) to the Committee on Agriculture, Nutrition and Forestry with instructions to report back forthwith, with an amendment numbered 5100.

The amendment is as follows:

At the end, insert the following:

This title shall become effective 3 days after enactment of the bill.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5101

Mr. REID. I have an amendment to the instruction at the desk. I ask now for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5101, to the instructions of the motion to commit.

Mr. REID. 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:

In the amendment, strike ''3'' and insert ''2''.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5102 TO AMENDMENT NO. 5101

Mr. REID. I now have a seconddegree amendment at the desk. I ask the clerk to report the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5102 to amendment No. 5101.

Mr. REID. 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:

In the amendment, strike ''2'' and insert ''1''.

HOUSING AND ECONOMIC RECOVERY ACT OF 2008

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 3221, which is the housing legislation.

The PRESIDING OFFICER laid before the Senate the following message:

Resolved, That the House agree to the amendment of the Senate to the amendments of the House to the amendment of the Senate 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.

Mr. REID. I move to concur with the amendment of the House to the Senate amendment to H.R. 3221, and I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to the House amendments to the Senate amendment to H.R. 3221, the Foreclosure Prevention Act.

Harry Reid, Christopher J. Dodd, Debbie Stabenow, Maria Cantwell, Barbara A. Mikulski, Frank R. Lautenberg, Robert Menendez, Patty Murray, Bill Nelson, Daniel K. Akaka, Jeff Bingaman, Ron Wyden, Ken Salazar, Charles E. Schumer, Daniel K. Inouye, Jon Tester, Patrick J. Leahy.

Mr. REID. I ask the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO CONCUR

Mr. REID. I now move to concur in the amendment of the House to the Senate amendment to H.R. 3221, with an amendment which is at the desk.

AMENDMENT NO. 5103

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House to the Senate amendment to H.R. 3221, with an amendment numbered 5103.

Mr. REID. 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:

At the end of the amendment add the following:

The provisions of this act shall become effective 2 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5104 TO AMENDMENT NO. 5103

Mr. REID. I have a second-degree amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5104 to amendment No. 5103.

The amendment is as follows:

In the amendment, strike ''2'' and insert ''1''.

Mr. REID. I ask that no motion to refer be in order during the pendency of this message.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Reserving the right to object, if I might ask the leader a question, the filing of the cloture motion on the housing bill at this point means there will be a Saturday vote?

Mr. REID. I say to my friend, you are the one who pretty well determines when we vote on these things. It will probably be—it will be Friday.

Mr. DEMINT. Friday, if all the time is used. I would like to make the Senator aware that I believe we could arrange a unanimous consent to shorten the time, if you would allow one amendment that would prohibit Fannie May and Freddie Mack or organizations from lobbying during this time of taxpayer-secured funding. So we are prepared to shorten the time, if you are willing to allow that unanimous consent.

Mr. REID. I say to my friend, the Senator from South Carolina, that this bill is so important. We have filed—I kind of lost track, but because of your side we have had to have four cloture motions. This will be the fifth on this most important piece of legislation, a piece of legislation that has been promoted and the administration has prodded us to get this done weeks ago.

Of course, if your amendment is made part of what we are going to do here and this legislation is changed, it goes back to the House again. Then we have a process that seems never ending.

I have no problem with the intent of the Senator from South Carolina. I think there would be, perhaps, support on both sides of the aisle for your amendment.

That being the case, I think it would be a real travesty at this time. I don't know if there is a day that has gone by this week—it is only Wednesday, so probably not—a day that has gone by this week that I haven't received a call from someone in the White House, including on several occasions the Secretary of Treasury, saying please do not hold this up at all. This has to be done.

So I say to my friend again, in no way denigrating the intent of the offer because I think the intent is sincere, I hope you would not force us to do this.

Speaking on behalf of President Bush—and I don't do that very often—I don't think we should do this. I don't think we should send this back to the House. I think we should complete it here.

I will be happy to consider joining the Senator in a letter to the two entities regarding some way to make sure they are transparent in any lobbying they do. I would be happy to do something on this. But I feel constrained not to slow this very important legislation, which is well over a month overdue at this time. Every day that we do not do something—every day there are 8,500 people who get foreclosure notices; 8,500.

It may not seem like much, but if we send this back to the House, we would complete it sometime late next week. During that period of time, we would probably have about 45,000 people who would have entered foreclosure proceedings, when this legislation will allow, some say, up to 1 million people to be able to save their homes.

I hope the Senator would not press us on that. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. I offered a unanimous consent request, the last one I offered, and my friend from South Carolina reserved the right to object, so I withdraw that.

WARM IN WINTER AND COOL IN SUMMER ACT—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 835, S. 3186, a bill to provide for the Low-Income Home Energy Assistance Program, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion to proceed.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 3186) to provide for the Low-Income Home Energy Assistance Program.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 835, S. 3186, a bill to provide for the Low-Income Home Energy Assistance Program.

Harry Reid, Bernard Sanders, Barbara A. Mikulski, Charles E. Schumer, Christopher J. Dodd, Debbie Stabenow, Maria Cantwell, Byron L. Dorgan, Richard Durbin, Patrick J. Leahy, Patty Murray, John F. Kerry, Kent Conrad, Benjamin L. Cardin, Jack Reed, Jon Tester, Thomas R. Carper, Joseph R. Biden, Jr.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

Mr. MCCONNELL. I say to my Senate colleagues, to the American people, there is both good news and bad news. The good news is we are now on a subject that the American people are interested in. The bad news is, it only deals with a very tiny part of the overall problem we confront.

We know that over 80 percent of the American public believes we ought to expand domestic production of oil and gas, both onshore and offshore. We know a speculation-only bill, while interesting debate as to what part of the price of gas at the pump speculation involves, we know that alone is not going to deal with the core problem, which is we do not have enough supply of oil and gas.

As the most famous rich Democrat in America, Warren Buffett, said: We do not have a speculation problem, we have a supply and a demand problem.

As T. Boone Pickens, who has been liberally quoted on both sides of the aisle here, and has been in town this week, has repeatedly pointed out to us, his view is we ought to do everything we can to both expand domestic production and to conserve. But he too does not believe speculation alone has anything to do with the core problem.

The dilemma we have now is that we have a very narrowly crafted measure that the majority leader has made impossible to amend, that no experts in the country think would have a real impact on the core problem. Senate Republicans find that unacceptable.

The American people are pounding the table. They are angry as they gas up their cars every week and see the pricetag. They are saying: Do something and do something now that will make a difference. This is the biggest issue in the country since terrorism right after 9/11, and our response: A no-amendment approach. That is simply unacceptable and inconsistent with even the recent history of the Senate when preventing amendments by the minority has become all too common.

Look back to last fall or last year. We did an energy bill on the floor of the Senate, an important energy bill that, among other things, raised the corporate average fuel economy of automobiles. We spent 15 days on the floor. The price of gas at that point was $3.06 a gallon. It is a full dollar or so higher now. It was not the biggest issue in the country at that point. Although it was a big issue, it was not the biggest issue. We had 16 rollcall votes. We agreed to 49 amendments; in 15 days, 49 amendments when the price of gas was $3.06 a gallon.

In 2005, when this side of the aisle contained the majority, we had an energy bill, an important energy bill. The price of gas at that time was $2.26 a gallon, which we all felt was entirely too high then. We spent 10 days on the floor on that debate, we had 19 rollcall votes on amendments, and we adopted 57 amendments.

Both of those measures ended up becoming law. They were clearly not one of those check-the-box exercises where you put everybody on record and move on. I think the American people would be appalled and will be appalled as they learn that the plan here is to not do anything serious about the biggest issue in the country.

There is a lot of dodging and weaving going on. We know the Senate Appropriations Committee decided not to function out of fear that amendments would be offered relating to offshore drilling. The chairman of the Appropriations Committee, I gather, was rather candid about it: We are not going to meet because we might have votes on the No. 1 issue for the American people, which is to expand domestic supply.

Now, we have said repeatedly on this side that we do not think expanding supply is the key. We think you should both find more and use less—do both. As T. Boone Pickens repeatedly told us this week, both sides of the aisle: You need to do all of these things. You need to do all of them quickly. ''Get about it,'' he suggests.

I am sure he said to the Democrats, as he did to the Republicans, that he is 80 years old, he wants to see some results soon. He said he was running out of time. Well, the American people are running out of time too. So my suggestion is we proceed with this bill, the most important issue in the country, in a way that will get a result for the American people. A proven way to get a result, demonstrated last year when the Democrats were in the majority and in 2005 when the Republicans were in the majority, is to have a process that is fair to both sides, that allows all Members of the Senate to participate in writing a bill on an important subject.

UNANIMOUS-CONSENT REQUEST—S. 3268

Now, in that regard, I have indicated to my friend the majority leader that I was going to propound a unanimous consent agreement that I think would be reasonable, related to the subject, and begin to move us in the direction of having an accomplishment and not a check-the-box exercise.

Therefore, I ask unanimous consent that the Senate consider the pending measure in the following manner: that the bill be subject to energy-related amendments only; provided further, that amendments be considered in an alternating manner between the two sides of the aisle, first an amendment on one side, then on the other. I further ask unanimous consent that the bill remaining be the pending business to the exclusion of all other business other than privileged matters or items that are agreed to jointly by the two leaders. I ask unanimous consent that the first seven amendments to be offered on my side of the aisle by the Republicans, by either myself or my designee, be the following: an Outer Continental Shelf amendment, plus the conservation provision; an oil shale amendment, including a conservation provision; an Alaska energy production amendment, including a conservation provision; the Gas Price Reduction Act, which has 44 cosponsors; a clean nuclear energy amendment; a coal-to-liquid fuel amendment, plus conservation; and a LIHEAP amendment.

All this would do would be to indicate what the Republicans have in mind on those seven amendments related to the subject, and would give notice to the other side that were we permitted to do so, those would be the first seven we would offer.

Therefore, I ask unanimous consent that that be adopted.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, the matters the distinguished Republican leader has outlined are part of their proposal that they offered before, I think they call it the Gas Price Reduction Act. Everything he has talked about here is part of that legislation, and it is part of an alternative we have also. Senator BINGAMAN has worked for more than a week with the assistance of other Senators on this side of the aisle coming up with different amendments which, of course, have the Alaska energy production. That is part of ours. We have the oil shale amendment as part of ours. We have the LIHEAP, of course, which is now or shortly will be before this body.

It is very obvious that the Republicans, especially when they want this to be the exclusive matter we deal with, that is this energy bill, that they want this to go on, as a lot of things have this year, into oblivion. That is why they had 84 filibusters and we have had to file cloture 84 times.

These are the first seven amendments. I hope everyone heard that; the first seven amendments they want to offer. We know that the drilling amendment is a subterfuge. We know that JOHN MCCAIN, the Republican nominee for President of the United States, has said it will do nothing for short-term oil supply. He said it is psychological. That is what the Republican nominee for President has said.

We said what we wanted to do is have a vote on speculation, which is a very big deal. Now I know my friend keeps bringing up Warren Buffett's name, said he does not think speculation has anything to do with it. I have great respect for Warren Buffett. I consider Warren Buffett a friend. I have talked to him many times and have met with him on many occasions. By the way, he told me the best business he has ever had in his whole life is a furniture store in Las Vegas.

We read into the RECORD today numerous scientists, economists, regulators, who said that speculation is from 20 to 50 percent of the cost of a barrel of oil.

We believe that is an important issue. My friend said: It is only a tiny part. Only a tiny part? Twenty to fifty percent of the cost of a barrel of oil a tiny part? Remember, it is very interesting. It is interesting that their so-called Gas Price Reduction Act that they introduced with 42 cosponsors—part of that is a provision dealing with speculation. So speculation is not a tiny part.

This morning, the distinguished Senator from New Hampshire said he thought there should be a vote on oil shale. I said: Fine, we will have one. He said he thought it would be great to have a vote on nuclear power. I said: We have not built a plant in 40, 50 years. I am sure that is not much of a short-term solution to the energy problem facing people buying gasoline in Las Vegas or Reno. But we said we would do that.

So, Madam President, this is nothing more than what the Republicans have done from the very beginning. They are not concerned about speculation. Drilling, as their Presidential nominee has said, is only psychological. We want to

do something to certainly focus on speculation.

I would say, as LIHEAP is part of it, they are going to have that opportunity. We are going to take up LIHEAP. People have come to me and said they think this is an important issue. Well, join with Democrats because we also believe it is an important issue. They will not let us do anything on speculation. Maybe they will let us do something on LIHEAP.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Well, Madam President, the good news is we are on the subject the American people are interested in. Republicans believe it is important to talk about the biggest issue in the country. We have agreed that speculation is something we are willing to take a look at.

As the majority leader pointed out, it is part of the Gas Price Reduction Act. But we need to do a lot more than that, and we will be arguing during the pendency of this issue that we ought to open this bill, give all Senators on both the Democratic and Republican side an opportunity to turn this into a serious, comprehensive energy proposal, debated and amended, consistent with Senate tradition.

That, we know, will lead to an actual law. What happens when you go through these expurgated, slimmed-down, check-the-box exercises is, you do not get anything done. The American people are out of patience. Maybe this is one of the reasons this Congress has a 14-percent approval rating, which makes the President's approval rating look pretty good. They sent us here to do something, and I think I can safely speak on behalf of the Republican conference that we are ready to do something about the most important issue in the country.

We are pleased to be on the subject matter, and I see my good friend from Arizona on his feet.

Mr. KYL. Madam President, might I just ask the minority leader to yield for a question?

Mr. MCCONNELL. Madam President, I would be happy to.

Mr. KYL. Madam President, just to clarify one thing the majority leader said, your unanimous consent request dealt with seven specific subjects that you would like to address by amendment. The majority leader indicated that all seven of those were part of a bill that 44 Republicans had cosponsored.

I would ask the minority leader, is that correct? Specifically, did that bill that Republicans have cosponsored include LIHEAP, which is one of the amendments, a nuclear amendment, which is another amendment, or an amendment dealing with the production in Alaska, specifically ANWR?

Mr. MCCONNELL. Well, Madam President, I would say to my friend from Arizona, of course not. Members of our conference, as we know because we worked very hard on this, believe that the four provisions of the Gas Price Reduction Act—offshore drilling, oil shale moratorium—I see the Senator from Colorado here—battery-driven cars—I see the Senator from Tennessee here—and an important provision on speculation are a good place to start.

We would like to have that vote. But there are other members of our conference—I see the Senator from Alaska here who feels very strongly maybe this is a good time to debate and vote on ANWR or maybe a good time to discuss the proposal about which the other side has been talking about part of her State that is currently open that may or may not end up being productive.

The fundamental point, I say to my friend from Arizona, is, everybody in the Republican conference believes, since this is the most important issue in the country, we ought to spend some time on it and try to get it right. That is what we ought to be doing.

I see my friend from Tennessee on his feet. Does he have a question?

Mr. ALEXANDER. Madam President, I wonder if the Republican leader would answer a question.

Mr. MCCONNELL. Madam President, I am happy to yield.

Mr. ALEXANDER. Madam President, is it the intention of the Republican leader to cause the Senate to take up the issue of $4 gas prices and stay on it and debate it and amend it and come to a substantial result, including ways to increase supply and reduce demand, so we can say to the American people we have done our job?

Mr. MCCONNELL. Madam President, I would say to my friend from Tennessee that is precisely what we had hoped to do. And that is the reason I outlined the way the Senate dealt with the broad subject of energy last year under a Democratic majority and 3 years ago under a Republican majority.

If we want to make a law around here, the way you do it is you give both sides an opportunity to amend and debate. That is not for the purpose of not going forward with a bill. That is for the purpose of going forward with a bill and getting a result. I think clearly I can safely speak for every single member of the Republican conference: We would like to get a result to make a difference.

Mr. ALEXANDER. Madam President, if I may ask a second question of the Republican leader. Has the Republican leader not from the very beginning said that the solution to $4 gasoline is both supply and demand; that we want to find more and use less; that, yes, we want to drill offshore, but we also want to make it commonplace to have plug-in electric cars and trucks, as an example, and that the major difference between us is that we are willing to find more and use less and the other side is not?

Mr. MCCONNELL. Madam President, I say to my friend from Tennessee, I think I am hard pressed to think of a particular example of any conservation measure that virtually every Member of our conference is not in favor of. Every Member of our conference has said, as the Senator from Tennessee has indicated, that we would like to both find more and use less, and we are confident that we cannot have an accomplishment that actually makes a difference unless we do both.

So I think the Senator from Tennessee is entirely correct. Our goal here is to find more and to use less and to actually make a law and make a difference rather than trying to make an issue.

Mr. ALEXANDER. Madam President, if I may ask a last question of the Republican leader. The Republican leader and I and many other Senators probably took economics 101. When I took it, the law of supply and demand had both supply and demand, finding more and using less.

I wonder if the Republican leader knows of any movement in academic circles to repeal half of the law of supply and demand, and to say that the law of supply and demand does not anymore include supply?

Mr. MCCONNELL. The only time I heard that suggested was by some of our friends on the other side of the aisle who think maybe you can only do half of that. But I am unaware of any American people who believe that. The American people get this. The reason this issue has jumped way up the charts is because they understand the law of supply and demand. They understand we both need to find more and to use less.

And I do not understand the reluctance here. I really do not. In a Congress enjoying a 14-percent approval rating, I do not understand what my good friends on the other side are afraid of. What is the problem? Why don't we join hands and do something?

Every one of our amendments may not pass; we do not know whether they will. But what is the reluctance of the majority to tackle the No. 1 issue in the country? I am perplexed by the strategy. I do not know why we should be afraid. We are all familiar with these issues. We wrestled with many of them in 2007 when we passed an energy bill. We did it in 2005 when we passed an energy bill. Most people think both of those bills made a positive difference for the country. It obviously is not enough.

If not now, when? When? Now is the perfect time to get started. And it is never a good answer to say if we do this or we do that it will not make a difference tomorrow. Almost none of these things make a difference tomorrow, unless collectively we do something that is so applauded by the rest of the world and by the markets that they think, my goodness, maybe these Americans are serious about getting on top of this problem and doing something about it.

So that is our goal, I would say to my good friend, the majority leader. There

is nothing tricky about it. There are no gimmicks involved. This is a serious effort and an overwhelming interest on our side to make a law—a law that will make a difference, and to do it not tomorrow, not 3 weeks from now, not in November, but now. The way forward toward an accomplishment for our country is to get started. We have the opportunity to do that.

If my good friend on the other side would like to engage in further discussions off the floor about ways in which we can agree to sets of amendments that are fair to both sides and go forward, we are happy to do that. But we are relieved to be on the subject, and we think we ought to stay on this subject because the American people expect it of us.

Mr. GREGG. Madam President, will the Republican leader yield for a question?

Mr. MCCONNELL. Madam President, I will be happy to yield to the Senator from New Hampshire for a question.

Mr. GREGG. Madam President, it seems to me that the Republican leader has outlined the process for getting this bill completed. He has listed seven amendments which are reasonable and which are significant because they involve—well, in the area of oil shale, over $2 trillion of potential reserves, in the area of offshore oil, literally years of reserves, and on the issue of nuclear power, a chance to produce a clean energy that does not pollute the environment and addresses the issue of clean energy.

I presume the Republican leader—certainly, one of those amendments might be my amendment, and I would certainly be agreeable to a time limit. Would the Senator agree that we on our side would be willing to agree to reasonable time limits for debate on each of these amendments so there could be an orderly process which would have a time certain for completion of this bill sometime early next week?

Mr. MCCONNELL. Madam President, I say to my friend from New Hampshire, of course we would be happy to agree to time agreements on our amendments. We want to go forward. There is no effort to slow this down. We want to make progress. Frequently, as my friend from New Hampshire points out, the way you make progress when you offer an amendment around here is, you agree to a time agreement. There is a certain amount of risk involved because you do not know whether you are going to win or lose, but you move forward.

That, I assure my colleagues, is the way we handled the energy bill last year, it is the way we handled the energy bill in 2005, and it is the way to make a law and to make a difference for our country.

So I would say to my good friend, the majority leader, that is where we hope we will end up, in a position where both sides can have their fair say on this important issue and just maybe come together and do something important for the American people.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, my friend, the Republican leader, said this is a good place to start. That is the problem with the minority. They have a lot of good ideas to start but never finish anything. That is the way it has been. They have had 84 filibusters this year.

This is really kind of like the ''Twilight Zone.'' The Republicans are saying now that they want to drill in the Outer Continental Shelf. The Republican nominee for President, JOHN MCCAIN, says that is psychological and won't help. Now, today, to show they are not tracking very well with JOHN MCCAIN, they come and say they want to drill in ANWR. Now, JOHN MCCAIN is opposed to that. He stated so publicly. So they have two issues, one of which the Republican designee for President says is just psychological, but they want to have a vote on that. They also want to start drilling in ANWR—something their Republican nominee for President totally opposes.

My friend from Tennessee said: Don't we want to do something about the $4 gas prices? Please, Madam President, let's not laugh out loud. We have brought matters before this body in detail more than once to do something about gas prices long ago. The Presiding Officer played an essential part in one piece of legislation. It was called the Consumer First Energy Act. That matter was brought up in June of this year. It was a good piece of legislation. It said we should tax the windfall profits of these oil companies, which last year, by the way, made $250 billion. It repeals the section for major oil and gas companies that were using foreign tax credits on oil that they shouldn't have. It suspends the filling of the Strategic Petroleum Reserve. We had to force the President to do that. That part of it was ultimately adopted. It punished price gouging. The American people understand that.

So to say we haven't done anything on gas prices is not because we haven't tried. Again, our Republican colleagues have said: Well, that is a good place to start, but we are not going to do anything about that.

We also talked, even in that legislation, about excessive speculation in the oil markets. We also had another piece of legislation the American people identified with which was recommended as part of our Consumer First Energy Act by Senator KOHL of Wisconsin and Republican Senator SPECTER of Pennsylvania. Why not make OPEC—this huge organization which is in control of most of the oil in the world today—why not make them subject to the Sherman Antitrust Act. That is what a Democrat and Republican thought was important, and we put it in this bill. So no one needs to talk about us not trying to do something about gas prices. We have been trying for a long time.

We also believe the American people understand that global warming is here. We tried to move to that. The Republicans said: No, we are ready to start, but that is a little tiny thing. We want to have an open amendment process. Then, bang, a couple more cloture motions.

The goal of the Republicans is to stall, and that is what they are doing, and they are pretty good at it. I asked the Democratic whip to meet with his counterpart last week to see what we could do about having some amendments to move forward on this speculation bill. The distinguished Republican whip told the Democratic whip they had 28 amendments and they would probably have more.

This is not a serious effort to legislate; this is a serious effort to stop everything. They are willing to stop housing again. We are going to have to go through all of this process of housing, causing at least 45,000 or 50,000 people in the next few days to get foreclosure notices. That is part of what they are stalling on tonight. We know we are going to move to LIHEAP. LIHEAP is something important. We must do that, because there are senior citizens around this country, disabled people, who are having a difficult time in the summer, but winter makes it brutal. We want to move to that. They are stalling us on that. That is three more cloture motions we have had to file, so now I guess we will be up to, by the end of this week, 87 filibusters.

I know there are a lot of Senators here who wish to speak. I think it would be appropriate that we enter into some kind of order if people want to speak here so it is not a jump ball.

Mr. DURBIN. Madam President, would the majority leader yield for a question?

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

Mr. DURBIN. Madam President, I wish to ask the majority leader if—I don't question the sincerity of the Republican side or the minority leader—but did we not say to the Republican side that if this is a critical, timely issue, can you gather together your Republican Senators—all 49—and come up with your package that could include all of the elements that are mentioned here, and did we not make the offer to the Republican side that that would be called to the floor for debate and for a vote in a timely fashion?

Mr. REID. I say to my friend, the answer is yes. But now they have a new deal. The new deal is they want to do some interesting things that haven't been brought up before. They want to drill in ANWR, even though it was resoundingly defeated in the Senate a couple of years ago. Even though MCCAIN is opposed to it, they are in favor of it. They want to do something that is psychological. Not only do they not want to move with their package that we thought was what they wanted

to do—they introduced it, whatever the name of it is—now they want to split that off piece by piece and have one piece, two pieces, three pieces, five pieces, whatever is in it, so they can stall some more.

So what I say to my friend is, yes, we were willing to have a vote on their package, and we would have our package. We are very proud of our package.

Mr. DURBIN. If the majority leader would yield through the Chair for another question, if this issue is so critical and time is of the essence, why do they have 28 amendments plus? Why do they come to us and say we will start with 7; there may be more?

It would seem to me if time is of the essence, they would want us to move in an orderly debate to two energy proposals—one on their side, one on our side—have a debate, take a vote, and make sure it is done so we can adjourn as scheduled a week from Friday.

Mr. REID. I say to my friend it is obvious that the situation is they think this is a tiny part of what we are doing. Speculation, which is 20 to 50 percent of the cost of a barrel of oil, is a tiny part, and they will skip that for now and go on to something else. Drilling? The McCain special, the psychological cure for the problems of this country, they decided maybe they don't want to have a vote on that. Maybe what they will do is add on 27 other things.

Mr. DURBIN. Madam President, if I could ask the majority leader through the Chair, as I understand it we have 9 days left—assuming that there is not much to be achieved later today—9 days left before we are supposed to adjourn. We are trying, before we adjourn for the August recess, to deal with several outstanding measures: the housing bill, which is now back over from the House of Representatives to try to deal with America's housing crisis; the LIHEAP bill, which the Senator has said will provide for the elderly and disabled, help with their air conditioning and heating bills; the tax extenders, an important part of our energy picture so that we have our Tax Code friendly to those who want to promote solar power and wind power and similar renewable and sustainable sources; and, of course, we can't overlook the item that keeps us in through the weekend, the so-called Coburn package—relating to the Senator from Oklahoma—some 40 bills dealing with issues as serious as child pornography and missing children; these elements too.

I ask the Senator from Nevada, the majority leader, how is it conceivable we could have an open amendment process with an endless number of amendments, according to the Republican side, and possibly deal with all of these important issues?

Mr. REID. I say to my friend through the Chair, you can't. I didn't mention—and I appreciate very much the distinguished Democratic whip mentioning this—also they have turned us down on alternative energy. They voted that down, the extenders, which included a 6-year tax credit for solar and all of those good things that Boone Pickens and others said we must move to.

In addition to turning us down on energy price relief, the Consumer First Energy Act—they turned us down on that—they turned us down on the extenders. They do not want to legislate. They obviously aren't concerned about the 85,000 people who are going to be given foreclosure notices in the next few days. They obviously are not concerned about moving forward on LIHEAP quickly. They obviously are not concerned about setting up a registry for Lou Gehrig's Disease so people can find out how to cure that disease. They are not concerned about the Christopher and Dana Reeve Paralysis Act. Those are all being stalled because of this subterfuge of what is going on here.

Madam President, as I said, there are a number of people on the floor. I know the Senator from New York has been waiting, and the Senator from Illinois has been staying here a while. I see now the Senator from Colorado. I am wondering if we can enter into some kind of a consent agreement. The suggestion has been made that Senator VOINOVICH be recognized for 10 minutes, followed by Senator CLINTON for 15 minutes, and then we will alternate back and forth. I think it would be appropriate if we did 10-minute timeframes, so I ask unanimous consent for that to be the case.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Reserving the right to object, Senator VOINOVICH wishes to have 20 minutes and Senator ALLARD wishes to have 15 minutes.

Mr. REID. OK. The Senator from Ohio needs 20 minutes? We were going to have 10-minute blocks, but do you think you could do it in 15?

Mr. VOINOVICH. I probably won't use it. I would like to not have it cut off. That has happened too many times here.

Mr. REID. I ask unanimous consent that Senator VOINOVICH be recognized for up to 20 minutes, followed by Senator CLINTON for up to 20 minutes, and following that, we go in 15 minute-blocks. Senator ALLARD would be next recognized and someone on our side would be next.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, I rise to speak today about one of the top issues facing our Nation: the skyrocketing price of gasoline, something both the majority and minority leader have been talking about.

Throughout our Nation's history, our strength and identity have been marked by moments that demanded great action in the face of grave threats. We saw this in 1776 when our Founding Fathers declared their independence from the oppressive hand of a mighty empire, and again in 1961 when President Kennedy responded to the growing strength of the Soviet Union and their successful launch of Sputnik by announcing the Apollo Project to put a man on the Moon in 10 years.

In 2008 we are faced with a grave threat. Today, across America, people are hurting. If you are looking for the root of their pain, you don't have to look any further than their home energy bill or their local gas station. It is not just our people who are in grave danger, it is our Nation as well.

While I know Americans are hurting from our addiction to oil, I am not sure they fully realize the extent our national security—and, indeed, our very way of life—is threatened by our reliance on foreign oil. Every year we send billions of dollars overseas for oil to pad the coffers of many nations that do not have our best interests at heart, and some such as Venezuela, whose leader has threatened to cut off the oil. In fact, in 2007, we spent more than $327 billion to import oil, and 60 percent of that—or nearly $200 billion—went to oil-exporting OPEC nations. In 2008, the amount we will spend to import oil is expected to double to more than $600 billion. Now, let's put that into perspective. In 2008 we are going to spend $693 billion on our defense, and now we are sending $600 billion overseas to some folks who don't like us.

There is no question that our dependence on foreign oil has serious national security implications, and we don't talk about it enough. In addition to funding our enemies, as I explained, we cannot ignore the fact that much of our oil comes from and travels through the most volatile regions of the world.

A couple of years ago I attended a series of war games hosted by the National Defense University. I saw firsthand how our country's economy could be brought to its knees if somebody wanted to cut off our oil. In 2006, Hilliard Huntington, executive director of Stanford University's Energy Modeling Forum, testified before the Senate Foreign Relations Committee that based on his model:

> The odds of a foreign oil disruption happening over the next 10 years are slightly higher than 80 percent.

Eighty percent.

He went on to testify that if global production were reduced by merely 2.1 percent due to some event, it would have a more serious effect on oil prices and the economy than Hurricanes Katrina and Rita.

Our dependence on foreign oil is made even more troubling when you consider our Nation's financial situation. Today, 51 percent of the privately owned national debt is held by foreign creditors—mostly foreign central banks. That is up from 6 years ago. Foreign creditors provided more than 70 percent of the funds that the United States has borrowed since 2001, according to the Department of the Treasury. Who are those creditors? The three largest are China, Japan, and the OPEC

nations. This is insane. It has to stop. We cannot afford to allow the countries that control our oil and our debt to control our future. Think about that. The same people who have us right where they want us in terms of oil now almost have us right where they want us in terms of our debt. If they want to put the two together, they can strike a lethal blow to our economy and to the American people.

I am going to be brutally honest with folks. The future of our country I think is in jeopardy. We cannot continue to transfer our wealth overseas to this degree without expecting serious consequences. Rather than addressing these national security concerns, we have been living the life of Riley and have allowed the environmental movement to run wild. They have gone and sued every which way to Sunday and all the while ignored our energy, economic, and national security interests.

We have let them get away with it. We have let them get away with it because oil was cheap and so Congress felt no urgency to act.

I have to tell you something. Oil is not cheap anymore. For 10 years, I have been a member of the Environment and Public Works Committee, and for 10 years I have tried to coax the committee into harmonizing our energy economy, environment, and security. The committee has refused to do it. Now, as I predicted, the chickens have come home to roost. Americans, today, demand action and that we come together in a bipartisan fashion to solve this crisis. I am glad we finally have come to an agreement to move forward and debate this issue on the floor. I hope we can continue to work together to address the wide range of amendments that I believe could improve this bill.

I have to say, I didn't follow all of what our leaders were talking about, in terms of how this is going to be handled. I wish to let people know I have been involved in the debate on energy since I have been in the Senate. First, in 2003, we were on the floor for 6 weeks and didn't get anything done. Then we came back in 2004 and spent a great deal of time, and nothing happened. Then we came back in 2005, with the Energy Policy Act, and spent 10 days on the floor and 19 rollcalls and 57 amendments.

I believe the American people want their Senators to debate this issue on the floor of the Senate, give us the right to make amendments, and let's vote up or down on them; let's go at it and have a robust debate. Hopefully, after it is over, some consensus will come back, as we did in 2005 and 2007, so people will feel we have, for the first time, stopped bickering and tried to address our attention to something that will make a difference in their lives.

As you know, oil is not easily found or substituted. It will remain an integral component to our economy in the shortrun. We must make investments today that will help us achieve our goals of tomorrow. I believe this is what we must do: Find more and use less. We must increase our supply, reduce our demand through alternative energies, and conserve what we have. We must carefully avoid the smokescreens that cloud our path to real solutions.

Some people are saying the speculation bill is a smokescreen. There is legitimate debate about that issue, but that is not the only issue we should be debating. Some smart people are saying that, including Robert Samuelson, who recently wrote:

> Speculator-bashing is another exercise in scapegoating and grandstanding.

Paul Krugman wrote in an op-ed:

> The hyperventilation over oil-market speculation is distracting us from the real issues.

That same issue also came up with Boone Pickens. I was at the hearing he attended in the committee. I think we can all agree this is a complicated issue, with many moving parts. That is why we have to look at the issue comprehensively and find solutions to combat this crisis from all angles. In the end, we must not forget the bottom line is about supply and demand.

Let's talk about supply. In order to stabilize our Nation's energy supply, we must enact policies to increase the development of domestic fuels.

While these resources will not physically come online for a number of years, moves to expand development will send a clear signal to the market that we are serious about meeting our future energy demands and immediately begin to drive down the cost of oil because investors will know that gas will not be worth as much in the future and will therefore sell it off today, lowering the cost immediately.

The fact of the matter is we have more energy resources than any other area of the world. I chaired a committee a couple weeks ago and it was amazing to me. They showed a chart. We have more oil reserves than any other place in the world. Most of that is in the shale oil out in the Western United States. Some say it is too expensive to get, over $100—we are not sure yet. Boone Pickens testified and said that in 10 years, if we don't do so, the cost of oil could be $300 a barrel. The fact is we have to understand that the majority of our oil resources are locked up. Eighty-five percent of our offshore acreage and 65 percent of our onshore acreage is off the table.

It is interesting. I have been saying that if the President goes over to see King Abdallah and says: Give me some more oil, the King should say: Why should I give you my oil? The supply is almost the same as the demand and demand is growing. Why don't you go home, Mr. President, and use the oil that you have in the United States of America? Why don't you drill in the Outer Continental Shelf and move east in the Gulf of Mexico? You have rigs down there right now. Yet with 4,000 of them during Katrina, there wasn't any oil spill during that period of time. I understand you have some shale oil out in the West—800 billion barrels of oil—that is available, and perhaps even 2 trillion, in terms of reserves. You have lots of coal, and you could use that to create oil. You have some friends in Canada who have 185 billion barrels of oil in the tar sands, and someone in your Congress has made it almost impossible to bring the tar sands down from Canada, who are friends, neighbors, and they share your values.

It is interesting; when we talked to Pickens about this, he said: When I was in Saudi Arabia and talked to these guys, you know what they said to me? Go after your own oil. You know, once your oil is gone, that is a great resource. Go after yours.

In a nutshell, I think that we need to go on and do the very best we can, in an environmentally sound way, to get at the oil we have available to us as a country.

I was thinking about this. If, in 10 years, we had this shale oil out in the West, and it proved to be what everybody says it can be, instead of us being at the bottom of the barrel, we would be at the top. We might not have to use it, but we would be able to look out around the world and say: You know what, folks, we have a lot of oil. What you did to us, we could do to you if we wanted to.

But that is not the real answer. The real answer is what I call the second declaration of independence. In the second declaration of independence, we would basically say we are going to be oil independent. Tell your kids and grandchildren that. We are going to do it like President Kennedy did. Remember when the Russians sent Sputnik up and we didn't like it? President Kennedy said to the American people that we are going to get this done in 10 years. By golly, we saw a man from Ohio land on the Moon.

I know this: We have wonderful, smart people in this country. One of the ideas I have, in terms of an amendment, would be that if we did exploration or we lifted the moratorium on the Outer Continental Shelf exploration, what we would do is take the lease money and put it into the research we are going to have to do on batteries, which I think, ultimately, are the ones, because you don't need an infrastructure with fuel cells, and even with Boone Pickens' oil or natural gas, you have to have a pump there. But with a plug-in vehicle, all you do is come home at night and stick it in the plug and you are all set. You don't have to worry about whether the gas station will have a pump to take care of it.

The fact is we need more money to do this. The Department of Energy has good programs, but they don't have the money to take care of it. We can say to the American people—on those leases, by the way, we have $9 billion this year, and that is a lot of money—we are going to let you go out and explore,

and you are going to pay us for these leases. By the way, we are going to take that money and use it so we can become oil independent in this country. That sounds, probably, idealistic. But the fact is we have to do something creative around here. We know we don't have a lot of money. The national debt is $9.4 trillion.

But somehow we have to come together and say we are going to do two things: go after what we have available to us, and we are going to do everything we can to be independent from relying upon foreign sources of oil. We recognize this is not just a problem of high gasoline costs; this is a problem about the national security of the United States of America. This is more than just, well, $4 a gallon.

Two years ago, I went over to that National Defense war games. I walked out of there, and I was concerned about what could happen to our country if somebody decided they are going to shut off our oil.

The problem today is, if you look at the demand for oil and the supply, it is about equal. Boone Pickens said that in his testimony. We have the supply about where the demand is and demand is going up and the supply isn't there. So one of the things we have to do as a country is let's do more with our own. Let's find more. We can tell the American people it will not happen overnight, but we are going to do this so that down the road we are not going to be at someone's beck and call or at their mercy. In addition, it is going to allow us to stop sending money overseas to countries that don't like us.

Can you imagine that we get 11 percent of our oil from Venezuela and Chavez down there, who is talking about cutting off the oil and trying to get the South American countries to all organize against the United States of America? This is a big deal.

It is finding more, using less. It is also doing everything we can do for conservation. These are simple things. I have a 2000 Ford station wagon. It has a little dial there that I can tell how many miles I get per gallon. I have to tell you, in the last 6 months, I have been paying a lot more attention to that. I have found that if I drive at about 57 miles per hour, I can get 2 to 3 more miles per gallon. I don't get there as fast, but I am saving on gas. My daughter Betsy—every time she needed something, she would jump in the car and go out and get it. Now she makes a list, and they only go out once. My son Peter now works 10 hours a day for 4 days a week instead of 5 days. That saves gas. There is a lot that we as Americans can do to cut back on the amount of oil we are now using.

I think it is time we all work together, in a bipartisan fashion, and harmonize our energy, our environmental needs, our economy, and national security. Can you imagine how the American people would rejoice if they saw Republicans and Democrats come together and say we are going to work this out on their behalf? Our numbers are pretty bad. I can tell you—and I am sure the Chair understands this—I am out in Ohio all the time. Do you know what I hear? Why can't you stop the bickering? Why are you so much more interested in partisan politics?

Some have heard me say this before. I was mayor of Cleveland, working with 21 Democrats. I had to work with the most powerful Democratic leader they ever had in the city. We decided to work together on a bipartisan basis. Then I went down to Columbus as Governor, with the most powerful speaker ever, Vernal Riffe, whom they built and named a building for. They put up a bust of him there that I had to genuflect to before I got to my office. We decided to work together and not talk about our differences. We decided to find the things that would bring us together.

Let's go to the environmental groups, let's go to the people interested in the economy, let's go to the people who are interested in energy, let's go to the people who are interested in our national security and say: You know what, we have a symbiotic relationship, you environmentalists, you people over here; let's work together, let's do something special, let's restore people's faith in our system in that we are capable, Republicans and Democrats, Americans, to come together and really do something significant for not only ourselves today but, more importantly, for my children, and more important than that, posterity—my seven grandchildren.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New York.

Mrs. CLINTON. Mr. President, there is obviously a lot of discussion and even frustration on the floor, certainly from our side of the aisle. It appears as though there is not going to be a meeting of the minds on this important legislation.

It is deeply disturbing because as we have been speaking today, in my State of New York, a lot of people finished work, started driving home, looked at their gas gauge, and realized they were going to have to stop and fill up either for tonight or for going to work tomorrow. They experienced what people are experiencing across America: the shock of the rising gas prices which in New York are now an average of $4.27 a gallon. That is more than $1 higher than a year ago. Every extra dollar per gallon costs the average family of four an extra $1,500 a year. That is $1,500 that can't be saved for college or retirement. That is $1,500 that can't be used to buy groceries, clothes, or school supplies. That is $1,500 that can't help pay for health care or house payments. That is $1,500 that the people I represent don't have. It not just lying around waiting to be used or spent on some luxury. It really goes to the heart of whether people are going to be able to meet their daily obligations.

Statewide in our State, every dollar that gas prices increase costs the New York economy $6 billion in added expenses for our drivers. That is $6 billion that can't be used to grow local economies, to support local businesses or stimulate new jobs.

Our farmers are hurting as higher energy costs shrink profit margins, even with higher market prices. Our commuters and our truckers are hurting. Tourism is hurting. I am hearing from New Yorkers every day who depend on tourism at local marinas, for example, where the money has dried up.

Meanwhile, we are sending $1.7 billion a day out of our country, more than $600 billion a year. We know where that money is going. It is going to places that are unstable, to governments that use our dollars against us, our allies, and our interests around the world.

Clearly, we need a short-term strategy and a long-term strategy. That should be self-evident. In the short term, we have to lower these prices and get relief to the farmers and the truckers, the small businesses, the hard-working families. In the long term, what is required is nothing short of an energy revolution. But there is no way for us to do that energy revolution unless we have the political will to begin acting now.

I believe this debate is too important to be sidetracked by slogans or proposals such as opening our coastal waters to drilling. So if the question is, as it should be, what can we do to help lower gas prices right now, drilling is the wrong answer. It will do nothing right now. It is literally a shell game or an ExxonMobil game. It is designed to serve the political interests of vulnerable Republicans and the financial interests of profit-rich oil companies. Average Americans will not see a dime. That is not just my opinion. The Bush administration's own study found that drilling would not have an impact for more than 20 years, and in 20 years, the impact on prices will be insignificant.

If the question is, as it should be, what can we do as a nation to end our dependence on foreign oil and begin to harness clean, renewable energy, drilling is the wrong answer again. Even if we drill for oil off our east and west coasts, the most oil we could generate, when the rigs come online in the year 2030, is 200,000 barrels a day. We import 12.4 million barrels a day; 200,000 barrels is barely a drop in that barrel.

I heard one of my colleagues, the Senator from Washington, Ms. CANTWELL, speaking on the floor earlier today, say that 200,000 barrels a day could be achieved right now by increasing the pressure in the tires of the cars and the trucks we drive.

So what are the answers? First, how do we help reduce gas prices right now? That is what my folks are asking me. They want relief now, not next year or in 30 years but now.

I believe we can lower gas prices in the very near term by taking smart,

practical, sensible steps to address rampant oil speculation. We have all heard recent testimony from financial experts, oil industry executives, the airline industry, consumer advocates—virtually everyone has said that speculation in oil futures is driving up prices beyond what supply and demand justifies. Some experts believe speculation accounts for as much as 50 percent of the current price of oil. Others argue it is less. But many experts still agree it is having a significant impact.

I recognize there are companies that use oil and need to use futures markets to hedge against price spikes. All of us in this Chamber believe in free and open markets. But when speculation is allowed to run roughshod over the economy, with little oversight and even less transparency, when backroom deals line the pockets of speculators while sending gas prices soaring, literally taking money out of the pockets of consumers, then we have to do something. We have to ensure that our markets are honest, open, fair, transparent, and accountable. That is why I support granting the Commodity Futures Trading Commission greater authority to regulate trading in these markets.

I urge my Republican colleagues to join in this effort. We could pass a bill tomorrow and have it on the President's desk before the recess that would immediately give agency watchdogs new tools to crack down on unfair, unbridled, unregulated speculation.

While we are relieving pressures on the markets as a whole, we need to target relief directly to people who are struggling. I am proud to support $2.5 billion in energy relief to low-income families in New York and across America. It is shameful that after all the hand-wringing about gas prices and energy prices, Republicans in the Senate blocked this bill last week. We need to move ahead with this legislation, and I hope we will do so before the August recess.

Second—and this question is tougher—how do we break the bonds of the fossil fuel economy? I believe America will and it must embrace this historic challenge because it is a historic opportunity. We can create at least 5 million new jobs, green jobs, we can tackle climate change, and we can end our dependence on foreign oil.

Last year, we passed landmark legislation to increase fuel economy standards for the first time in 30 years. That will save millions of barrels of oil a day. It is an important step forward, but what we need is a giant leap.

I have proposed a $50 billion strategic energy fund paid for by eliminating tax breaks for the oil companies and making sure they pay their fair share for drilling on public lands. The fund could be used to support the deployment of wind, solar, geothermal, biofuels, and other clean energy technologies available right now. The fund would invest in new ideas and new research to encourage our best and brightest to think outside the box and outside the tanks.

But that is just the beginning. Let's create the right tax incentives to promote renewable sources of electricity production. That is something on which Al Gore and T. Boone Pickens agree. If that is not consensus, I don't know what is.

Unfortunately, Republican opposition in the Senate prevented the passage of energy tax reform, and the American economy is paying the price. One study found that blocking these kinds of tax incentives will cost 116,000 U.S. jobs and nearly $19 billion in U.S. investment in 1 year alone, while we fall further and further behind in the race to lead the world in clean energy technologies.

Let's accelerate the development and deployment of plug-in hybrid vehicles by investing in research and consumer tax credits. Electricity is generated nearly 100 percent from domestic sources, and we have enormous untapped renewable resources we can use to create electricity without contributing to climate change. A recent study showed that a vehicle powered by electricity releases one-third less global warming pollution into the environment than a gas-powered vehicle even if the electricity comes from mostly coal-fired powerplants. This will save the American people money. According to one estimate, to travel as far as you would on $4-a-gallon gas, you only need $1 of electricity, and that is a bargain.

We don't need to create a whole new infrastructure the way we would for natural gas or hydrogen. A recent study by the Pacific Northwest National Laboratory found that 70 percent of the 220 million cars, light trucks, SUVs, and vans on the road today could be run on power drawn from existing powerplants and grids. This is an important point. Drilling may produce 200,000 barrels of oil each day at most in 2030, but if we used electricity to power our passenger cars by moving toward plug-in vehicles, we would save 6.5 million barrels of oil every single day, fully half of our oil imports. So let's move toward a stronger, smarter, more flexible electricity grid that increasingly relies on wind, solar, and other renewables, while employing smart-grid technology to reduce peak demand and conserve energy.

These are solutions that will work. They are solutions that embrace the challenge instead of ignoring it or postponing it, solutions that harness our creativity and talent that have the potential of creating 5 million new, good green-collar jobs. It is the calling of our time. It is, as one of my colleagues and friend on the other side said, the Moon shot. There isn't anything we can't do if we make our mind up to do it. That is who we are. We are Americans. We solve problems. So enough of the fatalism and the defeatism and more of that can-do spirit to tackle this problem.

We know President Bush and Vice President CHENEY have a different approach. The oil companies say drill, and the President and the Vice President say, how deep? I don't think that is the smartest, most effective answer, and I hope we will be able to work out a way forward between our two sides.

I know my colleagues on the other side have a very strong view, as we do, but the American people are depending on us to choose a different course.

So let's cut through all of the talk, let's cut to the chase, let's try to cut out the politics, and let's take those bold steps that will relieve pressure now on gas prices at the pump and oil prices in the open market, and let's lead our Nation to embrace the great next American endeavor—a national effort to change the way we produce and use energy. It will serve our economy, it will strengthen our security, and it will bring us together as a Nation. And we sorely need that.

I look forward to working with my friends on the other side to come up with solutions that will actually work now. Give us the opportunity to make it clear to the American people we can act, we can see results, and we can move forward together.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, when I first ran for the Senate in 1996, my position was that we needed to have a broad-based supply of energy for the State of Colorado and that Colorado had the resources and the technology which could help contribute to the energy needs of this country. I said that because we have lots of renewable energy and we have lots of natural resources.

NREL, a Federal research laboratory located in Golden, CO, does splendid work and it is their sole purpose to move the technology and the science of renewable energy to the marketplace. In addition, they did some basic research. We also have universities in the State of Colorado that have contributed a lot to helping develop the technology we use in renewable energy.

We look at the resource side in the State of Colorado. We have abundant sources of wind. There is a wind area that goes through the central part of the United States, down through Montana, Wyoming, Colorado, and hits parts of Nebraska and Oklahoma, then goes into Texas. We are known for that resource. Coloradans have been willing to utilize wind energy, and we see now wind generators developing and growing throughout the State of Colorado.

Our tourist boards brag about the fact that 97 percent of the days we have in the State of Colorado you can see the Sun. So we have lots of sun in the State of Colorado. We have it at a higher altitude. It means you can have some pretty efficient solar panels. I was one of the first ones to use the new technology. We have had passive solar, but now we have the more active solar, which is the solar panel.

In Colorado, we have opportunity for biofuels. Agriculture is a strong part of our economy in the State of Colorado.

We have geothermal. We have parts of the State of Colorado that provide an opportunity to use the ground to heat or to even cool your home or your business.

I know the environmental community doesn't like to recognize this renewable source, but we have hydroelectric dams in Colorado because of our altitude and the steep drop we get through our streams. It is a very practical source of energy within the State.

In addition to that, we have a rich source of natural resources that come out of the ground. Obviously, there is oil and gas in the solid and liquid form. We have an abundant source of natural gas along the western slope of Colorado—probably one of the largest reserves of natural gas in the world. And today we have many oil and gas companies that are very active in the western part of Colorado to provide this valuable resource.

We are a good source of uranium. So if we go to nuclear power, Colorado is going to play a role in that.

We have coal. But it is not just plain coal, it is clean coal. It is coal that frequently gets sold to communities in the East, which have soft coal, which tends to be more polluting. So they come to buy Colorado and Wyoming coal because it is hard and it will help them meet the clean air requirements the Congress has passed.

We have oil shale, and it is a developing resource we have in the State of Colorado. It shows lots of promise. In fact, oil shale at one time was in the State of Colorado but it was promoted purely by the Federal Government. Now, without taxpayer dollars going into it, the industry said: Look, there is enough opportunity in oil shale that we are going to put in our resources. So we have companies in Colorado that are putting in millions and millions of their own resources to develop this particular source of energy in the State of Colorado.

Of course, I have always felt that conservation was a viable solution that everybody should look at, and Colorado is particularly sensitive to the need to conserve energy. I was one of the cofounders of the Renewable Energy Caucus here in the Senate and have encouraged Members to join that and get their staffs involved so we can better understand how to develop renewable energy.

My position all along has been that we need to have a broad base of energy not only to meet the needs of my State but to meet the needs of this country. So when we get into this debate, I am flabbergasted that we have Members in the Senate who feel we can only come up with one solution to our energy problems. I think we need to come up with a multitude of solutions for our energy, and that means we shouldn't take anything off the table and that all those sources of energy I mentioned from the State of Colorado are viable resources. We need to be sure we make those resources available in order to meet the needs of this country in an environmentally sensitive way. And Coloradans, obviously, take a lot of pride in their environment, so these technologies have been developed in the State of Colorado in a way that has minimal impact on our environment.

I was very pleased when the minority leader stood up this evening and mentioned that oil shale should be an important part of our consideration when looking for solutions to the energy problems we have in this country, where we have $4 a gallon gas at the pump.

I was struck also by the argument that 20 to 50 percent of our problems with energy is speculation. That is contrary to testimony from experts I have heard in committee. Now, I don't know where those experts came from, but let me tell you about the experts I heard testifying in committee. There was a witness representing the Commodity Futures Trading Commission. They deal with futures markets. They regulate the futures markets and they monitor the futures markets for the very thing we are talking about here, which is manipulation of the markets, and manipulation of the market is a Federal crime. You can go to jail for that. So that is part of their mission.

We heard from the SEC—the Securities and Exchange Commission—experts from their organization talking about whether there was manipulation of the market. These are the experts we have who monitor what is going on.

We also heard from the Chairman of the Federal Reserve.

They all agreed on one thing: They did not see any indication in the figures and the facts they had which suggested there was a manipulation of the market. They said: Yes, there is speculation, because you have to have some degree of speculation for the futures markets to happen and for the stock markets, and the Senator from New York made that point in her comments a few minutes ago. But they also said we need to monitor the situation closely, because we don't feel as though we have gathered all the facts, and I would agree with that. I think we do need to be very concerned in today's market about the possibility of manipulation, but to say it is 20 to 50 percent of the problem? I don't believe that is going to hold water.

Our problem, in my view, is supply. We need to deal with issues where we think we can increase supply. I was pleased the minority leader mentioned looking at increasing our supplies from offshore, on the Outer Continental Shelf, and from oil shale, and from conservation issues, such as electric cars. Also, we need to be sensitive about speculation. These are issues we could bring together a consensus on the Republican side. We have some people who are pushing hard for nuclear power and pushing hard for drilling in ANWR, but they didn't develop a consensus.

I am proud to be helping, to be a part of the solution, and I fail to see how the package that has been produced by the Democratic side of the aisle addresses the supply problem. Raising taxes on companies has an adverse impact on the market. It doesn't increase supplies. Dealing with things such as the Strategic Petroleum Reserve has a minimal impact on the total market and the total world supply. It is minimal. After we had our votes here on the strategic petroleum supply and everything, guess what. Prices continued to climb. We weren't able to have any effect on that.

Price gouging? Obviously, we need to take a look at that. But one of the things I have noticed that has made a difference is when this President said: Look, we need to take the moratorium off drilling in the Outer Continental Shelf. That action alone by the executive branch was enough to make investors look out in the future and think that maybe the price of oil and gas is going to go down. So now what we have been seeing since that announcement is the price of oil and gas is going down.

I am here today to actually address some of the myths regarding oil shale regulation moratoriums. The very first myth is that oil shale is a myth. It is not. It is a reality. We have been spending years in the State of Colorado developing technologies to be able to, in an environmentally sensitive way, extract that valuable resource out of the ground. It has incredible potential to help the United States during a time of energy need. Oil shale in Colorado, Utah, and Wyoming could yield 800 billion barrels of oil for the global market. Some estimates have gone as high as 2 trillion, but we are looking at 8 to a little over 1 trillion that they think has a legitimate chance of being extracted out of the ground, and at a much lower price than we are getting at today's prices on a barrel of oil. That is more than the proven reserves of Saudi Arabia and would clearly help drive down prices in America.

Other countries are developing their oil shale. It can be done in Australia, China, Estonia, and Brazil. All these countries produce oil shale. The United States is behind these countries because we require cleaner, more efficient, and better regulated development. But we are prevented from even beginning to plan how we can utilize this resource by stopping the regulation process dead in its tracks.

Despite attempts to assign motives, proponents of oil shale do not see it as a quick fix. I fully understand we are at the beginning stages in the process of utilizing and benefiting from our oil shale reserves. But I must point out that we won't even be able to use our 800 billion barrels of oil potential as a slow fix if we don't get started, and we need to get started now.

Since December of last year, the Department of the Interior has been prevented by Congress from even issuing the proposed regulations under which

oil shale development could eventually move forward. Instigators of this prohibition want to continue the delay for another year at least.

We have heard claims that the Department is under a frenzied rush to organize a fire sale of development leases. I think it is ridiculous to consider the multiyear oil shale effort as frenzied. The recent efforts started in 2004, and included congressional debate and passage of the 2005 Energy Act, years of planning and years of studies, research and development, and a draft environmental impact statement issued last December. This has not been a frenzied rush and there hasn't been any attempt to organize a fire sale.

When attempting to sensationalize this process, opponents never make it clear we are simply trying to lay the groundwork on how to offer this resource for development. When those who are trying to stop oil shale say we are not ready to move forward with commercial oil shale leasing, and point out that Chevron believes a full-scale commercial leasing program should not proceed, I have to say: True, and completely irrelevant. In that vein, I heard my friend and colleague from Colorado earlier today read excerpts from the BLM draft oil shale regulation report. Quote after quote seemed to suggest that oil shale requires more work, but he did not mention that we aren't even trying to lease yet.

The Secretary of the Interior, a former Member of this body, said this week it would be 2015 before we have a full-scale production. Assistant Secretary Allred said this week that ''commercial development of oil shale will not begin until technologically viable.''

So the point is we need to have the rules and regulations to get started. Then we can phase in for the development phase. But right now we have stopped everything dead in its tracks. You can't even move forward because of the current policies of this Congress. The fact is the moratorium is, at this point, stopping the way forward whereby industry, local officials, affected communities, and the world market would assess and prepare for the upcoming development of this massive resource.

We are not proposing a full-scale leasing program for this year or this decade. We are not there yet, and the moratorium is not stopping a full-scale commercial leasing program. The reality is it has stopped an administrative process that will allow us to see how our energy resources can be best utilized.

Before I finish here, I feel I must point out how strange it is that developing regulations for oil shale, a technology we have been exploring for decades, can be labeled as unproven and harmful by many of the same people who supported the absurdly complicated, wholly bureaucratic scheme of cap and trade for greenhouse gas emissions. This straitjacket on the entire U.S. economy would cost billions and billions of dollars and had no workable examples, antecedents, or precedents. Yet allowing western land managers to move forward with the regulations for how to utilize oil shale is too dangerous?

Let me relate to my friends here on the floor an experience I had in the Interior Committee as the top Republican. I worked with the chairman of the Interior Subcommittee on Appropriations. We had a bill put forward and we worked out our differences. It was ready to go—it was yesterday. Then after our meeting, 4 or 5 hours later, maybe 3 hours later, I was notified that we were not going to have any more appropriations this year.

It was not Republicans who were stopping the process in the committee. It was not the Republicans on the House side who stopped the process over there when they tried to propose amendments in their Appropriations Committee to provide more supply.

This issue needs to come to the floor. We need to have open debate. We need to have an opportunity to produce amendments to support supply. It is not Republicans who are stopping the process. I can tell you from personal experience as an appropriator that it was not Republicans who stopped that process in committee. That was a directive that came down from higher up.

I have to say here that what I see happening on the floor today is nothing more than an attempt to confuse the issue, to confuse the listeners to this debate as to how important supply is to the welfare of this country. I think we need to drill more and we need to use less. That would have been reflected in the Republican package of amendments we talked about.

I encourage the Democratic leadership on the floor to rethink their current policies because I think the American people want to see us move forward. They want to see us put partisanship aside. They want to see something done about what they are paying at the gas pump. They are feeling the pain at $4 a gallon.

Mr. President, I thank you for granting me an opportunity to spout here on the floor, and I yield the floor.

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. PRYOR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CYPRUS

Mr. DURBIN. Mr. President, on July 20, 1974, Turkish forces invaded Cyprus. The hostilities that followed led to great destruction of life and property. Today, 34 years later, we pause to mourn those who lost their lives.

Sadly, thousands of Turkish troops are still in Cyprus. The island remains divided, with significant distrust between the two sides.

Since 1974, U.N. peacekeeping forces have had to maintain a buffer zone between the Turkish Cypriots in the north and the Greek Cypriots in the south.

But today we have renewed hope for a solution to the Cyprus problem. The new peace process underway there offers the brightest opportunity we have had in many years to reunite the island.

The election of the Greek Cypriot leader Christofias in February helped usher in a new era of opportunity.

Along with his Turkish Cypriot counterpart, Talat, the two sides are making progress to help the United Nations-led negotiations on the future of Cyprus succeed.

I commend both leaders for showing the political will needed to set the stage for a resolution.

The leaders met for the first time on March 21 of this year. Soon after, in a demonstration of goodwill on both sides, they agreed to open a new crossing at Ledra Street in Nicosia.

The leaders are working together to develop a timeline for future negotiations, including another meeting this Friday, on July 25. I urge both parties to demonstrate their commitment to peace negotiations at that time.

I hope the United Nations will continue to play a constructive role in supporting the Greek and Turkish Cypriot leaders as they find a way forward.

Cyprus's goal is to reunify the island as a bicommunal, bizonal federation. Resolution of the Cyprus problem would untie so many other knots, with implications for Europe and beyond. I encourage both sides to use this moment of opportunity, and continue their important work with the United Nations, to achieve this goal.

FOURTH OF JULY

Mr. SPECTER. Mr. President, I ask unanimous consent that the article I wrote in response to a request by the Philadelphia Inquirer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, July 4, 2008]

SALUTING AMERICA, A WORK IN PROGRESS

(The Inquirer asked a group of prominent Philadelphians to share their thoughts about July Fourth and what it means. Here are their responses.)

The values and ideals embodied in the Declaration of Independence have made the United States the envy of the world. Thomas

Jefferson's historic call for ''decent respect,'' his assertion that ''all men are created equal,'' form the cornerstones of modern democracies. On this 232d anniversary, we should reflect that these goals are works in progress, and that much more needs to be done here and abroad to attain them.

While the Declaration speaks about all men being created equal, what about women, who didn't get the right to vote until 1919, or slaves who were owned by Washington and Jefferson? What of the phrase separate but equal, from the Supreme Court decision in Plessy v. Ferguson, which defined the rights of so many African Americans until 1954?

The United States is challenged today by world opinion that we do not accord ''decent respect'' to human rights by ''enhanced interrogation,'' denial of due process at Guantanamo, and failure to observe the Geneva Conventions. We make mistakes. We acknowledge them. We correct them.

The work in progress continues. Our judicial system invalidates executive excesses. Our First Amendment rights, due process of law, and separation of powers take time, but they remain the universal gold standard. Our current congressional agenda contains initiatives to expand civil-rights legislation; it is likely to be enacted soon to reverse the Supreme Court decision limiting women's rights to sue for equal employment opportunities.

The work started here in Philadelphia with the Declaration of Independence, leading to our magnificent Constitution.

U.S. SEN. ARLEN SPECTER, (R., Pa.)

HEALTH AND HUMAN SERVICES RULE

Ms. CANTWELL. Mr. President, In 1973, the U.S. Supreme Court carefully crafted the Roe v. Wade decision to serve as the balanced foundation on which the reproductive rights of women could rest. Now, in 2008, the Bush administration is making a late-stage power grab based on a foundation of flawed ideology.

A flawed ideology that has the potential to harm millions of American women.

Today, I join many of my colleagues in telling this administration that their ideology has no place in the health care system that American women depend upon.

Last week, it came to my attention that the Department of Health and Human Services is circulating a draft regulation that would jeopardize the reproductive health of women and their fundamental freedom of choice.

Studies show that the use of family planning reduces the probability of a woman having an abortion by 85 percent. But this rule could severely limit a woman's access to these family planning resources by adopting an alarmingly broad definition for the term ''abortion.''

This definition would allow health care professionals to classify contraceptives like birth control pills, intrauterine devices, IUDs, and emergency contraceptives as ''abortions.'' Based on this classification, health care professions could refuse access for women who need these resources.

As such, this proposal would greatly increase the chances of women encountering hospital and clinic staff who would prevent them from receiving the information they need to make thoughtful, personal decisions about their health, and may even refuse to write prescriptions for basic birth control.

Fundamentally, this Bush administration proposal undermines everything we have worked to achieve in the last 35 years.

It could endanger access to birth control and upend the federal title X family planning program. In 2006 alone, title X provided family planning services to approximately 5 million women and men through a network of more than 4,400 community-based clinics.

It could endanger State laws and regulations like the one in my State that require equitable coverage for contraceptives under insurance plans that cover other prescriptions.

And it could even endanger a sexual assault or rape victim's access to emergency contraception in a hospital emergency room. An unimaginable thought for the millions of American women every year who turn to emergency contraceptives following a traumatic event in their lives.

Seventy-six percent of voters strongly support doing everything we can to reduce the number of unintended pregnancies through commonsense measures.

This is an assault on a common goal of preventing unintended pregnancies and reducing the number of abortions in this country.

And it is unacceptable.

For the millions of women across this Nation, I strongly urge this administration to reconsider their stance and put reproductive health above partisan politics and ideology.

VETERAN VOTING SUPPORT ACT OF 2008

Mrs. FEINSTEIN. Mr. President, yesterday I introduced Senate bill S. 3308, the Veteran Voting Support Act of 2008, with Senator KERRY, and our cosponsors: Senators REID, OBAMA, SCHUMER, LEAHY, CLINTON, MURRAY and WYDEN.

This is a simple, straightforward bill that shows our veterans the respect that they deserve. They have supported our nation, some at great risk and sacrifice. If the government is providing services, veterans should receive every opportunity to voice their vote.

More than a year ago, I learned of a controversy that emerged in California—where the Department of Veterans Affairs had been fighting since 2004 to bar voter registration services at a VA facility. Over the last 16 months, we have tried to encourage the VA to establish a fair, nonpartisan, standard policy that provides the best available support to veterans served by VA facilities.

The answers I received from the VA have been conflicting. First, the VA stated that they considered the possibility of following the National Voter Registration Act—but then determined it would be too costly. Given the only resources needed is a photocopy of a voter registration form, I find that hard to believe.

Then this year, Senator KERRY and I had exchanged multiple letters on this issue with the VA. The response then changed. VA officials asserted that they believed that providing support or allowing groups would violate the Hatch Act.

The Hatch Act is a prohibition of partisan political activities conducted by Federal employees, on official time. It has not been interpreted to include nonpartisan voter registration by the Office of Special Counsel, which interprets the Hatch Act. Furthermore, the veterans served by VA facilities are generally not Federal employees.

The VA then argued that nonpartisan voter registration services would cause ''disruptions to facility operations.''

That claim is even more dubious. Unless ''Rock the Vote'' comes to VA facilities, voter registration drives are about as tame an activity as you can get.

The circumstances in this situation raise great concern. Our country faces issues of war and peace, challenges in foreign relations, and serious questions as to the treatment of our veteran population.

The most recent Census data we have—from a 2005 report—indicates that more than 20 percent of our veterans are not registered to vote. That means that almost 5 million veterans do not have an opportunity to cast their ballots.

The VA runs a massive program to assist our veterans to heal, as well as ensure that they thrive on their return from military service.

This is true whether the veteran is recently discharged for tours in Iraq, or served in World War II.

A recent report characterized the VA's services as including ''a 'safety net' for the many lower-income veterans who have come to depend on it.''

The question has emerged: Will this make the right kind of impact? Will this cause more veterans to be registered? The VA serves large numbers of veterans—in a variety of care facilities.

For example, the Veterans Health Administration operates 155 medical centers, 135 nursing homes, 717 ambulatory care and clinic facilities; 45 residential rehabilitation treatment programs, and 209 vet centers.

In total, there are 1,261 total facilities; where as many as 5 million veterans who are not registered to vote may use each year. That strikes me as a critical need unmet.

And it is a rational step for the government to make.

The National Voter Registration Act requires at least as much—if not more—from the States. Every State social service agency and motor vehicle agency is required to assist persons who use their agencies.

That is a mandate from the Federal Government to the States to register voters.

In the law, the Federal Government may choose to assist people to register to vote if the State requests NVRA designation and the agency accepts.

Immediately after the legislation was passed, then-President Clinton issued Executive Order 12926—which has not been rescinded by the current administration. That Executive order calls on all Federal agencies, ''to the greatest extent practicable'' to provide both voter registration information, and voter registration forms.

Some might claim that this legislation is premature—that under the scheme of the act, the State must request the Federal Government's involvement. Well, that has already occurred.

Several States, including my home State of California, under the leadership of Secretary Bowen, have asked that the VA designate the facilities within their States.

All three have been refused by this Department.

Ten secretaries of State—from both parties—have requested that the VA reverse its directive. Still no change.

In the case of Connecticut, secretary of State Susan Bysiewicz defied the VA's directive and attempted to gain entry to the West Haven VA facility.

There, she intended on providing nonpartisan voter registration services, as well as showing veterans how to use the new disabled-access voting systems.

Guess what. She was turned away at the door because of this new directive.

As she was standing outside the door to the VA facility, she met a 91-year-old gentleman, a veteran of World War II. Secretary Bysiewicz asked him if he would like to be registered to vote, and he said that he would.

After registering, he made the comment that ''I wanted to do this last year—but there was no-one there to help me.'' That is wholly unacceptable.

When we hear of why so many veterans express pride in their service and their sacrifice, we hear the phrase ''protecting the American way of life'' again and again.

At the cornerstone of our democracy is that every eligible citizen should be registered and receive their chance to cast their vote.

After many months of trying to work out a meaningful solution with the Department, I believe it is time the VA provides veterans the support they deserve to register, cast their vote, and have that vote counted.

This is why we are introduced the Veteran Voting Support Act of 2008. This legislation would: Require the VA to make voter registration services available at VA facilities in states that request it, in accordance with the National Voter Registration Act. These services include voter registration forms, answers to questions on registration issues and assistance with submitting voter registration forms. Those services are available to veterans using VA facilities.

Require the VA to assist veterans at facilities to receive and fill out absentee ballots if they choose to vote by absentee.

Allow nonpartisan groups and election officials to provide nonpartisan voter information and registration services to veterans.

Require an annual report to Congress from the Department of Veterans Affairs on progress related to this legislation.

I hope that my colleagues are willing to support this effort to reverse an overly bureaucratic and irrational burden at the VA.

Passage of this bill would recognize the long history in our country of nonpartisan and civil rights groups that have helped register those who have the greatest need for assistance.

And it respects election officials have long worked to register all eligible voters and provide them with the information and tools to cast a ballot.

I hope my colleagues join me in supporting S. 3308, the Veterans Voting Support Act of 2008.

VETERANS PRIVACY AND DATA SECURITY

Mr. AKAKA. Mr. President, technology continues to affect both the strengths and the vulnerabilities of Government. Advances over the past decades in computer technology have enabled us to generate and access unprecedented amounts of data, and make information easily accessible to citizens as well as Government employees seeking to assist them. Technology allows information to travel from one coast to the other in the blink of an eye, offering the possibility that as technology improves so will the efficiency of Government.

Unfortunately, the possibilities of the information age include an increased risk of data theft. According to the Identity Theft Resource Center, identity theft is the fastest growing crime in America. As we learned in 2006 with the theft of a Department of Veterans Affairs' laptop, which put into question the security of the personal information of 26.5 million veterans, neither Government Departments nor the people who rely on them are immune to these new and changing risks.

In response to the VA computer theft, I, along with a number of my colleagues in the Senate and the House, requested the Government Accountability Office to conduct a study to determine whether existing privacy laws and guidance were adequate to protect the Federal Government's collection and use of personal information. Last month, GAO reported back to Congress, and recommended we consider revising existing Federal privacy laws. Following a June 18, 2008, Senate Homeland Security and Governmental Affairs Committee hearing on this and other matters related to privacy security, I joined committee Chairman JOE LIEBERMAN and Ranking Member SUSAN COLLINS in calling for changes to modernize the Privacy Act.

The Privacy Act of 1974 is the foundation of the Federal Government's privacy protection law. While this act provides a worthwhile basis for the protection of privacy, it was written in a different time when the Government faced different challenges. Mr. President, 1974 does not seem that long ago, but it was well before the emergence of many computer technologies that have changed the demands of data security. At that time, Bill Gates and Steve Jobs were unknown, Apple and Microsoft were little more than ideas, and neither laptops nor the Internet were part of the common American experience. The technological changes that have occurred since 1974, while bringing new opportunities, have also brought new challenges to the security of our privacy and safety of the personal information that is kept by the Federal Government. As technology changes, we need to continue to adapt the framework of Federal data security laws, as we began to do in 2002 with the E-Government Act.

As chairman of the Senate Committee on Veterans' Affairs, I know the Department of Veterans Affairs still has a long way to go towards establishing and securing the personal information of veterans. VA and several other Departments received an ''F'' on this year's Federal Information Security Management Act—FISMA—report card. I do not doubt that VA recognizes this is a problem, and I am pleased by the Department's recent move to streamline its information technology management structure. Still, good intentions provide little comfort or security to a veteran whose identity is potentially placed at risk because VA failed to put adequate policies and procedures in place to protect personal information. I expect VA to rapidly take the steps necessary to achieve a passing FISMA grade, so that veterans can have confidence in the Department's ability to protect their personal information. Technology should serve its intended purpose of helping, not harming, those who rely on the efficiencies it provides. I also look forward to Congress taking action to create privacy laws which meet the demands of 21st century technology.

60TH ANNIVERSARY OF INTEGRATION OF THE ARMED FORCES

Mr. LEVIN. Mr. President, today we recognize the 60th anniversary of one of the momentous steps forward for equality of opportunity in our Nation's history. On July 26, 1948, President Harry Truman, signed Executive Order 9981. That order read, in part:

there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin.

While equality, as a concept, is deeply rooted in our Nation's founding, equality in practice was exceedingly rare in our Nation's armed services before President Truman's action. His order reversed nearly 175 years of discrimination, segregation, and exclusion from the armed services based on race, dating back to the Continental Army during the Revolutionary War.

The order benefited the armed services as well as the countless men and women—of all races—who have subsequently served in integrated units. Further, the diversity of our servicemembers has contributed to its being the most capable, strongest military force that the world has ever known.

In an amici brief for the U.S. Supreme Court, former officers of the Army, Navy, Air Force, and Marine Corps as well as civilian leaders and former Secretaries of Defense agreed that integration of the military was the result of ''a principled recognition that segregation is unjust and incompatible with American values,'' and further that the military's ''efficient, effective deployment required integration.''

While we all appreciate President Truman's action today, appreciation was not always widespread. The integration order was met with criticism from many who were accustomed to segregation. And, as 1948 was an election year—Truman's first, after he succeeded President Roosevelt many felt that Truman was all but giving away the election by fracturing his party. The doubters and critics make Truman's steadfastness all the more noteworthy.

In the decades that followed 1948, the civil rights movement pushed the entire Nation to make enormous strides towards ending segregation and integrating everything from schools to neighborhoods.

From the Emancipation Proclamation, to the integration of the armed services, to Brown v. Board of Education, to the Civil Rights Acts, progress towards racial equality in America has marched forward unceasingly. The integration of the armed services was one of the enormous and critical steps in that march.

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 that today's letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for your excellent newsletter and for listening to your constituency. My story is as follows: We live in Horseshoe Bend and I commute to Boise every day (M–F) for work. We have a large family, and my wife constantly has a need to take our van in to Boise for various family needs—medical, sports, clothing, etc. My income has not kept up with the rising gas prices, and it has made things very difficult. I cannot get my work to let me telecommute; I have chosen to drive a practical car, as economical as possible (Toyota Corolla). My wife has tried to cut back her trips to town to one or two days a week. This has often resulted in no groceries in the house until she can make a run, or I can run after work and miss family time at night. My oldest son, who just turned 18, has started working in Boise the past few months and, since he cannot afford the gas back and forth, has been staying with friends as much as possible, which has been stressful to both my wife and I, but having a job is important to him. Even with all of our cutting back, our family has to cough up about $400/month just for fuel and the costs keep going up. We want Congress to quickly move to begin developing our own fuel sources within the U.S., as well as find ways to make alternative sources (like solar, etc.) much more affordable for households to implement into our lifestyles.

Thanks for listening!

JONATHAN, *Horseshoe Bend.*

We (my wife and I) are probably some of the fortunate few that had the ability, even though we will be paying for it for years) to convert from ''oil'' heat to natural gas with a heat pump. This cost came at a very large price. We had been helping our son, an honors student, with his college at Eastern Washington, and now cannot do that due to having the above mentioned bill to pay in addition to trying to stay above selling out our home due to ever increasing costs that a couple on retirement (I am a retired agent law enforcement, 25 year career) just cannot afford.

[We ask that Congress] get a grip on this problem. I, for one, do not believe that this was just an unfortunate set of circumstances, [as it seems that businesses with oil interests are benefitting tremendously from the profits these high prices have created.]

DENNIS and SANDY.

Thank you for your interest in the thoughts from Idaho citizens about the high fuel costs. I think that if a person is still breathing, they are being affected by these price increases. In our own family, we have made every effort to cut down on our driving and making sure we combine our activities to conserve. Maybe these are things we should have been doing all along and I hope we continue to do. This year we have decided to not take a family vacation because of the high costs associated with traveling with a large family and having to drive a large vehicle to accommodate all eight of us. We also love to waterski and were planning on buying a new boat; however, that, too, has been put on hold because it would be too expensive to use it enough to warrant the purchase price.

I see the biggest concern in our family with our two oldest children who are raised and on their own. One has graduated with a Master's degree in business and has chosen a teaching profession, but she can barely make ends meet as it is. Now, with the cost of fuel, she may lose her small, modest home or be forced to take on a roommate in order to make up the difference in the gas prices. Our other adult child is working full time and going to school part time because he needs the extra income to pay for fuel. This is affecting my husband and me; however, I see it affecting the next generation even more. The high cost of housing combined with the high fuel costs and grocery costs is making it impossible for many of them to just get by, let alone put any money away in savings.

I wish I had all the answers, but I do not. I am trusting in good people like you that I have voted for to help us as a nation get back on our feet. Thank you for all you do. Please keep listening to the citizens of Idaho. I know if we work together then we can make positive changes for all of our futures.

Sincerely,

JACKIE, *Rigby.*

I do not have a story to share. I just want to let you know that I think increased drilling and refining should be down the priority list. That is living in the past and pretending the future will be different. It will not. In order to protect the air that supports us, we should ride the horses of alternative energy, efficiency, conservation and nuclear energy.

Thank you,

ROGER, *Hailey.*

Higher fuel costs equate to higher food and material costs which translate to a smaller disposable income for everyone. It is like we all took a big cut in pay! I do not want our country to end up as a gilded ''third-world'' nation with meaningless currency. There is a person out there who made an important clip on YouTube that every American should see: YouTube—Joe, American Challenges the Presidential Candidates—as this individual makes some valid points and offers some course of solution to deal with our oil dependency on countries who do not really like us except for our money. Please watch it. Thanks.

HOWARD.

I personally am appalled at the prices and how steadily they have risen. I understand that there are some things such as inflation and supply and demand; yet, what the oil industry is doing falls under neither category. It, instead, is falling under the category of monopoly, which I feel the government has yet to do anything about. A few things I would like to see in honest:

(1) Either for the government to stop subsidizing crude oil and gasoline, and/or for a ceiling to be put upon profits brought in. They claim, noting again, that it is supply and demand, as well as problems in the Middle East. Only approximately 20%, in a recent study, of our oil usage comes from there, anyway. So why are the prices so high?

(2) Stop the push for attempts at subsidizing and pushing for nuclear energies as there is an overwhelming stance against them and you will never be able to pass anything soon enough to fix the problem at hand. Also, in this category, I feel that it is a pointless endeavor as there is no place to place the waste [other than on site, and the citizens of Idaho, and other states, will not stand for mere on-site storage]. Yucca Mountain has no chance of opening in any point in the near future [even if possible, it is already filled over capacity from open plants at the

moment]; therefore it would have to be on-site.

[Both of the aforementioned are a waste of taxpayer dollars to subsidize and make pushes for. Instead of spending billions of dollars on a failing industry and something that is not going to last much longer, and one where so much has to be spent between construction, security, and pro-nuclear advertisements, I propose the following.]

(3) Invest in ever-growing renewable energy sources. There are many other players in this field that we can look to for examples, as they have found and harnessed extraordinary means that can provide for their base load energy needs. The amount of money that the government has spent on renewable energy pales drastically in contrast to the amount that is spent needlessly in a failing industry. If that same amount of money were to be applied to another for even but a year, you could expect even greater leaps and bounds in production and energy output. As conservative as Idaho is I propose that WE as a state pursue this choice. Yes I understand that in doing so Congress fears that it will lose backing from INL and other proposed plants within the state, not to mention the taxes that are brought in by such industry. Yet at the same time with as much as we have to give them in tax breaks and subsidies just as incentives places it on par with those of renewable energies, as those would be eager to establish and maintain plants without such things [therefore receiving full taxes from those companies].

I appreciate your efforts to ask the opinions of the citizens of this great state, and I hope and pray that you, as well as the rest of Congress, heed them. Thank you for your time and service.

Sincerely,

CHRISTOPHER, *Boise*.

[I am very frustrated as it seems that Congress does not solve the problems that confront our country. We need new leadership.]

ROY.

The high gasoline prices have prodded me to change my driving habits and, by doing so, have saved on fuel costs. I have done one simple thing. I just slowed down 5 miles per hour. I drive a ¾-ton pickup truck, and that alone has increased my fuel mileage 8%–12%. I emailed you to suggest that you introduce a bill in the Senate to lower the speed limit on all interstate highways, just like what was done in the 70s. That alone would decrease gasoline usage substantially.

Thank you for your ear.

BOB.

I have had to dedicate 15% more of my budget to fuel costs [for my commute to McCall]. I try to carpool in the months where my schedule allows it. I work in fire dispatch on the Payette National Forest, and most days from April to October, I do not know when I am going home.

My deep belief is that digging for more oil is putting a ''band-aid on a crack in the dam.'' Digging for more oil, especially in the ANWR area, is horrific and not worth the long-term damage that will be done for such a short-term solution. I think the fuel cell technology is a very promising route to put into research and development. There are some stations in California that are wind and solar powered. As I understand it, the more people using it, the cheaper it gets. What would REALLY be ideal is to get a converter for gasoline cars to switch to the fuel cell technology.

Thanks for your time and caring about what I think!

CORAL, *New Meadows*.

I received your e-mail about the costs of energy going up and up. I see that conversation is now a priority. I remember when this administration laughed at the idea. Maybe you could tell us what percentage of the oil from Alaska goes overseas. Also, how much refined gas and diesel are shipped overseas where the cost and profit are much greater. In all your years in the Senate, what types of alternate energy other than ethanol have you supported? Everything I read leads me to believe than making corn-based ethanol uses about as much energy as is produced. There are other crops (such as sugar cane) and weeds that are much more energy-efficient to produce. [Why has Congress only focused on mandates for] corn-based ethanol?

Thank you for any response.

STEVE.

We own a small excavation business. We give our 22 employees paid vacation, medical insurance, and six paid holidays just to keep those good, trained employees, that we have been employing, most we have had for 12–27 years. Our industry in Boise right now is as close to the bottom of the barrel as we have seen in 30 years in business. We have had years where we struggled to keep those good employees and keep them working to support their families. But when fuel and heating costs are going out of control, skyrocketing as they are, we are second guessing whether we can stay doing what we love, and what we are good at. That would, in turn, take away the livelihoods of each and every employee we have and ourselves.

I am a woman-owned business, and in Idaho, they've even removed the requirement for large General Contractors to use a certain percentage of DBE or WBE's in their Federally-funded contracts. As of this year, there are no requirements to help the WBE or DBE and now most of the General Contractors are self-performing that work. So we small companies are being hit very hard from all directions. In order to recoup these costs we have had to raise our prices, which, in turn, hurts everyone else and does not help us in the bidding world, either. We have bid 60 projects in the past two months and got two very small jobs, and we have bid many with only a small percentage over our costs. Those receiving the bids are several hundreds and thousands under our costs. This cannot go on much longer before many of us are priced right out of the market and out of business. When you own dump trucks, excavators, backhoes, etc. that use diesel fuel, which happens to be the most expensive, it is staggering. Our fuel costs have tripled over two years.

On a personal level, we rethink how and where we go. Both my husband and I have no family here and must drive or fly to visit them. Those trips are cut to one a year and maybe not at all. I personally have always planned where I go to do grocery shopping and plan my trip so I do not backtrack, and use the best routes, utilizing the fuel to the best of my ability. Even though that helps, with prices as they are, it does not put a dent in it.

We definitely need help—getting these prices back to a livable level. Those individuals who are retired and on fixed incomes, which I am nearing in the next couple years, are even more critically hit. My parents are in their 80s and struggle all year, as they were born in the years where their Social Security payments are minimal and Congress decided would be too extensive to repair. My mother, who has worked since she graduated from college all those years ago and up until she was 75, receives $300/month in Social Security. [That amount is not enough to live on.] With medicines they absolutely need to survive at their age, they are left with little or no money for fuel in their small budget. It is not only fuel for vehicles, but it is the fuel for our homes and businesses as well. It is also the products we purchase. Pipe is a petroleum product and it is sky high right now. Like I said, it is hitting us from all levels and angles.

This is very brief, but I felt I must speak up. If we do not use our voices and sit back and do nothing, no one will hear or understand our plight.

Thanks for asking and I hope Congress will listen!

BETTY, *Boise*.

Forget the sob stories. Do something! If nothing takes place, [Congress should be prepared to hear from the grassroots throughout the country, those who need solutions, not more promises.]

LARRY and RITA.

I would like to see exploration into better public transport, and an emphasis on conservation before I'd like to see any of the other alternatives that you have proposed to deal with rising energy prices. I am fortunate to be one of those Idahoans (at least for now) who aren't feeling the pinch of rising energy prices. However, in a democracy, I believe that Americans deserve to have choices besides cars for their transportation needs. And, especially in a time of the increasing peril of climate change, I believe that having access to public transport and promoting conservation are critical in this conjuncture in time. I know that these ideas may not be popular, but if we are going to continue to survive as a species, we need to ask ourselves how much of a sacrifice we are willing to make. I have grown up in Idaho, and have left Idaho, but let me tell you (as I am sure you know), it is a special place, and we need to do all that we can to protect the beauty of this wonderful state.

Sincerely,

CARISSA, *McCall*.

I have a employee driving over 75 miles roundtrip from outside Caldwell, where housing is affordable, to Boise. She cares for a spouse in poor health. She asked about 4 ten-hour days. As a key employee in a small office, she needs to be here each day. Small business does not carry ''fungible positions'' where others can cover.

A second point in your letter did not reach the bottom line—Will you support drilling in ANWR and off the coast of Florida? I do, even if we merely ''prove up the reserves''.

TOM.

We need to develop as many resources in this country and build new refineries. Thanks,

MIKE.

Not only has the price of gas affected what I pay at the pump, but I also work in automotive repair when people have to pay the higher prices. They drive less, which means they do not come into my shop, and when they do, they cannot pay to fix what they need.

LEON.

Please do not take the careless and shortsighted ''solution'' that you propose to this problem. Please do not drill for more oil and further damage this planet to the point of no return. We need smaller cars, public transportation, and alternative energy development. And [many Americans would benefit by more exercise like walking.]

BARBARA JANE, *Boise*.

My wife and I are on fixed income. We are retired at ages 69 and 66. The fuel costs have affected the cost to fly to the point that we

will not fly. We, therefore, conserve spending. That is good for us, but not the economy. We strongly support the development of alternatives to oil. We strongly oppose the development of our own oil resources. We wish to consume as much foreign oil as feasible first. We have moved to improving our green choices. We strongly, strongly, strongly oppose taxing the gasoline companies. Rather, we would offer them large subsidies, tax breaks, etc. to become energy companies, developing alternatives to oil. We saw the Brazil story and their path to energy independence. We can do it also. We also saw that the U.S. car companies are ready for bio/electric fuel. Let us go. Assist industry and the people who work, give industry incentives.

Thank you,

RAY and RHEDA.

LONG-TERM CARE

Mr. WYDEN. Since my days of working with the Gray Panthers in Oregon, I have been aware of the special obligation that we have to both our younger and older citizens who are in need of long-term care services. The Omnibus Budget Reconciliation Act of 1987 was a watershed in efforts to make life safer and more dignified for individuals living in long-term care institutions.

Since 1987, the long-term care industry has continued to evolve in ways that require another look at the state of long-term care. In a constantly changing for-profit and nonprofit industry, Federal and State governments need better information about the organizations and staff who provide care to residents of long-term care. Individuals, families, and service providers also need good information about long-term care to make informed decisions about their options.

Chairman KOHL, I laud you and your colleagues who have thoughtfully identified current or emerging problems in long-term care. The Nursing Home Transparency and Improvement Act of 2008, S. 2641, makes important strides in helping us to get more substantive information about nursing home ownership and staffing. It strengthens the Nursing Home Compare Web site and provides additional information for the general public. I am therefore pleased to become a cosponsor of this legislation.

Mr. KOHL. Thank you, Senator WYDEN. Given your long commitment to aging and health issues, your support is especially important and meaningful.

Mr. WYDEN. While I am pleased to support the legislation, I do have some concerns about the bill as it is written and hope that we can work together to make some changes to the bill. It has been helpful for me to talk about the bill with the many fine people who operate nursing homes in Oregon and others. And these folks have identified what I think are legitimate concerns with the bill.

Mr. KOHL. I would appreciate hearing of those concerns, Senator.

Mr. WYDEN. There are two issues of particular concern where I hope we may be able to get agreement on modifications. First, the bill calls for increased civil monetary penalties and requires that they be placed in escrow in advance of adjudication of an alleged violation. This provision could be especially burdensome to smaller nursing homes that already operate close to the margin. I think it would be useful to review the size of the proposed fines but especially the escrow provision. Tying up thousands of dollars in escrow would be particularly difficult for small nursing homes and especially unfair for homes whose alleged violations were later found to be without merit. I also believe it raises due process concerns in terms of imposing penalties before a matter has been finally settled.

Mr. KOHL. We will certainly review those provisions in light of your concerns.

Mr. WYDEN. The other issue of concern in the legislation concerns the requirement that every nursing home that is part of a group of nursing homes with common ownership and annual revenues of $50 million or more be subject to annual audits. Many of the nursing homes in Oregon are family-run businesses. A few of our Oregon owners operate groups of nursing homes that would meet the criterion for annual audits of each of their nursing homes. I am concerned that the cost of annual audits would be financially burdensome for them and for small nursing home chain owners in other parts of the country.

Mr. KOHL. I appreciate the care with which you have reviewed the Nursing Home Transparency Act. I will take under serious consideration the issues that you have raised. Again, your cosponsorship of this legislation is important in view of the many efforts you have made and continue to make to improve the lives of America's older citizens.

ADDITIONAL STATEMENTS

RETIREMENT OF JAN REINICKE

● Mr. HARKIN. Mr. President, at the end of August, Jan Reinicke will retire after 10 years of distinguished service as executive director of the Iowa State Education Association. Jan began her career in the classroom, serving as a speech and English teacher in the Iowa towns of Cincinnati, Coon Rapids, and Fort Dodge, earning the love of her students. Nearly four decades later, she concludes her career as one of the most respected educator-leaders in my State of Iowa.

Jan previously served as a lobbyist on the ISEA staff from 1980 to 1994, and as associate executive director from 1995 to 1998. At every stage, the key to her success has been that her roots have remained firmly planted in the classroom, and her passion has been to enhance the professionalism and stature of the teaching profession.

I have always loved what Lee Iacocca said about teachers. ''In a completely rational society,'' he said, ''the best of us would be teachers, and the rest would have to settle for something less.'' Fortunately, in Iowa, so many of our best—individuals of intelligence and talent like Jan Reinicke—do go into teaching. But, unfortunately, these idealistic and dedicated professionals do not always receive the support and compensation that they deserve.

That is why Jan has dedicated herself to lifting up the teaching profession in my state. Thanks to her leadership and advocacy, the Iowa Legislature passed two major salary improvements for Iowa teachers.

In addition, Jan is a passionate believer that teachers and other educators should take charge of their own profession. To that end, she has devoted herself to strengthening the Iowa State Education Association both as a union and as a professional association, more effectively advocating for teachers and other educators. Her vision led to the creation of teacher quality committees, giving teachers a larger voice in professional development and in determining the course of their schools.

A wise person once said, ''Those who dare to teach must never cease to learn.'' Jan agrees wholeheartedly. This is why she led the charge to establish ISEA's Professional Development Academy, which provides relicensing courses for teachers, as well as the opportunity to earn graduate credit. Under Jan's leadership, the association also created the Faculty Quality Plan to ensure that every student has access to quality teachers and a rigorous curriculum.

As a teacher, as an education lobbyist, and as the top executive at ISEA, Jan Reinicke's bottom line has always been the same: ensuring a quality teacher in every classroom, and a quality public education for every child.

There is an old saying that we make a living by what we get, but we make a life by what we give. Jan Reinicke has always given generously to those around her as a teacher, mentor, and leader. She leaves a living legacy in terms of an enhanced teaching profession in Iowa and a strong, respected Iowa State Education Association.

I know that Jan Reinicke has many wonderful plans for retirement, and that she intends to give of herself generously as a volunteer. I join her colleagues and friends across Iowa in thanking her for a job superbly done, and in wishing her a long and happy retirement.●

HONORING GIFFORD'S ICE CREAM

● Ms. SNOWE. Mr. President, with summer in full swing, I wish to celebrate a small business from my home State of Maine that has been satisfying our sweet tooth with delicious ice cream for several decades. Gifford's Ice

Cream, a family-owned and operated firm with a long history of dairy farming in central and western Maine, provides its customers with creamy indulgences for all tastes.

A familiar sight in Maine, people come from all around to enjoy Gifford's dozens of scrumptious, mouth-watering flavors. Serving Maine for over 100 years in the dairy business, a span of five generations, Gifford's began focusing its operations on summer treats in 1980, having previously supplied milk, cream, and other dairy products. Presently, Gifford's utilizes original family recipes to create more than 100 tempting varieties of ice cream and frozen yogurts. Crafting its rich ice cream with premium ingredients, including fresh milk and cream from local dairy farmers, Gifford's consistently churns out top-quality ice cream for its customers.

While its main location is in Skowhegan, known as the heart of Maine's farm country, Gifford's has branched out to open ice cream stands in Auburn, Bangor, Farmington, and Waterville. Its ice cream is additionally available at supermarkets and other locations throughout the Northeast. Gifford's employs 25 people yearround, as well as an additional 75 during the busy summer months.

Gifford's offers a wide array of flavors to choose from, including seasonal delights and new selections each year. From the staple vanilla and chocolate, to the eclectic orange pineapple and smurf cotton candy, Gifford's covers all its bases. Furthermore, Gifford's has recently added a number of frozen yogurt flavors, such as fudge overboard and strawberry banana, as well as no fat/no sugar added options, sherbets, and sorbets. Best of all, Gifford's offers quintessential Maine-related flavors, such as Maine maple walnut, birch bark, black bear, wild blueberry, and even deer tracks and lobster tracks. And while most everyone enjoys a good ice cream on occasion, Gifford's hasn't forgotten our four-legged friends, offering them Dog Bone Sundaes, complete with a scoop of ice cream and a dog biscuit.

Throughout its illustrious history, Gifford's has garnered numerous awards, particularly for its ice cream. Among the recognitions are first place awards from the National Ice Cream Retailers Association for its strawberry and chocolate ice creams, as well as ''World's Best Vanilla'' at the World Dairy Expo in Madison, WI, in 2005 and ''World's Best Chocolate'' at last year's expo. The Skowhegan Area Chamber of Commerce also named Gifford's Ice Cream its Large Business of the Year earlier this year.

In 2002, Gifford's began Cones for Kids, a program that rewards children 14 and younger who excel in academics, advance in scouting, or make a difference in their community. From earning an A on a reading quiz to volunteering at the neighborhood 4–H club, students can receive a free ice cream cone by enriching their lives through a host of positive and engaging activities.

What has made Gifford's so successful both in the dairy business and at its ice cream stands is a passion for pleasing its customers. Setting out to create new flavors of ice cream every year, whether it be apple pie or peanut butter caramel cookie dough, Gifford's has transformed itself from a small dairy farm to Maine's largest statewide, independent, family-owned ice cream company. I congratulate president Roger Gifford, treasurer John Gifford, and everyone at Gifford's Ice Cream for their tremendous success, and wish them well this summer and beyond.●

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, a treaty and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF EMERGENCY REGARDING EXPORT CONTROL REGULATIONS UNDER THE AUTHORITY OF EXECUTIVE ORDER 13222 DATED AUGUST 17, 2001—PM 59

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban, Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency caused by the lapse of the Export Administration Act of 1979, as amended, is to continue in effect for 1 year beyond August 17, 2008.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 23, 2008*.

MESSAGES FROM THE HOUSE

At 1:04 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, in which it requests the concurrence of the Senate:

H.R. 4049. An act to amend section 5318 of title 31, United States Code, to eliminate regulatory burdens imposed on insured depository institutions and money services businesses and enhance the availability of transaction accounts at depository institutions for such business, and for other purposes.

H.R. 5235. An act to establish the Ronald Reagan Centennial Commission.

H.R. 6226. An act to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building''.

H.R. 6493. An act to amend title 49, United States Code, to enhance aviation safety.

H.R. 6531. An act to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 93. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The message further announced that the House has passed the following bills, without amendment:

S. 2565. An act to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers.

S. 2766. An act to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 3298. An act to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels.

The message also announced that the House insists upon its amendment to the bill (S. 294) to reauthorize Amtrak, and for other purposes, and requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members to be managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. OBERSTAR, Ms. CORRINE BROWN of Florida, Messrs. CUMMINGS, CAPUANO, BISHOP of New York, Mrs. NAPOLITANO, Messrs. LIPINKSI, BRALEY of Iowa, ARCURI, MICA, PETRI, LATOURETTE, BROWN of South Carolina, SHUSTER, MARIO DIAZ-BALART of Florida and WESTMORELAND.

From the Committee on Science and Technology, for consideration of sections 105 and 305 of the Senate bill, and modifications committed to conference: Messrs. GORDON of Tennessee, WU, and GINGREY.

At 5:45 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the amendments of the House to the amendment of the Senate to the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4049. An act to amend section 5318 of title 31, United States Code, to eliminate regulatory burdens imposed on insured depository institutions and money services businesses and enhance the availability of transaction accounts at depository institutions for such business, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6226. An act to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6493. An act to amend title 49, United States Code, to enhance aviation safety; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3297. A bill to advance America's priorities.

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 93. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7232. A communication from the Secretary, Department of Agriculture, transmitting draft legislation to amend the United States Grain Standards Act to authorize the Secretary of Agriculture to recover through user fees the cost of standardization activities; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7233. A communication from the Secretary, Department of Agriculture, transmitting draft legislation to remove the prohibition against the rescission of certain unadvanced telecommunications loan balances; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7234. A communication from the Acting Director of Grants Management Division, Office of Acquisition Management, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Non-Procurement Debarment and Suspension (title 2 CFR)'' (RIN0605–AA23) received on July 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7235. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Stratospheric Ozone Protection of the Clean Air Act Amendments of 1990; to the Committee on Environment and Public Works.

EC–7236. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonably Available Control Technology Under the 8-Hour Ozone National Ambient Air Quality Standard'' (FRL No. 8696–6) received on July 22, 2008; to the Committee on Environment and Public Works.

EC–7237. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Idaho'' (FRL No. 8697–1) received on July 22, 2008; to the Committee on Environment and Public Works.

EC–7238. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fludioxonil; Pesticide Tolerance for Emergency Exemption'' (FRL No. 8369–5) received on July 22, 2008; to the Committee on Environment and Public Works.

EC–7239. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing'' (FRL No. 8695–9) received on July 22, 2008; to the Committee on Environment and Public Works.

EC–7240. A communication from the Chief of Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''United States-Bahrain Free Trade Agreement'' (RIN1505–AB81) received on July 18, 2008; to the Committee on Finance.

EC–7241. A communication from the Assistant Secretary for Import Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Imports of Certain Cotton Shirting Fabric: Implementation of Tariff Rate Quota Established Under the Tax Relief and Health Care Act of 2006'' received on July 22, 2008; to the Committee on Finance.

EC–7242. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of $100,000,000 or more to the Government of Turkey; to the Committee on Foreign Relations.

EC–7243. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of $50,000,000 or more to the Governments of Australia, Bermuda, Indonesia, the Philippines, and Singapore; to the Committee on Foreign Relations.

EC–7244. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to support the development of the AN/APX–68 Transponder Set and Control Box to the Government of Japan; to the Committee on Foreign Relations.

EC–7245. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General received on July 22, 2008; to the Committee on Foreign Relations.

EC–7246. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Diplomatic Security received on July 23, 2008; to the Committee on Foreign Relations.

EC–7247. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Political-Military Affairs received on July 23, 2008; to the Committee on Foreign Relations.

EC–7248. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer in the position of Inspector General received on July 23, 2008; to the Committee on Foreign Relations.

EC–7249. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Taiwan Relations Act, 22 U.S.C. 3311, as amended, the text of an agreement between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office; to the Committee on Foreign Relations.

EC–7250. A communication from the Chairman, Railroad Retirement Board, pursuant to law, an annual report for the year of 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7251. A communication from the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the Office of the Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7252. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy and nomination in the position of Deputy Director for State, Local, and Tribal Affairs; to the Committee on the Judiciary.

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–420. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to extend the Gulf Opportunity Zone Act of 2005 bonus depreciation benefit to all parishes in the Gulf Opportunity Zone; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 177

Whereas, on December 16, 2005, the United States Congress passed the Gulf Opportunity Zone Act of 2005, commonly referred to as the ''GO Zone Act'', which was signed by the president of the United States on December 21, 2005, and which establishes tax incentives and bond provisions to rebuild the local and regional economies devastated by Hurricanes Katrina and Rita; and

Whereas, the GO Zone Act permits businesses to claim an additional first-year depreciation deduction equal to fifty percent of the cost of qualified new property investments made in the GO Zone; this depreciation allowance applies to software, leasehold improvements, and certain equipment and real estate expenditures; all depreciation deductions are exempt from alternative minimum taxes, and this tax incentive applies to property placed in service through December 31, 2007, or December 31, 2008, in the case of real property; and

Whereas, in Louisiana, the Hurricane Katrina and Hurricane Rita GO Zones are made up of thirty-seven parishes, namely: Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, and West Feliciana; and

Whereas, on December 9, 2006, the United States Congress passed the Tax Relief and Health Care Act of 2006, which was signed by the president of the United States on December 20, 2006, which extends for two years the deadlines for benefitting from the bonus depreciation under the GO Zone Act in order to give additional time for reconstruction and rehabilitation efforts; and

Whereas, the extension of the GO Zone bonus depreciation benefit only applies in certain highly damaged areas in Louisiana, namely the parishes of Calcasieu, Cameron, Orleans, Plaquemines, St. Bernard, St. Tammany, and Washington; and

Whereas, the devastation of Hurricanes Katrina and Rita is not limited to the ''highly damaged areas'' in Louisiana but is prevalent in all of the parishes in the Hurricanes Katrina and Rita GO Zones; and

Whereas, there is a critical need for more time to rebuild in all of the GO Zone areas, not just in the seven parishes deemed to be the ''highly damaged areas''. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to extend the deadline for benefitting from the bonus depreciation until December 31, 2010, for all parishes in Louisiana which are included in the Katrina and Rita GO Zones. Be it further

Resolved, That a copy of this Resolution be transmitted to the clerk of the United States House of Representatives and the secretary of the United States Senate and to each member of the Louisiana congressional delegation to the United States Congress.

POM–421. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to reauthorize the DNA backlog program; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 281

Whereas, the Debbie Smith DNA backlog grant program was part of the Justice for All Act of 2004, Public Law No. 108–405. This legislation assists in the reduction of DNA backlogs and improvement of the utilization of DNA in the criminal justice system in the state of Michigan and every state throughout the nation; and

Whereas, DNA technology is increasingly vital to ensuring accuracy and fairness in the criminal justice system. Thousands of law enforcement investigations have been aided nationwide because of DNA matches made through the FBI's Combined DNA Index System (CODIS), bringing justice to victims and removing criminals from the streets. Also, the Innocence Project has used DNA in over 200 cases to exonerate persons who were wrongfully convicted of crimes; and

Whereas, the state of Michigan and other states throughout the nation have significantly expanded their DNA programs to include a growing number of convicted or arrested felons to match against unsolved crimes; and

Whereas, the demand for DNA testing in both violent and nonviolent crimes has continued to increase as the reliability of this evidence is proven. Many laboratories still maintain DNA backlogs of six months or longer and are unable to meet the growing demand for DNA testing despite funding commitments from state and local governments; and

Whereas, the Debbie Smith DNA backlog grant program has permitted state and local governments an opportunity to begin to maximize the full potential of forensic DNA through backlog reduction, but much work remains to be done: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to reauthorize the DNA backlog program; 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.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S.J. Res. 41. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 .

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself and Mr. COLEMAN):

S. 3309. A bill 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; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself, Mr. GRASSLEY, and Ms. KLOBUCHAR):

S. 3310. A bill to provide benefits under the Post-Development/Mobilization Respite Absence program for certain periods before the implementation of the program; to the Committee on Armed Services.

By Mr. DURBIN:

S. 3311. A bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. BINGAMAN, and Mr. FEINGOLD):

S. 3312. A bill to amend the Public Health Service Act to ensure that victims of public health emergencies have meaningful and immediate access to medically necessary health care services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 3313. A bill to establish a Federal Polygamy Task Force, to authorize assistance for victims of polygamy, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. CARDIN, Mr. LEVIN, and Mr. WHITEHOUSE):

S. 3314. A bill to protect the oceans and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WICKER:

S. 3315. A bill to prohibit the distribution or sale of video games that do not have age-based content rating labels, to prohibit the sale or rental of video games with adult content ratings to minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN:

S. 3316. A bill to amend the Internal Revenue Code of 1986 to encourage the use of corrosion prevention and mitigation measures in the construction and maintenance of business property; to the Committee on Finance.

By Mrs. CLINTON:

S. 3317. A bill to designate the facility of the Untied States Postal Service located at 101 West Main Street in Waterville, New York, as the ''Corporal John P. Sigsbee Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRASSLEY:

S. 3318. A bill to amend title XVIII of the Social Security Act to provide for recognition of equality of physician work in all geographic areas and revisions to the practice expense geographic adjustment under the Medicare physician fee schedule; to the Committee on Finance.

By Mr. BROWN:

S. 3319. A bill to amend title 23, United States Code, to require corrosion mitigation and prevention plans for bridges receiving Federal funding, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BIDEN, Mr. DOMENICI, Mr. BAUCUS, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. KYL, Mr. JOHNSON, Mr. SMITH, Ms. CANTWELL, Mr. THUNE, and Mr. TESTER):

S. 3320. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes; to the Committee on Indian Affairs.

By Mr. HARKIN (for himself, Mr. DODD, Mr. BINGAMAN, Mr. KENNEDY, and Ms. MIKULSKI):

S. 3321. A bill to amend the Public Health Service Act to provide coordinated leadership in Federal efforts to prevent and reduce overweight and obesity and to promote sound health and nutrition among Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. ROBERTS, Mr. DURBIN, Mr. COLEMAN, Mr. BOND, Mr. BROWNBACK, Mr. BAYH, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. OBAMA, and Mr. LUGAR):

S. 3322. A bill to provide tax relief for the victims of severe storms, tornados, and

flooding in the Midwest, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. BAYH, Mr. BROWN, Mr. CASEY, Mrs. CLINTON, Mr. COLEMAN, Mr. DURBIN, Mr. FEINGOLD, Ms. KLOBUCHAR, Mr. KOHL, Mr. LUGAR, Mr. OBAMA, Ms. STABENOW, and Mr. SCHUMER):

S.J. Res. 45. A joint resolution expressing the consent and approval of Congress to an inter-state compact regarding water resources in the Great Lakes - St. Lawrence River Basin; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL (for himself and Mr. HATCH):

S. Res. 620. A resolution designating the week of September 14–20, 2008, as National Polycystic Kidney Disease Awareness Week, to raise public awareness and understanding of polycystic kidney disease, and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 621. A resolution honoring and commemorating the selfless acts of heroism displayed by the late Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police on July 24, 1998, and expressing the gratitude and appreciation of the Senate for the professionalism and dedication of the United States Capitol Police; considered and agreed to.

ADDITIONAL COSPONSORS

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 718

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 718, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 1050

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1050, a bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes.

S. 1232

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1276

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1276, a bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 1287

At the request of Mr. SMITH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1287, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1588

At the request of Ms. LANDRIEU, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1850

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1850, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Indian tribal governments as State governments for purposes of issuing tax-exempt governmental bonds, and for other purposes.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1907

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1907, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to understand and comprehensively address the inmate oral health problems associated with methamphetamine use, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2035, a bill to maintain the free flow of information to the public by providing conditions

for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2785

At the request of Ms. STABENOW, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2836

At the request of Mr. CHAMBLISS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2836, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 2908

At the request of Mr. BROWN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 3070

At the request of Mr. SESSIONS, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 3070, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other proposes.

S. 3073

At the request of Mr. CORNYN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 3073, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes.

S. 3155

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. COLEMAN) 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. 3199

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3199, a bill to amend the Internal Revenue Code of 1986 to exempt certain shipping from the harbor maintenance tax.

S. 3237

At the request of Mr. CASEY, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Michigan (Mr. LEVIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3237, a bill to assist volunteer fire companies in coping with the precipitous rise in fuel prices.

S. 3277

At the request of Mr. MENENDEZ, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3277, a bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget.

S. 3302

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 3302, a bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services.

S.J. RES. 44

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S.J. Res. 44, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule set forth as requirements contained in the August 17, 2007, letter to State Health Officials from the Director of the Center for Medicaid and State Operations in the Centers for Medicare and Medicaid Services and the State Health Official Letter 08–003, dated May 7, 2008, from such Center.

S. CON. RES. 60

At the request of Mr. BAUCUS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress relating to negotiating a free trade agreement between the United States and Taiwan.

S. CON. RES. 80

At the request of Mr. HAGEL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Con. Res. 80, a concurrent resolution urging the President to designate a National Airborne Day in recognition of persons who are serving or have served in the airborne forces of the Armed Services.

S. RES. 300

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 300, a resolution expressing the sense of the Senate that the Former Yugoslav Republic of Macedonia (FYROM) should stop the utilization of materials that violate provisions of the United Nations-brokered Interim Agreement between FYROM and Greece regarding ''hostile activities or propaganda'' and should work with the United Nations and Greece to achieve longstanding United States and United Nations policy goals of finding a mutually-acceptable official name for FYROM.

S. RES. 331

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 331, a resolution expressing the sense of the Senate that Turkey should end its military occupation of the Republic of Cyprus, particularly because Turkey's pretext has been refuted by over 13,000,000 crossings of the divide by Turkish-Cypriots and Greek Cypriots into each other's communities without incident.

S. RES. 580

At the request of Mr. BAYH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 3311. A bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN: Mr. President, this February, on Valentine's Day, a young

man walked into a lecture hall at Northern Illinois University and opened fire. Five students were killed and 17 were wounded before the shooter took his own life. Northern Illinois University was not the first college to experience this kind of tragedy. We all remember the horrific events at Virginia Tech only months earlier—where 32 lives were taken by a gunman. The magnitude of heartbreak for friends and families and communities of those killed is hard to imagine. So, too, is the continuing trauma experienced by those who survived. These tragedies opened our eyes to a reality that needs attention.

Since February I have learned just how thin colleges and universities are stretched when it comes to providing counseling and other support services to students, and I think we need to help them. So today I am introducing the Mental Health on Campus Improvement Act, which would establish grant programs to help schools meet the rising need for mental health services on campus.

The ratio of counselors to students on campus is widening. Currently there is only one counselor for every 2,000 students on our college campuses. At some colleges, the situation is even more dismal. Studies show that 10 percent of college students have contemplated suicide. Mr. President, 45 percent have felt so depressed that it was difficult to function. Colleges are also encountering students who 10 or 20 years ago would not have been able to attend school due to mental illness, but who can today because of advances in treatment of mental illness.

Taking care of mental health needs on our college campuses is somewhat unique. Many mental illnesses start to manifest in this period when young people leave the security of home and regular medical care. The responsibility for the students' well-being often shifts from parents to students, who aren't always completely prepared. The colleges try to fill in the gaps, but with so few services and counselors, we are beginning to recognize how many needs are overlooked. This is a very real problem, even for schools that have made mental health services a dedicated priority.

Take Southern Illinois University in Carbondale. SIUC has eight full-time counselors for 21,000 students. That is one counselor for every 2,500 students. And there is another problem. Like many rural communities, Carbondale only has one community mental health agency. That agency is overwhelmed by the mental health needs of the community and refuses to serve students from SIU. The campus counseling center is the only mental health option for students. The eight hard-working counselors at SIUC do their best under impossible conditions. They triage students who come in seeking help so that the ones who might be a threat to themselves or others are seen first. The waitlist of students seeking services has reached 45 students.

With so many students looking for help and so few counselors to see them, the counseling center has to cut back on outreach. Without outreach, the chances diminish of finding students who need help but don't ask for it. This is a serious problem. We know that the shooter at Virginia Tech exhibited many warning signs of a tortured mental state. But faculty and students did not know how or where to express their concerns. Outreach efforts by campus counseling centers can help educate the community about warning signs to look for as well as how to intervene. Of the students who committed suicide across the country in 2007, only 22 percent had received counseling on campus. That means that of the 1,000 college students who took their own lives, 800 may never have looked for help. How many of those young lives could have been saved if our college counseling centers had the resources they needed to identify those students and help them? Our students deserve better.

The Mental Health on Campus Improvement Act would create a grant program to provide funding for colleges and universities to improve their mental health services. Colleges could use the funding to hire personnel, increase outreach, and educate the campus community about mental health. The bill also would direct the Department of Health and Human Services to develop a public, nation-wide campaign to education campus communities about mental health.

Reflecting on the loss of his own son, the well known minister Rev. William Sloan Coffin once said, ''When parents die, they take with them a portion of the past. But when children die, they take away the future as well.'' I hope the bill I am introducing today will help prevent the unnecessary loss of more young lives and bright futures.

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. 3311

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 ''Mental Health on Campus Improvement Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The 2007 National Survey of Counseling Center Directors found that the average ratio of counselors to students on campus is nearly 1 to 2,000 and is often far higher on large campuses. The International Association of Counseling Services accreditation standards recommend 1 counselor per 1,000 to 1,500 students.

(2) College counselors report that 8.5 percent of enrolled students sought counseling in the past year, totaling an estimated 1,600,000 students.

(3) Over 90 percent of counseling directors believe there is an increase in the number of students coming to campus with severe psychological problems. The majority of counseling directors report concern that the demand for services is growing without an increase in resources.

(4) A 2006 American College Health Association survey revealed that 44 percent of students at colleges and universities report having felt so depressed it was difficult to function, and one out of every 11 students seriously considered suicide within the past year.

(5) Research conducted from 1989 to 2002 found that students seen for anxiety disorders doubled, for depression tripled, and for serious suicidal intention tripled.

(6) Many students who need help never receive it. Counseling directors report that of the students who committed suicide on their campuses, only 22 percent were current or former counseling center clients. Directors did not know the previous psychiatric history of 60 percent of these students.

(7) A survey conducted by the University of Idaho Student Counseling Center (2000) found that 77 percent of students who responded reported that they were more likely to stay in school because of counseling and that their school performance would have declined without counseling.

(8) A 6-year longitudinal study of college students found that personal and emotional adjustment was an important factor in retention and predicted attrition as well as or better than academic adjustment (Gerdes & Mallinckrodt, 1994).

SEC. 3. IMPROVING MENTAL AND BEHAVIORAL HEALTH ON COLLEGE CAMPUSES.

Title V of the Public Health Service Act is amended by inserting after section 520E-2 (42 U.S.C. 290bb-36b) the following:

''SEC. 520E-3. GRANTS TO IMPROVE MENTAL AND BEHAVIORAL HEALTH ON COLLEGE CAMPUSES.

''(a) PURPOSE.—It is the purpose of this section, with respect to college and university settings, to—

''(1) increase access to mental and behavioral health services;

''(2) foster and improve the prevention of mental and behavioral health disorders, and the promotion of mental health;

''(3) improve the identification and treatment for students at risk;

''(4) improve collaboration and the development of appropriate level of mental and behavioral health care; and

''(5) improve the efficacy of outreach efforts.

''(b) GRANTS.—The Secretary, acting through the Administrator and in consultation with the Secretary of Education, shall award competitive grants to eligible entities to improve mental and behavioral health services and outreach on college and university campuses.

''(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an entity shall—

''(1) be an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); and

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including the information required under subsection (d).

''(d) APPLICATION.—An application for a grant under this section shall include—

''(1) a description of the population to be targeted by the program carried out under the grant, the particular mental and behavioral health needs of the students involved, and the Federal, State, local, private, and institutional resources available for meeting the needs of such students at the time the application is submitted;

''(2) an outline of the objectives of the program carried out under the grant;

''(3) a description of activities, services, and training to be provided under the program, including planned outreach strategies to reach students not currently seeking services;

''(4) a plan to seek input from community mental health providers, when available, community groups, and other public and private entities in carrying out the program;

''(5) a plan, when applicable, to meet the specific mental and behavioral health needs of veterans attending institutions of higher education;

''(6) a description of the methods to be used to evaluate the outcomes and effectiveness of the program; and

''(7) an assurance that grant funds will be used to supplement, and not supplant, any other Federal, State, or local funds available to carry out activities of the type carried out under the grant.

''(e) SPECIAL CONSIDERATIONS.—In awarding grants under this section, the Secretary shall give special consideration to applications that describe programs to be carried out under the grant that—

''(1) demonstrate the greatest need for new or additional mental and behavioral health services, in part by providing information on current ratios of students to mental and behavioral health professionals;

''(2) propose effective approaches for initiating or expanding campus services and supports using evidence-based practices;

''(3) target traditionally underserved populations and populations most at risk;

''(4) where possible, demonstrate an awareness of and a willingness to coordinate with a community mental health center or other mental health resource in the community, to support screening and referral of students requiring intensive services;

''(5) identify how the college or university will address psychiatric emergencies, including how information will be communicated with families or other appropriate parties; and

''(6) demonstrate the greatest potential for replication and dissemination.

''(f) USE OF FUNDS.—Amounts received under a grant under this section shall be used to—

''(1) provide mental and behavioral health services to students, including prevention, promotion of mental health, screening, early intervention, assessment, treatment, management, and education services relating to the mental and behavioral health of students;

''(2) provide outreach services to notify students about the existence of mental and behavioral health services;

''(3) educate families, peers, faculty, staff, and communities to increase awareness of mental health issues;

''(4) employ appropriately trained staff;

''(5) expand mental health training through internship, post-doctorate, and residency programs;

''(6) develop and support evidence-based and emerging best practices; and

''(7) evaluate and disseminate best practices to other colleges and universities.

''(g) DURATION OF GRANTS.—A grant under this section shall be awarded for a period of not to exceed 3 years.

''(h) EVALUATION AND REPORTING.—

''(1) EVALUATION.—Not later than 18 months after the date on which a grant is received under this section, the eligible entity involved shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant and plans for the sustainability of such efforts.

''(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of—

''(A) the evaluations conducted under paragraph (1); and

''(B) an evaluation conducted by the Secretary to analyze the effectiveness and efficacy of the activities conducted with grants under this section.

''(i) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to grantees in carrying out this section.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to carry out this section.

''SEC. 520E-4. MENTAL AND BEHAVIORAL HEALTH OUTREACH AND EDUCATION ON COLLEGE CAMPUSES.

''(a) PURPOSE.—It is the purpose of this section to increase access to, and reduce the stigma associated with, mental health services so as to ensure that college students have the support necessary to successfully complete their studies.

''(b) NATIONAL PUBLIC EDUCATION CAMPAIGN.—The Secretary, acting through the Administrator and in collaboration with the Director of the Centers for Disease Control and Prevention, shall convene an interagency, public-private sector working group to plan, establish, and begin coordinating and evaluating a targeted public education campaign that is designed to focus on mental and behavioral health on college campuses. Such campaign shall be designed to—

''(1) improve the general understanding of mental health and mental health disorders;

''(2) encourage help-seeking behaviors relating to the promotion of mental health, prevention of mental health disorders, and treatment of such disorders;

''(3) make the connection between mental and behavioral health and academic success; and

''(4) assist the general public in identifying the early warning signs and reducing the stigma of mental illness.

''(c) COMPOSITION.—The working group under subsection (b) shall include—

''(1) mental health consumers and family members;

''(2) representatives of colleges and universities;

''(3) representatives of national mental and behavioral health and college associations;

''(4) representatives of mental health providers, including community mental health centers; and

''(5) representatives of private- and public-sector groups with experience in the development of effective public health education campaigns.

''(d) PLAN.—The working group under subsection (b) shall develop a plan that shall—

''(1) target promotional and educational efforts to the college age population and individuals who are employed in college and university settings, including the use of roundtables;

''(2) develop and propose the implementation of research-based public health messages and activities;

''(3) provide support for local efforts to reduce stigma by using the National Mental Health Information Center as a primary point of contact for information, publications, and service program referrals; and

''(4) develop and propose the implementation of a social marketing campaign that is targeted at the college population and individuals who are employed in college and university settings.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to carry out this section.''.

SEC. 4. INTERAGENCY WORKING GROUP ON COLLEGE MENTAL HEALTH.

(a) PURPOSE.—It is the purpose of this section, pursuant to Executive Order 13263 (and the recommendations issued under section 6(b) of such Order), to provide for the establishment of a College Campus Task Force under the Federal Executive Steering Committee on Mental Health, to discuss mental and behavioral health concerns on college and university campuses.

(b) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a College Campus Task Force (referred to in this section as the ''Task Force''), under the Federal Executive Steering Committee on Mental Health, to discuss mental and behavioral health concerns on college and university campuses.

(c) MEMBERSHIP.—The Task Force shall be composed of a representative from each Federal agency (as appointed by the head of the agency) that has jurisdiction over, or is affected by, mental health and education policies and projects, including—

(1) the Department of Education;

(2) the Department of Health and Human Services;

(3) the Department of Veterans Affairs; and

(4) such other Federal agencies as the Administrator of the Substance Abuse and Mental Health Services Administration and the Secretary jointly determine to be appropriate.

(d) DUTIES.—The Task Force shall—

(1) serve as a centralized mechanism to coordinate a national effort—

(A) to discuss and evaluate evidence and knowledge on mental and behavioral heath services available to and the prevalence of mental health illness among, the college age population of the United States;

(B) to determine the range of effective, feasible, and comprehensive actions to improve mental and behavioral health on college and university campuses;

(C) to examine and better address the needs of the college age population dealing with mental illness;

(D) to survey Federal agencies to determine which policies are effective in encouraging, and how best to facilitate outreach without duplicating, efforts relating to mental and behavioral health promotion;

(E) to establish specific goals within and across Federal agencies for mental health promotion, including determinations of accountability for reaching those goals;

(F) to develop a strategy for allocating responsibilities and ensuring participation in mental and behavioral health promotions, particularly in the case of competing agency priorities;

(G) to coordinate plans to communicate research results relating to mental and behavioral health amongst the college age population to enable reporting and outreach activities to produce more useful and timely information;

(H) to provide a description of evidence-based best practices, model programs, effective guidelines, and other strategies for promoting mental and behavioral health on college and university campuses;

(I) to make recommendations to improve Federal efforts relating to mental and behavioral health promotion on college campuses and to ensure Federal efforts are consistent with available standards and evidence and other programs in existence as of the date of enactment of this Act; and

(J) to monitor Federal progress in meeting specific mental and behavioral health promotion goals as they relate to college and university settings;

(2) consult with national organizations with expertise in mental and behavioral

health, especially those organizations working with the college age population; and

(3) consult with and seek input from mental heath professionals working on college and university campuses as appropriate.

(e) MEETINGS.—

(1) IN GENERAL.—The Task Force shall meet at least 3 times each year.

(2) ANNUAL CONFERENCE.—The Secretary shall sponsor an annual conference on mental and behavioral health in college and university settings to enhance coordination, build partnerships, and share best practices in mental and behavioral health promotion, data collection, analysis, and services.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section.

By Mr. DURBIN (for himself, Mr. BINGAMAN, and Mr. FEINGOLD):

S. 3312. A bill amend the Public Health Service Act to ensure that victims of public health emergencies have meaningful and immediate access to medically necessary health care services; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Today I am introducing the Public Health Emergency Response Act. This bill authorizes a temporary health benefit during a public emergency for people in that area who don't have health insurance. The program makes it more likely that people who need healthcare services will get them and ensures that the doctors and nurses who treat them will be compensated.

Since 2000, the Secretary of Health and Human Services has had the authority to declare public health emergencies so that government can provide resources quickly to communities in need. That authority has been exercised very rarely—for 9–11; Hurricanes Wilma, Katrina, and Rita; and the recent flooding in the Midwest. These public health emergencies—both manmade and natural disasters—ruined neighborhoods, divided families, and weakened many spirits. But for every tragic emergency witnessed, we saw acts of remarkable selflessness and kindness.

One of the greatest examples of this generosity is in the efforts of local health care providers to meet the increased need for services. Whether it was the hurricanes that hit the Gulf Coast, the debris in downtown New York, or the waters in the Midwest, the need for medical services was immediate and in some cases dramatic. The demand for mental health services also rose in response to the psychological stress and trauma caused by the destruction of homes, the loss of jobs, the separation of families, and the death and devastation surrounding those in the areas hit by these tragic events.

Despite the trauma of a disaster or the pain from an injury incurred during a disaster, people who don't seek care not only leave themselves vulnerable to worsening health conditions, but they exacerbate the situation on the ground. For those uninsured people who do access medical care, the providers—typically those in areas immediately surrounding the disaster area—are often left without any compensation.

During Hurricane Katrina, the Harris County hospital district in Houston assumed responsibility for the health care of 23,000 evacuees living in the Reliant Astrodome. In Baton Rouge, hospitals struggled to meet the health care needs of a population that doubled in size after absorbing half a million evacuees. Health facilities and other public infrastructure were stretched beyond their capacity as they faced the multiple challenges of addressing the public health needs in the counties or parishes directly affected; delivering needed health care to the displaced; and ensuring the continued delivery of health care services to residents of the other areas.

Victims of public health emergencies should know that the government will assist them in their time of need. This is why I am introducing the Public Health Emergency Response Act.

The Public Health Emergency Response Act would make it easier for uninsured victims to seek treatment and would provide coverage to the health care professionals who are treating them. The bill would establish a temporary emergency health benefit for people who are uninsured. The benefit could be triggered only when the Secretary of Health and Human Services declared a public health emergency and chose to activate the benefit. The benefit would last for up to 90 days, and the Secretary could extend it once for another 90 days. Rather than put additional stress on our public health programs like Medicare, Medicaid or SCHIP, the funding mechanism for the benefit is the Public Health Emergency Fund, a no-year fund established in 1983. Funds for emergency victims' health coverage would be determined by Congressional appropriations. The bill will help save lives and ensure a functioning health care system for whatever lies ahead.

Most recently, we saw the entire Midwest reeling from weeks of flooding and tornadoes—from Minnesota to Kansas and everywhere in between—Wisconsin, Iowa, Missouri, and, of course, Illinois. The damage has been heartbreaking. We know from the great flood that devastated the Midwest in 1993 and from Hurricanes Katrina and Rita that the losses from this chain of weather-related disasters will be more than our states and citizens alone can bare. We also know that, in times of crisis, Americans have always come together to help those in need.

The Public Health Emergency Response Act carries on this tradition. The bill allows Federal government to prepare for the next emergency. We do not know what the next public health emergency will look like. It may be a bioterrorist attack, a hurricane, or pandemic flu. We should act now to create the framework for emergency health coverage and reimbursement.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3312

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 ''Public Health Emergency Response Act of 2008''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Since 2000, the Secretary of Health and Human Services has declared that a public health emergency existed nationwide in response to the attacks of September 11th and in response to Hurricanes Katrina and Rita.

(2) In the event of a public health emergency, compliance with recommendations to seek immediate care may be critical to containing the spread of an infectious disease outbreak or responding to a bioterror attack.

(3) Nearly sixteen percent of Americans lack health insurance coverage.

(4) Fears of out-of-pocket expenses may cause individuals to delay seeking medical attention during a public health emergency.

(5) A public health emergency may disrupt health care assistance programs for individuals with chronic conditions, exacerbating the costs and risks to their health.

(6) The uninsured could place great financial strain on healthcare providers during a public health emergency.

(7) The Department of Health and Human Services Pandemic Influenza Plan projects that a pandemic influenza outbreak could result in 45 million additional outpatient visits, with 865,000 to 9,900,000 individuals requiring hospitalization, depending upon the severity of the pandemic.

(8) Hospitals in the United States could lose as much as $3.9 billion in uncompensated care and cash flow losses in the event of a severe pandemic.

(9) Under current statute, no dedicated mechanism exists to reimburse providers for uncompensated care during a public health emergency.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide temporary emergency healthcare coverage for uninsured and certain otherwise qualified individuals in the event of a public health emergency declared by the Secretary of Health and Human Services;

(2) to ensure that healthcare providers remain fiscally solvent and are not overburdened by the cost of uncompensated care during a public health emergency;

(3) to eliminate a primary disincentive for uninsured and certain otherwise qualified individuals to promptly seek medical care during a public health emergency; and

(4) to minimize delays in the provision of emergency healthcare coverage by clarifying eligibility requirements and the scope of such coverage and identifying the funding mechanisms for emergency healthcare services.

SEC. 3. EMERGENCY HEALTHCARE COVERAGE.

(a) IN GENERAL.—Title III of the Public Health Service Act is amended by inserting after section 319K the following new section:

''SEC. 319K–1. EMERGENCY HEALTHCARE COVERAGE.

''(a) ACTIVATION AND TERMINATION OF EMERGENCY HEALTHCARE COVERAGE.—

''(1) BASED ON PUBLIC HEALTH EMERGENCY.—

''(A) IN GENERAL.—The Secretary may activate the coverage of emergency healthcare services under this section only if the Secretary determines that there is a public health emergency.

''(B) DETERMINATION OF PUBLIC HEALTH EMERGENCY.—For purposes of this section, there is a 'public health emergency' only if a public health emergency exists under section 319.

''(2) CONSIDERATIONS.—In making a determination under paragraph (1), the Secretary shall consider a range of factors including the following:

''(A) The degree to which the emergency is likely to overwhelm healthcare providers in the region.

''(B) The opportunity to minimize morbidity and mortality through intervention under this section.

''(C) The estimated number of direct casualties of the emergency.

''(D) The potential number of casualties in the absence of intervention under this section (such as in the case of infectious disease).

''(E) The potential adverse financial impacts on local healthcare providers in the absence of activation of this section.

''(F) The need for healthcare services is of sufficient severity and magnitude to warrant major assistance under this section above and beyond the emergency services otherwise available from the Federal Government.

''(G) Such other factors as the Secretary may deem appropriate.

''(3) TERMINATION AND EXTENSION.—

''(A) IN GENERAL.—Coverage of emergency healthcare services under this section shall terminate, subject to subsection (c)(2), upon the earlier of the following:

''(i) The Secretary's determination that a public health emergency no longer exists.

''(ii) Subject to subparagraph (B), 90 days after the initiation of coverage of emergency healthcare services.

''(B) EXTENSION AUTHORITY.—The Secretary may extend a public health emergency for a second 90-day period, but only if a report to Congress is made under paragraph (4) in conjunction with making such extension.

''(4) REPORT.—

''(A) IN GENERAL.—Prior to making an extension under paragraph (3)(B), the Secretary shall transmit a report to Congress that includes information on the nature of the public health emergency and the expected duration of the emergency. The Secretary shall include in such report recommendations, if deemed appropriate, regarding requesting Congress to provide a further extension of the public health emergency period beyond the second 90-day period.

''(B) REPORT CONTENTS.—A report under subparagraph (A) shall include a discussion of the healthcare needs of emergency victims and affected individuals including the likely need for follow-up care over a two-year period.

''(5) COORDINATION.—The Secretary shall ensure that the activation, implementation, and termination of emergency healthcare services under this section in response to a public health emergency is coordinated with all functions, personnel, and assets of the Federal, State, local, and tribal responses to the emergency.

''(6) MEDICAL MONITORING PROGRAM.—The Secretary shall establish a medical monitoring program for monitoring and reporting on healthcare needs of the affected population over time. At least annually during the 5-year period following the date of a public health emergency, the Secretary shall report to Congress on any continuing healthcare needs of the affected population related to the public health emergency. Such reports shall include recommendations on how to ensure that emergency victims and affected individuals have access to needed healthcare services.

''(b) ELIGIBILITY FOR COVERAGE OF EMERGENCY HEALTHCARE SERVICES.—

''(1) LIMITED ELIGIBILITY.—

''(A) IN GENERAL.—Eligibility for coverage of emergency healthcare services under this section for a public health emergency is limited to individuals who—

''(i) are emergency victims who are uninsured or otherwise qualified; or

''(ii) are affected individuals who are uninsured.

''(B) DEFINITIONS.—For purposes of this section with respect to a public health emergency:

''(i) INSURED.—An individual is 'insured' if the individual has group or individual health insurance coverage or publicly financed health insurance (as defined by the Secretary).

''(ii) OTHERWISE QUALIFIED.—An individual is ''otherwise qualified'' if the individual is insured but the Secretary determines that the individual's healthcare insurance coverage is not at least actuarially-equivalent to benchmark coverage. In establishing such benchmark coverage, the Secretary shall consider the standard Blue Cross/Blue Shield preferred provider option service benefit plan described in and offered under section 8903(1) of title 5, United States Code.

''(iii) UNINSURED.—An individual is 'uninsured' if the individual is not insured.

''(iv) EMERGENCY VICTIM.—An individual is an 'emergency victim' with respect to a public health emergency if the individual needs healthcare services due to injuries or disease resulting from the public health emergency.

''(v) AFFECTED INDIVIDUAL.—An individual is an 'affected individual' with respect to a public health emergency if—

''(I) the individual resides in an assistance area designated for the emergency (or whose residence was displaced by the emergency) or, in the case of such an emergency constituting a pandemic flu or other infectious disease outbreak, who resides in the area affected by the outbreak (or whose residence was displaced by the emergency); and

''(II) the individual's ability to access care or medicine is disrupted as a result of the emergency.

''(2) PROCESS.—The Secretary shall establish a streamlined process for determining eligibility for emergency healthcare services under this section. In establishing such process—

''(A) the Secretary shall recognize that in the context of a public health emergency, individuals may be unable to provide identification cards, healthcare insurance information, or other documentation; and

''(B) the primary method for determining eligibility for such services shall be an attestation provided to the healthcare provider by the recipient of the services that the recipient meets the eligibility criteria established under paragraph (1)(A), with a standard alternative for unattended minors and adults without the capacity to sign such an attestation form.

''(3) SERVICE DELIVERY.—Providers may commence provision of emergency healthcare services for an individual in the absence of any centralized enrollment process, if the provider has collected basic information, specified by the Secretary, including the individual's name, address, social security number, and existing health insurance coverage (if any), that establishes a prima facie basis for eligibility, except that such information shall not be required in cases where the individual is unable to provide the information due to disability or incapacitation.

''(c) EMERGENCY HEALTHCARE SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'emergency healthcare services'—

''(A) means items and services for which payment may be made under parts A and B of the Medicare program;

''(B) includes prescription drugs (not covered under such part B) specified by the Secretary under subsection (g), based on the formularies of the two or more prescription drug plans under part D of the Medicare program with the largest enrollment;

''(C) may include drugs, devices, biologics, and other healthcare products, if such products are authorized for use by the Food and Drug Administration pursuant to an alternate authority, including the emergency use authority under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3); and

''(D) for an affected individual, is limited to those items and services described under subparagraphs (A), (B) or (C) that a third-party payor, such as a government program or charitable organization, reimbursed or otherwise provided to an affected individual during the three months prior to the declaration of the public health emergency.

''(2) NOT MEDICARE, MEDICAID, OR SCHIP BENEFITS.—The emergency healthcare services provided under this section are not benefits under Medicare, Medicaid or SCHIP. Nothing in this section shall be interpreted as altering or otherwise conflicting with titles XVIII, XIX, or XXI of the Social Security Act.

''(3) COMPLETION OF TREATMENT FOR EMERGENCY VICTIMS.—Notwithstanding termination of the coverage of emergency healthcare services pursuant to subsection (a)(4), the Secretary may identify a subgroup of emergency victims on a case-by-case basis or otherwise to continue receiving coverage of emergency healthcare services for up to an additional 60 days. Such emergency healthcare services provided after the termination date shall be limited to services and items that are medically necessary to treat an injury or disease resulting directly from the public health emergency involved.

''(d) COVERED PROVIDERS.—

''(1) IN GENERAL.—Subject to paragraph (2), healthcare services are not covered under this section unless they are furnished by a healthcare provider that—

''(A) has a valid provider number under the Medicare program, the Medicaid program, or SCHIP;

''(B) is in good standing with such program; and

''(C) is not excluded from participation in a Federal health care program (as defined in section 1128B(f) of the Social Security Act, 42 U.S.C. 1320a–7b(f)).

''(2) WAIVER AUTHORITY.—

''(A) IN GENERAL.—The Secretary may by regulation waive certain requirements for provider enrollment that otherwise apply under the Medicare or Medicaid program or under SCHIP to ensure an adequate supply of healthcare providers (such as nurses and other health care providers who do not typically participate in the Medicare or Medicaid program or SCHIP) and services in the case of a public health emergency. Such requirements may include the requirement that a licensed physician or other health care professional holds a license in the State in which the professional provides services or is otherwise authorized under State law to provide the services involved.

''(B) REPORT ON EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS (ESAR–VHP).—Not later than 180 days after the date of the enactment of

this section, the Secretary shall submit to Congress a report on the number of volunteers, by profession and credential level, enrolled in the Emergency System for Advance Registration of Volunteer Health Professionals (ESAR–VHP) that will be available to each State in the event of a public health emergency. The Secretary shall determine if the number of such volunteers is adequate for interstate deployment in response to regional requests for volunteers and, if not, shall include in the report recommendations for actions to ensure an adequate surge capacity for public health emergencies in defined geographic areas.

''(3) MEDICARE AND MEDICAID PROGRAMS AND SCHIP DEFINED.—For purposes of this section:

''(A) The term 'Medicare program' means the program under parts A, B, and D of title XVIII of the Social Security.

''(B) The term 'Medicaid program' means the program of medical assistance under title XIX of such Act.

''(C) The term 'SCHIP' means the State children's health insurance program under title XXI of such Act.

''(e) PAYMENTS AND CLAIMS ADMINISTRATION.—

''(1) PAYMENT AMOUNT.—The amount of payment under this section to a provider for emergency healthcare services shall be equal to 100 percent of the payment rate for the corresponding service under part A or B of the Medicare program, or, in the case of prescription drugs and other items and services not covered under either such part, such amount as the Secretary may specify by rule. Such a provider shall not be permitted to impose any cost-sharing or to balance bill for services furnished under this section.

''(2) USE OF MEDICARE CONTRACTORS.—The Secretary shall enter into arrangements with Medicare administrative contractors under which they process claims for emergency healthcare services under this section using the claim forms, codes, and nomenclature in effect under the Medicare program.

''(3) APPLICATION OF SECONDARY PAYER RULES.—In the case of payment under this section for emergency healthcare services for otherwise qualified individuals who have some health insurance coverage with respect to such services, the administrative contractors under paragraph (2) shall submit a claim to the entity offering such coverage to recoup all or some of such payment, reflecting whatever amount the entity would normally reimburse for each covered service. The provisions of section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) shall apply to benefits provided under this section in the same manner as they apply to benefits provided under the Medicare program.

''(4) PAYMENTS FOR EMERGENCY HEALTHCARE SERVICES AND RELATED COSTS.—Payments to provide, and costs to administer, emergency healthcare services under this section shall be made from the Public Health Emergency Fund, as provided under subsection (f)(1).

''(5) ATTESTATION REQUIREMENT.—No payment shall be made under this section to a provider for emergency healthcare services unless the provider has executed an attestation that—

''(A) the provider has notified the administrative contractor of any third-party payment received or claims pending for such services;

''(B) the recipient of the services has executed an attestation or otherwise satisfies the eligibility criteria established under subsection (b); and

''(C) the services were medically necessary.

''(f) PUBLIC HEALTH EMERGENCY FUND; FRAUD AND ABUSE PROVISIONS.—

''(1) THE PUBLIC HEALTH EMERGENCY FUND.—There is authorized to be appropriated to the Public Health Emergency Fund (established under section 319(b)) such sums as may be necessary under this section for payments to provide emergency healthcare services and costs to administer the services during a public health emergency.

''(2) NO USE OF MEDICARE FUNDS.—No funds under the Medicare program shall be available or used to make payments under this section.

''(3) FRAUD AND ABUSE PROVISIONS.—Providers and recipients of emergency healthcare services under this section shall be subject to the federal fraud and abuse protections that apply to Federal health care programs as defined in section 1128B(f) of the Social Security Act.

''(g) RULEMAKING.—The Secretary may issue regulations to carry out this section and shall use a negotiated rulemaking process to advise the Secretary on key issues regarding the implementation of this section.

''(h) PUBLIC HEALTH EMERGENCY PLANNING AND THE EDUCATION OF HEALTHCARE PROVIDERS AND THE GENERAL POPULATION.—

''(1) PLANNING FOR COVERAGE OF EMERGENCY HEALTHCARE SERVICES IN PUBLIC HEALTH EMERGENCIES.—The Secretary shall, within 90 days after the date of the enactment of this section, initiate planning to carry out this section, including planning relating to implementation of the subsection (e) in the event of activation of emergency healthcare coverage.

''(2) OUTREACH AND PUBLIC EDUCATION CAMPAIGN.—The Secretary shall conduct an outreach and public education campaign to inform healthcare providers and the general public about the availability of emergency healthcare coverage under this section during the period of the emergency. Such campaign shall include—

''(A) an explanation of the emergency healthcare coverage program under this section;

''(B) claim forms and instructions for healthcare providers to use when providing covered services during the emergency period; and

''(C) special outreach initiatives to vulnerable and hard-to-reach populations.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year (beginning with fiscal year 2009) $7,000,000 to carry out paragraphs (1) and (2) during the fiscal year.

''(i) APPLICATION OF POLICIES UNDER OTHER FEDERAL HEALTH CARE PROGRAMS.—As specified in subsections (c) through (e), the Secretary may adopt in whole or in part the coverage, reimbursement, provider enrollment, and other policies used under the Medicare program and other Federal health care programs in administering emergency healthcare services under this section to the extent consistent with this section.''.

(b) APPLICATION OF PUBLIC HEALTH EMERGENCY FUND.—Section 319(b)(1) of such Act (42 U.S.C. 247d(b)(1)) is amended—

(1) by inserting ''and section 319K–1'' after ''subsection (a)''; and

(2) by striking ''such subsection'' and inserting ''subsection (a)''.

WASHINGTON, DC,
July 22, 2008.

Hon. RICHARD DURBIN,
U.S. Senate,
Washington, DC.
Hon. LOIS CAPPS,
House of Representatives,
Washington, DC.

DEAR SENATOR DURBIN AND REPRESENTATIVE CAPPS: The undersigned organizations join in supporting your introduction of the Public Health Emergency Response Act (PHERA), legislation that would put a turnkey process into place which would ensure that victims of a public health emergency have immediate access to medically necessary healthcare services and help ensure that we have a functioning health care system.

A public health emergency, such as a natural disaster, biologic attack or infectious disease outbreak, could strike at any time. The September 11th attacks and Hurricanes Katrina and Rita have underscored the need for rapid access to healthcare services during and immediately following a public health emergency. Following Hurricane Katrina, Congress ultimately approved $2.1 billion for grants to certain states to cover the Medicaid and SCHIP matching requirements for individuals enrolled in these programs, and the cost of uncompensated care for the uninsured. However, it took six months for Congress to pass the Deficit Reduction Act, which provided for these funds. This unnecessary delay could have been prevented. PHERA would put into place ahead of time a framework for providing reimbursement for uncompensated care in the event of a major public health emergency.

The temporary benefit established through this bill would help remove a disincentive for uninsured individuals to promptly seek medical care. Any delay in seeking care could result in lives lost, particularly during an infectious disease outbreak when immediate identification and isolation are very important, and delay in seeking care could render treatment ineffective. At a time when our health care system could be overwhelmed with patients, it is vital that reimbursement issues not dissuade providers from offering care. A study by the Center for Biosecurity estimated that U.S. hospitals could lose as much as $3.9 billion in uncompensated care and cash flow losses in the event of a severe pandemic. By helping to reduce the burden of uncompensated care, PHERA would help ensure the solvency and continuity and our health care system during a catastrophic emergency.

Specifically, PHERA would provide a temporary emergency health benefit for uninsured individuals and individuals whose health insurance coverage is not actuarially equivalent to benchmark coverage, in the event that the Secretary of Health and Human Services (HHS) declares that a public health emergency exists and chooses to activate the benefit. It would clarify who is eligible for this benefit, including individuals displaced by a public health emergency, limit the amount of time for which the benefit would last, and stipulate what providers would be covered under this Act. It would not use Medicare, Medicaid or SCHIP funding. The funding mechanism would be the Public Health Emergency Fund, a no-year fund available to the Secretary. The bill authorizes funding for the administration of the fund, together with a public education campaign on the availability of the benefit, but further funding would not be necessary until Congress appropriated funds in the event of a declared public health emergency.

Past experiences have shown that Congress will step in to help defray the costs of uncompensated care resulting from a catastrophic emergency. Determining the scope of such coverage ahead of time will help ensure the solvency of our health care system and help eliminate a disincentive for individuals to promptly seek care. PHERA would help ensure that when tragedy strikes, time and lives are not lost as Congress debates a course of action. It would create the turnkey process ahead of time, thereby allowing for timely care to individuals affected by a crisis.

We appreciate your leadership in introducing this legislation and look forward to working with you on this and other public health initiatives in the future.

Sincerely,

American Red Cross.

Center for Biosecurity, University of Pittsburgh Medical Center.

Center for Infectious Disease Research and Policy.

Council of State and Territorial Epidemiologists.

Infectious Diseases Society of America.

National Association of Community Health Centers.

Society for Healthcare Epidemiology of America.

Trust for America's Health.

By Mr. REID:

S. 3313. A bill to establish a Federal Polygamy Task Force, to authorize assistance for victims of polygamy, and for other purposes; to the committee on the Judiciary.

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. 3313

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 ''Victims of Polygamy Assistance Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Despite the fact that polygamy has been illegal in the United States for over 100 years, the practice of polygamy involving underage marriages is growing. Sizable polygamist communities exist in Arizona, Utah, and Nevada, and are expanding into other States.

(2) Polygamist communities are typically controlled by organizations that engage in widespread and systematic violations of State laws and the laws of the United States in order to enrich their leaders and maintain control over their members.

(3) The crimes perpetrated by these organizations include child abuse, domestic violence, welfare fraud, tax evasion, public corruption, witness tampering, and transporting victims across State lines.

(4) Due to the systematic and sophisticated nature of these crimes, State and local law enforcement agencies would benefit from the assistance of the Federal Government as they investigate and prosecute these organizations and their leaders for violations of State law. In addition, violations of Federal law associated with polygamy should be investigated and prosecuted directly by Federal authorities.

(5) The work of State and Federal law enforcement agencies to combat crimes by polygamist organizations would benefit from enhanced collaboration and information-sharing among such agencies.

(6) The establishment of a task force within the Department of Justice to coordinate Federal efforts and collaborate with State agencies would aid in the investigation and prosecution of criminal activities of polygamist organizations in both Federal and State courts.

(7) Polygamist organizations isolate, control, manipulate, and threaten victims with retribution should they ever abandon the organization. Individuals who choose to testify against polygamist organizations in Federal or State court have unique needs, including social services and witness protection support, that warrant Federal assistance.

SEC. 3. ESTABLISHMENT OF A FEDERAL POLYGAMY TASK FORCE.

(a) ESTABLISHMENT.—There is established within the Department of Justice a Federal Polygamy Task Force, which shall consist of the Deputy Attorney General, the United States attorneys from affected Federal judicial districts, representatives of the Federal Bureau of Investigation, the Internal Revenue Service, the Department of Labor, and the Department of Health and Human Services, and any officer of the Federal Government whom the Deputy Attorney General considers necessary to strengthen Federal law enforcement activities and provide State and local law enforcement officials the assistance they need to address the illegal activity of one or more polygamist organizations.

(b) PURPOSES.—The Federal Polygamy Task Force established under subsection (a) shall—

(1) formulate effective responses to the unique set of crimes committed by polygamist organizations;

(2) establish partnerships with State and local law enforcement agencies to share relevant information and strengthen State and Federal efforts to combat crimes perpetrated by polygamist organizations;

(3) assist States by providing strategies and support for the protection of witnesses;

(4) track the criminal behavior of polygamist organizations that cross State and international borders; and

(5) ensure that local officials charged with protecting the public are not corrupted because of financial, family, or membership ties to a polygamist organization.

SEC. 4. POLYGAMY VICTIM ASSISTANCE DISCRETIONARY GRANTS.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404E the following:

''SEC. 1404F. ASSISTANCE FOR VICTIMS OF POLYGAMY.

''(a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) to State, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified public and private entities, to develop, establish, and maintain programs for the enforcement of rights and provision of social services (including witness protection, housing, education, vocational training, mental health services, child care, and medical treatment) for an individual who is exploited or otherwise victimized by practitioners of polygamy.

''(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under section 1402(d), there are authorized to be appropriated to carry out this section—

''(1) $2,000,000 for fiscal year 2009; and

''(2) $2,500,000 for each of the fiscal years 2010, 2011, 2012, and 2013.

''(c) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section, subject to appropriation.''.

SEC. 5. POLYGAMY INVESTIGATION AND PROSECUTION ASSISTANCE DISCRETIONARY GRANTS.

Section 506(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) $2,000,000, to be granted by the Attorney General to States and units of local government to investigate and prosecute polygamist organizations that violate Federal, State, or local laws.''.

By Mrs. BOXER (for herself, Mr. CARDIN, Mr. LEVIN, and Mr. WHITEHOUSE):

S. 3314. A bill to protect the oceans and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today in support of Senator BOXER's efforts to begin a real dialog on the need for an effective national oceans policy.

The protection of our oceans is a major priority for me. And we have a responsibility to start talking about policy solutions that will work to protect one of our most precious resources our oceans.

In addition to cultural, recreational, and aesthetic values, our oceans provide great economic value and a way of life for millions of people.

In Washington State alone, nearly 80 percent of our gross domestic product, GDP, is produced in our coastal areas. Nationwide, the oceans and coastal areas generate more than $800 billion of trade each year, tens of billions of dollars in recreational opportunities annually, and $30 billion from commercial fisheries. The histories and the economies of coastal communities have, and always will, ebb and flow with the tide.

As such, the conservation of marine and coastal ecosystems, and the majestic life they contain, should be a top priority for our Nation.

By introducing the National Ocean Protection Act today, Senator BOXER is taking an important step towards furthering the discussion on the management and protection of our oceans, coastal areas, and Great Lakes ecosystems. I commend my colleague on her efforts.

As chair of the Senate Subcommittee on Oceans, Atmosphere, Fisheries and Coast Guard, I am currently reviewing several ocean governance proposals, but I fully support bringing these important issues into the spotlight of consideration. It is the only way we will come closer to establishing a comprehensive solution that works.

This discussion is much needed and long overdue.

I look forward to continuing this dialog and encourage all of my colleagues to join in moving these matters forward and making a renewed commitment to the protection of our marine waters.

By Mr. GRASSLEY:

S. 3318. A bill to amend title XVIII of the Social Security Act to provide for recognition of equality of physician work in all geographic areas and revisions to the practice expense geographic adjustment under the Medicare physician fee schedule; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased today to introduce the Medicare Physician Payment Equity Act of 2008.

I stood before this body last December as we agreed to a short-term Medicare extension bill so that we would have the opportunity to address other

pressing priorities in a bipartisan Medicare package this year. One of the most significant issues I had hoped to address was the need to provide more equitable payment for physicians in Iowa and other rural states.

While the Medicare bill that Congress just enacted improves the situation for physicians in the near-term by averting the SGR payment cuts scheduled to occur during the next 18 months, it does little to remedy the unjustifiable geographic disparities in physician payment that exist. It is unfortunate that reforms to the geographic physician payment adjusters were not included in H.R. 6331. I have long supported more equitable treatment of physicians in rural areas, and I have pressed for reforms to the work and practice expense geographic adjustments in the Medicare physician fee schedule. However, much-needed reforms such as the establishment of a practice expense floor are not in the Medicare bill that Congress enacted last week.

The legislation I am introducing today is designed to remedy this problem by providing more equitable treatment for physicians in rural areas. The bill reduces inequitable disparities in physician payment resulting from the Geographic Practice Cost Indices or adjusters, known as GPCIs, by establishing a 1.0 floor for physician practice expense adjustments as of 2009 and by providing a national 1.0 geographic index for physician work expense after the expiration of the existing 1.0 floor in 2010.

Although geographic adjustments are intended to reflect actual cost differences in a given area compared to a national average of 1.0, the existing, inaccurate formulas create significant disparities in physician reimbursement that penalize, rather than equalize, physician payment in Iowa and other rural states. These geographic disparities lead to rural states experiencing significant difficulties in recruiting and retaining physicians and other health care professionals because of their significantly lower reimbursement rates. This in turn leads to reduced beneficiary access to rural health care providers.

Here is a simple example that demonstrates the inequity of the current GPCI formulas. Iowa is widely recognized as providing some of the highest quality health care in the country, yet Iowa physicians receive some of the lowest Medicare reimbursement of any physicians in the country because of inequitable geographic adjustments. Medicare physician payment is equal in all 89 Medicare payment localities until the geographic adjusters, or GPCIs, are applied. After the GPCI adjustments, however, Medicare reimbursement for some physician services in Iowa is at least 30 percent lower than payment for the same service in other parts of the country, and it is fundamentally unfair. Congress needs to reduce these unwarranted payment variations and realign Medicare incentives to reward physicians' quality instead of their geography.

Sadly, the inequitable geographic formulas which make these adjustments have merely exacerbated the problems of rural access to health care. Rural America today has far fewer physicians per capita than urban areas do. According to the National Rural Health Association, only about 10 percent of physicians practice in rural areas although nearly a quarter of the U.S. population lives there. Another grave concern is the lack of specialists in rural areas: only about 40 specialists exist per 100,000 in rural areas compared to more than three times as many—134 per 100,000—in urban areas. The evidence is clear that the existing geographic adjusters have been a dismal failure in promoting an adequate number of physicians in Iowa and other rural states. More severe physician shortages will occur in the future if we do not make essential changes to these formulas now.

The Medicare Physician Payment Equity Act revises the formulas used to determine geographic work and practice expense adjustments. The physician work formula currently used by the Centers for Medicare and Medicaid Services to estimate physician wages measures geographic differences in the earnings of six categories of professionals (lawyers, engineers, and others), rather than differences in physicians' earnings. In addition, the data that are used are based on outdated proxy data from the 2000 census. This bill recognizes that physician work for a service requires the same skill and training regardless of the geographic area, and should be similarly valued, and it establishes a national index of 1.0 for physician work beginning in 2010.

The practice expense formula used by CMS is inaccurate, outdated, and does not represent the actual office rent or employee wage costs for physicians in many areas. The office rent component uses Department of Housing and Urban Development residential apartment rental data from 2000 which does not accurately reflect physician office rent. The employee wage component comes from 2000 census data on clerical workers, nurses, and medical technicians which does not take into account any of the more highly compensated workers such as physician assistants, office administrators, and other specialists employed in physician practices today. The Medicare Physician Payment Equity Act provides for a more appropriate recognition of the geographic differences in employee wages and office rents by reducing the impact of this index to reflect more accurately the differences in physician practice costs, as of 2010. We must act now to help recruit and retain rural physicians to ensure that beneficiaries in Iowa and other rural areas will continue to have access to health care.

I urge my colleagues to support this legislation to address the growing problem of health care shortages in rural America by providing more equitable payment for physicians.

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. 3318

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 ''Medicare Physician Payment Equity Act of 2008''.

SEC. 2. RECOGNITION OF EQUALITY OF PHYSICIAN WORK IN ALL GEOGRAPHIC AREAS UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraphs (B)'' through ''the Secretary'' and inserting ''the succeeding provisions of this paragraph, the Secretary''; and

(2) by inserting after subparagraph (E) the following new subparagraph:

''(F) RECOGNITION OF EQUALITY OF PHYSICIAN WORK IN ALL GEOGRAPHIC AREAS.—In recognition of the fact that the physician work for a service is the same in all geographic areas, and should be similarly valued under this title, for services furnished on or after January 1, 2010, the geographic index for physician work under subparagraph (A)(iii) shall be 1.0 in all fee schedule areas.''.

SEC. 3. REVISIONS TO THE PRACTICE EXPENSE GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

(a) ESTABLISHMENT OF FLOOR.—Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)) is amended by adding at the end the following new subparagraph:

''(H) FLOOR AT 1.0 ON PRACTICE EXPENSE GEOGRAPHIC INDEX.—After calculating the practice expense geographic index in subparagraph (A)(i), for purposes of payment for services furnished in 2009, the Secretary shall increase the practice expense geographic index to 1.0 for any locality for which such practice expense geographic index is less than 1.0.''.

(b) MORE APPROPRIATE RECOGNITION OF PRACTICE EXPENSE DIFFERENCES IN EMPLOYEE WAGES AND OFFICE RENTS AMONG GEOGRAPHIC AREAS.—Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(I) MORE APPROPRIATE RECOGNITION OF DIFFERENCES IN EMPLOYEE WAGES AND OFFICE RENTS AMONG AREAS.—

''(i) IN GENERAL.—In recognition of the limitations on available data (as described in clause (ii)) for use as the employee wage and office rent proxies in the practice expense geographic index described in subparagraph (A)(i), and in order to more appropriately reflect differences among different fee schedule areas, for services furnished on or after January 1, 2010, such practice expense geographic index shall be an index which reflects ½ of the difference between the relative costs of employee wages and rents in each of the different fee schedule areas and the national average of such employee wages and rents.

''(ii) LIMITATIONS ON AVAILABLE DATA.—The limitations on available data described in this clause are the following:

''(I) The need to use proxy data to reflect differences in employee wages and rents among areas.

''(II) Wages for some categories of employees being determined in national markets.

''(III) Physicians having to compete for some employees in market areas that cross fee schedule areas.

''(IV) Physicians in rural areas frequently having to locate their offices close to urban areas and competing with urban rent markets.''.

By Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BIDEN, Mr. DOMENICI, Mr. BAUCUS, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. KYL, Mr. JOHNSON, Mr. SMITH, Ms. CANTWELL, Mr. THUNE, and Mr. TESTER):

S. 3320. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, as Chairman of the Committee on Indian Affairs, I have overseen five hearings this Congress that confirm a long-standing and life threatening public safety crisis on many of our Nation's American Indian reservations.

One of the primary causes for violent crime is the disjointed system of justice in Indian country that is broken at its core. The current system limits the authority of Tribes to fight crime, and requires tribal communities to rely completely on the United States to investigate and prosecute violent crimes occurring on reservations.

This is a system that the United States created. With this responsibility, comes a legal obligation to provide for the public safety on Indian lands. Unfortunately, we are not meeting our obligation.

Between 2004 and 2007, the United States has declined to pursue an average of 62 percent of reservation criminal cases referred for prosecution. This means that 75 percent of adult and child sex crimes and 50 percent of homicides on Indian lands went unpunished in those four years.

This is an inherent flaw in the system. The system vests the prosecution of reservation crimes in the federal courts which are often located hundreds of miles away from the crime scene, the evidence, and the witnesses needed to prosecute these difficult cases.

The results of this system include an epidemic of domestic and sexual violence against American Indian and Alaska Native women. The Department of Justice reports that 34 percent of Native women will be raped in their lifetimes. This past February, the Centers for Disease Control and Prevention reported that 39 percent of Native women will be subject to domestic violence. These rates are more than twice the national average.

This broken system of justice has also drawn the unwanted attention of criminals to Indian lands. In recent years, reservations have been targeted as safe havens for criminal activity. One Federal prosecutor said that Indian lands are being used as pipelines by drug organizations to funnel their poison to tribal and nearby communities. These drugs eventually reach larger metropolitan areas.

To address this crisis, I am pleased to announce the introduction of the Tribal Law and Order Act of 2008 with the support of my colleagues Committee Vice Chairwoman MURKOWSKI, and Senators BIDEN, DOMENICI, BAUCUS, BINGAMAN, LIEBERMAN, KYL, JOHNSON, SMITH, CANTWELL, THUNE, and TESTER.

This bill seeks to take initial steps at mending this broken system by arming tribal justice officials with tools to protect their communities.

The bill would expand on a program to enable tribal police to enforce violations of Federal laws on Indian lands.

The bill would also provide police greater access to vital criminal history information.

Further, the bill would enable tribal courts to sentence offenders up to 3 years in prison for violations of tribal law, an increase from the current limit of 1 year.

Title I of the bill would provide for greater consultation and coordination between federal law enforcement officials, tribal leaders, and community members. Increased communication and coordination at all levels of government responsible for crime on Indian lands is vital to combating this public safety emergency.

To increase coordination of prosecutions, the bill would require U.S. Attorneys to file declination reports and maintain data when refusing to pursue a case. Maintaining consistent data on declinations will enable Congress to direct funding where the additional resources are needed.

This bill was developed over the past 18 months in consultation with tribal leaders, tribal, federal and state law enforcement officials, and many others.

I want to again thank my colleagues for their support of this legislation, and urge the Senate to act to meet our public safety obligations to all tribal communities.

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. 3320

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 ''Tribal Law and Order Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purposes.
Sec. 3. Definitions.
TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION
Sec. 101. Office of Justice Services responsibilities.
Sec. 102. Declination reports.
Sec. 103. Prosecution of crimes in Indian country.
Sec. 104. Administration.
TITLE II—STATE ACCOUNTABILITY AND COORDINATION
Sec. 201. State criminal jurisdiction and resources.
Sec. 202. Incentives for State, tribal, and local law enforcement cooperation.
TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS
Sec. 301. Tribal police officers.
Sec. 302. Drug enforcement in Indian country.
Sec. 303. Access to national criminal information databases.
Sec. 304. Tribal court sentencing authority.
Sec. 305. Indian law and order commission.
TITLE IV—TRIBAL JUSTICE SYSTEMS
Sec. 401. Indian alcohol and substance abuse.
Sec. 402. Indian tribal justice; technical and legal assistance.
Sec. 403. Tribal resources grant program.
Sec. 404. Tribal jails program.
Sec. 405. Tribal probation office liaison program.
Sec. 406. Tribal youth program.
TITLE V—INDIAN COUNTRY CRIME DATA
Sec. 501. Tracking of crimes committed in Indian country.
Sec. 502. Grants to improve tribal data collection systems.
Sec. 503. Criminal history record improvement program.
TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION
Sec. 601. Prisoner release and reentry.
Sec. 602. Domestic and sexual violent offense training.
Sec. 603. Testimony by Federal employees in cases of rape and sexual assault.
Sec. 604. Coordination of Federal agencies.
Sec. 605. Sexual assault protocol.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of tribal communities;

(2) several States have been delegated or have accepted responsibility to provide for the public safety of tribal communities within the borders of the States;

(3) Congress and the President have acknowledged that—

(A) tribal law enforcement officers are often the first responders to crimes on Indian reservations; and

(B) tribal justice systems are ultimately the most appropriate institutions for maintaining law and order in tribal communities;

(4) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than ½ of the law enforcement presence in comparable rural communities nationwide;

(5) on many Indian reservations, law enforcement officers respond to distress or emergency calls without backup and travel to remote locations without adequate radio communication or access to national crime information database systems;

(6) the majority of tribal detention facilities were constructed decades before the date of enactment of this Act and must be or will soon need to be replaced, creating a multibillion-dollar backlog in facility needs;

(7) a number of Indian country offenders face no consequences for minor crimes, and many such offenders are released due to severe overcrowding in existing detention facilities;

(8) tribal courts—

(A) are the primary arbiters of criminal and civil justice for actions arising in Indian country; but

(B) have been historically underfunded;

(9) tribal courts have no criminal jurisdiction over non-Indian persons, and the sentencing authority of tribal courts is limited to sentences of not more than 1 year of imprisonment for Indian offenders, forcing tribal communities to rely solely on the Federal Government and certain State governments for the prosecution of—

(A) misdemeanors committed by non-Indian persons; and

(B) all felony crimes in Indian country;

(10) a significant percentage of cases referred to Federal agencies for prosecution of crimes allegedly occurring in tribal communities are declined to be prosecuted;

(11) the complicated jurisdictional scheme that exists in Indian country—

(A) has a significant negative impact on the ability to provide public safety to Indian communities; and

(B) has been increasingly exploited by criminals;

(12) the violent crime rate in Indian country is—

(A) nearly twice the national average; and

(B) more than 20 times the national average on some Indian reservations;

(13)(A) domestic and sexual violence against Indian and Alaska Native women has reached epidemic proportions;

(B) 34 percent of Indian and Alaska Native women will be raped in their lifetimes; and

(C) 39 percent of Indian and Alaska Native women will be subject to domestic violence;

(14) the lack of police presence and resources in Indian country has resulted in significant delays in responding to victims' calls for assistance, which adversely affects the collection of evidence needed to prosecute crimes, particularly crimes of domestic and sexual violence;

(15) alcohol and drug abuse plays a role in more than 80 percent of crimes committed in tribal communities;

(16) the rate of methamphetamine addiction in tribal communities is 3 times the national average;

(17) the Department of Justice has reported that drug organizations have increasingly targeted Indian country to produce and distribute methamphetamine, citing the limited law enforcement presence and jurisdictional confusion as reasons for the increased activity;

(18) tribal communities face significant increases in instances of domestic violence, burglary, assault, and child abuse as a direct result of increased methamphetamine use on Indian reservations;

(19)(A) criminal jurisdiction in Indian country is complex, and responsibility for Indian country law enforcement is shared among Federal, tribal, and State authorities; and

(B) that complexity requires a high degree of commitment and cooperation from Federal and State officials that can be difficult to establish;

(20) agreements for cooperation among certified tribal and State law enforcement officers have proven to improve law enforcement in tribal communities; and

(21) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

(b) PURPOSES.—The purposes of this Act are—

(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in tribal communities;

(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;

(3) to empower tribal governments with the authority, resources, and information necessary to safely and effectively provide for the safety of the public in tribal communities;

(4) to reduce the prevalence of violent crime in tribal communities and to combat violence against Indian and Alaska Native women;

(5) to address and prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and

(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in tribal communities.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) INDIAN COUNTRY.—The term ''Indian country'' has the meaning given the term in section 1151 of title 18, United States Code.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBAL GOVERNMENT.—The term ''tribal government'' means the governing body of an Indian tribe.

(b) INDIAN LAW ENFORCEMENT REFORM ACT.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended by adding at the end the following:

''(10) TRIBAL JUSTICE OFFICIAL.—The term 'tribal justice official' means—

''(A) a tribal prosecutor;

''(B) a tribal law enforcement officer; or

''(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court.''.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBILITIES.

(a) ADDITIONAL RESPONSIBILITIES OF DIVISION.—Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended—

(1) in subsection (c)—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(10) communicating with tribal leaders, tribal community advocates, tribal justice officials, and residents of Indian land on a regular basis regarding public safety and justice concerns facing tribal communities;

''(11) conducting meaningful and timely consultation with tribal leaders and tribal justice officials in the development of regulatory policies and other actions that affect public safety and justice in Indian country;

''(12) providing technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code;

''(13) in coordination with the Attorney General pursuant to subsection (g) of section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), collecting, analyzing, and reporting data regarding Indian country crimes on an annual basis;

''(14) submitting to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, for each fiscal year, a detailed spending report regarding tribal public safety and justice programs that includes—

''(A) the number of employees and amounts spent by category, including a breakdown by position of direct Bureau and tribal government employees, for each of—

''(i) criminal investigators;

''(ii) uniform police;

''(iii) dispatchers;

''(iv) detention officers; and

''(v) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services;

''(B) an itemized list of spending by the Secretary on law enforcement and corrections personnel, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, improvement and repair of facilities, personnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and other public safety and justice-related expenses;

''(C) a list of, and relevant details regarding, the unmet staffing needs of law enforcement and corrections personnel at tribal and Bureau of Indian Affairs police departments and corrections facilities, the backlog in corrections facilities, public safety and justice communications and technology needs, and other public safety and justice-related needs; and

''(D) the formula, priority list or other methodology used to determine the method of disbursement of funds for the public safety and justice programs of the Office of Justice Services;

''(15) submitting to Congress, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Bureau of Indian Affairs; and

''(16) promulgating regulations to carry out this Act, and routinely reviewing and updating, as necessary, the regulations contained in subchapter B of title 25, Code of Federal Regulations (or successor regulations).''; and

(2) by adding at the end the following:

''(d) LONG-TERM PLAN FOR TRIBAL DETENTION PROGRAMS.—Not later than 1 year after the date of enactment of this subsection, the Secretary, acting through the Bureau, in coordination with the Department of Justice and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including a description of—

''(1) proposed activities for the construction of detention facilities (including regional facilities) on Indian land;

''(2) proposed activities for the construction of additional Federal detention facilities on Indian land;

''(3) proposed activities for contracting with State and local detention centers, upon approval of affected tribal governments;

''(4) proposed activities for alternatives to incarceration, developed in cooperation with tribal court systems; and

''(5) other such alternatives to incarceration as the Secretary, in coordination with the Bureau and in consultation with tribal representatives, determines to be necessary.''.

(b) LAW ENFORCEMENT AUTHORITY.—Section 4 of the Indian Law Enforcement Reform Act (25 U.S.C. 2803) is amended—

(1) in paragraph (2)(A), by striking ''), or'' and inserting ''or offenses committed on Federal property processed by the Central Violations Bureau); or''; and

(2) in paragraph (3), by striking subparagraphs (A) through (C) and inserting the following:

''(A) the offense is committed in the presence of the employee; or

''(B) the offense is a Federal crime and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing, the crime;''.

SEC. 102. DECLINATION REPORTS.

Section 10 of the Indian Law Enforcement Reform Act (25 U.S.C. 2809) is amended by striking subsections (a) through (d) and inserting the following:

''(a) REPORTS.—

''(1) LAW ENFORCEMENT OFFICIALS.—Subject to subsection (d), if a law enforcement officer or employee of any Federal department or agency declines to initiate an investigation of an alleged violation of Federal law in Indian country, or terminates such an investigation without referral for prosecution, the officer or employee shall—

''(A) submit to the appropriate tribal justice officials a report describing each reason why a case was not opened or an investigation was declined or terminated; and

''(B) submit to the Office of Indian Country Crime relevant information regarding all declinations of alleged violations of Federal law in Indian country, including—

''(i) the type of crime alleged;

''(ii) the status of the accused as an Indian or non-Indian;

''(iii) the status of the victim as an Indian; and

''(iv) the reason for declining to initiate, open, or terminate the investigation.

''(2) UNITED STATES ATTORNEYS.—Subject to subsection (d), if a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of Federal law in Indian country referred for prosecution by a law enforcement officer or employee of a Federal department or agency or other law enforcement officer authorized to enforce Federal law, the United States Attorney shall—

''(A) coordinate and communicate with the appropriate tribal justice official, sufficiently in advance of the tribal statute of limitations, reasonable details regarding the case to permit the tribal prosecutor to pursue the case in tribal court; and

''(B) submit to the Office of Indian Country Crime and the appropriate tribal justice official relevant information regarding all declinations of alleged violations of Federal law in Indian country, including—

''(i) the type of crime alleged;

''(ii) the status of the accused as an Indian or non-Indian;

''(iii) the status of the victim as an Indian; and

''(iv) the reason for the determination to decline or terminate the prosecution.

''(b) MAINTENANCE OF RECORDS.—

''(1) IN GENERAL.—The Director of the Office of Indian Country Crime shall establish and maintain a compilation of information received under paragraph (1) or (2) of subsection (a) relating to declinations.

''(2) AVAILABILITY TO CONGRESS.—Each compilation under paragraph (1) shall be made available to Congress on an annual basis.

''(c) INCLUSION OF CASE FILES.—A report submitted to the appropriate tribal justice officials under paragraph (1) or (2) of subsection (a) may include the case file, including evidence collected and statements taken that could support an investigation or prosecution by the appropriate tribal justice officials.

''(d) EFFECT OF SECTION.—

''(1) IN GENERAL.—Nothing in this section requires any Federal agency or official to transfer or disclose any confidential or privileged communication, information, or source to an official of any Indian tribe.

''(2) FEDERAL RULES OF CRIMINAL PROCEDURE.—Rule 6 of the Federal Rules of Criminal Procedure shall apply to this section.

''(3) REGULATIONS.—Each Federal agency required to submit a report pursuant to this section shall adopt, by regulation, standards for the protection of confidential or privileged communications, information, and sources under paragraph (1).''.

SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.

(a) APPOINTMENT OF SPECIAL PROSECUTORS.—Section 543(a) of title 28, United States Code, is amended by inserting before the period at the end the following: '', including the appointment of qualified tribal prosecutors and other qualified attorneys to assist in prosecuting Federal offenses committed in Indian country''.

(b) TRIBAL LIAISONS.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

''SEC. 11. ASSISTANT UNITED STATES ATTORNEY TRIBAL LIAISONS.

''(a) APPOINTMENT.—Each United States Attorney the district of which includes Indian country shall appoint not less than 1 assistant United States Attorney to serve as a tribal liaison for the district.

''(b) DUTIES.—A tribal liaison shall be responsible for the following activities in the district of the tribal liaison:

''(1) Coordinating the prosecution of Federal crimes that occur in Indian country.

''(2) Developing multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.

''(3) Developing working relationships and maintaining communication with tribal leaders, tribal community advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.

''(4) Coordinating with tribal prosecutors in cases in which a tribal government has concurrent jurisdiction over an alleged crime, in advance of the expiration of any applicable statute of limitation.

''(5) Providing technical assistance and training regarding evidence gathering techniques to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.

''(6) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.

''(7) Coordinating with the Office of Indian Country Crime, as necessary.

''(8) Conducting such other activities to address and prevent violent crime in Indian country as the applicable United States Attorney determines to be appropriate.

''(c) SENSE OF CONGRESS REGARDING EVALUATIONS OF TRIBAL LIAISONS.—

''(1) FINDINGS.—Congress finds that—

''(A) many tribal communities rely solely on United States Attorneys offices to prosecute felony and misdemeanor crimes occurring on Indian land; and

''(B) tribal liaisons have dual obligations of—

''(i) coordinating prosecutions of Indian country crime; and

''(ii) developing relationships with tribal communities and serving as a link between tribal communities and the Federal justice process.

''(2) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General should—

''(A) take all appropriate actions to encourage the aggressive prosecution of all crimes committed in Indian country; and

''(B) when appropriate, take into consideration the dual responsibilities of tribal liaisons described in paragraph (1)(B) in evaluating the performance of the tribal liaisons.

''(d) ENHANCED PROSECUTION OF MINOR CRIMES.—Each United States Attorney serving a district that includes Indian country is authorized and encouraged—

''(1) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28, United States Code, to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when—

''(A) the crime rate exceeds the national average crime rate; or

''(B) the rate at which criminal offenses are declined to be prosecuted exceeds the national average rate;

''(2) to coordinate with applicable United States magistrate and district courts—

''(A) to ensure the provision of docket time for prosecutions of Indian country crimes; and

''(B) to hold trials and other proceedings in Indian country, as appropriate;

''(3) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and

''(4) if an agreement is entered into with a Federal court pursuant to paragraph (2), to provide technical and other assistance to tribal governments and tribal court systems to ensure the success of the program under this subsection.''.

SEC. 104. ADMINISTRATION.

(a) OFFICE OF TRIBAL JUSTICE.—

(1) DEFINITIONS.—Section 4 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3653) is amended—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Tribal Justice.''.

(2) STATUS.—Title I of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) by redesignating section 106 (25 U.S.C. 3666) as section 107; and

(B) by inserting after section 105 (25 U.S.C. 3665) the following:

''SEC. 106. OFFICE OF TRIBAL JUSTICE.

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Tribal Law and Order Act of 2008, the Attorney General shall modify the status of the Office of Tribal Justice as the Attorney General determines to be necessary to establish the Office of Tribal Justice as a permanent division of the Department.

''(b) PERSONNEL AND FUNDING.—The Attorney General shall provide to the Office of Tribal Justice such personnel and funds as are necessary to establish the Office of Tribal Justice as a division of the Department under subsection (a).

''(c) ADDITIONAL DUTIES.—In addition to the duties of the Office of Tribal Justice in effect on the day before the date of enactment of the Tribal Law and Order Act of 2008, the Office of Tribal Justice shall—

''(1) serve as the program and legal policy advisor to the Attorney General with respect to the treaty and trust relationship between the United States and Indian tribes;

''(2) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

''(3) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and timely consultation with tribal leaders in the development of regulatory policies and other actions with tribal implications.''.

(b) OFFICE OF INDIAN COUNTRY CRIME.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 103(b)) is amended by adding at the end the following:

''SEC. 12. OFFICE OF INDIAN COUNTRY CRIME.

''(a) ESTABLISHMENT.—There is established in the criminal division of the Department of Justice an office, to be known as the 'Office of Indian Country Crime'.

''(b) DUTIES.—The Office of Indian Country Crime shall—

''(1) develop, enforce, and administer the application of Federal criminal laws applicable in Indian country;

''(2) coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;

''(3) coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;

''(4) develop and implement criminal enforcement policies for United States Attorneys and investigators of Federal crimes regarding cases arising in Indian country; and

''(5) submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives annual reports describing the prosecution and declination rates of cases involving alleged crimes in Indian country referred to United States Attorneys.

''(c) DEPUTY ASSISTANT ATTORNEY GENERAL.—

''(1) APPOINTMENT.—The Attorney General shall appoint a Deputy Assistant Attorney General for Indian Country Crime.

''(2) DUTIES.—The Deputy Assistant Attorney General for Indian Country Crime shall—

''(A) serve as the head of the Office of Indian Country Crime;

''(B) serve as a point of contact to United State Attorneys serving districts including Indian country, tribal liaisons, tribal governments, and other Federal, State, and local law enforcement agencies regarding issues affecting the prosecution of crime in Indian country; and

''(C) carry out such other duties as the Attorney General may prescribe.''.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

SEC. 201. STATE CRIMINAL JURISDICTION AND RESOURCES.

(a) CONCURRENT AUTHORITY OF UNITED STATES.—Section 401(a) of Public Law 90–284 (25 U.S.C. 1321(a)) is amended—

(1) by striking the section designation and heading and all that follows through ''The consent of the United States'' and inserting the following:

''SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDICTION.

''(a) CONSENT OF UNITED STATES.—

''(1) IN GENERAL.—The consent of the United States''; and

(2) by adding at the end the following:

''(2) CONCURRENT JURISDICTION.—At the request of an Indian tribe, and after consultation with the Attorney General, the United States shall maintain concurrent jurisdiction to prosecute violations of sections 1152 and 1153 of title 18, United States Code, within the Indian country of the Indian tribe.''.

(b) APPLICABLE LAW.—Section 1162 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) APPLICABLE LAW.—At the request of an Indian tribe, and after consultation with the Attorney General—

''(1) sections 1152 and 1153 of this title shall remain in effect in the areas of the Indian country of the Indian tribe; and

''(2) jurisdiction over those areas shall be concurrent among the Federal Government and State and tribal governments.''.

SEC. 202. INCENTIVES FOR STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT COOPERATION.

(a) ESTABLISHMENT OF COOPERATIVE ASSISTANCE PROGRAM.—The Attorney General may provide grants, technical assistance, and other assistance to State, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot pursuit of suspects, and cross-deputization for the purposes of—

(1) improving law enforcement effectiveness; and

(2) reducing crime in Indian country and nearby communities.

(b) PROGRAM PLANS.—

(1) IN GENERAL.—To be eligible to receive assistance under this section, a group composed of not less than 1 of each of a tribal government and a State or local government shall jointly develop and submit to the Attorney General a plan for a program to achieve the purpose described in subsection (a).

(2) PLAN REQUIREMENTS.—A joint program plan under paragraph (1) shall include a description of—

(A) the proposed cooperative tribal and State or local law enforcement program for which funding is sought, including information on the population and each geographic area to be served by the program;

(B) the need of the proposed program for funding under this section, the amount of funding requested, and the proposed use of funds, subject to the requirements listed in subsection (c);

(C) the unit of government that will administer any assistance received under this section, and the method by which the assistance will be distributed;

(D) the types of law enforcement services to be performed on each applicable Indian reservation and the individuals and entities that will perform those services;

(E) the individual or group of individuals who will exercise daily supervision and control over law enforcement officers participating in the program;

(F) the method by which local and tribal government input with respect to the planning and implementation of the program will be ensured;

(G) the policies of the program regarding mutual aid, hot pursuit of suspects, deputization, training, and insurance of applicable law enforcement officers;

(H) the recordkeeping procedures and types of data to be collected pursuant to the program; and

(I) other information that the Attorney General determines to be relevant.

(c) PERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this section may use the grant, in accordance with the program plan described in subsection (b)—

(1) to hire and train new career tribal, State, or local law enforcement officers, or to make overtime payments for current law enforcement officers, that are or will be dedicated to—

(A) policing tribal land and nearby lands; and

(B) investigating alleged crimes on those lands;

(2) procure equipment, technology, or support systems to be used to investigate crimes and share information between tribal, State, and local law enforcement agencies; or

(3) for any other uses that the Attorney General determines will meet the purposes described in subsection (a).

(d) FACTORS FOR CONSIDERATION.—In determining whether to approve a joint program plan submitted under subsection (b) and, on approval, the amount of assistance to provide to the program, the Attorney General shall take into consideration the following factors:

(1) The size and population of each Indian reservation and nearby community proposed to be served by the program.

(2) The complexity of the law enforcement problems proposed to be addressed by the program.

(3) The range of services proposed to be provided by the program.

(4) The proposed improvements the program will make regarding law enforcement cooperation beyond existing levels of cooperation.

(5) The crime rates of the tribal and nearby communities.

(6) The available resources of each entity applying for a grant under this section for dedication to public safety in the respective jurisdictions of the entities.

(e) ANNUAL REPORTS.—To be eligible to renew or extend a grant under this section, a group described in subsection (b)(1) shall submit to the Attorney General, together with the joint program plan under subsection (b), a report describing the law enforcement activities carried out pursuant to the program during the preceding fiscal year, including the success of the activities, including any increase in arrests or prosecutions.

(f) REPORTS BY ATTORNEY GENERAL.—Not later than January 15 of each applicable fiscal year, the Attorney General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the law enforcement programs carried out using assistance provided under this section during the preceding fiscal year, including the success of the programs.

(g) TECHNICAL ASSISTANCE.—On receipt of a request from a group composed of not less than 1 tribal government and 1 State or local government, the Attorney General shall provide technical assistance to the group to develop successful cooperative relationships that effectively combat crime in Indian country and nearby communities.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2015.

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

SEC. 301. TRIBAL POLICE OFFICERS.

(a) FLEXIBILITY IN TRAINING LAW ENFORCEMENT OFFICERS SERVING INDIAN COUNTRY.—Section 3(e) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(e)) is amended—

(1) in paragraph (1)—

(A) by striking ''(e)(1) The Secretary'' and inserting the following:

''(e) STANDARDS OF EDUCATION AND EXPERIENCE AND CLASSIFICATION OF POSITIONS.—

''(1) STANDARDS OF EDUCATION AND EXPERIENCE.—

''(A) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(B) TRAINING.—The training standards established under subparagraph (A) shall permit law enforcement personnel of the Division of Law Enforcement Services or an Indian tribe to obtain training at a State or tribal police academy, a local or tribal community college, or another training academy

that meets the National Peace Officer Standards of Training.''; and

(2) in paragraph (3), by striking ''Agencies'' and inserting ''agencies''.

(b) SPECIAL LAW ENFORCEMENT COMMISSIONS.—Section 5 of the Indian Law Enforcement Reform Act (25 U.S.C. 2804) is amended by striking the section heading and all that follows through subsection (e) and inserting the following:

''SEC. 5. SPECIAL LAW ENFORCEMENT COMMISSIONS.

''(a) AGREEMENTS.—

''(1) ENCOURAGED IMPLEMENTATION OF AGREEMENTS.—The Secretary is authorized and encouraged to enter into agreements for the use (with or without reimbursement) of personnel and facilities of Federal, tribal, State, or other government agencies to assist in the enforcement or administration in Indian country of Federal law or the laws of an Indian tribe that authorizes the Secretary to enforce tribal law.

''(2) CERTAIN ACTIVITIES.—Pursuant to an agreement described in paragraph (1), the Secretary shall authorize the law enforcement officers of any applicable government agency to carry out any activity authorized under section 4.

''(3) REQUIREMENT.—An agreement under paragraph (1) shall be in accordance with any applicable agreement between the Secretary and the Attorney General.

''(b) PROGRAM ENHANCEMENT.—

''(1) TRAINING SESSIONS IN INDIAN COUNTRY.—

''(A) IN GENERAL.—The Secretary (or a designee) and the Attorney General (or a designee) shall develop a plan to enhance the certification and provision of special law enforcement commissions to tribal law enforcement officials, and, subject to subsection (d), State and local law enforcement officials, pursuant to this section.

''(B) INCLUSIONS.—The plan under subparagraph (A) shall include the hosting of regional training sessions in Indian country, not less frequently than biannually, to educate and certify candidates for the special commissions.

''(2) MEMORANDA OF AGREEMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2008, the Secretary, in consultation with Indian tribes and tribal law enforcement agencies, shall develop minimum requirements to be included in special law enforcement commission agreements pursuant to this section.

''(B) AGREEMENT.—Not later than 60 days after the date on which the Secretary determines that all applicable requirements under subparagraph (A) are met, the Secretary shall offer to enter into a special law enforcement commission agreement with the applicable Indian tribe.

''(c) LIMITATION ON USE OF CERTAIN PERSONNEL.—

''(1) CONSULTATION.—The Secretary shall consult with each affected Indian tribe before entering into any agreement under subsection (a) with a non-Federal agency that will provide personnel for use in any area under the jurisdiction of the Indian tribes.

''(2) PROHIBITION.—The Secretary shall not use the personnel of a non-Federal agency under this section in an area of Indian country if the Indian tribe with jurisdiction over that area has adopted a resolution objecting to the use of personnel of the non-Federal agency.

''(d) COORDINATION BY FEDERAL AGENCIES.—Notwithstanding section 1535 of title 31, United States Code, the head of a Federal agency with law enforcement personnel or facilities shall coordinate and, as needed, enter into agreements (with or without reimbursement) with the Secretary under subsection (a).

''(e) ENCOURAGEMENT OF OTHER FEDERAL AGENCY HEADS.—Congress encourages the head of each Federal agency with law enforcement personnel or facilities to enter into agreements (with or without reimbursement) with an Indian tribe relating to—

''(1) the law enforcement authority of the Indian tribe;

''(2) the administration of Federal or tribal criminal law; and

''(3) the conduct of investigations, the sharing of information and training techniques, and the provisions of other related technical assistance to prevent and prosecute violations of Federal or tribal criminal law in Indian country.''.

SEC. 302. DRUG ENFORCEMENT IN INDIAN COUNTRY.

(a) EDUCATION AND RESEARCH PROGRAMS.—Section 502 of the Controlled Substances Act (21 U.S.C. 872) is amended in subsections (a)(1) and (c), by inserting '' tribal,'' after ''State,'' each place it appears.

(b) PUBLIC-PRIVATE EDUCATION PROGRAM.—Section 503 of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 872a) is amended—

(1) in subsection (a), by inserting ''tribal,'' after ''State,''; and

(2) in subsection (b)(2), by inserting '', tribal,'' after ''State''.

(c) COOPERATIVE ARRANGEMENTS.—Section 503 of the Controlled Substances Act (21 U.S.C. 873) is amended—

(1) in subsection (a)—

(A) by inserting ''tribal,'' after ''State,'' each place it appears; and

(B) in paragraphs (6) and (7), by inserting '', tribal,'' after ''State'' each place it appears; and

(2) in subsection (d)(1), by inserting '', tribal,'' after ''State''.

(d) POWERS OF ENFORCEMENT PERSONNEL.—Section 508(a) of the Controlled Substances Act (21 U.S.C. 878(a)) is amended in the matter preceding paragraph (1) by inserting '', tribal,'' after ''State''.

SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.

(a) ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)(4), by inserting ''Indian tribes,'' after ''the States,'';

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

''(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies—

''(1) to directly access and enter information into Federal criminal information databases; and

''(2) to directly obtain information from the databases.''; and

(3) in subsection (f)(2), in the matter preceding subparagraph (A), by inserting '', tribal,'' after ''Federal''.

(b) REQUIREMENT.—

(1) IN GENERAL.—The Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State requirements have access to national crime information databases.

(2) SANCTIONS.—For purpose of sanctions for noncompliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.

Section 202 of Public Law 90–284 (25 U.S.C. 1302) is amended—

(1) in the matter preceding paragraph (1), by striking ''No Indian tribe'' and inserting the following:

''(a) IN GENERAL.—No Indian tribe'';

(2) in paragraph (7) of subsection (a) (as designated by paragraph (1)), by striking ''and a fine'' and inserting ''or a fine''; and

(3) by adding at the end the following:

''(b) TRIBAL COURTS AND PRISONERS.—

''(1) IN GENERAL.—Notwithstanding paragraph (7) of subsection (a) and in addition to the limitations described in the other paragraphs of that subsection, no Indian tribe, in exercising any power of self-government involving a criminal trial that subjects a defendant to more than 1 year imprisonment for any single offense, may—

''(A) deny any person in such a criminal proceeding the assistance of defense counsel;

''(B) require excessive bail, impose an excessive fine, inflict a cruel or unusual punishment, or impose for conviction of a single offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of $15,000, or both; or

''(C) deny any person in such a criminal proceeding the due process of law.

''(2) AUTHORITY.—An Indian tribe exercising authority pursuant to this subsection shall require that each judge presiding over an applicable criminal case is licensed to practice law in any jurisdiction in the United States.

''(3) SENTENCES.—A tribal court acting pursuant to paragraph (1) may require a convicted offender—

''(A) to serve the sentence—

''(i) in a tribal correctional center that has been approved by the Bureau of Indian Affairs for long-term incarceration, in accordance with guidelines developed by the Bureau of Indian Affairs, in consultation with Indian tribes;

''(ii) in the nearest appropriate Federal facility, at the expense of the United States pursuant to a memorandum of agreement with Bureau of Prisons in accordance with paragraph (4);

''(iii) in a State or local government-approved detention or correctional center pursuant to an agreement between the Indian tribe and the State or local government; or

''(iv) subject to paragraph (1), in an alternative rehabilitation center of an Indian tribe; or

''(B) to serve another alternative form of punishment, as determined by the tribal court judge pursuant to tribal law.

''(4) MEMORANDA OF AGREEMENT.—A memorandum of agreement between an Indian tribe and the Bureau of Prisons under paragraph (2)(A)(ii)—

''(A) shall acknowledge that the United States will incur all costs involved, including the costs of transfer, housing, medical care, rehabilitation, and reentry of transferred prisoners;

''(B) shall limit the transfer of prisoners to prisoners convicted in tribal court of violent crimes, crimes involving sexual abuse, and serious drug offenses, as determined by the Bureau of Prisons, in consultation with tribal governments, by regulation;

''(C) shall not affect the jurisdiction, power of self-government, or any other authority of an Indian tribe over the territory or members of the Indian tribe;

''(D) shall contain such other requirements as the Bureau of Prisons, in consultation with the Bureau of Indian Affairs and tribal governments, may determine, by regulation; and

''(E) shall be executed and carried out not later than 180 days after the date on which the applicable Indian tribe first contacts the Bureau of Prisons to accept a transfer of a tribal court offender pursuant to this subsection.

''(c) EFFECT OF SECTION.—Nothing in this section affects the obligation of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute any criminal violation in Indian country.''.

SEC. 305. INDIAN LAW AND ORDER COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Indian Law and Order Commission (referred to in this section as the ''Commission'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, in consultation with—

(i) the Attorney General; and

(ii) the Secretary of the Interior;

(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairperson of the Committee on Indian Affairs of the Senate;

(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson of the Committee on Indian Affairs of the Senate;

(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairperson of the Committee on Natural Resources of the House of Representatives; and

(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Natural Resources of the House of Representatives.

(2) REQUIREMENTS FOR ELIGIBILITY.—Each member of the Commission shall have significant experience and expertise in—

(A) the Indian country criminal justice system; and

(B) matters to be studied by the Commission.

(3) CONSULTATION REQUIRED.—The President, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled—

(A) in the same manner in which the original appointment was made; and

(B) not later than 60 days after the date on which the vacancy occurred.

(c) OPERATION.—

(1) CHAIRPERSON.—Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission.

(2) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson.

(B) INITIAL MEETING.—The initial meeting shall take place not later than 30 days after the date described in paragraph (1).

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(4) RULES.—The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.

(d) COMPREHENSIVE STUDY OF CRIMINAL JUSTICE SYSTEM RELATING TO INDIAN COUNTRY.—The Commission shall conduct a comprehensive study of law enforcement and criminal justice in tribal communities, including—

(1) jurisdiction over crimes committed in Indian country and the impact of that jurisdiction on—

(A) the investigation and prosecution of Indian country crimes; and

(B) residents of Indian land;

(2) the tribal jail and Federal prisons systems and the effect of those systems with respect to—

(A) reducing Indian country crime; and

(B) rehabilitation of offenders;

(3) the impact of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) on—

(A) the authority of Indian tribes; and

(B) the rights of defendants subject to tribal government authority; and

(4) a study of such other subjects as the Commission determines relevant to achieve the purposes of the Tribal Law and Order Act of 2008.

(e) RECOMMENDATIONS.—Taking into consideration the results of the study under paragraph (1), the Commission shall develop recommendations on necessary modifications and improvements to justice systems at the tribal, Federal, and State levels, including consideration of—

(1) simplifying jurisdiction in Indian country;

(2) enhancing the penal authority of tribal courts and exploring alternatives to incarceration;

(3) the establishment of satellite United States magistrate or district courts in Indian country;

(4) changes to the tribal jails and Federal prison systems; and

(5) other issues that, as determined by the Commission, would reduce violent crime in Indian country.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that contains—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission for such legislative and administrative actions as the Commission considers to be appropriate.

(g) POWERS.—

(1) HEARINGS.—

(A) IN GENERAL.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section.

(B) PUBLIC REQUIREMENT.—The hearings of the Commission under this paragraph shall be open to the public.

(2) WITNESS EXPENSES.—

(A) IN GENERAL.—A witness requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(B) PER DIEM AND MILEAGE.—The per diem and mileage allowance for a witness shall be paid from funds made available to the Commission.

(3) INFORMATION FROM FEDERAL, TRIBAL, AND STATE AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

(B) TRIBAL AND STATE AGENCIES.—The Commission may request the head of any tribal or State agency to provide to the Commission such information as the Commission considers to be necessary to carry out this section.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(h) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) DETAIL OF FEDERAL EMPLOYEES.—On the affirmative vote of ⅔ of the members of the Commission and the approval of the appropriate Federal agency head, an employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Attorney General and Secretary shall provide to the Commission reasonable and appropriate office space, supplies, and administrative assistance.

(i) CONTRACTS FOR RESEARCH.—

(1) RESEARCHERS AND EXPERTS.—

(A) IN GENERAL.—On an affirmative vote of ⅔ of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out the duties of the Commission under this section.

(B) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may enter into a contract with the researchers and experts selected by the Commission under subparagraph (A) to provide funding in exchange for the services of the researchers and experts.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection limits the ability of the Commission to enter into contracts with any other entity or organization to carry out research necessary to carry out the duties of the Commission under this section.

(j) TRIBAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Commission shall establish a committee, to be known as the ''Tribal Advisory Committee''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Tribal Advisory Committee shall consist of 2 representatives of Indian tribes from each region of the Bureau of Indian Affairs.

(B) QUALIFICATIONS.—Each member of the Tribal Advisory Committee shall have experience relating to—

(i) justice systems;

(ii) crime prevention; or

(iii) victim services.

(3) DUTIES.—The Tribal Advisory Committee shall—

(A) serve as an advisory body to the Commission; and

(B) provide to the Commission advice and recommendations, submit materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

(l) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report of the Commission under subsection (c)(3).

(m) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

TITLE IV—TRIBAL JUSTICE SYSTEMS

SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.

(a) CORRECTION OF REFERENCES.—

(1) INTER-DEPARTMENTAL MEMORANDUM OF AGREEMENT.—Section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''the date of enactment of this subtitle'' and inserting ''the date of enactment of the Tribal Law and Order Act of 2008''; and

(II) by inserting '', the Attorney General,'' after ''Secretary of the Interior'';

(ii) in paragraph (2)(A), by inserting '', Bureau of Justice Assistance, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs,'';

(iii) in paragraph (4), by inserting '', Department of Justice, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs'';

(iv) in paragraph (5), by inserting '', Department of Justice, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs'';

(v) in paragraph (7), by inserting '', the Attorney General,'' after ''Secretary of the Interior'';

(B) in subsection (c), by inserting '', the Attorney General,'' after ''Secretary of the Interior''; and

(C) in subsection (d), by striking ''the date of enactment of this subtitle'' and inserting ''the date of enactment of the Tribal Law and Order Act of 2008''.

(2) TRIBAL ACTION PLANS.—Section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412) is amended—

(A) in subsection (b), in the first sentence, by inserting '', the Bureau of Justice Assistance, the Substance Abuse and Mental Health Services Administration,'' before ''and the Indian Health Service service unit'';

(B) in subsection (c)(1)(A)(i), by inserting '', the Bureau of Justice Assistance, the Substance Abuse and Mental Health Services Administration,'' before ''and the Indian Health Service service unit'';

(C) in subsection (d)(2), by striking ''fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''the period of fiscal years 2009 through 2013'';

(D) in subsection (e), in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior''; and

(E) in subsection (f)(3), by striking ''fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''the period of fiscal years 2009 through 2013''.

(3) DEPARTMENTAL RESPONSIBILITY.—Section 4207 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2413) is amended—

(A) in subsection (a), by inserting '', the Attorney General'' after ''Bureau of Indian Affairs'';

(B) in subsection (b)—

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

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—To improve coordination among the Federal agencies and departments carrying out this subtitle, there is established within the Substance Abuse and Mental Health Services Administration an office, to be known as the 'Office of Indian Alcohol and Substance Abuse' (referred to in this section as the 'Office').

''(B) DIRECTOR.—The director of the Office shall be appointed by the Director of the Substance Abuse and Mental Health Services Administration—

''(i) on a permanent basis; and

''(ii) at a grade of not less than GS–15 of the General Schedule.'';

(ii) in paragraph (2)—

(I) by striking ''(2) In addition'' and inserting the following:

''(2) RESPONSIBILITIES OF OFFICE.—In addition'';

(II) by striking subparagraph (A) and inserting the following:

''(A) coordinating with other agencies to monitor the performance and compliance of the relevant Federal programs in achieving the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205;'';

(III) in subparagraph (B)—

(aa) by striking ''within the Bureau of Indian Affairs''; and

(bb) by striking the period at the end and inserting ''; and''; and

(IV) by adding at the end the following:

''(C) not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2008, developing, in coordination and consultation with tribal governments, a framework for interagency and tribal coordination that—

''(i) establish the goals and other desired outcomes of this Act;

''(ii) prioritizes outcomes that are aligned with the purposes of affected agencies;

''(iii) provides guidelines for resource and information sharing;

''(iv) provides technical assistance to the affected agencies to establish effective and permanent interagency communication and coordination; and

''(v) determines whether collaboration is feasible, cost-effective, and within agency capability.''; and

(iii) by striking paragraph (3) and inserting the following:

''(3) APPOINTMENT OF EMPLOYEES.—The Director of the Substance Abuse and Mental Health Services Administration shall appoint such employees to work in the Office, and shall provide such funding, services, and equipment, as may be necessary to enable the Office to carry out the responsibilities under this subsection.''; and

(C) in subsection (c)—

(i) by striking ''of Alcohol and Substance Abuse'' each place it appears;

(ii) in paragraph (1), in the second sentence, by striking ''The Assistant Secretary of the Interior for Indian Affairs'' and inserting ''The Director of the Substance Abuse and Mental Health Services Administration''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking ''Youth'' and inserting ''youth''; and

(II) by striking ''programs of the Bureau of Indian Affairs'' and inserting ''the applicable Federal programs''.

(4) REVIEW OF PROGRAMS.—Section 4208a(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is amended in the matter preceding paragraph (1) by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(5) FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT.—Section 4209 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2415) is amended—

(A) in subsection (a), by inserting '', the Attorney General,'' after ''the Secretary of the Interior'';

(B) in subsection (b)—

(i) in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior'';

(ii) in the second sentence, by inserting '', nor the Attorney General,'' after ''the Secretary of the Interior''; and

(iii) in the third sentence, by inserting '', the Department of Justice,'' after ''the Department of the Interior''; and

(C) in subsection (c)(1), by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(6) NEWSLETTER.—Section 4210 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2416) is amended—

(A) in subsection (a), in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior''; and

(B) in subsection (b), by striking ''fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''the period of fiscal years 2009 through 2013''.

(7) REVIEW.—Section 4211(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2431(a)) is amended in the matter preceding paragraph (1) by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(b) INDIAN EDUCATION PROGRAMS.—Section 4212 of the Indian Alcohol and Substance Abuse Prevention Act of 1986 (25 U.S.C. 2432) is amended by striking subsection (a) and inserting the following:

''(a) PILOT PROGRAMS.—

''(1) IN GENERAL.—The Assistant Secretary for Indian Affairs shall develop and implement pilot programs in selected schools funded by the Bureau of Indian Affairs (subject to the approval of the local school board or contract school board) to determine the effectiveness of summer youth programs in advancing the purposes and goals of this Act.

''(2) COSTS.—The Assistant Secretary shall defray all costs associated with the actual operation and support of the pilot program in a school from funds appropriated to carry out this subsection.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the pilot programs under this subsection such sums as are necessary for each of fiscal years 2009 through 2013.''.

(c) EMERGENCY SHELTERS.—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) in paragraph (1), by striking ''as may be necessary'' and all that follows through the end of the paragraph and inserting ''as are necessary for each of fiscal years 2009 through 2013.'';

(2) in paragraph (2), by striking ''$7,000,000'' and all that follows through the end of the paragraph and inserting ''$10,000,000 for each of fiscal years 2009 through 2013.''; and

(3) by indenting paragraphs (4) and (5) appropriately.

(d) REVIEW OF PROGRAMS.—Section 4215(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(e) ILLEGAL NARCOTICS TRAFFICKING; SOURCE ERADICATION.—Section 4216 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (B), by striking '', and'' at the end and inserting a semicolon;

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) the Blackfeet Nation of Montana for the investigation and control of illegal narcotics traffic on the Blackfeet Indian Reservation along the border with Canada.'';

(B) in paragraph (2), by striking ''United States Custom Service'' and inserting ''United States Customs and Border Protection''; and

(C) by striking paragraph (3) and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2009 through 2013.''; and

(2) in subsection (b)(2), by striking ''as may be necessary'' and all that follows through the end of the paragraph and inserting ''as are necessary for each of fiscal years 2009 through 2013.''.

(f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Secretary of the Interior, in coordination with the Attorney General, the Administrator of the Drug Enforcement Administration, and the Director of the Federal Bureau of Investigation, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel have access to training regarding—

''(A) the investigation and prosecution of offenses relating to illegal narcotics; and

''(B) alcohol and substance abuse prevention and treatment.

''(2) YOUTH-RELATED TRAINING.—Any training provided to Bureau of Indian Affairs or tribal law enforcement or judicial personnel under paragraph (1) shall include training in issues relating to youth alcohol and substance abuse prevention and treatment.''; and

(2) in subsection (b), by striking ''as may be necessary'' and all that follows through the end of the subsection and inserting ''as are necessary for each of fiscal years 2009 through 2013.''.

(g) JUVENILE DETENTION CENTERS.—Section 4220(b) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453(b)) is amended—

(1) by striking ''such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' each place it appears and inserting ''such sums as are necessary for each of fiscal years 2009 through 2013''; and

(2) by indenting paragraph (2) appropriately.

SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL ASSISTANCE.

(a) INDIAN TRIBAL JUSTICE.—Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(1) in subsection (a)—

(A) by striking ''the provisions of sections 101 and 102 of this Act'' and inserting ''sections 101 and 102''; and

(B) by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2009 through 2013'';

(2) in subsection (b)—

(A) by striking ''the provisions of section 103 of this Act'' and inserting ''section 103''; and

(B) by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2009 through 2013'';

(3) in subsection (c), by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2009 through 2013''; and

(4) in subsection (d), by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2009 through 2013''.

(b) TECHNICAL AND LEGAL ASSISTANCE.—The Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(1) in section 106 (25 U.S.C. 3666), by striking ''2000 through 2004'' and inserting ''2009 through 2013''; and

(2) in section 201(d) (25 U.S.C. 3681(d)), by striking ''2000 through 2004'' and inserting ''2009 through 2013''.

SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.

Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) in subsection (b)—

(A) in each of paragraphs (1) through (4) and (6) through (17), by inserting ''to'' after the paragraph designation;

(B) in paragraph (1), by striking ''State and'' and inserting ''State, tribal, or'';

(C) in paragraphs (9) and (10), by inserting '', tribal,'' after ''State'' each place it appears;

(D) in paragraph (15)—

(i) by striking ''a State in'' and inserting ''a State or Indian tribe in'';

(ii) by striking ''the State which'' and inserting ''the State or tribal community that''; and

(iii) by striking ''a State or'' and inserting ''a State, tribal, or'';

(E) in paragraph (16), by striking ''and'' at the end

(F) in paragraph (17), by striking the period at the end and inserting ''; and'';

(G) by redesignating paragraphs (6) through (17) as paragraphs (5) through (16), respectively; and

(H) by adding at the end the following:

''(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section on behalf of the Bureau for use in accordance with paragraphs (1) through (16).''.

(2) in subsection (g)—

(A) by striking ''The portion'' and inserting the following:

''(1) IN GENERAL.—The portion'';

(B) in the second sentence, by striking ''In relation'' and inserting the following:

''(2) CERTAIN GRANTS.—In relation''; and

(C) by adding at the end the following:

''(3) WAIVER.—In acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, for purposes of providing grants to Indian tribes under this subsection, the Attorney General shall waive the matching funds requirement of this subsection if the Attorney General determines that there is a demonstrated financial hardship.

''(4) USE OF CERTAIN FUNDS.—In addition to providing a waiver under paragraph (3), the Attorney General shall allow the use of funds appropriated for any agency of an Indian tribal government or the Bureau of Indian Affairs to carry out law enforcement activities on Indian land to provide the non-Federal share of the cost of a program or project under this section.'';

(3) in subsection (i), by striking ''The authority'' and inserting ''Except as provided in subsection (j), the authority''; and

(4) by adding at the end the following:

''(j) EXTENSION OF PROGRAM FOR INDIAN TRIBES.—

''(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General may provide grants under this section to Indian tribal governments, for fiscal year 2009 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

''(2) PRIORITY OF FUNDING.—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2009 through 2013.

''(k) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—

''(1) the problem of intermittent funding;

''(2) the integration of COPS personnel with existing law enforcement authorities; and

''(3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.''.

SEC. 404. TRIBAL JAILS PROGRAM.

(a) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (a) and inserting the following:

''(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve $35,000,000 for each of fiscal years 2009 through 2013 to carry out this section.''.

(b) REGIONAL DETENTION CENTERS.—

(1) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (b) and inserting the following:

''(b) GRANTS TO INDIAN TRIBES.—

''(1) IN GENERAL.—From the amounts reserved under subsection (a), the Attorney General shall provide grants—

''(A) to Indian tribes for purposes of—

''(i) construction and maintenance of jails on Indian land for the incarceration of offenders subject to tribal jurisdiction;

''(ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and

''(iii) developing and implementing alternatives to incarceration in tribal jails; and

''(B) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, as the applicable consortium determines to be appropriate.

''(2) PRIORITY OF FUNDING.—in providing grants under this subsection, the Attorney General shall take into consideration applicable—

''(A) reservation crime rates;

''(B) annual tribal court convictions; and

''(C) bed space needs.''.

(2) CONFORMING AMENDMENT.—Section 20109(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(c)) is amended by inserting ''or consortium of Indian tribes, as applicable,'' after ''Indian tribe''.

(3) LONG-TERM PLAN.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by adding at the end the following:

''(d) LONG-TERM PLAN.—Not later than 1 year after the date of enactment of this subsection, the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including a description of—

''(1) proposed activities for construction of detention facilities (including regional facilities) on Indian land;

''(2) proposed activities for construction of additional Federal detention facilities on Indian land;

''(3) proposed activities for contracting with State and local detention centers, with tribal government approval;

''(4) proposed alternatives to incarceration, developed in cooperation with tribal court systems; and

''(5) such other alternatives as the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with Indian tribes, determines to be necessary.''.

SEC. 405. TRIBAL PROBATION OFFICE LIAISON PROGRAM.

Title II of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3681 et seq.) is amended by adding at the end the following:

''SEC. 203. ASSISTANT PAROLE AND PROBATION OFFICERS.

''To the maximum extent practicable, the Director of the Administrative Office of the United States Courts shall appoint individuals residing in Indian country to serve as assistant parole or probation officers for purposes of monitoring and providing service to Federal prisoners residing in Indian country.''.

SEC. 406. TRIBAL YOUTH PROGRAM.

(a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.—

(1) IN GENERAL.—Section 504 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5783) is amended—

(A) in subsection (a), by inserting '', or to Indian tribes under subsection (d)'' after ''subsection (b)''; and

(B) by adding at the end the following:

''(d) GRANTS FOR TRIBAL DELINQUENCY PREVENTION PROGRAMS.—

''(1) IN GENERAL.—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian tribes or consortia of Indian tribes, as described in paragraph (2)—

''(A) to support and enhance tribal juvenile justice systems; and

''(B) to encourage accountability of Indian tribal governments with respect to juvenile delinquency responses and prevention.

''(2) ELIGIBLE INDIAN TRIBES.—To be eligible to receive a grant under this subsection, an Indian tribe or consortium of Indian tribes shall submit to the Administrator an application in such form and containing such information as the Administrator may require.

''(3) PRIORITY OF FUNDING.—In providing grants under this subsection, the Administrator shall take into consideration, with respect to the reservation communities to be served—

''(A) juvenile crime rates;

''(B) dropout rates; and

''(C) percentages of at-risk youth.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 505 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5784) is amended by striking ''fiscal years 2004, 2005, 2006, 2007, and 2008'' and inserting ''each of fiscal years 2009 through 2013''.

(b) COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 206(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(2)) is amended—

(1) in subparagraph (A), by striking ''Nine'' and inserting ''Ten''; and

(2) in subparagraph (B), by adding at the end the following:

''(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee.''.

TITLE V—INDIAN COUNTRY CRIME DATA

SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN COUNTRY.

(a) GANG VIOLENCE.—Section 1107 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 534 note; Public Law 109–162) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (8) through (12) as paragraphs (9) through (13), respectively;

(B) by inserting after paragraph (7) the following:

''(8) the Office of Justice Services of the Bureau of Indian Affairs;'';

(C) in paragraph (9) (as redesignated by subparagraph (A)), by striking ''State'' and inserting ''tribal, State,''; and

(D) in paragraphs (10) through (12) (as redesignated by subparagraph (A)), by inserting ''tribal,'' before ''State,'' each place it appears; and

(2) in subsection (b), by inserting ''tribal,'' before ''State,'' each place it appears.

(b) BUREAU OF JUSTICE STATISTICS.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting '', Indian tribes,'' after ''contracts with'';

(B) in each of paragraphs (3) through (6), by inserting ''tribal,'' after ''State,'' each place it appears;

(C) in paragraph (7), by inserting ''and in Indian country'' after ''States'';

(D) in paragraph (9), by striking ''Federal and State Governments'' and inserting ''Federal Government and State and tribal governments'';

(E) in each of paragraphs (10) and (11), by inserting '', tribal,'' after ''State'' each place it appears;

(F) in paragraph (13), by inserting '', Indian tribes,'' after ''States'';

(G) in paragraph (17)—

(i) by striking ''State and local'' and inserting ''State, tribal, and local''; and

(ii) by striking ''State, and local'' and inserting ''State, tribal, and local'';

(H) in paragraph (18), by striking ''State and local'' and inserting ''State, tribal, and local'';

(I) in paragraph (19), by inserting ''and tribal'' after ''State'' each place it appears;

(J) in paragraph (20), by inserting '', tribal,'' after ''State''; and

(K) in paragraph (22), by inserting '', tribal,'' after ''Federal'';

(2) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting the subparagraphs appropriately;

(B) by striking ''To insure'' and inserting the following:

''(1) IN GENERAL.—To ensure''; and

(C) by adding at the end the following:

''(2) CONSULTATION WITH INDIAN TRIBES.—The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Director of the Office of Law Enforcement Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.'';

(3) in subsection (e), by striking ''subsection (d)(3)'' and inserting ''subsection (d)(1)(C)'';

(4) in subsection (f)—

(A) in the subsection heading, by inserting '', Tribal,'' after ''State''; and

(B) by inserting '', tribal,'' after ''State''; and

(5) by adding at the end the following:

''(g) REPORT TO CONGRESS ON CRIMES IN INDIAN COUNTRY.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.''.

SEC. 502. GRANTS TO IMPROVE TRIBAL DATA COLLECTION SYSTEMS.

Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended by adding at the end the following:

''(f) GRANTS TO IMPROVE TRIBAL DATA COLLECTION SYSTEMS.—

''(1) GRANT PROGRAM.—The Secretary, acting through the Director of the Office of Justice Services of the Bureau and in coordination with the Attorney General, shall establish a program under which the Secretary shall provide grants to Indian tribes for activities to ensure uniformity in the collection and analysis of data relating to crime in Indian country.

''(2) REGULATIONS.—The Secretary, acting through the Director of the Office of Justice Services of the Bureau, in consultation with tribal governments and tribal justice officials, shall promulgate such regulations as are necessary to carry out the grant program under this subsection.''.

SEC. 503. CRIMINAL HISTORY RECORD IMPROVEMENT PROGRAM.

Section 1301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(a)) is amended by inserting '', tribal,'' after ''State''.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

SEC. 601. PRISONER RELEASE AND REENTRY.

Section 4042 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by inserting '', tribal,'' after ''State'';

(2) in subsection (b)(1), in the first sentence, by striking ''officer of the State and of the local jurisdiction'' and inserting ''officers of each State, tribal, and local jurisdiction''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''officer of the State and of the local jurisdiction'' and inserting ''officers of each State, tribal, and local jurisdiction''; and

(ii) in subparagraph (B), by inserting '', tribal,'' after ''State'' each place it appears; and

(B) in paragraph (2)—

(i) by striking ''(2) Notice'' and inserting the following:

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—A notice'';

(ii) in the second sentence, by striking ''For a person who is released'' and inserting the following:

''(B) RELEASED PERSONS.—For a person who is released'';

(iii) in the third sentence, by striking ''For a person who is sentenced'' and inserting the following:

''(C) PERSONS ON PROBATION.—For a person who is sentenced'';

(iv) in the fourth sentence, by striking ''Notice concerning'' and inserting the following:

''(D) RELEASED PERSONS REQUIRED TO REGISTER.—

''(i) IN GENERAL.—A notice concerning''; and

(v) in subparagraph (D) (as designated by clause (iv)), by adding at the end the following:

''(ii) PERSONS RESIDING IN INDIAN COUNTRY.—For a person described in paragraph (3) the expected place of residence of whom is potentially located in Indian country, the Director of the Bureau of Prisons or the Director of the Administrative Office of the United States Courts, as appropriate, shall—

''(I) make all reasonable and necessary efforts to determine whether the residence of the person is located in Indian country; and

''(II) ensure that the person is registered with the law enforcement office of each appropriate jurisdiction before release from Federal custody.''.

SEC. 602. DOMESTIC AND SEXUAL VIOLENT OFFENSE TRAINING.

Section 3(c)(9) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(c)(9)) (as amended by section 101(a)(2)) is amended by inserting before the semicolon at the end the following: '', including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses''.

SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

''SEC. 11. TESTIMONY BY FEDERAL EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

''(a) APPROVAL OF EMPLOYEE TESTIMONY.—The Director of the Office of Justice Services or the Director of the Indian Health Service, as appropriate (referred to in this section as the 'Director concerned'), shall approve or disapprove, in writing, any request or subpoena for a law enforcement officer, sexual assault nurse examiner, or other employee under the supervision of the Director concerned to provide testimony in a deposition, trial, or other similar proceeding regarding information obtained in carrying out the official duties of the employee.

''(b) REQUIREMENT.—The Director concerned shall approve a request or subpoena under subsection (a) if the request or subpoena does not violate the policy of the Department of the Interior to maintain strict impartiality with respect to private causes of action.

''(c) TREATMENT.—If the Director concerned fails to approve or disapprove a request or subpoena by the date that is 30 days after the date of receipt of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this section.''.

SEC. 604. COORDINATION OF FEDERAL AGENCIES.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 603) is amended by adding at the end the following:

''SEC. 12. COORDINATION OF FEDERAL AGENCIES.

''(a) IN GENERAL.—The Secretary, in coordination with the Attorney General, Federal and tribal law enforcement agencies, the Indian Health Service, and domestic violence or sexual assault victim organizations, shall develop appropriate victim services and victim advocate training programs—

''(1) to improve domestic violence or sexual abuse responses;

''(2) to improve forensic examinations and collection;

''(3) to identify problems or obstacles in the prosecution of domestic violence or sexual abuse; and

''(4) to meet other needs or carry out other activities required to prevent, treat, and improve prosecutions of domestic violence and sexual abuse.

''(b) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes, with respect to the matters described in subsection (a), the improvements made and needed, problems or obstacles identified, and costs necessary to address the problems or obstacles, and any other recommendations that the Secretary determines to be appropriate.''.

SEC. 605. SEXUAL ASSAULT PROTOCOL.

Title VIII of the Indian Health Care Improvement Act is amended by inserting after section 802 (25 U.S.C. 1672) the following:

''SEC. 803. POLICIES AND PROTOCOL.

''The Director of Service, in coordination with the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service, based on similar protocol that has been established by the Department of Justice.''.

By Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. ROBERTS, Mr. DURBIN, Mr. COLEMAN, Mr. BOND, Mr. BROWNBACK, Mr. BAYH, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. OBAMA, and Mr. LUGAR):

S. 3322. A bill to provide tax relief for the victims of severe storms, tornados, and flooding in the Midwest, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. 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. 3322

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 ''Midwestern Disaster Tax Relief Act of 2008''.

SEC. 2. TEMPORARY TAX RELIEF FOR AREAS DAMAGED BY 2008 MIDWESTERN SEVERE STORMS, TORNADOS, AND FLOODING.

(a) IN GENERAL.—Subject to the modifications described in this section, the following provisions of or relating to the Internal Revenue Code of 1986 shall apply to any Midwestern disaster area in addition to the areas to which such provisions otherwise apply:

(1) GO ZONE BENEFITS.—

(A) Section 1400N (relating to tax benefits) other than subsections (b), (i), (j), (m), and (o) thereof.

(B) Section 1400O (relating to education tax benefits).

(C) Section 1400P (relating to housing tax benefits).

(D) Section 1400Q (relating to special rules for use of retirement funds).

(E) Section 1400R(a) (relating to employee retention credit for employers).

(F) Section 1400S (relating to additional tax relief) other than subsection (d) thereof.

(G) Section 1400T (relating to special rules for mortgage revenue bonds).

(2) OTHER BENEFITS INCLUDED IN KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—Sections 302, 303, 304, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(b) USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN 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 the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (c)(1)(A) and in a subsequent taxable year receives a grant under any Federal or State program 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.

(c) MIDWESTERN DISASTER AREA.—

(1) IN GENERAL.—For purposes of this section and for applying the substitutions described in subsections (e) and (f), the term ''Midwestern disaster area'' means an area—

(A) with respect to which a major disaster has been declared by the President on or after May 20, 2008, and before August 1, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of severe storms, tornados, or flooding occurring in any of the States of Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, and

(B) determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to such severe storms, tornados, or flooding.

(2) CERTAIN BENEFITS AVAILABLE TO AREAS ELIGIBLE ONLY FOR PUBLIC ASSISTANCE.—For purposes of applying this section to benefits under the following provisions, paragraph (1) shall be applied without regard to subparagraph (B):

(A) Sections 1400Q, 1400S(b), and 1400S(d) of the Internal Revenue Code of 1986.

(B) Sections 302, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(d) REFERENCES.—

(1) AREA.—Any reference in such provisions to the Hurricane Katrina disaster area or the Gulf Opportunity Zone shall be treated as a reference to any Midwestern disaster area

and any reference to the Hurricane Katrina disaster area or the Gulf Opportunity Zone within a State shall be treated as a reference to all Midwestern disaster areas within the State.

(2) ITEMS ATTRIBUTABLE TO DISASTER.—Any reference in such provisions to any loss, damage, or other item attributable to Hurricane Katrina shall be treated as a reference to any loss, damage, or other item attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (c)(1)(A).

(3) APPLICABLE DISASTER DATE.—For purposes of applying the substitutions described in subsections (e) and (f), the term ''applicable disaster date'' means, with respect to any Midwestern disaster area, the date on which the severe storms, tornados, or flooding giving rise to the Presidential declaration described in subsection (c)(1)(A) occurred.

(e) MODIFICATIONS TO 1986 CODE.—The following provisions of the Internal Revenue Code of 1986 shall be applied with the following modifications:

(1) TAX-EXEMPT BOND FINANCING.—Section 1400N(a)—

(A) by substituting ''qualified Midwestern disaster area bond'' for ''qualified Gulf Opportunity Zone Bond'' each place it appears, except that in determining whether a bond is a qualified Midwestern disaster area bond—

(i) paragraph (2)(A)(i) shall be applied by only treating costs as qualified project costs if—

(I) in the case of a project involving a private business use (as defined in section 141(b)(6)), either the person using the property suffered a loss in a trade or business attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (c)(1)(A) or is a person designated for purposes of this section by the Governor of the State in which the project is located as a person carrying on a trade or business replacing a trade or business with respect to which another person suffered such a loss, and

(II) in the case of a project relating to public utility property, the project involves repair or reconstruction of public utility property damaged by such severe storms, tornados, or flooding, and

(ii) paragraph (2)(A)(ii) shall be applied by treating an issue as a qualified mortgage issue only if 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of the issue are to be used to provide financing for mortgagors who suffered damages to their principal residences attributable to such severe storms, tornados, or flooding.

(B) by substituting ''any State in which a Midwestern disaster area is located'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (2)(B),

(C) by substituting ''designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)'' for ''designated for purposes of this section'' in paragraph (2)(C),

(D) by substituting ''January 1, 2013'' for ''January 1, 2011'' in paragraph (2)(D),

(E) in paragraph (3)(A)—

(i) by substituting ''$1,000'' for ''$2,500'', and

(ii) by substituting ''before the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''before August 28, 2005'',

(F) by substituting ''qualified Midwestern disaster area repair or construction'' for ''qualified GO Zone repair or construction'' each place it appears, and

(G) by substituting ''after the date of the enactment of the Housing and Economic Recovery Act of 2008 and before January 1, 2013'' for ''after the date of the enactment of this paragraph and before January 1, 2011'' in paragraph (7)(C).

(2) LOW-INCOME HOUSING CREDIT.—Section 1400N(c)—

(A) only with respect to calendar years 2009, 2010, and 2011,

(B) by substituting ''Disaster Recovery Assistance housing amount'' for ''Gulf Opportunity housing amount'',

(C) in paragraph (1)(B)—

(i) by substituting ''$4.00'' for ''$18.00'', and

(ii) by substituting ''before the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''before August 28, 2005'' , and

(D) determined without regard to paragraphs (2), (3), (4), (5), and (6) thereof.

(3) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER THE APPLICABLE DISASTER DATE.—Section 1400N(d)—

(A) by substituting ''qualified Disaster Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' each place it appears, except that a taxpayer shall be allowed additional bonus depreciation and expensing under such subsection or section 1400N(e) with respect to such property only if—

(i) the taxpayer suffered an economic loss attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (c)(1)(A), and

(ii) such property—

(I) rehabilitates property damaged, or replaces property destroyed or condemned, as a result of such severe storms, tornados, or flooding, except that, for purposes of this clause, property shall be treated as replacing property destroyed or condemned if, as part of an integrated plan, such property replaces property which is included in a continuous area which includes real property destroyed or condemned, and

(II) is similar in nature to, and located in the same county as, the property being rehabilitated or replaced,

(B) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,

(C) by substituting ''December 31, 2011'' for ''December 31, 2007'' in paragraph (2)(A)(v),

(D) by substituting ''December 31, 2012'' for ''December 31, 2008'' in paragraph (2)(A)(v),

(E) by substituting ''the day before the applicable disaster date'' for ''August 27, 2005'' in paragraph (3)(A),

(F) determined without regard to paragraph (6) thereof, and

(G) by not including as qualified Disaster Recovery Assistance property any property to which section 168(k) applies.

(4) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e), by substituting ''qualified section 179 Disaster Recovery Assistance property'' for ''qualified section 179 Gulf Opportunity Zone property'' each place it appears.

(5) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f)—

(A) by substituting ''qualified Disaster Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears,

(B) by substituting ''beginning on the applicable disaster date and ending on December 31, 2010'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2), and

(C) by treating costs as qualified Disaster Recovery Assistance clean-up costs only if the removal of debris or demolition of any structure was necessary due to damage attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (c)(1)(A).

(6) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—Section 1400N(g)—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2011'' for ''January 1, 2008'' in paragraph (1),

(C) by substituting ''December 31, 2010'' for ''December 31, 2007'' in paragraph (1), and

(D) by treating a site as a qualified contaminated site only if the release (or threat of release) or disposal of a hazardous substance at the site was attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (c)(1)(A).

(7) INCREASE IN REHABILITATION CREDIT.—Section 1400N(h)—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'',

(B) by substituting ''January 1, 2011'' for ''January 1, 2008'' in paragraph (1), and

(C) by only applying such subsection to qualified rehabilitation expenditures with respect to any building or structure which was damaged or destroyed as a result of the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (c)(1)(A).

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO DISASTER LOSSES.—Section 1400N(k)—

(A) by substituting ''qualified Disaster Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,

(B) by substituting ''after the day before the applicable disaster date, and before January 1, 2011'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,

(C) by substituting ''the applicable disaster date'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I),

(D) by substituting ''qualified Disaster Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv), and

(E) by substituting ''qualified Disaster Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.

(9) CREDIT TO HOLDERS OF TAX CREDIT BONDS.—Section 1400N(l)—

(A) by substituting ''Midwestern tax credit bond'' for ''Gulf tax credit bond'' each place it appears,

(B) by substituting ''any State in which a Midwestern disaster area is located'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (4)(A)(i),

(C) by substituting ''after December 31, 2008 and before January 1, 2010'' for ''after December 31, 2005, and before January 1, 2007'',

(D) by substituting ''shall not exceed $100,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 2,000,000, $50,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 1,000,000 but less than 2,000,000, and zero for any other State. The population of a State within any area shall be determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before the earliest applicable disaster date for Midwestern disaster areas within the State.'' for ''shall not exceed'' and all that follows in paragraph (4)(C), and

(E) by substituting ''the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''August 28, 2005'' in paragraph (5)(A).

(10) EDUCATION TAX BENEFITS.—Section 1400O, by substituting ''2008 or 2009'' for ''2005 or 2006''.

(11) HOUSING TAX BENEFITS.—Section 1400P, by substituting ''the applicable disaster date'' for ''August 28, 2005'' in subsection (c)(1).

(12) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q—

(A) by substituting ''qualified Disaster Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,

(B) by substituting ''on or after the applicable disaster date and before January 1, 2010'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),

(C) by substituting ''the applicable disaster date'' for ''August 28, 2005'' in subsections (a)(4)(A)(i) and (c)(3)(B),

(D) by disregarding clauses (ii) and (iii) of subsection (a)(4)(A) thereof,

(E) by substituting ''qualified storm damage distribution'' for ''qualified Katrina distribution'' each place it appears,

(F) by substituting ''after the date which is 6 months before the applicable disaster date and before the date which is the day after the applicable disaster date'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(G) by substituting ''the Midwestern disaster area, but not so purchased or constructed on account of severe storms, tornados, or flooding giving rise to the designation of the area as a disaster area'' for ''the Hurricane Katrina disaster area, but not so purchased or constructed on account of Hurricane Katrina'' in subsection (b)(2)(B)(iii),

(H) by substituting ''beginning on the applicable disaster date and ending on the date which is 5 months after the date of the enactment of the Housing and Economic Recovery Act of 2008'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),

(I) by substituting ''qualified storm damage individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(J) by substituting ''December 31, 2009'' for ''December 31, 2006'' in subsection (c)(2)(A),

(K) by substituting ''beginning on the date of the enactment of the Housing and Economic Recovery Act of 2008 and ending on December 31, 2009'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(L) by substituting ''the applicable disaster date'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(M) by substituting ''January 1, 2010'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

(13) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY SEVERE STORMS, TORNADOS, AND FLOODING.—Section 1400R(a)—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2009'' for ''January 1, 2006'' both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before the applicable disaster date.

(14) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—Section 1400S(a), by substituting the following paragraph for paragraph (4) thereof:

''(4) QUALIFIED CONTRIBUTIONS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

''(i) such contribution—

''(I) is paid during the period beginning on the earliest applicable disaster date for all States and ending on December 31, 2008, in cash to an organization described in section 170(b)(1)(A), and

''(II) is made for relief efforts in 1 or more Midwestern disaster areas,

''(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8)) that such contribution was used (or is to be used) for relief efforts in 1 or more Midwestern disaster areas, and

''(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

''(B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is—

''(i) to an organization described in section 509(a)(3), or

''(ii) for establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2)).

''(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.''.

(15) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1), by substituting ''the applicable disaster date'' for ''August 25, 2005''.

(16) SPECIAL RULE FOR DETERMINING EARNED INCOME.—Section 1400S(d)—

(A) by treating an individual as a qualified individual if such individual's principal place of abode on the applicable disaster date was located in a Midwestern disaster area,

(B) by treating the applicable disaster date with respect to any such individual as the applicable date for purposes of such subsection, and

(C) by treating an area as described in paragraph (2)(B)(ii) thereof if the area is a Midwestern disaster area only by reason of subsection (b)(2) of this section (relating to areas eligible only for public assistance)

(17) ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—Section 1400S(e), by substituting ''2008 or 2009'' for ''2005 or 2006''.

(f) MODIFICATIONS TO KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—The following provisions of the Katrina Emergency Tax Relief Act of 2005 shall be applied with the following modifications:

(1) ADDITIONAL EXEMPTION FOR HOUSING DISPLACED INDIVIDUAL.—Section 302—

(A) by substituting ''2008 or 2009'' for ''2005 or 2006'' in subsection (a) thereof,

(B) by substituting ''Midwestern displaced individual'' for ''Hurricane Katrina displaced individual'' each place it appears, and

(C) by treating an area as a core disaster area for purposes of applying subsection (c) thereof if the area is a Midwestern disaster area without regard to subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(2) INCREASE IN STANDARD MILEAGE RATE.—Section 303, by substituting ''beginning on the applicable disaster date and ending on December 31, 2008'' for ''beginning on August 25, 2005, and ending on December 31, 2006''.

(3) MILEAGE REIMBURSEMENTS FOR CHARITABLE VOLUNTEERS.—Section 304—

(A) by substituting ''beginning on the applicable disaster date and ending on December 31, 2008'' for ''beginning on August 25, 2005, and ending on December 31, 2006'' in subsection (a), and

(B) by substituting ''the applicable disaster date'' for ''August 25, 2005'' in subsection (a).

(4) EXCLUSION OF CERTAIN CANCELLATION OF INDEBTEDNESS INCOME.—Section 401—

(A) by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area (determined without regard to subsection (b)(2) of this section) as an individual described in subsection (b)(1) thereof, and by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area solely by reason of subsection (b)(2) of this section as an individual described in subsection (b)(2) thereof,

(B) by substituting ''the applicable disaster date'' for ''August 28, 2005'' both places it appears, and

(C) by substituting ''January 1, 2010'' for ''January 1, 2007'' in subsection (e).

(5) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405, by substituting ''on or after the applicable disaster date'' for ''on or after August 25, 2005''.

SEC. 3. ENHANCED CHARITABLE DEDUCTIONS FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) INCREASED AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made after December 31, 2007.

(b) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—Section 170(b) of such Code is amended by adding at the end the following new paragraph:

''(3) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—In the case of a qualified farmer or rancher (as defined in paragraph (1)(E)(v)), any charitable contribution of food—

''(A) to which subsection (e)(3)(C) applies (without regard to clause (ii) thereof), and

''(B) which is made during the period beginning on the date of the enactment of this paragraph and before January 1, 2009,

shall be treated for purposes of paragraph (1)(E) or (2)(B), whichever is applicable, as if it were a qualified conservation contribution which is made by a qualified farmer or rancher and which otherwise meets the requirements of such paragraph.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 4. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) of the Internal Revenue Code of 1986 (relating to termination) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) of such Code (relating to certification by donee) is amended by inserting ''of books'' after ''to any contribution''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. 5. REPORTING REQUIREMENTS RELATING TO DISASTER RELIEF CONTRIBUTIONS.

(a) IN GENERAL.—Section 6033(b) of the Internal Revenue Code of 1986 (relating to returns of certain organizations described in section 501(c)(3)) is amended by striking ''and'' at the end of paragraph (13), by redesignating paragraph (14) as paragraph (15), and by adding after paragraph (13) the following new paragraph:

''(14) such information as the Secretary may require with respect to disaster relief activities, including the amount and use of qualified contributions to which section 1400S(a) applies, and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which (determined without regard to any extension) occurs after December 31, 2008.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. BAYH, Mr. BROWN, Mr. CASEY, MRS. CLINTON, Mr. COLEMAN, Mr. DURBIN, Mr. FEINGOLD, Ms. KLOBUCHAR, Mr. KOHL, Mr. LUGAR, Mr. OBAMA, Ms. STABENOW, and Mr. SCHUMER):

S.J. Res. 45. A joint resolution expressing the consent and approval of Congress to an inter-state compact regarding water resources in the Great Lakes—St. Lawrence River Basin; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, in 1831, the great chronicler of early America, Alexis de Tocqueville, explored the Great Lakes. As he passed through Lake Huron, he observed of the empty, undeveloped expanse: ''This lake without sails, this shore which does not yet show any trace of the passage of man, this eternal forest which borders it; all that, I assure you, is not grand in poetry only; it's the most extraordinary spectacle that I have seen in my life.''

Nearly 2 centuries later, the Great Lakes remain one of the most extraordinary spectacles in the world. The sheer size of the Great Lakes is impressed upon anyone who has stood on their shores, or who has seen the outline of the Michigan mitten, which the Great Lakes make one of the most distinctive shapes and recognizable shapes on maps or satellite photographs of the earth. Beyond their awe-inspiring appearance and enormity, the Great Lakes help fuel an economic engine that stretches from Minnesota to New York, producing some of our nations most celebrated and relied-upon goods and agricultural products.

This morning, my colleagues and I are introducing a joint resolution to ratify an historic agreement to manage Great Lakes water, the Great Lakes Water Resources Compact. While the existing Water Resources Development Act law provides sufficient protection and authority to prevent diversions, the Great Lakes Compact will provide an effective means for Great Lakes states jointly to safeguard water for future generations. The compact will ban new diversions from the Basin with certain limited exceptions, and those exceptions would be regulated. Further, the compact keeps the authority to govern our water in the hands of the Great Lake States.

The compact states that ''the protection of the integrity of the Great Lakes Ecosystem shall be the overarching principle for reviewing proposals.'' For the first time, water conservation goals will be developed to deal with any water diversion proposals.

Beyond that, the compact would specifically address withdrawals and diversions of both ground and surface water. This would represent an improvement over existing law because there are differing opinions on whether the current law addresses ground water diversions.

Additionally, because the compact would provide a scientific method for determining whether to allow a proposal to divert water from the Great Lakes, it makes our efforts to protect the lakes more clearly compliant with international trade agreements.

This agreement has been in the making for close to decade, following the mistaken issuance of a permit for bulk water diversion by the Province of Ontario. In the 2000 WRDA, Congress directed the governors to negotiate a water management policy, and in 2005, the eight Great Lakes Governors and two Canadian Premiers came to an agreement.

I have heard that some people believe that there is a water bottle ''loophole.'' The compact prohibits water in a container larger than 5.7 gallons to be diverted outside the Great Lakes basin. Though the compact would not prohibit water withdrawals in containers less than 5.7 gallons, individual states would retain their authority to regulate bottled water in any size container.

I believe that the Great Lakes Compact is beneficial and will provide greater protections for the Great Lakes than the status quo. However, as is explicitly stated in this joint resolution, the Great Lakes Water Compact does not imply that it is necessary for Congress to pass the compact in order for the Lakes to be protected from diversions. WRDA gives each Great Lakes governor veto power over certain types of diversions by any Great Lakes state. While this authority is clear, additional safeguards and standards will be helpful in the years ahead.

Tocqueville further observed during his journey in Lake Huron, ''Nature has done everything here. A fertile soil, and outlets like to which there are no others in the world.'' Nature has, indeed, given us so much in the Great Lakes. We need to take this important step to pass the Great Lakes Water Compact so as to make sure that we conserve this precious resource as best we can, ensuring sensible use now so that future generations can benefit from the Great Lakes as we do. I support passage, and I urge my colleagues to support it as well.

Mr. President, I ask unanimous consent that text of the Joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 45

Whereas the interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin reads as follows:

''AGREEMENT

''Section 1. The states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin and the Commonwealth of Pennsylvania hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by the respective state legislatures and consent by the Congress of the United States as follows:

''GREAT LAKES—ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT

''ARTICLE 1

''SHORT TITLE, DEFINITIONS, PURPOSES AND DURATION

''Section 1.1. Short Title. This act shall be known and may be cited as the ''Great Lakes—St. Lawrence River Basin Water Resources Compact.''

''Section 1.2. Definitions. For the purposes of this Compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

''Adaptive Management means a Water resources management system that provides a systematic process for evaluation, monitoring and learning from the outcomes of operational programs and adjustment of policies, plans and programs based on experience and the evolution of scientific knowledge concerning Water resources and Water Dependent Natural Resources.

''Agreement means the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement.

''Applicant means a Person who is required to submit a Proposal that is subject to management and regulation under this Compact.**Application** has a corresponding meaning.

''Basin or **Great Lakes—St. Lawrence River Basin** means the watershed of the Great Lakes and the St. Lawrence River upstream from Trois-Rivières, Québec within the jurisdiction of the Parties.

''Basin Ecosystem or **Great Lakes—St. Lawrence River Basin Ecosystem** means the interacting components of air, land, Water and living organisms, including humankind, within the Basin.

''Community within a Straddling County means any incorporated city, town or the equivalent thereof, that is located outside the Basin but wholly within a County that lies partly within the Basin and that is not a Straddling Community.

''Compact means this Compact.

''Consumptive Use means that portion of the Water Withdrawn or withheld from the Basin that is lost or otherwise not returned to the Basin due to evaporation, incorporation into Products, or other processes.

''Council means the Great Lakes—St. Lawrence River Basin Water Resources Council, created by this Compact.

''Council Review means the collective review by the Council members as described in Article 4 of this Compact.

''County means the largest territorial division for local government in a State. The County boundaries shall be defined as those boundaries that exist as of December 13, 2005.

''Cumulative Impacts mean the impact on the Basin Ecosystem that results from incremental effects of all aspects of a Withdrawal, Diversion or Consumptive Use in addition to other past, present, and reasonably foreseeable future Withdrawals, Diversions and Consumptive Uses regardless of who undertakes the other Withdrawals, Diversions and Consumptive Uses. Cumulative Impacts can result from individually minor but collectively significant Withdrawals, Diversions and Consumptive Uses taking place over a period of time.

''Decision-Making Standard means the decision-making standard established by Section 4.11 for Proposals subject to management and regulation in Section 4.10.

''Diversion means a transfer of Water from the Basin into another watershed, or from the watershed of one of the Great Lakes into that of another by any means of transfer, including but not limited to a pipeline, canal, tunnel, aqueduct, channel, modification of the direction of a water course, a tanker

ship, tanker truck or rail tanker but does not apply to Water that is used in the Basin or a Great Lake watershed to manufacture or produce a Product that is then transferred out of the Basin or watershed. **Divert** has a corresponding meaning.

"Environmentally Sound and Economically Feasible Water Conservation Measures mean those measures, methods, technologies or practices for efficient water use and for reduction of water loss and waste or for reducing a Withdrawal, Consumptive Use or Diversion that i) are environmentally sound, ii) reflect best practices applicable to the water use sector, iii) are technically feasible and available, iv) are economically feasible and cost effective based on an analysis that considers direct and avoided economic and environmental costs and v) consider the particular facilities and processes involved, taking into account the environmental impact, age of equipment and facilities involved, the processes employed, energy impacts and other appropriate factors.

"Exception means a transfer of Water that is excepted under Section 4.9 from the prohibition against Diversions in Section 4.8.

"Exception Standard means the standard for Exceptions established in Section 4.9.4.

"Intra-Basin Transfer means the transfer of Water from the watershed of one of the Great Lakes into the watershed of another Great Lake.

"Measures means any legislation, law, regulation, directive, requirement, guideline, program, policy, administrative practice or other procedure.

"New or Increased Diversion means a new Diversion, an increase in an existing Diversion, or the alteration of an existing Withdrawal so that it becomes a Diversion.

"New or Increased Withdrawal or Consumptive Use means a new Withdrawal or Consumptive Use or an increase in an existing Withdrawal or Consumptive Use.

"Originating Party means the Party within whose jurisdiction an Application or registration is made or required.

"Party means a State party to this Compact.

"Person means a human being or a legal person, including a government or a non-governmental organization, including any scientific, professional, business, non-profit, or public interest organization or association that is neither affiliated with, nor under the direction of a government.

"Product means something produced in the Basin by human or mechanical effort or through agricultural processes and used in manufacturing, commercial or other processes or intended for intermediate or end use consumers. (i) Water used as part of the packaging of a Product shall be considered to be part of the Product. (ii) Other than Water used as part of the packaging of a Product, Water that is used primarily to transport materials in or out of the Basin is not a Product or part of a Product. (iii) Except as provided in (i) above, Water which is transferred as part of a public or private supply is not a Product or part of a Product. (iv) Water in its natural state such as in lakes, rivers, reservoirs, aquifers, or water basins is not a Product.

"Proposal means a Withdrawal, Diversion or Consumptive Use of Water that is subject to this Compact.

"Province means Ontario or Québec.

"Public Water Supply Purposes means water distributed to the public through a physically connected system of treatment, storage and distribution facilities serving a group of largely residential customers that may also serve industrial, commercial, and other institutional operators. Water Withdrawn directly from the Basin and not through such a system shall not be considered to be used for Public Water Supply Purposes.

"Regional Body means the members of the Council and the Premiers of Ontario and Québec or their designee as established by the Agreement.

"Regional Review means the collective review by the Regional Body as described in Article 4 of this Compact.

"Source Watershed means the watershed from which a Withdrawal originates. If Water is Withdrawn directly from a Great Lake or from the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively. If Water is Withdrawn from the watershed of a stream that is a direct tributary to a Great Lake or a direct tributary to the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively, with a preference to the direct tributary stream watershed from which it was Withdrawn.

"Standard of Review and Decision means the Exception Standard, Decision-Making Standard and reviews as outlined in Article 4 of this Compact.

"State means one of the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio or Wisconsin or the Commonwealth of Pennsylvania.

"Straddling Community means any incorporated city, town or the equivalent thereof, wholly within any County that lies partly or completely within the Basin, whose corporate boundary existing as of the effective date of this Compact, is partly within the Basin or partly within two Great Lakes watersheds.

"Technical Review means a detailed review conducted to determine whether or not a Proposal that requires Regional Review under this Compact meets the Standard of Review and Decision following procedures and guidelines as set out in this Compact.

"Water means ground or surface water contained within the Basin.

"Water Dependent Natural Resources means the interacting components of land, Water and living organisms affected by the Waters of the Basin.

"Waters of the Basin or Basin Water means the Great Lakes and all streams, rivers, lakes, connecting channels and other bodies of water, including tributary groundwater, within the Basin.

"Withdrawal means the taking of water from surface water or groundwater. **Withdraw** has a corresponding meaning.

"Section 1.3. Findings and Purposes.

''The legislative bodies of the respective Parties hereby find and declare:

''1. Findings:

''a. The Waters of the Basin are precious public natural resources shared and held in trust by the States;

''b. The Waters of the Basin are interconnected and part of a single hydrologic system;

''c. The Waters of the Basin can concurrently serve multiple uses. Such multiple uses include municipal, public, industrial, commercial, agriculture, mining, navigation, energy development and production, recreation, the subsistence, economic and cultural activities of native peoples, Water quality maintenance, and the maintenance of fish and wildlife habitat and a balanced ecosystem. And, other purposes are encouraged, recognizing that such uses are interdependent and must be balanced;

''d. Future Diversions and Consumptive Uses of Basin Water resources have the potential to significantly impact the environment, economy and welfare of the Great Lakes—St. Lawrence River region;

''e. Continued sustainable, accessible and adequate Water supplies for the people and economy of the Basin are of vital importance; and,

''f. The Parties have a shared duty to protect, conserve, restore, improve and manage the renewable but finite Waters of the Basin for the use, benefit and enjoyment of all their citizens, including generations yet to come. The most effective means of protecting, conserving, restoring, improving and managing the Basin Waters is through the joint pursuit of unified and cooperative principles, policies and programs mutually-agreed upon, enacted and adhered to by all Parties.

''2. Purposes:

''a. To act together to protect, conserve, restore, improve and effectively manage the Waters and Water Dependent Natural Resources of the Basin under appropriate arrangements for intergovernmental cooperation and consultation because current lack of full scientific certainty should not be used as a reason for postponing measures to protect the Basin Ecosystem;

''b. To remove causes of present and future controversies;

''c. To provide for cooperative planning and action by the Parties with respect to such Water resources;

''d. To facilitate consistent approaches to Water management across the Basin while retaining State management authority over Water management decisions within the Basin;

''e. To facilitate the exchange of data, strengthen the scientific information base upon which decisions are made and engage in consultation on the potential effects of proposed Withdrawals and losses on the Waters and Water Dependent Natural Resources of the Basin;

''f. To prevent significant adverse impacts of Withdrawals and losses on the Basin's ecosystems and watersheds;

''g. To promote interstate and State-Provincial comity; and,

''h. To promote an Adaptive Management approach to the conservation and management of Basin Water resources, which recognizes, considers and provides adjustments for the uncertainties in, and evolution of, scientific knowledge concerning the Basin's Waters and Water Dependent Natural Resources.

"Section 1.4. Science.

''1. The Parties commit to provide leadership for the development of a collaborative strategy with other regional partners to strengthen the scientific basis for sound Water management decision making under this Compact.

''2. The strategy shall guide the collection and application of scientific information to support:

''a. An improved understanding of the individual and Cumulative Impacts of Withdrawals from various locations and Water sources on the Basin Ecosystem and to develop a mechanism by which impacts of Withdrawals may be assessed;

''b. The periodic assessment of Cumulative Impacts of Withdrawals, Diversions and Consumptive Uses on a Great Lake and St. Lawrence River watershed basis;

''c. Improved scientific understanding of the Waters of the Basin;

''d. Improved understanding of the role of groundwater in Basin Water resources management; and,

''e. The development, transfer and application of science and research related to Water conservation and Water use efficiency.

"ARTICLE 2

"ORGANIZATION

"Section 2.1. Council Created.

''The Great Lakes—St. Lawrence River Basin Water Resources Council is hereby created as a body politic and corporate, with succession for the duration of this Compact, as an agency and instrumentality of the governments of the respective Parties.

''Section 2.2. Council Membership.

''The Council shall consist of the Governors of the Parties, ex officio.

''Section 2.3. Alternates.

''Each member of the Council shall appoint at least one alternate who may act in his or her place and stead, with authority to attend all meetings of the Council and with power to vote in the absence of the member. Unless otherwise provided by law of the Party for which he or she is appointed, each alternate shall serve during the term of the member appointing him or her, subject to removal at the pleasure of the member. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as an original appointment for the unexpired term only.

''Section 2.4. Voting.

''1. Each member is entitled to one vote on all matters that may come before the Council.

''2. Unless otherwise stated, the rule of decision shall be by a simple majority.

''3. The Council shall annually adopt a budget for each fiscal year and the amount required to balance the budget shall be apportioned equitably among the Parties by unanimous vote of the Council. The appropriation of such amounts shall be subject to such review and approval as may be required by the budgetary processes of the respective Parties.

''4. The participation of Council members from a majority of the Parties shall constitute a quorum for the transaction of business at any meeting of the Council.

''Section 2.5. Organization and Procedure.

''The Council shall provide for its own organization and procedure, and may adopt rules and regulations governing its meetings and transactions, as well as the procedures and timeline for submission, review and consideration of Proposals that come before the Council for its review and action. The Council shall organize, annually, by the election of a Chair and Vice Chair from among its members. Each member may appoint an advisor, who may attend all meetings of the Council and its committees, but shall not have voting power. The Council may employ or appoint professional and administrative personnel, including an Executive Director, as it may deem advisable, to carry out the purposes of this Compact.

''Section 2.6. Use of Existing Offices and Agencies.

''It is the policy of the Parties to preserve and utilize the functions, powers and duties of existing offices and agencies of government to the extent consistent with this Compact. Further, the Council shall promote and aid the coordination of the activities and programs of the Parties concerned with Water resources management in the Basin. To this end, but without limitation, the Council may:

''1. Advise, consult, contract, assist or otherwise cooperate with any and all such agencies;

''2. Employ any other agency or instrumentality of any of the Parties for any purpose; and,

''3. Develop and adopt plans consistent with the Water resources plans of the Parties.

''Section 2.7. Jurisdiction.

''The Council shall have, exercise and discharge its functions, powers and duties within the limits of the Basin. Outside the Basin, it may act in its discretion, but only to the extent such action may be necessary or convenient to effectuate or implement its powers or responsibilities within the Basin and subject to the consent of the jurisdiction wherein it proposes to act.

''Section 2.8. Status, Immunities and Privileges.

''1. The Council, its members and personnel in their official capacity and when engaged directly in the affairs of the Council, its property and its assets, wherever located and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by the Parties, except to the extent that the Council may expressly waive its immunity for the purposes of any proceedings or by the terms of any contract.

''2. The property and assets of the Council, wherever located and by whomsoever held, shall be considered public property and shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure by executive or legislative action.

''3. The Council, its property and its assets, income and the operations it carries out pursuant to this Compact shall be immune from all taxation by or under the authority of any of the Parties or any political subdivision thereof; provided, however, that in lieu of property taxes the Council may make reasonable payments to local taxing districts in annual amounts which shall approximate the taxes lawfully assessed upon similar property.

''Section 2.9. Advisory Committees.

''The Council may constitute and empower advisory committees, which may be comprised of representatives of the public and of federal, State, tribal, county and local governments, water resources agencies, water-using industries and sectors, water-interest groups and academic experts in related fields.

''ARTICLE 3
''GENERAL POWERS AND DUTIES

''Section 3.1. General.

''The Waters and Water Dependent Natural Resources of the Basin are subject to the sovereign right and responsibilities of the Parties, and it is the purpose of this Compact to provide for joint exercise of such powers of sovereignty by the Council in the common interests of the people of the region, in the manner and to the extent provided in this Compact. The Council and the Parties shall use the Standard of Review and Decision and procedures contained in or adopted pursuant to this Compact as the means to exercise their authority under this Compact.

The Council may revise the Standard of Review and Decision, after consultation with the Provinces and upon unanimous vote of all Council members, by regulation duly adopted in accordance with Section 3.3 of this Compact and in accordance with each Party's respective statutory authorities and applicable procedures.

The Council shall identify priorities and develop plans and policies relating to Basin Water resources. It shall adopt and promote uniform and coordinated policies for Water resources conservation and management in the Basin.

''Section 3.2. Council Powers.

''The Council may: plan; conduct research and collect, compile, analyze, interpret, report and disseminate data on Water resources and uses; forecast Water levels; conduct investigations; institute court actions; design, acquire, construct, reconstruct, own, operate, maintain, control, sell and convey real and personal property and any interest therein as it may deem necessary, useful or convenient to carry out the purposes of this Compact; make contracts; receive and accept such payments, appropriations, grants, gifts, loans, advances and other funds, properties and services as may be transferred or made available to it by any Party or by any other public or private agency, corporation or individual; and, exercise such other and different powers as may be delegated to it by this Compact or otherwise pursuant to law, and have and exercise all powers necessary or convenient to carry out its express powers or which may be reasonably implied therefrom.

''Section 3.3. Rules and Regulations.

''1. The Council may promulgate and enforce such rules and regulations as may be necessary for the implementation and enforcement of this Compact. The Council may adopt by regulation, after public notice and public hearing, reasonable Application fees with respect to those Proposals for Exceptions that are subject to Council review under Section 4.9. Any rule or regulation of the Council, other than one which deals solely with the internal management of the Council or its property, shall be adopted only after public notice and hearing.

''2. Each Party, in accordance with its respective statutory authorities and applicable procedures, may adopt and enforce rules and regulations to implement and enforce this Compact and the programs adopted by such Party to carry out the management programs contemplated by this Compact.

''Section 3.4. Program Review and Findings.

''1. Each Party shall submit a report to the Council and the Regional Body detailing its Water management and conservation and efficiency programs that implement this Compact. The report shall set out the manner in which Water Withdrawals are managed by sector, Water source, quantity or any other means, and how the provisions of the Standard of Review and Decision and conservation and efficiency programs are implemented. The first report shall be provided by each Party one year from the effective date of this Compact and thereafter every 5 years.

''2. The Council, in cooperation with the Provinces, shall review its Water management and conservation and efficiency programs and those of the Parties that are established in this Compact and make findings on whether the Water management program provisions in this Compact are being met, and if not, recommend options to assist the Parties in meeting the provisions of this Compact. Such review shall take place:

''a. 30 days after the first report is submitted by all Parties; and,

''b. Every five years after the effective date of this Compact; and,

''c. At any other time at the request of one of the Parties.

''3. As one of its duties and responsibilities, the Council may recommend a range of approaches to the Parties with respect to the development, enhancement and application of Water management and conservation and efficiency programs to implement the Standard of Review and Decision reflecting improved scientific understanding of the Waters of the Basin, including groundwater, and the impacts of Withdrawals on the Basin Ecosystem.

''ARTICLE 4
''WATER MANAGEMENT AND REGULATION

''Section 4.1. Water Resources Inventory, Registration and Reporting.

''1. Within five years of the effective date of this Compact, each Party shall develop and maintain a Water resources inventory for the collection, interpretation, storage, retrieval exchange, and dissemination of information concerning the Water resources of the Party, including, but not limited to, information on the location, type, quantity, and use of those resources and the location, type, and quantity of Withdrawals, Diversions and Consumptive Uses. To the extent

feasible, the Water resources inventory shall be developed in cooperation with local, State, federal, tribal and other private agencies and entities, as well as the Council. Each Party's agencies shall cooperate with that Party in the development and maintenance of the inventory.

''2. The Council shall assist each Party to develop a common base of data regarding the management of the Water Resources of the Basin and to establish systematic arrangements for the exchange of those data with other States and Provinces.

''3. To develop and maintain a compatible base of Water use information, within five years of the effective date of this Compact any Person who Withdraws Water in an amount of 100,000 gallons per day or greater average in any 30-day period (including Consumptive Uses) from all sources, or Diverts Water of any amount, shall register the Withdrawal or Diversion by a date set by the Council unless the Person has previously registered in accordance with an existing State program. The Person shall register the Withdrawal or Diversion with the Originating Party using a form prescribed by the Originating Party that shall include, at a minimum and without limitation: the name and address of the registrant and date of registration; the locations and sources of the Withdrawal or Diversion; the capacity of the Withdrawal or Diversion per day and the amount Withdrawn or Diverted from each source; the uses made of the Water; places of use and places of discharge; and, such other information as the Originating Party may require. All registrations shall include an estimate of the volume of the Withdrawal or Diversion in terms of gallons per day average in any 30-day period.

''4. All registrants shall annually report the monthly volumes of the Withdrawal, Consumptive Use and Diversion in gallons to the Originating Party and any other information requested by the Originating Party.

''5. Each Party shall annually report the information gathered pursuant to this Section to a Great Lakes—St. Lawrence River Water use data base repository and aggregated information shall be made publicly available, consistent with the confidentiality requirements in Section 8.3.

''6. Information gathered by the Parties pursuant to this Section shall be used to improve the sources and applications of scientific information regarding the Waters of the Basin and the impacts of the Withdrawals and Diversions from various locations and Water sources on the Basin Ecosystem, and to better understand the role of groundwater in the Basin. The Council and the Parties shall coordinate the collection and application of scientific information to further develop a mechanism by which individual and Cumulative Impacts of Withdrawals, Consumptive Uses and Diversions shall be assessed.

''Section 4.2. Water Conservation and Efficiency Programs.

''1. The Council commits to identify, in cooperation with the Provinces, Basin-wide Water conservation and efficiency objectives to assist the Parties in developing their Water conservation and efficiency program. These objectives are based on the goals of:

''a. Ensuring improvement of the Waters and Water Dependent Natural Resources;

''b. Protecting and restoring the hydrologic and ecosystem integrity of the Basin;

''c. Retaining the quantity of surface water and groundwater in the Basin;

''d. Ensuring sustainable use of Waters of the Basin; and,

''e. Promoting the efficiency of use and reducing losses and waste of Water.

''2. Within two years of the effective date of this Compact, each Party shall develop its own Water conservation and efficiency goals and objectives consistent with the Basin-wide goals and objectives, and shall develop and implement a Water conservation and efficiency program, either voluntary or mandatory, within its jurisdiction based on the Party's goals and objectives. Each Party shall annually assess its programs in meeting the Party's goals and objectives, report to the Council and the Regional Body and make this annual assessment available to the public.

''3. Beginning five years after the effective date of this Compact, and every five years thereafter, the Council, in cooperation with the Provinces, shall review and modify as appropriate the Basin-wide objectives, and the Parties shall have regard for any such modifications in implementing their programs. This assessment will be based on examining new technologies, new patterns of Water use, new resource demands and threats, and Cumulative Impact assessment under Section 4.15.

''4. Within two years of the effective date of this Compact, the Parties commit to promote Environmentally Sound and Economically Feasible Water Conservation Measures such as:

''a. Measures that promote efficient use of Water;

''b. Identification and sharing of best management practices and state of the art conservation and efficiency technologies;

''c. Application of sound planning principles;

''d. Demand-side and supply-side Measures or incentives; and,

''e. Development, transfer and application of science and research.

''5. Each Party shall implement in accordance with paragraph 2 above a voluntary or mandatory Water conservation program for all, including existing, Basin Water users. Conservation programs need to adjust to new demands and the potential impacts of cumulative effects and climate.

''Section 4.3. Party Powers and Duties.

''1. Each Party, within its jurisdiction, shall manage and regulate New or Increased Withdrawals, Consumptive Uses and Diversions, including Exceptions, in accordance with this Compact.

''2. Each Party shall require an Applicant to submit an Application in such manner and with such accompanying information as the Party shall prescribe.

''3. No Party may approve a Proposal if the Party determines that the Proposal is inconsistent with this Compact or the Standard of Review and Decision or any implementing rules or regulations promulgated thereunder. The Party may approve, approve with modifications or disapprove any Proposal depending on the Proposal's consistency with this Compact and the Standard of Review and Decision.

''4. Each Party shall monitor the implementation of any approved Proposal to ensure consistency with the approval and may take all necessary enforcement actions.

''5. No Party shall approve a Proposal subject to Council or Regional Review, or both, pursuant to this Compact unless it shall have been first submitted to and reviewed by either the Council or Regional Body, or both, and approved by the Council, as applicable. Sufficient opportunity shall be provided for comment on the Proposal's consistency with this Compact and the Standard of Review and Decision. All such comments shall become part of the Party's formal record of decision, and the Party shall take into consideration any such comments received.

''Section 4.4. Requirement for Originating Party Approval.

''No Proposal subject to management and regulation under this Compact shall hereafter be undertaken by any Person unless it shall have been approved by the Originating Party.

''Section 4.5. Regional Review.

''1. General.

''a. It is the intention of the Parties to participate in Regional Review of Proposals with the Provinces, as described in this Compact and the Agreement.

''b. Unless the Applicant or the Originating Party otherwise requests, it shall be the goal of the Regional Body to conclude its review no later than 90 days after notice under Section 4.5.2 of such Proposal is received from the Originating Party.

''c. Proposals for Exceptions subject to Regional Review shall be submitted by the Originating Party to the Regional Body for Regional Review, and where applicable, to the Council for concurrent review.

''d. The Parties agree that the protection of the integrity of the Great Lakes – St. Lawrence River Basin Ecosystem shall be the overarching principle for reviewing Proposals subject to Regional Review, recognizing uncertainties with respect to demands that may be placed on Basin Water, including groundwater, levels and flows of the Great Lakes and the St. Lawrence River, future changes in environmental conditions, the reliability of existing data and the extent to which Diversions may harm the integrity of the Basin Ecosystem.

''e. The Originating Party shall have lead responsibility for coordinating information for resolution of issues related to evaluation of a Proposal, and shall consult with the Applicant throughout the Regional Review Process.

''f. A majority of the members of the Regional Body may request Regional Review of a regionally significant or potentially precedent setting Proposal. Such Regional Review must be conducted, to the extent possible, within the time frames set forth in this Section. Any such Regional Review shall be undertaken only after consulting the Applicant.

''2. Notice from Originating Party to the Regional Body.

''a. The Originating Party shall determine if a Proposal is subject to Regional Review. If so, the Originating Party shall provide timely notice to the Regional Body and the public.

''b. Such notice shall not be given unless and until all information, documents and the Originating Party's Technical Review needed to evaluate whether the Proposal meets the Standard of Review and Decision have been provided.

''c. An Originating Party may:

''i. Provide notice to the Regional Body of an Application, even if notification is not required; or,

''ii. Request Regional Review of an application, even if Regional Review is not required. Any such Regional Review shall be undertaken only after consulting the Applicant.

''d. An Originating Party may provide preliminary notice of a potential Proposal.

''3. Public Participation.

''a. To ensure adequate public participation, the Regional Body shall adopt procedures for the review of Proposals that are subject to Regional Review in accordance with this Article.

''b. The Regional Body shall provide notice to the public of a Proposal undergoing Regional Review. Such notice shall indicate that the public has an opportunity to comment in writing to the Regional Body on whether the Proposal meets the Standard of Review and Decision.

''c. The Regional Body shall hold a public meeting in the State or Province of the Originating Party in order to receive public comment on the issue of whether the Proposal

under consideration meets the Standard of Review and Decision.

''d. The Regional Body shall consider the comments received before issuing a Declaration of Finding.

''e. The Regional Body shall forward the comments it receives to the Originating Party.

''4. Technical Review.

''a. The Originating Party shall provide the Regional Body with its Technical Review of the Proposal under consideration.

''b. The Originating Party's Technical Review shall thoroughly analyze the Proposal and provide an evaluation of the Proposal sufficient for a determination of whether the Proposal meets the Standard of Review and Decision.

''c. Any member of the Regional Body may conduct their own Technical Review of any Proposal subject to Regional Review.

''d. At the request of the majority of its members, the Regional Body shall make such arrangements as it considers appropriate for an independent Technical Review of a Proposal.

''e. All Parties shall exercise their best efforts to ensure that a Technical Review undertaken under Sections 4.5.4.c and 4.5.4.d does not unnecessarily delay the decision by the Originating Party on the Application. Unless the Applicant or the Originating Party otherwise requests, all Technical Reviews shall be completed no later than 60 days after the date the notice of the Proposal was given to the Regional Body.

''5. Declaration of Finding.

''a. The Regional Body shall meet to consider a Proposal. The Applicant shall be provided with an opportunity to present the Proposal to the Regional Body at such time.

''b. The Regional Body, having considered the notice, the Originating Party's Technical Review, any other independent Technical Review that is made, any comments or objections including the analysis of comments made by the public, First Nations and federally recognized Tribes, and any other information that is provided under this Compact shall issue a Declaration of Finding that the Proposal under consideration:

''i. Meets the Standard of Review and Decision;

''ii. Does not meet the Standard of Review and Decision; or,

''iii. Would meet the Standard of Review and Decision if certain conditions were met.

''c. An Originating Party may decline to participate in a Declaration of Finding made by the Regional Body.

''d. The Parties recognize and affirm that it is preferable for all members of the Regional Body to agree whether the Proposal meets the Standard of Review and Decision.

''e. If the members of the Regional Body who participate in the Declaration of Finding all agree, they shall issue a written Declaration of Finding with consensus.

''f. In the event that the members cannot agree, the Regional Body shall make every reasonable effort to achieve consensus within 25 days.

''g. Should consensus not be achieved, the Regional Body may issue a Declaration of Finding that presents different points of view and indicates each Party's conclusions.

''h. The Regional Body shall release the Declarations of Finding to the public.

''i. The Originating Party and the Council shall consider the Declaration of Finding before making a decision on the Proposal.

"Section 4.6. Proposals Subject to Prior Notice.

''1. Beginning no later than five years of the effective date of this Compact, the Originating Party shall provide all Parties and the Provinces with detailed and timely notice and an opportunity to comment within 90 days on any Proposal for a New or Increased Consumptive Use of 5 million gallons per day or greater average in any 90-day period. Comments shall address whether or not the Proposal is consistent with the Standard of Review and Decision. The Originating Party shall provide a response to any such comment received from another Party.

''2. A Party may provide notice, an opportunity to comment and a response to comments even if this is not required under paragraph 1 of this Section. Any provision of such notice and opportunity to comment shall be undertaken only after consulting the Applicant.

"Section 4.7. Council Actions.

''1. Proposals for Exceptions subject to Council Review shall be submitted by the Originating Party to the Council for Council Review, and where applicable, to the Regional Body for concurrent review.

''2. The Council shall review and take action on Proposals in accordance with this Compact and the Standard of Review and Decision. The Council shall not take action on a Proposal subject to Regional Review pursuant to this Compact unless the Proposal shall have been first submitted to and reviewed by the Regional Body. The Council shall consider any findings resulting from such review.

"Section 4.8. Prohibition of New or Increased Diversions.

''All New or Increased Diversions are prohibited, except as provided for in this Article.

"Section 4.9. Exceptions to the Prohibition of Diversions.

''1. Straddling Communities. A Proposal to transfer Water to an area within a Straddling Community but outside the Basin or outside the source Great Lake Watershed shall be excepted from the prohibition against Diversions and be managed and regulated by the Originating Party provided that, regardless of the volume of Water transferred, all the Water so transferred shall be used solely for Public Water Supply Purposes within the Straddling Community, and:

''a. All Water Withdrawn from the Basin shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use. No surface water or groundwater from outside the Basin may be used to satisfy any portion of this criterion except if it:

''i. Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin;

''ii. Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin;

''iii. Maximizes the portion of water returned to the Source Watershed as Basin Water and minimizes the surface water or groundwater from outside the Basin;

''b. If the Proposal results from a New or Increased Withdrawal of 100,000 gallons per day or greater average over any 90-day period, the Proposal shall also meet the Exception Standard; and,

''c. If the Proposal results in a New or Increased Consumptive Use of 5 million gallons per day or greater average over any 90-day period, the Proposal shall also undergo Regional Review.

''2. Intra-Basin Transfer. A Proposal for an Intra-Basin Transfer that would be considered a Diversion under this Compact, and not already excepted pursuant to paragraph 1 of this Section, shall be excepted from the prohibition against Diversions, provided that:

''a. If the Proposal results from a New or Increased Withdrawal less than 100,000 gallons per day average over any 90-day period, the Proposal shall be subject to management and regulation at the discretion of the Originating Party.

''b. If the Proposal results from a New or Increased Withdrawal 100,000 gallons per day or greater average over any 90-day period and if the Consumptive Use resulting from the Withdrawal is less than 5 million gallons per day average over any 90-day period:

''i. The Proposal shall meet the Exception Standard and be subject to management and regulation by the Originating Party, except that the Water may be returned to another Great Lake watershed rather than the Source Watershed;

''ii. The Applicant shall demonstrate that there is no feasible, cost effective, and environmentally sound water supply alternative within the Great Lake watershed to which the Water will be transferred, including conservation of existing water supplies; and,

''iii. The Originating Party shall provide notice to the other Parties prior to making any decision with respect to the Proposal.

''c. If the Proposal results in a New or Increased Consumptive Use of 5 million gallons per day or greater average over any 90-day period:

''i. The Proposal shall be subject to management and regulation by the Originating Party and shall meet the Exception Standard, ensuring that Water Withdrawn shall be returned to the Source Watershed;

''ii. The Applicant shall demonstrate that there is no feasible, cost effective, and environmentally sound water supply alternative within the Great Lake watershed to which the Water will be transferred, including conservation of existing water supplies;

''iii. The Proposal undergoes Regional Review; and,

''iv. The Proposal is approved by the Council. Council approval shall be given unless one or more Council Members vote to disapprove.

''3. Straddling Counties. A Proposal to transfer Water to a Community within a Straddling County that would be considered a Diversion under this Compact shall be excepted from the prohibition against Diversions, provided that it satisfies all of the following conditions:

''a. The Water shall be used solely for the Public Water Supply Purposes of the Community within a Straddling County that is without adequate supplies of potable water;

''b. The Proposal meets the Exception Standard, maximizing the portion of water returned to the Source Watershed as Basin Water and minimizing the surface water or groundwater from outside the Basin;

''c. The Proposal shall be subject to management and regulation by the Originating Party, regardless of its size;

''d. There is no reasonable water supply alternative within the basin in which the community is located, including conservation of existing water supplies;

''e. Caution shall be used in determining whether or not the Proposal meets the conditions for this Exception. This Exception should not be authorized unless it can be shown that it will not endanger the integrity of the Basin Ecosystem;

''f. The Proposal undergoes Regional Review; and,

''g. The Proposal is approved by the Council. Council approval shall be given unless one or more Council Members vote to disapprove.

A Proposal must satisfy all of the conditions listed above. Further, substantive consideration will also be given to whether or not the Proposal can provide sufficient scientifically based evidence that the existing water supply is derived from groundwater that is hydrologically interconnected to Waters of the Basin.

''4. Exception Standard. Proposals subject to management and regulation in this Section shall be declared to meet this Exception Standard and may be approved as appropriate only when the following criteria are met:

''a. The need for all or part of the proposed Exception cannot be reasonably avoided through the efficient use and conservation of existing water supplies;

''b. The Exception will be limited to quantities that are considered reasonable for the purposes for which it is proposed;

''c. All Water Withdrawn shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use. No surface water or groundwater from the outside the Basin may be used to satisfy any portion of this criterion except if it:

''i. Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin;

''ii. Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin;

''d. The Exception will be implemented so as to ensure that it will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin with consideration given to the potential Cumulative Impacts of any precedent-setting consequences associated with the Proposal;

''e. The Exception will be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures to minimize Water Withdrawals or Consumptive Use;

''f. The Exception will be implemented so as to ensure that it is in compliance with all applicable municipal, State and federal laws as well as regional interstate and international agreements, including the Boundary Waters Treaty of 1909; and,

''g. All other applicable criteria in Section 4.9 have also been met.

''Section 4.10. Management and Regulation of New or Increased Withdrawals and Consumptive Uses.

''1. Within five years of the effective date of this Compact, each Party shall create a program for the management and regulation of New or Increased Withdrawals and Consumptive Uses by adopting and implementing Measures consistent with the Decision-Making Standard. Each Party, through a considered process, shall set and may modify threshold levels for the regulation of New or Increased Withdrawals in order to assure an effective and efficient Water management program that will ensure that uses overall are reasonable, that Withdrawals overall will not result in significant impacts to the Waters and Water Dependent Natural Resources of the Basin, determined on the basis of significant impacts to the physical, chemical, and biological integrity of Source Watersheds, and that all other objectives of the Compact are achieved. Each Party may determine the scope and thresholds of its program, including which New or Increased Withdrawals and Consumptive Uses will be subject to the program.

''2. Any Party that fails to set threshold levels that comply with Section 4.10.1 any time before 10 years after the effective date of this Compact shall apply a threshold level for management and regulation of all New or Increased Withdrawals of 100,000 gallons per day or greater average in any 90-day period.

''3. The Parties intend programs for New or Increased Withdrawals and Consumptive Uses to evolve as may be necessary to protect Basin Waters. Pursuant to Section 3.4, the Council, in cooperation with the Provinces, shall periodically assess the Water management programs of the Parties. Such assessments may produce recommendations for the strengthening of the programs, including without limitation, establishing lower thresholds for management and regulation in accordance with the Decision-Making Standard.

''Section 4.11. Decision-Making Standard.

''Proposals subject to management and regulation in Section 4.10 shall be declared to meet this Decision-Making Standard and may be approved as appropriate only when the following criteria are met:

''1. All Water Withdrawn shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use;

''2. The Withdrawal or Consumptive Use will be implemented so as to ensure that the Proposal will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources and the applicable Source Watershed;

''3. The Withdrawal or Consumptive Use will be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures;

''4. The Withdrawal or Consumptive Use will be implemented so as to ensure that it is in compliance with all applicable municipal, State and federal laws as well as regional interstate and international agreements, including the Boundary Waters Treaty of 1909;

''5. The proposed use is reasonable, based upon a consideration of the following factors:

''a. Whether the proposed Withdrawal or Consumptive Use is planned in a fashion that provides for efficient use of the water, and will avoid or minimize the waste of Water;

''b. If the Proposal is for an increased Withdrawal or Consumptive use, whether efficient use is made of existing water supplies;

''c. The balance between economic development, social development and environmental protection of the proposed Withdrawal and use and other existing or planned withdrawals and water uses sharing the water source;

''d. The supply potential of the water source, considering quantity, quality, and reliability and safe yield of hydrologically interconnected water sources;

''e. The probable degree and duration of any adverse impacts caused or expected to be caused by the proposed Withdrawal and use under foreseeable conditions, to other lawful consumptive or non-consumptive uses of water or to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin, and the proposed plans and arrangements for avoidance or mitigation of such impacts; and,

''f. If a Proposal includes restoration of hydrologic conditions and functions of the Source Watershed, the Party may consider that.

''Section 4.12. Applicability.

''1. Minimum Standard. This Standard of Review and Decision shall be used as a minimum standard. Parties may impose a more restrictive decision-making standard for Withdrawals under their authority. It is also acknowledged that although a Proposal meets the Standard of Review and Decision it may not be approved under the laws of the Originating Party that has implemented more restrictive Measures.

''2. Baseline.

''a. To establish a baseline for determining a New or Increased Diversion, Consumptive Use or Withdrawal, each Party shall develop either or both of the following lists for their jurisdiction:

''i. A list of existing Withdrawal approvals as of the effective date of the Compact;

''ii. A list of the capacity of existing systems as of the effective date of this Compact. The capacity of the existing systems should be presented in terms of Withdrawal capacity, treatment capacity, distribution capacity, or other capacity limiting factors. The capacity of the existing systems must represent the state of the systems. Existing capacity determinations shall be based upon approval limits or the most restrictive capacity information.

''b. For all purposes of this Compact, volumes of Diversions, Consumptive Uses, or Withdrawals of Water set forth in the list(s) prepared by each Party in accordance with this Section, shall constitute the baseline volume.

''c. The list(s) shall be furnished to the Regional Body and the Council within one year of the effective date of this Compact.

''3. Timing of Additional Applications. Applications for New or Increased Withdrawals, Consumptive Uses or Exceptions shall be considered cumulatively within ten years of any application.

''4. Change of Ownership. Unless a new owner proposes a project that shall result in a Proposal for a New or Increased Diversion or Consumptive Use subject to Regional Review or Council approval, the change of ownership in and of itself shall not require Regional Review or Council approval.

''5. Groundwater. The Basin surface water divide shall be used for the purpose of managing and regulating New or Increased Diversions, Consumptive Uses or Withdrawals of surface water and groundwater.

''6. Withdrawal Systems. The total volume of surface water and groundwater resources that supply a common distribution system shall determine the volume of a Withdrawal, Consumptive Use or Diversion.

''7. Connecting Channels. The watershed of each Great Lake shall include its upstream and downstream connecting channels.

''8. Transmission in Water Lines. Transmission of Water within a line that extends outside the Basin as it conveys Water from one point to another within the Basin shall not be considered a Diversion if none of the Water is used outside the Basin.

''9. Hydrologic Units. The Lake Michigan and Lake Huron watersheds shall be considered to be a single hydrologic unit and watershed.

''10. Bulk Water Transfer. A Proposal to Withdraw Water and to remove it from the Basin in any container greater than 5.7 gallons shall be treated under this Compact in the same manner as a Proposal for a Diversion. Each Party shall have the discretion, within its jurisdiction, to determine the treatment of Proposals to Withdraw Water and to remove it from the Basin in any container of 5.7 gallons or less.

''Section 4.13. Exemptions.

''Withdrawals from the Basin for the following purposes are exempt from the requirements of Article 4.

''1. To supply vehicles, including vessels and aircraft, whether for the needs of the persons or animals being transported or for ballast or other needs related to the operation of the vehicles.

''2. To use in a non-commercial project on a short-term basis for firefighting, humanitarian, or emergency response purposes.

''Section 4.14. U.S. Supreme Court Decree: Wisconsin et al. v. Illinois et al.

''1. Notwithstanding any terms of this Compact to the contrary, with the exception of Paragraph 5 of this Section, current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water by the State of Illinois shall be governed by the terms of the United States Supreme Court decree in

Wisconsin et al. v. Illinois et al. and shall not be subject to the terms of this Compact nor any rules or regulations promulgated pursuant to this Compact. This means that, with the exception of Paragraph 5 of this Section, for purposes of this Compact, current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water within the State of Illinois shall be allowed unless prohibited by the terms of the United States Supreme Court decree in Wisconsin et al. v. Illinois et al.

''2. The Parties acknowledge that the United States Supreme Court decree in Wisconsin et al. v. Illinois et al. shall continue in full force and effect, that this Compact shall not modify any terms thereof, and that this Compact shall grant the parties no additional rights, obligations, remedies or defenses thereto. The Parties specifically acknowledge that this Compact shall not prohibit or limit the State of Illinois in any manner from seeking additional Basin Water as allowed under the terms of the United States Supreme Court decree in Wisconsin et al. v. Illinois et al., any other party from objecting to any request by the State of Illinois for additional Basin Water under the terms of said decree, or any party from seeking any other type of modification to said decree. If an application is made by any party to the Supreme Court of the United States to modify said decree, the Parties to this Compact who are also parties to the decree shall seek formal input from the Canadian Provinces of Ontario and Québec, with respect to the proposed modification, use best efforts to facilitate the appropriate participation of said Provinces in the proceedings to modify the decree, and shall not unreasonably impede or restrict such participation.

''3. With the exception of Paragraph 5 of this Section, because current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water by the State of Illinois are not subject to the terms of this Compact, the State of Illinois is prohibited from using any term of this Compact, including Section 4.9, to seek New or Increased Withdrawals, Consumptive Uses or Diversions of Basin Water.

''4. With the exception of Paragraph 5 of this Section, because Sections 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12 (Paragraphs 1, 2, 3, 4, 6 and 10 only), and 4.13 of this Compact all relate to current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Waters, said provisions do not apply to the State of Illinois. All other provisions of this Compact not listed in the preceding sentence shall apply to the State of Illinois, including the Water Conservation Programs provision of Section 4.2.

''5. In the event of a Proposal for a Diversion of Basin Water for use outside the territorial boundaries of the Parties to this Compact, decisions by the State of Illinois regarding such a Proposal would be subject to all terms of this Compact, except Paragraphs 1, 3 and 4 of this Section.

''6. For purposes of the State of Illinois' participation in this Compact, the entirety of this Section 4.14 is necessary for the continued implementation of this Compact and, if severed, this Compact shall no longer be binding on or enforceable by or against the State of Illinois.

''Section 4.15. Assessment of Cumulative Impacts.

''1. The Parties in cooperation with the Provinces shall collectively conduct within the Basin, on a Lake watershed and St. Lawrence River Basin basis, a periodic assessment of the Cumulative Impacts of Withdrawals, Diversions and Consumptive Uses from the Waters of the Basin, every 5 years or each time the incremental Basin Water losses reach 50 million gallons per day average in any 90-day period in excess of the quantity at the time of the most recent assessment, whichever comes first, or at the request of one or more of the Parties. The assessment shall form the basis for a review of the Standard of Review and Decision, Council and Party regulations and their application. This assessment shall:

''a. Utilize the most current and appropriate guidelines for such a review, which may include but not be limited to Council on Environmental Quality and Environment Canada guidelines;

''b. Give substantive consideration to climate change or other significant threats to Basin Waters and take into account the current state of scientific knowledge, or uncertainty, and appropriate Measures to exercise caution in cases of uncertainty if serious damage may result;

''c. Consider adaptive management principles and approaches, recognizing, considering and providing adjustments for the uncertainties in, and evolution of science concerning the Basin's water resources, watersheds and ecosystems, including potential changes to Basin-wide processes, such as lake level cycles and climate.

''2. The Parties have the responsibility of conducting this Cumulative Impact assessment. Applicants are not required to participate in this assessment.

''3. Unless required by other statutes, Applicants are not required to conduct a separate cumulative impact assessment in connection with an Application but shall submit information about the potential impacts of a Proposal to the quantity or quality of the Waters and Water Dependent Natural Resources of the applicable Source Watershed. An Applicant may, however, provide an analysis of how their Proposal meets the no significant adverse Cumulative Impact provision of the Standard of Review and Decision.

''ARTICLE 5

''TRIBAL CONSULTATION

''Section 5.1. Consultation with Tribes.

''1. In addition to all other opportunities to comment pursuant to Section 6.2, appropriate consultations shall occur with federally recognized Tribes in the Originating Party for all Proposals subject to Council or Regional Review pursuant to this Compact. Such consultations shall be organized in the manner suitable to the individual Proposal and the laws and policies of the Originating Party.

''2. All federally recognized Tribes within the Basin shall receive reasonable notice indicating that they have an opportunity to comment in writing to the Council or the Regional Body, or both, and other relevant organizations on whether the Proposal meets the requirements of the Standard of Review and Decision when a Proposal is subject to Regional Review or Council approval. Any notice from the Council shall inform the Tribes of any meeting or hearing that is to be held under Section 6.2 and invite them to attend. The Parties and the Council shall consider the comments received under this Section before approving, approving with modifications or disapproving any Proposal subject to Council or Regional Review.

''3. In addition to the specific consultation mechanisms described above, the Council shall seek to establish mutually-agreed upon mechanisms or processes to facilitate dialogue with, and input from federally recognized Tribes on matters to be dealt with by the Council; and, the Council shall seek to establish mechanisms and processes with federally recognized Tribes designed to facilitate on-going scientific and technical interaction and data exchange regarding matters falling within the scope of this Compact. This may include participation of tribal representatives on advisory committees established under this Compact or such other processes that are mutually-agreed upon with federally recognized Tribes individually or through duly-authorized intertribal agencies or bodies.

''ARTICLE 6

''PUBLIC PARTICIPATION

''Section 6.1. Meetings, Public Hearings and Records.

''1. The Parties recognize the importance and necessity of public participation in promoting management of the Water Resources of the Basin. Consequently, all meetings of the Council shall be open to the public, except with respect to issues of personnel.

''2. The minutes of the Council shall be a public record open to inspection at its offices during regular business hours.

''Section 6.2. Public Participation.

''It is the intent of the Council to conduct public participation processes concurrently and jointly with processes undertaken by the Parties and through Regional Review. To ensure adequate public participation, each Party or the Council shall ensure procedures for the review of Proposals subject to the Standard of Review and Decision consistent with the following requirements:

''1. Provide public notification of receipt of all Applications and a reasonable opportunity for the public to submit comments before Applications are acted upon.

''2. Assure public accessibility to all documents relevant to an Application, including public comment received.

''3. Provide guidance on standards for determining whether to conduct a public meeting or hearing for an Application, time and place of such a meeting(s) or hearing(s), and procedures for conducting of the same.

''4. Provide the record of decision for public inspection including comments, objections, responses and approvals, approvals with conditions and disapprovals.

''ARTICLE 7

''DISPUTE RESOLUTION AND ENFORCEMENT

''Section 7.1. Good Faith Implementation.

''Each of the Parties pledges to support implementation of all provisions of this Compact, and covenants that its officers and agencies shall not hinder, impair, or prevent any other Party carrying out any provision of this Compact.

''Section 7.2. Alternative Dispute Resolution.

''1. Desiring that this Compact be carried out in full, the Parties agree that disputes between the Parties regarding interpretation, application and implementation of this Compact shall be settled by alternative dispute resolution.

''2. The Council, in consultation with the Provinces, shall provide by rule procedures for the resolution of disputes pursuant to this section.

''Section 7.3. Enforcement.

''1. Any Person aggrieved by any action taken by the Council pursuant to the authorities contained in this Compact shall be entitled to a hearing before the Council. Any Person aggrieved by a Party action shall be entitled to a hearing pursuant to the relevant Party's administrative procedures and laws. After exhaustion of such administrative remedies, (i) any aggrieved Person shall have the right to judicial review of a Council action in the United States District Courts for the District of Columbia or the District Court in which the Council maintains offices, provided such action is commenced within 90 days; and, (ii) any aggrieved Person shall have the right to judicial review of a Party's action in the relevant Party's court

of competent jurisdiction, provided that an action or proceeding for such review is commenced within the time frames provided for by the Party's law. For the purposes of this paragraph, a State or Province is deemed to be an aggrieved Person with respect to any Party action pursuant to this Compact.

''2. a. Any Party or the Council may initiate actions to compel compliance with the provisions of this Compact, and the rules and regulations promulgated hereunder by the Council. Jurisdiction over such actions is granted to the court of the relevant Party, as well as the United States District Courts for the District of Columbia and the District Court in which the Council maintains offices. The remedies available to any such court shall include, but not be limited to, equitable relief and civil penalties.

''b. Each Party may issue orders within its respective jurisdiction and may initiate actions to compel compliance with the provisions of its respective statutes and regulations adopted to implement the authorities contemplated by this Compact in accordance with the provisions of the laws adopted in each Party's jurisdiction.

''3. Any aggrieved Person, Party or the Council may commence a civil action in the relevant Party's courts and administrative systems to compel any Person to comply with this Compact should any such Person, without approval having been given, undertake a New or Increased Withdrawal, Consumptive Use or Diversion that is prohibited or subject to approval pursuant to this Compact.

''a. No action under this subsection may be commenced if:

''i. The Originating Party or Council approval for the New or Increased Withdrawal, Consumptive Use or Diversion has been granted; or,

''ii. The Originating Party or Council has found that the New or Increased Withdrawal, Consumptive Use or Diversion is not subject to approval pursuant to this Compact.

''b. No action under this subsection may be commenced unless:

''i. A Person commencing such action has first given 60 days prior notice to the Originating Party, the Council and Person alleged to be in noncompliance; and,

''ii. Neither the Originating Party nor the Council has commenced and is diligently prosecuting appropriate enforcement actions to compel compliance with this Compact.

The available remedies shall include equitable relief, and the prevailing or substantially prevailing party may recover the costs of litigation, including reasonable attorney and expert witness fees, whenever the court determines that such an award is appropriate.

''4. Each of the Parties may adopt provisions providing additional enforcement mechanisms and remedies including equitable relief and civil penalties applicable within its jurisdiction to assist in the implementation of this Compact.

''ARTICLE 8

''ADDITIONAL PROVISIONS

''Section 8.1. Effect on Existing Rights.

''1. Nothing in this Compact shall be construed to affect, limit, diminish or impair any rights validly established and existing as of the effective date of this Compact under State or federal law governing the Withdrawal of Waters of the Basin.

''2. Nothing contained in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the law of the respective Parties relating to common law Water rights.

''3. Nothing in this Compact is intended to abrogate or derogate from treaty rights or rights held by any Tribe recognized by the federal government of the United States based upon its status as a Tribe recognized by the federal government of the United States.

''4. An approval by a Party or the Council under this Compact does not give any property rights, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to or over any land belonging to or held in trust by a Party; neither does it authorize any injury to private property or invasion of private rights, nor infringement of federal, State or local laws or regulations; nor does it obviate the necessity of obtaining federal assent when necessary.

''Section 8.2. Relationship to Agreements Concluded by the United States of America.

''1. Nothing in this Compact is intended to provide nor shall be construed to provide, directly or indirectly, to any Person any right, claim or remedy under any treaty or international agreement nor is it intended to derogate any right, claim, or remedy that already exists under any treaty or international agreement.

''2. Nothing in this Compact is intended to infringe nor shall be construed to infringe upon the treaty power of the United States of America, nor shall any term hereof be construed to alter or amend any treaty or term thereof that has been or may hereafter be executed by the United States of America.

''3. Nothing in this Compact is intended to affect nor shall be construed to affect the application of the Boundary Waters Treaty of 1909 whose requirements continue to apply in addition to the requirements of this Compact.

''Section 8.3. Confidentiality.

''1. Nothing in this Compact requires a Party to breach confidentiality obligations or requirements prohibiting disclosure, or to compromise security of commercially sensitive or proprietary information.

''2. A Party may take measures, including but not limited to deletion and redaction, deemed necessary to protect any confidential, proprietary or commercially sensitive information when distributing information to other Parties. The Party shall summarize or paraphrase any such information in a manner sufficient for the Council to exercise its authorities contained in this Compact.

''Section 8.4. Additional Laws.

''Nothing in this Compact shall be construed to repeal, modify or qualify the authority of any Party to enact any legislation or enforce any additional conditions and restrictions regarding the management and regulation of Waters within its jurisdiction.

''Section 8.5. Amendments and Supplements.

''The provisions of this Compact shall remain in full force and effect until amended by action of the governing bodies of the Parties and consented to and approved by any other necessary authority in the same manner as this Compact is required to be ratified to become effective.

''Section 8.6. Severability.

''Should a court of competent jurisdiction hold any part of this Compact to be void or unenforceable, it shall be considered severable from those portions of the Compact capable of continued implementation in the absence of the voided provisions. All other provisions capable of continued implementation shall continue in full force and effect.

''Section 8.7. Duration of Compact and Termination.

''Once effective, the Compact shall continue in force and remain binding upon each and every Party unless terminated. This Compact may be terminated at any time by a majority vote of the Parties. In the event of such termination, all rights established under it shall continue unimpaired.

''ARTICLE 9

''EFFECTUATION

''Section 9.1. Repealer.

''All acts and parts of acts inconsistent with this act are to the extent of such inconsistency hereby repealed.

''Section 9.2. Effectuation by Chief Executive.

''The Governor is authorized to take such action as may be necessary and proper in his or her discretion to effectuate the Compact and the initial organization and operation thereunder.

''Section 9.3. Entire Agreement.

''The Parties consider this Compact to be complete and an integral whole. Each provision of this Compact is considered material to the entire Compact, and failure to implement or adhere to any provision may be considered a material breach. Unless otherwise noted in this Compact, any change or amendment made to the Compact by any Party in its implementing legislation or by the U.S. Congress when giving its consent to this Compact is not considered effective unless concurred in by all Parties.

''Section 9.4. Effective Date and Execution.

''This Compact shall become binding and effective when ratified through concurring legislation by the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin and the Commonwealth of Pennsylvania and consented to by the Congress of the United States. This Compact shall be signed and sealed in nine identical original copies by the respective chief executives of the signatory Parties. One such copy shall be filed with the Secretary of State of each of the signatory Parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the Council upon its organization. The signatures shall be affixed and attested under the following form:

''In Witness Whereof, and in evidence of the adoption and enactment into law of this Compact by the legislatures of the signatory parties and consent by the Congress of the United States, the respective Governors do hereby, in accordance with the authority conferred by law, sign this Compact in nine duplicate original copies, attested by the respective Secretaries of State, and have caused the seals of the respective states to be hereunto affixed this _____ day of (month), (year).'': Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) Congress consents to and approves the interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin described in the preamble; and

(2) until a Great Lakes Water Compact is ratified and enforceable, laws in effect as of the date of enactment of this resolution provide protection sufficient to prevent Great Lakes water diversions.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 620—DESIGNATING THE WEEK OF SEPTEMBER 14–20, 2008, AS NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK, TO RAISE PUBLIC AWARENESS AND UNDERSTANDING OF POLYCYSTIC KIDNEY DISEASE, AND TO FOSTER UNDERSTANDING OF THE IMPACT POLYCYSTIC KIDNEY DISEASE HAS ON PATIENTS AND FUTURE GENERATIONS OF THEIR FAMILIES

Mr. KOHL (for himself and Mr. HATCH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 620

Whereas polycystic kidney disease (known as ''PKD''), one of the most prevalent life-threatening genetic diseases in the United States, is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, on people of all ages, and affects equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas this devastating disease comes in 2 hereditary forms, with autosomal dominant polycystic kidney disease (ADPKD) affecting 1 in 500 worldwide, including 600,000 PKD patients in the United States, according to prevalence estimates by the National Institutes of Health;

Whereas families in which 1 or both parents have ADPKD have a 50 percent chance of passing the disease on to each of their children;

Whereas autosomal recessive polycystic kidney disease (ARPKD), a rarer form of PKD, affects 1 in 20,000 live births and too often leads to death early in life;

Whereas parents who carry the gene for ARPKD pass on the disease to 25 percent of the children the parents conceive;

Whereas, in addition to patients directly affected by PKD, countless friends, loved ones, family members, colleagues, and caregivers must shoulder the physical, emotional, and financial burdens that polycystic kidney disease causes;

Whereas polycystic kidney disease, for which there is no treatment or cure, is the leading genetic cause of kidney failure in the United States and the fourth leading cause overall;

Whereas the vast majority of polycystic kidney disease patients reach kidney failure at an average age of 53, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the ''baby boomers'', continues to age;

Whereas end stage renal disease is one of the fastest growing components of the Medicare budget, and polycystic kidney disease contributes to that cost by an estimated $2,000,000,000 annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidney and the cardiovascular, endocrine, hepatic, and gastrointestinal organ systems and instills in patients a fear of an unknown future with a life-threatening genetic disease and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease cause many patients to live in denial and forego regular visits to their physicians or to avoid following good health management which would help avoid more severe complications when kidney failure occurs;

Whereas people who have chronic, life-threatening diseases like polycystic kidney disease have a predisposition to depression and the resulting consequences of depression due to their anxiety over pain, suffering, and premature death;

Whereas the Senate and taxpayers of the United States desire to see treatments and cures for disease and would like to see results from investments in research conducted by the National Institutes of Health (NIH) and from such initiatives as the NIH Roadmap to the Future;

Whereas polycystic kidney disease is a verifiable example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit polycystic kidney disease sufferers, save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies, and make available several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide who are dedicated to expanding essential research, fostering public awareness and understanding of polycystic kidney disease, educating polycystic kidney disease patients and their families about the disease to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas these volunteers engage in an annual national awareness event held during the third week of September, and such a week would be an appropriate time to recognize National Polycystic Kidney Disease Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 14-20, 2008, as ''National Polycystic Kidney Disease Awareness Week'';

(2) supports the goals and ideals of a national week to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support National Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities, to promote public awareness of polycystic kidney disease, and to foster understanding of the impact of the disease on patients and their families.

Mr. KOHL. Mr. President, I rise today along with Senator HATCH to introduce a resolution to increase awareness of Polycystic Kidney Disease, PKD, a common and life threatening genetic illness.

Over 600,000 people have been diagnosed with PKD nationwide. There is no treatment or cure for this devastating disease. Families and friends struggle to fight PKD and provide unwavering support to their suffering loved ones.

But there is hope. The PKD Foundation has led the fight for increased research and patient education. Recent studies have led to the discovery of the genes that cause PKD as well as promising clinical drug trials for treatment. More needs to be done, however, and the government wants to help.

In order to increase public awareness of this fatal disease, I propose that September 14th through the 20th be designated as National Polycystic Kidney Disease Awareness Week. This week coincides with the annual walk for PKD which takes place every September. In Wisconsin, where over 10,000 patients are living with the disease, residents gather across the state to take part in this very special walk.

Increasing awareness will help all those affected by Polycystic Kidney Disease, and I hope my colleagues will support this important resolution.

Mr. HATCH. Mr. President, I rise today to join my colleague from Wisconsin, Senator HERB KOHL, in introducing a resolution to designate September 14–20, 2008, as National Polycystic Kidney Disease Awareness Week. Approximately 600,000 Americans and more than 12 million people worldwide suffer from polycystic kidney disease or PKD. Through this resolution, we hope to raise awareness of this disease that is relatively unknown but affects so many people.

PKD is one of the most common life-threatening genetic diseases impacting America today. According to the PKD Foundation, the disease afflicts more people than Down syndrome, cystic fibrosis, muscular dystrophy and sickle cell anemia combined.

The two major forms of PKD are autosomal dominant PKD—also called ''adult PKD'' because it customarily causes symptoms in adulthood—and autosomal recessive PKD, a rare form that usually causes symptoms in infancy and early childhood. Babies born with this latter type of PKD often do not live longer than the first month of life. About half of autosomal dominant PKD patients eventually develop kidney failure and require dialysis or a kidney transplant. PKD is the fourth leading cause of kidney failure, and it is the leading genetic cause of kidney failure.

PKD is characterized by the growth of fluid-filled cysts on the nephrons of the kidneys. A polycystic kidney can have thousands of these cysts growing on it. In time, the cysts separate from the nephrons and continue to enlarge—and the kidneys enlarge along with the cysts. A normal, healthy kidney is about the size of a fist; but, in fully developed cases of autosomal dominant PKD, a cyst-filled kidney can grow to the size of a football or larger and weigh as much as 20 to 30 pounds. This leads to decreased kidney function and kidney failure.

PKD also can cause cysts in the liver and problems in other organs, such as blood vessels in the brain and heart. High blood pressure is common and develops in most patients by age 20 or 30, and brain aneurysm is a common cause of death in PKD patients.

There is no cure for PKD, only minimal treatments such as medicine to control high blood pressure, or medicine and surgery to reduce pain, and antibiotics for infections. More severe cases of PKD require more intense treatment options such as dialysis for failing kidneys or a kidney transplant.

There may be no cure, but there is hope. According to the National Institute of Diabetes and Digestive and Kidney Diseases at the National Institutes of Health, scientists have begun to identify what triggers formation of PKD cysts. And advances in genetics have expanded understanding of the abnormal genes responsible for both

forms of PKD. Recent clinical studies of autosomal dominant PKD are exploring new imaging methods for tracking progression of cystic kidney disease. Today, magnetic resonance imaging, MRI, is helping scientists design better clinical trials for new treatments of adult PKD.

There is also hope in awareness and education, which offer patients opportunities to discuss and learn about their disease, provide more resources for research and treatment options for PKD, and lead to more events to heighten visibility and aid in fundraising. As I said earlier, not many people know about the disease, even in my home State of Utah where PKD rates are three times the national average.

To promote greater understanding of this destructive genetic disease, Senator KOHL and I have introduced this resolution to designate a National Polycystic Kidney Disease Awareness Week.

I urge my colleagues to support it.

SENATE RESOLUTION 621—HONORING AND COMMEMORATING THE SELFLESS ACTS OF HEROISM DISPLAYED BY THE LATE DETECTIVE JOHN MICHAEL GIBSON AND PRIVATE FIRST CLASS JACOB JOSEPH CHESTNUT OF THE UNITED STATES CAPITOL POLICE ON JULY 24, 1998, AND EXPRESSING THE GRATITUDE AND APPRECIATION OF THE SENATE FOR THE PROFESSIONALISM AND DEDICATION OF THE UNITED STATES CAPITOL POLICE

Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 621

Whereas Detective Gibson, born March 29, 1956, was killed in the line of duty while protecting the office complex of the House Majority Whip;

Whereas Private First Class Chestnut, born April 28, 1940, was killed in the line of duty while guarding the Document Room Door entrance of the Capitol;

Whereas Detective Gibson and Private First Class Chestnut were the first police officers to lie in honor in the rotunda of the Capitol;

Whereas Private First Class Chestnut was the first African-American to lie in honor in the rotunda of the Capitol;

Whereas Detective Gibson was married to Evelyn and was the father of 3 children;

Whereas Private First Class Chestnut was married to Wen Ling and was the father of 5 children;

Whereas the United States Capitol Police force consists of over 1,600 officers who are dedicated to the protection and security of the Capitol Complex and its employees and visitors;

Whereas the United States Capitol Police continually sacrifice to provide safety and security to the Members, staff, and millions of visitors each year to the Capitol Complex;

Whereas the men and women of the United States Capitol Police join with their colleagues in local law enforcement from urban to rural areas coast to coast to perform their duties with honor and courage;

Whereas while the United States Capitol Police endure physical and verbal assaults in some extreme cases, the officers continue to provide courteous, responsible, and diligent services in an unbiased and nonpartisan manner;

Whereas the United States Capitol Police face many threats to their safety and must remain constantly alert for suspicious actions or for failure to respond to requests and instructions;

Whereas the United States Capitol Police, as the first line of the defense of the Capitol, has shared in the ultimate sacrifice in law enforcement;

Whereas the United States Capitol Police are on the front lines of the War on Terrorism and remain on constant alert against unauthorized access to Capitol buildings, terrorism, and other threats to the Capitol Complex;

Whereas Capitol Police officers stationed throughout the Capitol Complex act in a professional manner and treat Members, staff, and visitors with dignity and respect;

Whereas the United States Capitol Police consistently apply security and safety measures to all, including Members of Congress;

Whereas 10 years have passed since Detective Gibson and Private First Class Chestnut sacrificed their lives to protect the lives of hundreds of tourists, staff, and Members of Congress on July 24, 1998; and

Whereas the United States Capitol Police is one of the best trained, most highly respected law enforcement agencies in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) honors and commemorates the selfless acts of heroism displayed by the late Private First Class Jacob Joseph Chestnut and Detective John Michael Gibson of the United States Capitol Police on July 24, 1998;

(2) expresses its condolences to the wives, children, and other family members of Private First Class Chestnut and Detective Gibson on the 10 year anniversary of their passing;

(3) expresses its gratitude and appreciation for the professional manner in which the United States Capitol Police carry out their diverse missions;

(4) expresses appreciation for the dedication United States Capitol Police officers have for protecting the Capitol Complex; and

(5) commends the United States Capitol Police for their continued courage and professionalism in protecting the Capitol Complex and its employees and visitors.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5089. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table.

SA 5090. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5091. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5092. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5093. Mr. FEINGOLD (for himself, Mr. DODD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5094. Mr. DODD (for himself, Mr. FEINGOLD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5095. Mr. DODD (for himself, Mr. FEINGOLD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5096. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5097. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5098. Mr. REID proposed an amendment to the bill S. 3268, supra.

SA 5099. Mr. REID proposed an amendment to amendment SA 5098 proposed by Mr. REID to the bill S. 3268, supra.

SA 5100. Mr. REID proposed an amendment to the bill S. 3268, supra.

SA 5101. Mr. REID proposed an amendment to the bill S. 3268, supra.

SA 5102. Mr. REID proposed an amendment to amendment SA 5101 proposed by Mr. REID to the bill S. 3268, supra.

SA 5103. Mr. REID proposed an amendment to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

SA 5104. Mr. REID proposed an amendment to amendment SA 5103 proposed by Mr. REID to the bill H.R. 3221, supra.

SA 5105. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table.

SA 5106. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5107. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5108. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5109. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5110. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5111. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5112. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5113. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5089. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

SA 5090. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REPEAL OF MORATORIA ON OFFSHORE OIL AND GAS LEASING.

(a) IN GENERAL.—Sections 104 and 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118), are repealed.

(b) CERTAIN AREAS OF GULF OF MEXICO.—Section 104 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; 120 Stat. 3003) is amended—

(1) by striking subsection (a); and

(2) in subsection (b), by striking the subsection designation and heading and all that follows through ''subsection (a), the'' and inserting ''The''.

SA 5091. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. SEAWARD BOUNDARY EXTENSION.

(a) IN GENERAL.—Title II of the Submerged Lands Act (43 U.S.C. 1311 et seq.) is amended—

(1) by redesignating section 11 as section 12; and

(2) by inserting after section 10 the following:

''SEC. 11. EXTENSION OF SEAWARD BOUNDARIES OF THE STATES OF LOUISIANA, MISSISSIPPI, AND ALABAMA.

''(a) DEFINITIONS.—In this section:

''(1) EXISTING INTEREST.—The term 'existing interest' means any lease, easement, right-of-use, or right-of-way on, or for any natural resource or minerals underlying, the expanded submerged land that is in existence on the date of the conveyance of the expanded submerged land to the State under subsection (b)(1).

''(2) EXPANDED SEAWARD BOUNDARY.—The term 'expanded seaward boundary' means the seaward boundary of the State that is 3 marine leagues seaward of the coast line of the State as of the day before the date of enactment of this section.

''(3) EXPANDED SUBMERGED LAND.—The term 'expanded submerged land' means the area of the outer Continental Shelf that is located between 3 geographical miles and 3 marine leagues seaward of the coast line of the State as of the day before the date of enactment of this section.

''(4) INTEREST OWNER.—The term 'interest owner' means any person that owns or holds an existing interest in the expanded submerged land or portion of an existing interest in the expanded submerged land.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(6) STATE.—The term 'State' means each of the States of Louisiana, Mississippi, and Alabama.

''(b) CONVEYANCE OF EXPANDED SUBMERGED LAND.—

''(1) IN GENERAL.—If a State demonstrates to the satisfaction of the Secretary that the conditions described in paragraph (2) will be met, the Secretary shall, subject to valid existing rights and subsection (c), convey to the State the interest of the United States in the expanded submerged land of the State.

''(2) CONDITIONS.—A conveyance under paragraph (1) shall be subject to the condition that—

''(A) on conveyance of the interest of the United States in the expanded submerged land to the State under paragraph (1)—

''(i) the Governor of the State (or a delegate of the Governor) shall exercise the powers and duties of the Secretary under the terms of any existing interest, subject to the requirement that the State and the officers of the State may not exercise the powers to impose any burden or requirement on any interest owner that is more onerous or strict than the burdens or requirements imposed under applicable Federal law (including regulations) on owners or holders of the same type of lease, easement, right-of-use, or right-of-way on the outer Continental Shelf seaward of the expanded submerged land; and

''(ii) the State shall not impose any administrative or judicial penalty or sanction on any interest owner that is more severe than the penalty or sanction under Federal law (including regulations) applicable to owners or holders of leases, easements, rights-of-use, or rights-of-way on the outer Continental Shelf seaward of the expanded submerged lands for the same act, omission, or violation;

''(B) not later than 5 years after the date of enactment of this section—

''(i) the State shall enact laws or promulgate regulations with respect to the environmental protection, safety, and operations of any platform pipeline in existence on the date of conveyance to the State under paragraph (1) that is affixed to or above the expanded submerged land that impose the same requirements as Federal law (including regulations) applicable to a platform pipeline on the outer Continental Shelf seaward of the expanded submerged land; and

''(ii) the State shall enact laws or promulgate regulations for determining the value of oil, gas, or other mineral production from existing interests for royalty purposes that establish the same requirements as the requirements under Federal law (including regulations) applicable to Federal leases for the same minerals on the outer Continental Shelf seaward of the expanded submerged land; and

''(C) the State laws and regulations enacted or promulgated under subparagraph (B) shall provide that if Federal law (including regulations) applicable to leases, easements, rights-of-use, or rights-of-way on the outer Continental Shelf seaward of the expanded submerged land are modified after the date on

SA 5092. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

''(B) not more than 200 nautical miles from the geographic center of any leased tract.

''(2) MORATORIUM AREA.—

''(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) (as in effect on the day before the date of enactment of this section).

''(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

''(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

''(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has,

within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under subsection (b).

''(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the Secretary beyond State submerged land for planning, coordination, and administrative purposes of the Department of the Interior and published in the Federal Register on January 3, 2006 (71 Fed. Reg. 127).

''(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

''(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

''(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

''(ii) revenues from civil penalties;

''(iii) royalties taken by the Secretary in-kind and not sold;

''(iv) revenues generated from leases subject to section 8(g); or

''(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

''(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Governor of a State, with the concurrence of the legislature of the State, with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

''(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

''(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall—

''(A) deposit 45 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury;

''(B) deposit 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to new producing States in accordance with paragraph (2); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l* –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5); and

''(C) distribute 5 percent of qualified outer Continental Shelf revenues to States for historic offshore production distribution.

''(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

''(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

''(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with the regulations promulgated under subparagraph (A).

''(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available for the fiscal year under paragraph (1)(B)(i).

''(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

''(5) AUTHORIZED USES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

''(ii) Mitigation of damage to fish, wildlife, or natural resources.

''(iii) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

''(iv) Funding of onshore infrastructure projects.

''(v) Planning assistance and the administrative costs of complying with this section.

''(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

''(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under—

''(i) other provisions of this Act;

''(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

''(iii) any other provision of law.

''(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

''(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

''(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.''.

SA 5093. Mr. FEINGOLD (for himself, Mr. DODD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 17. ISSUANCE OF NEW LEASES.

(a) DEFINITIONS.—In this section:

(1) LESSEE.—The term ''lessee'' includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) LEASES.—Effective beginning on the date of promulgation of regulations under subsection (c), the Secretary shall not issue any new lease that authorizes the exploration for or production of oil or natural gas under section 17 of the Mineral Leasing Act (33 U.S.C. 226), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to a person unless the person—

(1) certifies for each existing lease under those Acts for the production of oil or gas with respect to which the person is a lessee, that the person has diligently developed the Federal land that is subject to the lease in order to produce oil or natural gas or is producing oil or natural gas from the land; or

(2) has relinquished all Federal oil and gas leases under which oil and gas is not being diligently developed.

(c) DILIGENT DEVELOPMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations that define ''diligently developed'' for purposes of this section.

(2) REGULATIONS.—The regulations shall—

(A) include benchmarks for oil and gas development that will ensure that leaseholders produce oil and gas from each lease within the original term of the lease; and

(B) require each leaseholder to submit to the Secretary a diligent development plan demonstrating how the lessee will meet the benchmarks.

(d) FAILURE TO COMPLY WITH REQUIREMENTS.—Any person that fails to comply with this section (including any regulation or order issued under this section) shall be liable for a civil penalty under the terms and conditions of section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1719).

SA 5094. Mr. DODD (for himself, Mr. FEINGOLD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PRODUCTION INCENTIVE FEES; ENERGY EFFICIENCY AND RENEWABLE ENERGY FUND.

(a) PRODUCTION INCENTIVE FEE; ISSUANCE OF NEW LEASES.—

(1) DEFINITIONS.—In this subsection:

(A) COVERED LEASE.—The term ''covered lease'' means a lease for the production of oil or natural gas under which production is not occurring.

(B) FEE.—The term ''fee'' means the production incentive fee established under paragraph (2).

(C) LESSEE.—The term ''lessee'' includes any person or other entity that controls, is

controlled by, or is in or under common control with, a lessee.

(D) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) PRODUCTION INCENTIVE FEE.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to establish an annual production incentive fee with respect to Federal onshore and offshore land that is subject to a covered lease.

(B) APPLICABILITY.—The fee shall apply to land that is subject to any covered lease that is in effect on, or issued after, the date on which final regulations are promulgated under subparagraph (A).

(C) AMOUNT.—For each acre of land subject to a covered lease from which oil or natural gas is produced for fewer than 90 days in a calendar year, the fee shall be equal to—

(i) $5 per acre for the first 3 years of the covered lease after the date of enactment of this Act;

(ii) $25 per acre for the fourth year of the covered lease after the date of enactment of this Act; and

(iii) $50 per acre for the fifth year of the covered lease and each year thereafter for which the covered lease is in effect after the date of enactment of this Act.

(D) ASSESSMENT AND COLLECTION.—The Secretary shall assess and collect the fee.

(E) REGULATIONS.—The Secretary may promulgate regulations to carry out this paragraph, including regulations to prevent nonpayment of the fee.

(3) ISSUANCE OF NEW LEASES.—

(A) LEASES.—Effective beginning on the date of promulgation of regulations under subparagraph (B), the Secretary shall not issue any new lease that authorizes the exploration for or production of oil or natural gas under section 17 of the Mineral Leasing Act (33 U.S.C. 226), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to a person unless the person—

(i) certifies for each existing lease under those Acts for the production of oil or gas with respect to which the person is a lessee, that the person has diligently developed the Federal land that is subject to the lease in order to produce oil or natural gas or is producing oil or natural gas from the land; or

(ii) has relinquished all Federal oil and gas leases under which oil and gas is not being diligently developed.

(B) DILIGENT DEVELOPMENT.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations that define ''diligently developed'' for purposes of this paragraph.

(ii) REGULATIONS.—The regulations shall—

(I) include benchmarks for oil and gas development that will ensure that leaseholders produce oil and gas from each lease within the original term of the lease; and

(II) require each leaseholder to submit to the Secretary a diligent development plan demonstrating how the lessee will meet the benchmarks.

(iii) FAILURE TO COMPLY WITH REQUIREMENTS.—Any person that fails to comply with this paragraph (including any regulation promulgated or order issued under this paragraph) shall be liable for a civil penalty under the terms and conditions of section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1719).

(b) ENERGY EFFICIENCY AND RENEWABLE ENERGY FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account, which shall be known as the ''Energy Efficiency and Renewable Energy Fund'', consisting of such amounts as are appropriated to the Fund under paragraph (2).

(2) TRANSFERS TO FUND.—There are appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, amounts equivalent to amounts collected as fees and received in the Treasury under subsection (a)(2).

(3) USE.—Subject to appropriations, of the amounts in the Fund for each fiscal year—

(A) $100,000,000 shall be made available for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of solar energy technologies and any public education and outreach materials under the program, as authorized under section 931(a)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(A));

(B) $65,000,000 shall be made available for necessary expenses for a program to support the development of next-generation wind turbines, including turbines capable of operating in areas with low wind speeds, as authorized under section 931(a)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(B));

(C) $200,000,000 shall be transferred to the ''Weatherization Assistance Program'' account, for a program to weatherize low-income housing, as authorized under section 411 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1600) (and the amendments made by that section);

(D) $70,000,000 shall be made available for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of new technologies to improve the energy efficiency of and reduce greenhouse gas emissions from buildings, as authorized under—

(i) section 321(g) of the Energy Independence and Security Act of 2007 (42 U.S.C. 6295 note; Public Law 110–140);

(ii) section 422 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082); and

(iii) section 912 of the Energy Policy Act of 2005 (42 U.S.C. 16192);

(E) $30,000,000 shall be made available for necessary expenses for a program to accelerate basic research on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution, as authorized under section 641(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(f));

(F) $30,000,000 shall be made available for a program to accelerate applied research on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution as authorized under section 641(g) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(g));

(G) $20,000,000 shall be made available for energy storage systems demonstrations as authorized under section 641(i) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(i));

(H) $20,000,000 shall be made available for vehicle energy storage systems demonstrations as authorized under section 641(j) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(j));

(I) $40,000,000 shall be made available for necessary expenses for research, development, and demonstration on advanced, cost-effective technologies to improve the energy efficiency and environmental performance of vehicles, as authorized under section 911(a)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)(A));

(J) $50,000,000 shall be made available for audits, investigations, and environmental mitigation for oil and gas production by the Department of Interior; and

(K) the remainder shall be made available for use for the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

SA 5095. Mr. DODD (for himself, Mr. FEINGOLD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PRODUCTION INCENTIVE FEES; ENERGY EFFICIENCY AND RENEWABLE ENERGY FUND.

(a) DEFINITIONS.—In this section:

(1) COVERED LEASE.—The term ''covered lease'' means a lease for the production of oil or natural gas under which production is not occurring.

(2) FEE.—The term ''fee'' means the production incentive fee established under subsection (b)(1).

(3) FUND.—The term ''Fund'' means the Energy Efficiency and Renewable Energy Fund established by subsection (c)(1).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) PRODUCTION INCENTIVE FEE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to establish an annual production incentive fee with respect to Federal onshore and offshore land that is subject to a covered lease.

(2) APPLICABILITY.—The fee shall apply to land that is subject to any covered lease that is in effect on, or issued after, the date on which final regulations are promulgated under paragraph (1).

(3) AMOUNT.—For each acre of land subject to a covered lease from which oil or natural gas is produced for less than 90 days in a calendar year, the fee shall be equal to—

(A) $5 per acre for the first 3 years of the covered lease after the date of enactment of this Act;

(B) $25 per acre for the fourth year of the covered lease after the date of enactment of this Act; and

(C) $50 per acre for the fifth year of the covered lease and each year thereafter for which the covered lease is in effect after the date of enactment of this Act.

(4) ASSESSMENT AND COLLECTION.—The Secretary shall assess and collect the fee.

(5) REGULATIONS.—The Secretary may promulgate regulations to carry out this subsection, including prevention of evasion of the fee.

(c) ENERGY EFFICIENCY AND RENEWABLE ENERGY FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account, which shall be known as the ''Energy Efficiency and Renewable Energy Fund'', consisting of such amounts as are appropriated to the Fund under paragraph (2).

(2) TRANSFERS TO FUND.—There are appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, amounts equivalent to amounts collected as fees and received in the Treasury under subsection (b).

(3) USE.—Subject to appropriations, of the amounts in the Fund for each fiscal year—

(A) $100,000,000 shall be made available for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of solar energy technologies and any public education and outreach materials under the program, as authorized under section 931(a)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(A));

(B) $65,000,000 shall be made available for necessary expenses for a program to support the development of next-generation wind turbines, including turbines capable of operating in areas with low wind speeds, as authorized under section 931(a)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(B));

(C) $200,000,000 shall be transferred to the ''Weatherization Assistance Program'' account, for a program to weatherize low-income housing, as authorized under section 411 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1600) (and the amendments made by that section);

(D) $70,000,000 shall be made available for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of new technologies to improve the energy efficiency of, and reduce greenhouse gas emissions from, buildings, as authorized under—

(i) section 321(g) of the Energy Independence and Security Act of 2007 (42 U.S.C. 6295 note; Public Law 110–140);

(ii) section 422 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082); and

(iii) section 912 of the Energy Policy Act of 2005 (42 U.S.C. 16192);

(E) $30,000,000 shall be made available for necessary expenses for a program to accelerate basic research on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution, as authorized under section 641(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(f));

(F) $30,000,000 shall be made available for a program to accelerate applied research on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution as authorized under section 641(g) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(g));

(G) $20,000,000 shall be made available for energy storage systems demonstrations as authorized under section 641(i) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(i));

(H) $20,000,000 shall be made available for vehicle energy storage systems demonstrations as authorized under section 641(j) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(j));

(I) $40,000,000 shall be made available for necessary expenses for research, development, and demonstration on advanced, cost-effective technologies to improve the energy efficiency and environmental performance of vehicles, as authorized under section 911(a)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)(A));

(J) $50,000,000 shall be made available for audits, investigations, and environmental mitigation for oil and gas production by the Department of Interior; and

(K) the remainder shall be made available for use for the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

SA 5096. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—NUCLEAR ENERGY

Subtitle A—Financial Incentives

SEC. ___01. INVESTMENT TAX CREDIT FOR NUCLEAR POWER FACILITIES.

(a) NEW CREDIT FOR NUCLEAR POWER FACILITIES.—Section 46 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by inserting after paragraph (4) the following new paragraph:

''(5) the nuclear power facility construction credit.''.

(b) NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48B the following new section:

''SEC. 48C. NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the nuclear power facility construction credit for any taxable year is 10 percent of the qualified nuclear power facility expenditures with respect to a qualified nuclear power facility.

''(b) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—

''(1) IN GENERAL.—Qualified nuclear power facility expenditures shall be taken into account for the taxable year in which the qualified nuclear power facility is placed in service.

''(2) COORDINATION WITH SUBSECTION (c).—The amount which would (but for this paragraph) be taken into account under paragraph (1) with respect to any qualified nuclear power facility shall be reduced (but not below zero) by any amount of qualified nuclear power facility expenditures taken into account under subsection (c) by the taxpayer or a predecessor of the taxpayer, to the extent any amount so taken into account under subsection (c) has not been required to be recaptured under section 50(a).

''(c) PROGRESS EXPENDITURES.—

''(1) IN GENERAL.—A taxpayer may elect to take into account qualified nuclear power facility expenditures—

''(A) SELF-CONSTRUCTED PROPERTY.—In the case of a qualified nuclear power facility which is a self-constructed facility, no earlier than the taxable year for which such expenditures are properly chargeable to capital account with respect to such facility, and

''(B) ACQUIRED FACILITY.—In the case of a qualified nuclear facility which is not self-constructed property, no earlier than the taxable year in which such expenditures are paid.

''(2) SPECIAL RULES FOR APPLYING PARAGRAPH (1).—For purposes of paragraph (1)—

''(A) COMPONENT PARTS, ETC.—Notwithstanding that a qualified nuclear power facility is a self-constructed facility, property described in paragraph (3)(B) shall be taken into account in accordance with paragraph (1)(B), and such amounts shall not be included in determining qualified nuclear power facility expenditures under paragraph (1)(A).

''(B) CERTAIN BORROWING DISREGARDED.—Any amount borrowed directly or indirectly by the taxpayer on a nonrecourse basis from the person constructing the facility for the taxpayer shall not be treated as an amount expended for such facility.

''(C) LIMITATION FOR FACILITIES OR COMPONENTS WHICH ARE NOT SELF-CONSTRUCTED.—

''(i) IN GENERAL.—In the case of a facility or a component of a facility which is not self-constructed, the amount taken into account under paragraph (1)(B) for any taxable year shall not exceed the excess of—

''(I) the product of the overall cost to the taxpayer of the facility or component of a facility, multiplied by the percentage of completion of the facility or component of a facility, less

''(II) the amount taken into account under paragraph (1)(B) for all prior taxable years as to such facility or component of a facility.

''(ii) CARRYOVER OF CERTAIN AMOUNTS.—In the case of a facility or component of a facility which is not self-constructed, if for the taxable year the amount which (but for clause (i)) would have been taken into account under paragraph (1)(B) exceeds the amount allowed by clause (i), then the amount of such excess shall increase the amount taken into account under paragraph (1)(B) for the succeeding taxable year without regard to this paragraph.

''(D) DETERMINATION OF PERCENTAGE OF COMPLETION.—The determination under subparagraph (C) of the portion of the overall cost to the taxpayer of the construction which is properly attributable to construction completed during any taxable year shall be made on the basis of engineering or architectural estimates or on the basis of cost accounting records, using information available at the close of the taxable year in which the credit is being claimed.

''(E) DETERMINATION OF OVERALL COST.—The determination under subparagraph (C) of the overall cost to the taxpayer of the construction of a facility shall be made on the basis of engineering or architectural estimates or on the basis of cost accounting records, using information available at the close of the taxable year in which the credit is being claimed.

''(F) NO PROGRESS EXPENDITURES FOR PROPERTY FOR YEAR PLACED IN SERVICE, ETC.—In the case of any qualified nuclear facility, no qualified nuclear facility expenditures shall be taken into account under this subsection for the earlier of—

''(i) the taxable year in which the facility is placed in service, or

''(ii) the first taxable year for which recapture is required under section 50(a)(2) with respect to such facility or for any taxable year thereafter.

''(3) SELF-CONSTRUCTED.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'self-constructed facility' means any facility if, at the close of the first taxable year to which the election in this subsection applies, it is reasonable to believe that more than 80 percent of the qualified nuclear facility expenditures for such facility will be made directly by the taxpayer.

''(B) TREATMENT OF COMPONENTS.—A component of a facility shall be treated as not self-constructed if, at the close of the first taxable year in which expenditures for the component are paid, it is reasonable to believe that the cost of the component is at least 5 percent of the expected cost of the facility.

''(4) ELECTION.—An election shall be made under this subsection for a qualified nuclear power facility by claiming the nuclear power facility construction credit for expenditures described in paragraph (1) on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such an election shall apply to the taxable year for which made and all subsequent taxable years. Such an election, once made, may be revoked only with the consent of the Secretary.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED NUCLEAR POWER FACILITY.—The term 'qualified nuclear power facility' means an advanced nuclear facility (as defined in section 45J(d)(2))—

''(A) which, when placed in service, will use nuclear power to produce electricity,

''(B) the construction of which is approved by the Nuclear Regulatory Commission on or before December 31, 2013, and

''(C) which is placed in service before January 1, 2021.

Such term shall not include any property which is part of a facility the production from which is allowed as a credit under section 45 for the taxable year or any prior taxable year.

''(2) QUALIFIED NUCLEAR POWER FACILITY EXPENDITURES.—

''(A) IN GENERAL.—The term 'qualified nuclear power facility expenditures' means any amount paid, accrued, or properly chargeable to capital account—

''(i) with respect to a qualified nuclear power facility,

''(ii) for which depreciation will be allowable under section 168 once the facility is placed in service, and

''(iii) which is incurred before the qualified nuclear power facility is placed in service or in connection with the placement of such facility in service.

''(B) PRE-EFFECTIVE DATE EXPENDITURES.—Qualified nuclear power facility expenditures do not include any expenditures incurred by the taxpayer before January 1, 2008, to the extent that, at the close of the first taxable year to which the election in subsection (c) applies, it is reasonable to believe that such expenditures will constitute more than 20 percent of the total qualified nuclear power facility expenditures.

''(3) DELAYS AND SUSPENSION OF CONSTRUCTION.—

''(A) IN GENERAL.—Except for sales or dispositions between entities which meet the ownership test in section 1504(a), for purposes of applying this section and section 50, a nuclear power facility that is under construction shall cease, with respect to the taxpayer, to be a qualified nuclear power facility as of the date on which the taxpayer sells, disposes of, or cancels, abandons, or otherwise terminates the construction of, the facility.

''(B) RESUMPTION OF CONSTRUCTION.—If a nuclear power facility that is under construction ceases, with respect to the taxpayer, to be a qualified nuclear power facility by reason of subparagraph (A) and work is subsequently resumed on the construction of such facility the qualified nuclear power facility expenditures shall be determined without regard to any delay or temporary termination of construction of the facility.

''(e) APPLICATION OF OTHER RULES.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section to the extent not inconsistent herewith.''.

(c) PROVISIONS RELATING TO CREDIT RECAPTURE.—

(1) PROGRESS EXPENDITURE RECAPTURE RULES.—

(A) BASIC RULES.—Subparagraph (A) of section 50(a)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) IN GENERAL.—If during any taxable year any building to which section 47(d) applied or any facility to which section 48C(c) applied ceases (by reason of sale or other disposition, cancellation or abandonment of contract, or otherwise) to be, with respect to the taxpayer, property which, when placed in service, will be a qualified rehabilitated building or a qualified nuclear power facility, then the tax under this chapter for such taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero the credit determined under this subpart with respect to such building or facility.''.

(B) AMENDMENT TO EXCESS CREDIT RECAPTURE RULE.—Subparagraph (B) of section 50(a)(2) of such Code is amended by—

(i) inserting ''or paragraph (2) of section 48C(b)'' after ''paragraph (2) of section 47(b)'';

(ii) inserting ''or section 48C(b)(1)'' after ''section 47(b)(1)''; and

(iii) inserting ''or facility'' after ''building''.

(d) APPLICATION OF SECTION 49.—Subparagraph (C) of section 49(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting '', and''; and

(3) by inserting after clause (iv) the following new clause:

''(v) the basis of any property which is part of a qualified nuclear power facility under section 48C.''.

(e) DENIAL OF DOUBLE BENEFIT.—Subsection (c) of section 45J of the Internal Revenue Code of 1986 (relating to other limitations) is amended by adding at the end the following new paragraph:

''(3) CREDIT REDUCED FOR GRANTS, TAX-EXEMPT BONDS, SUBSIDIZED ENERGY FINANCING, AND OTHER CREDITS.—The amount of the credit determined under subsection (a) with respect to any facility for any taxable year (determined after the application of paragraphs (1) and (2)) shall be reduced by the amount which is the product of the amount so determined for such year and the lesser of ½ or a fraction—

''(A) the numerator of which is the sum, for the taxable year and all prior taxable years, of—

''(i) grants provided by the United States, a State, or a political subdivision of a State for use in connection with the project,

''(ii) proceeds of an issue of State or local government obligations used to provide financing for the project the interest on which is exempt from tax under section 103,

''(iii) the aggregate amount of subsidized energy financing provided (directly or indirectly) under a Federal, State, or local program provided in connection with the project, and

''(iv) the amount of any other credit allowable with respect to any property which is part of the facility, and

''(B) the denominator of which is the aggregate amount of additions to the capital account for the project for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year.''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48B the following new item:

''Sec. 48C. Nuclear power facility construction credit.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred and property placed in service in taxable years beginning after the date of enactment of this Act.

SEC. ___02. 5-YEAR ACCELERATED DEPRECIATION FOR NEW NUCLEAR POWER FACILITIES.

(a) IN GENERAL.—Subparagraph (B) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 5-year property) is amended—

(1) by striking ''and'' at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting '', and''; and

(3) by adding at the end the following new clause:

''(vii) any qualified nuclear power facility described in paragraph (1) of section 48C(d) (without regard to the last sentence thereof) the original use of which commences with the taxpayer.''.

(b) CONFORMING AMENDMENT.—Section 168(e)(3)(E)(vii) of the Internal Revenue Code of 1986 is amended by inserting ''and not described in subparagraph (B)(vii) of this paragraph'' after ''section 1245(a)(3)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of enactment of this Act.

SEC. ___03. CREDIT FOR QUALIFYING NUCLEAR POWER MANUFACTURING.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 48C the following new section:

''SEC. 48D. QUALIFYING NUCLEAR POWER MANUFACTURING CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 46, the qualifying nuclear power manufacturing credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of property placed in service by the taxpayer during such taxable year which is certified under subsection (c) and—

''(A) which is either part of a qualifying nuclear power manufacturing project or is qualifying nuclear power manufacturing equipment,

''(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(D) which is placed in service on or before December 31, 2015.

''(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to the rules of section 48(a)(4) shall apply for purposes of this section.

''(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(c) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT AND QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT CERTIFICATION.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a program to consider and award certifications for property eligible for credits under this section as part of either a qualifying nuclear power manufacturing project or as qualifying nuclear power manufacturing equipment. The total amounts of credit that may be allocated under the program shall not exceed $100,000,000.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT.—The term 'qualifying nuclear power manufacturing project' means

any project which is designed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

''(2) QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT.—The term 'qualifying nuclear power manufacturing equipment' means machine tools and other similar equipment, including computers and other peripheral equipment, acquired or constructed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

''(3) PROJECT.—The term 'project' includes any building constructed to house qualifying nuclear power manufacturing equipment.''.

(b) CONFORMING AMENDMENTS.—

(1) ADDITIONAL INVESTMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986, as amended by this Act, is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting '', and''; and

(C) by inserting after paragraph (5) the following new paragraph:

''(6) the qualifying nuclear power manufacturing credit.''.

(2) APPLICATION OF SECTION 49.—Subparagraph (C) of section 49(a)(1) of such Code, as amended by this Act, is amended—

(A) by striking ''and'' at the end of clause (iv);

(B) by striking the period at the end of clause (v) and inserting '', and''; and

(C) by inserting after clause (v) the following new clause:

''(vi) the basis of any property which is part of a qualifying nuclear power manufacturing project or qualifying nuclear power manufacturing equipment under section 48D.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code, as amended by this Act, is amended by inserting after the item relating to section 48C the following new item:

''Sec. 48D. Qualifying nuclear power manufacturing credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property—

(1) the construction, reconstruction, or erection of which begins after the date of enactment of this Act; or

(2) which is acquired by the taxpayer on or after such date and not pursuant to a binding contract which was in effect on the day prior to such date.

SEC. ____04. STANDBY SUPPORT FOR CERTAIN NUCLEAR PLANT DELAYS.

(a) DEFINITIONS.—Section 638(a) of the Energy Policy Act of 2005 (42 U.S.C. 16014(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (7); and

(2) by inserting after paragraph (3) the following:

''(4) FULL POWER OPERATION.—The term 'full power operation', with respect to a facility, means the earlier of—

''(A) the commercial operation date (or the equivalent under the terms of the financing documents for the facility); and

''(B) the date on which the facility achieves operation at an average nameplate capacity of 50 percent or more during any consecutive 30-day period after the completion of startup testing for the facility.

''(5) INCREASED PROJECT COSTS.—The term 'increased project costs' means the increased cost of constructing, commissioning, testing, operating, or maintaining a reactor prior to full-power operation incurred as a result of a delay covered by the contract, including costs of demobilization and remobilization, increased costs of equipment, materials and labor due to delay (including idle time), increased general and administrative costs, and escalation costs for completing construction.

''(6) LITIGATION.—The term 'litigation' means any—

''(A) adjudication in Federal, State, local, or tribal court; and

''(B) any administrative proceeding or hearing before a Federal, State, local, or tribal agency or administrative entity.''.

(b) CONTRACT AUTHORITY.—Section 638(b) of the Energy Policy Act of 2005 (42 U.S.C. 16014(b)) is amended by striking paragraph (1) and inserting the following:

''(1) CONTRACTS.—

''(A) IN GENERAL.—The Secretary may enter into contracts under this section with sponsors of an advanced nuclear facility that cover at any 1 time a total of not more than 12 reactors, which shall consist of not less than 2 nor more than 4 different reactor designs, in accordance with paragraph (2).

''(B) REPLACEMENT CONTRACTS.—If any contract entered into under this section terminates or expires without a claim being paid by the Secretary under the contract, the Secretary may enter into a new contract under this section in replacement of the contract.''.

(c) COVERED COSTS.—Section 638(d) of the Energy Policy Act of 2005 (42. U.S.C. 16014(d)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) COVERAGE.—In the case of reactors that receive combined licenses and on which construction is commenced, the Secretary shall pay—

''(A) 100 percent of the covered costs of delay that occur after the initial 30-day period of covered delay; but

''(B) not more than $500,000,000 per contract.

''(3) COVERED DEBT OBLIGATIONS.—Debt obligations covered under subparagraph (A) of paragraph (5) shall include debt obligations incurred to pay increased project costs.''.

(d) DISPUTE RESOLUTION.—Section 638 of the Energy Policy Act of 2005 (42 U.S.C. 16014) is amended—

(1) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (e) the following:

''(f) DISPUTE RESOLUTION.—

''(1) IN GENERAL.—Any controversy or claim arising out of or relating to any contract entered into under this section shall be determined by arbitration in Washington, DC, in accordance with the applicable Commercial Arbitration Rules of the American Arbitration Association.

''(2) TREATMENT OF DECISION.—A decision by an arbitrator shall be final and binding, and the United district court for Washington, DC, or the district in which the project is located shall have jurisdiction to enter judgment on the decision.''.

SEC. ____05. INCENTIVES FOR INNOVATIVE TECHNOLOGIES.

(a) DEFINITION OF PROJECT COST.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by adding at the end the following:

''(6) PROJECT COST.—The term 'project cost' means all costs associated with the development, planning, design, engineering, permitting and licensing, construction, commissioning, startup, shakedown, and financing of a facility, including reasonable escalation and contingencies, the cost of and fees for the guarantee, reasonably required reserve funds, initial working capital, and interest during construction.''.

(b) TERMS AND CONDITIONS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsections (b) and (c) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) sufficient amounts have been appropriated to cover the cost of the guarantee;

''(B) the Secretary has—

''(i) received from the borrower payment in full for the cost of the obligation; and

''(ii) deposited the payment into the Treasury; or

''(C) any combination of subparagraphs (A) and (B) that is sufficient to cover the cost of the obligation.

''(2) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c (b)) shall not apply to a loan guarantee made in accordance with paragraph (1).

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee—

''(A) 100 percent of the obligation for a facility that is the subject of a guarantee; or

''(B) a lesser amount, if requested by the borrower.

''(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.''.

(c) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

Subtitle B—Other Programs

SEC. ____11. NUCLEAR POWER 2010 PROGRAM.

Section 952(c) of the Energy Policy Act of 2005 (42 U.S.C. 16272(c)) is amended by adding at the end the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the Nuclear Power 2010 Program—

''(A) $159,600,000 for fiscal year 2009;

''(B) $135,600,000 for fiscal year 2010;

''(C) $46,900,000 for fiscal year 2011; and

''(D) $2,200,000 for fiscal year 2012.''.

SEC. ____12. NEXT GENERATION NUCLEAR PLANT PROJECT MODIFICATIONS.

(a) PROJECT ESTABLISHMENT.—Section 641 of the Energy Policy Act of 2005 (42 U.S.C. 16021) is amended—

(1) in subsection (a)—

(A) by striking the subsection designation and heading and all that follows through ''The Secretary'' and inserting the following:

''(a) ESTABLISHMENT AND OBJECTIVE.—

''(1) ESTABLISHMENT.—The Secretary''; and

(B) by adding at the end the following:

''(2) OBJECTIVE.—

''(A) DEFINITION OF HIGH-TEMPERATURE, GAS-COOLED NUCLEAR ENERGY TECHNOLOGY.—In this paragraph, the term 'high-temperature, gas-cooled nuclear energy technology' means any nongreenhouse gas-emitting nuclear energy technology that provides—

''(i) an alternative to the burning of fossil fuels for industrial applications; and

''(ii) process heat to generate, for example, electricity, steam, hydrogen, and oxygen for activities such as—

''(I) petroleum refining;

''(II) petrochemical processes;

''(III) converting coal to synfuels and other hydrocarbon feedstocks; and

''(IV) desalination.

''(B) DESCRIPTION OF OBJECTIVE.—The objective of the Project shall be to carry out demonstration projects for the development, licensing, and operation of high-temperature, gas-cooled nuclear energy technologies to support commercialization of those technologies.

''(C) REQUIREMENTS.—The functional, operational, and performance requirements for high-temperature, gas-cooled nuclear energy technologies shall be determined by the needs of marketplace industrial end-users (such as owners and operators of nuclear energy facilities, petrochemical entities, and petroleum entities), as projected for the 40-year period beginning on the date of enactment of this paragraph.''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''licensing,'' after ''design,'';

(B) in paragraph (1), by striking ''942(d)'' and inserting ''952(d)''; and

(C) by striking paragraph (2) and inserting the following:

''(2) demonstrates the capability of the nuclear energy system to provide high-temperature process heat to produce—

''(A) electricity, steam, and other heat transport fluids; and

''(B) hydrogen and oxygen, separately or in combination.''.

(b) PROJECT MANAGEMENT.—Section 642 of the Energy Policy Act of 2005 (42 U.S.C. 16022) is amended to read as follows:

''SEC. 642. PROJECT MANAGEMENT.

''(a) DEPARTMENTAL MANAGEMENT.—

''(1) IN GENERAL.—The Project shall be managed in the Department by the Office of Nuclear Energy.

''(2) GENERATION IV NUCLEAR ENERGY SYSTEMS INITIATIVE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Project may be carried out in coordination with the Generation IV Nuclear Energy Systems Initiative.

''(B) REQUIREMENT.—Regardless of whether the Project is carried out in coordination with the Generation IV Nuclear Energy Systems Initiative under subparagraph (A), the Secretary shall establish a separate budget line-item for the Project.

''(3) INTERACTION WITH INDUSTRY.—Any activity to support the Project by an individual or entity in the private industry shall be carried out pursuant to a competitive cooperative agreement or other assistance agreement (such as a technology investment agreement) between the Department and the industry group established under subsection (c).

''(b) LABORATORY MANAGEMENT.—

''(1) IN GENERAL.—The Idaho National Laboratory shall be the lead National Laboratory for the Project.

''(2) COLLABORATION.—The Idaho National Laboratory shall collaborate regarding research and development activities with other National Laboratories, institutions of higher education, research institutes, representatives of industry, international organizations, and Federal agencies to support the Project.

''(c) INDUSTRY GROUP.—

''(1) ESTABLISHMENT.—The Secretary shall establish a group of appropriate industrial partners in the private sector to carry out cost-shared activities with the Department to support the Project.

''(2) COOPERATIVE AGREEMENT.—

''(A) IN GENERAL.—The Secretary shall offer to enter into a cooperative agreement or other assistance agreement with the industry group established under paragraph (1) to manage and support the development, licensing, construction, and initial operation of the Project.

''(B) REQUIREMENT.—The agreement under subparagraph (A) shall contain a provision under which the industry group may enter into contracts with entities in the public sector for the provision of services and products to that sector that reflect typical commercial practices regarding terms and conditions for risk, accountability, performance, and quality.

''(C) PROJECT MANAGEMENT.—

''(i) IN GENERAL.—The industry group shall use commercial practices and project management processes and tools in carrying out activities to support the Project.

''(ii) INTERFACE REQUIREMENTS.—The requirements for interface between the project management requirements of the Department (including the requirements contained in the document of the Department numbered DOE O 413.3A and entitled 'Program and Project Management for the Acquisition of Capital Assets') and the commercial practices and project management processes and tools described in clause (i) shall be defined in the agreement under subparagraph (A).

''(3) COST SHARING.—Activities of industrial partners funded by the Project shall be cost-shared in accordance with section 988.

''(4) PREFERENCE.—Preference in determining the final structure of industrial partnerships under this part shall be given to a structure (including designating as a lead industrial partner an entity incorporated in the United States) that retains United States technological leadership in the Project while maximizing cost sharing opportunities and minimizing Federal funding responsibilities.

''(d) PROTOTYPE PLANT SITING.—The prototype nuclear reactor and associated plant shall be sited at the Idaho National Laboratory in Idaho.

''(e) REACTOR TEST CAPABILITIES.—The Project shall use, if appropriate, reactor test capabilities at the Idaho National Laboratory.

''(f) OTHER LABORATORY CAPABILITIES.—The Project may use, if appropriate, facilities at other National Laboratories.''.

(c) PROJECT ORGANIZATION.—Section 643 of the Energy Policy Act of 2005 (42 U.S.C. 16023) is amended—

(1) in subsection (a)(2), by inserting ''transport and'' before ''conversion'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraphs (A), (B), and (D) as clauses (i), (ii), and (iii), respectively, and indenting the clauses appropriately;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking '', through a competitive process,'';

(ii) in subparagraph (C), by striking ''reactor'' and inserting ''energy system'';

(iii) in subparagraph (D), by striking ''hydrogen or electricity'' and inserting ''energy transportation, conversion, and''; and

(iv) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting the clauses appropriately;

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(D) by striking ''The Project shall be'' and inserting the following:

''(1) IN GENERAL.—The Project shall be''; and

(E) by adding at the end the following:

''(2) OVERLAPPING PHASES.—The phases described in paragraph (1) may overlap for the Project or any portion of the Project, as necessary.''; and

(3) in subsection (c)—

(A) in paragraph (1)(A), by striking ''powerplant'' and inserting ''power plant'';

(B) in paragraph (2), by adding at the end the following:

''(E) INDUSTRY GROUP.—The industry group established under section 642(c) may enter into any necessary contracts for services, support, or equipment in carrying out an agreement with the Department.''; and

(C) in paragraph (3)—

(i) in the paragraph heading, by striking ''RESEARCH'';

(ii) in the matter preceding subparagraph (A), by striking ''Research'';

(iii) by striking ''NERAC'' each place it appears and inserting ''NEAC'';

(iv) in subparagraph (A), by striking clause (i) and inserting the following:

''(i) review program plans for the Project prepared by the Office of Nuclear Energy and all progress under the Project on an ongoing basis; and'';

(v) in subparagraph (B), by striking ''or appoint'' and inserting ''by appointing''; and

(vi) in subparagraph (D)—

(I) by striking ''On a determination'' and inserting the following:

''(i) IN GENERAL.—On a determination'';

(II) in clause (i) (as designated by subclause (I))—

(aa) by striking ''subsection (b)(1)'' and inserting ''subsection (b)(1)(A)''; and

(bb) by striking ''subsection (b)(2)'' and inserting ''subsection (b)(1)(B)''; and

(III) by adding at the end the following:

''(ii) SCOPE.—The scope of the review conducted under clause (i) shall be in accordance with an applicable cooperative agreement or other assistance agreement (such as a technology investment agreement) between the Secretary and the industry group established under section 642(c).''.

(d) NUCLEAR REGULATORY COMMISSION.—Section 644 of the Energy Policy Act of 2005 (42 U.S.C. 16024) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting the subparagraphs appropriately;

(B) by striking ''Not later than'' and inserting the following:

''(1) IN GENERAL.—Not later than''; and

(C) by adding at the end the following:

''(2) REQUIREMENT.—To the maximum extent practicable, in carrying out subparagraphs (B) and (C) of paragraph (1), the Nuclear Regulatory Commission shall independently review and, as appropriate, use the results of analyses conducted for or by the license applicant.''; and

(2) by striking subsection (c) and inserting the following:

''(c) ONGOING INTERACTION.—The Nuclear Regulatory Commission shall establish a separate program office for advanced reactors—

''(1) to develop and implement regulatory requirements consistent with the safety bases of the type of nuclear reactor developed by the Project, with the specific objective that the requirements shall be applied to follow-on commercialized high-temperature, gas-cooled nuclear reactors;

''(2) to avoid conflicts in the availability of resources with licensing activities for light water reactors;

''(3) to focus and develop resources of the Nuclear Regulatory Commission for the review of advanced reactors;

''(4) to support the effective and timely review of preapplication activities and review of applications to support applicant needs; and

''(5) to provide for the timely development of regulatory requirements, including through the preapplication process, and review of applications for advanced technologies, such as high-temperature, gas-cooled nuclear technology systems.''.

(e) PROJECT TIMELINES AND AUTHORIZATION OF APPROPRIATIONS.—Section 645 of the Energy Policy Act of 2005 (42 U.S.C. 16025) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) SUMMARY OF AGREEMENT.—Not later than December 31, 2009, the Secretary shall submit to Congress a report that contains a summary of each cooperative agreement or other assistance agreement (such as a technology investment agreement) entered into between the Secretary and the industry group under section 642(a)(3), including a description of the means by which the agreement will provide for successful completion of the development, design, licensing, construction, and initial operation and demonstration period of the prototype facility of the Project.

''(b) OVERALL PROJECT PLAN.—

''(1) IN GENERAL.—Not later than December 31, 2009, the Secretary shall submit to Congress an overall plan for the Project, to be prepared jointly by the Secretary and the industry group established under section 642(c), pursuant to a cooperative agreement or other assistance agreement (such as a technology investment agreement).

''(2) INCLUSIONS.—The plan under paragraph (1) shall include—

''(A) a summary of the schedule for the design, licensing, construction, and initial operation and demonstration period for the nuclear energy system prototype facility and hydrogen production prototype facility of the Project;

''(B) the process by which a specific design for the prototype nuclear energy system facility and hydrogen production facility will be selected;

''(C) the specific licensing strategy for the Project, including—

''(i) resource requirements of the Nuclear Regulatory Commission; and

''(ii) the schedule for the submission of a preapplication, the submission of an application, and application review for the prototype nuclear energy system facility of the Project;

''(D) a summary of the schedule for each major event relating to the Project; and

''(E) a time-based cost and cost-sharing profile to support planning for appropriations.''; and

(2) in subsection (d), in the matter preceding paragraph (1), by striking ''research and construction activities'' and inserting ''research and development, design, licensing, construction, and initial operation and demonstration activities''.

SEC. ___13. NUCLEAR ENERGY WORKFORCE.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) in subsection (b)(1)—

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

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) nuclear utility and nuclear energy product and service industries.'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) WORKFORCE TRAINING.—

''(1) IN GENERAL.—The Secretary of Labor, in cooperation with the Secretary, shall promulgate regulations to implement a program to provide grants to enhance workforce training for any occupation in the workforce of the nuclear utility and nuclear energy products and services industries for which a shortage is identified or predicted in the report under subsection (b)(2).

''(2) CONSULTATION.—In carrying out this subsection, the Secretary of Labor shall consult with representatives of the nuclear utility and nuclear energy products and services industries, including organized labor organizations and multiemployer associations that jointly sponsor apprenticeship programs that provide training for skills needed in those industries.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor, working in coordination with the Secretary and the Secretary of Education, $20,000,000 for each of fiscal years 2008 through 2015 to carry out this subsection.''.

SEC. ___14. INTERAGENCY WORKING GROUP TO PROMOTE DOMESTIC MANUFACTURING BASE FOR NUCLEAR COMPONENTS AND EQUIPMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to increase the competitiveness of the United States nuclear energy products and services industries;

(2) to identify the stimulus or incentives necessary to cause United States manufacturers of nuclear energy products to expand manufacturing capacity;

(3) to facilitate the export of United States nuclear energy products and services;

(4) to reduce the trade deficit of the United States through the export of United States nuclear energy products and services;

(5) to retain and create nuclear energy manufacturing and related service jobs in the United States;

(6) to integrate the objectives described in paragraphs (1) through (5), in a manner consistent with the interests of the United States, into the foreign policy of the United States; and

(7) to authorize funds for increasing United States capacity to manufacture nuclear energy products and supply nuclear energy services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an interagency working group (referred to in this section as the ''Working Group'') that, in consultation with representative industry organizations and manufacturers of nuclear energy products, shall make recommendations to coordinate the actions and programs of the Federal Government in order to promote increasing domestic manufacturing capacity and export of domestic nuclear energy products and services.

(2) COMPOSITION.—The Working Group shall be composed of—

(A) the Secretary of Energy (or a designee), who shall serve as Chairperson of the Working Group; and

(B) representatives of—

(i) the Department of Energy;

(ii) the Department of Commerce;

(iii) the Department of Defense;

(iv) the Department of Treasury;

(v) the Department of State;

(vi) the Environmental Protection Agency;

(vii) the United States Agency for International Development;

(viii) the Export-Import Bank of the United States;

(ix) the Trade and Development Agency;

(x) the Small Business Administration;

(xi) the Office of the United States Trade Representative; and

(xii) other Federal agencies, as determined by the President.

(c) DUTIES OF WORKING GROUP.—The Working Group shall—

(1) not later than 180 days after the date of enactment of this Act, identify the actions necessary to promote the safe development and application in foreign countries of nuclear energy products and services—

(A) to increase electricity generation from nuclear energy sources through development of new generation facilities;

(B) to improve the efficiency, safety, and reliability of existing nuclear generating facilities through modifications; and

(C) enhance the safe treatment, handling, storage, and disposal of used nuclear fuel;

(2) not later than 180 days after the date of enactment of this Act, identify—

(A) mechanisms (including tax stimuli for investment, loans and loan guarantees, and grants) necessary for United States companies to increase—

(i) the capacity of the companies to produce or provide nuclear energy products and services; and

(ii) exports of nuclear energy products and services; and

(B) administrative or legislative initiatives that are necessary —

(i) to encourage United States companies to increase the manufacturing capacity of the companies for nuclear energy products;

(ii) to provide technical and financial assistance and support to small and mid-sized businesses to establish quality assurance programs in accordance with domestic and international nuclear quality assurance code requirements;

(iii) to encourage, through financial incentives, private sector capital investment to expand manufacturing capacity; and

(iv) to provide technical assistance and financial incentives to small and mid-sized businesses to develop the workforce necessary to increase manufacturing capacity and meet domestic and international nuclear quality assurance code requirements;

(3) not later than 270 days after the date of enactment of this Act, submit to Congress a report that describes the findings of the Working Group under paragraphs (1) and (2), including recommendations for new legislative authority, as necessary; and

(4) encourage the agencies represented by membership in the Working Group—

(A) to provide technical training and education for international development personnel and local users in other countries;

(B) to provide financial and technical assistance to nonprofit institutions that support the marketing and export efforts of domestic companies that provide nuclear energy products and services;

(C) to develop nuclear energy projects in foreign countries;

(D) to provide technical assistance and training materials to loan officers of the World Bank, international lending institutions, commercial and energy attaches at embassies of the United States, and other appropriate personnel in order to provide information about nuclear energy products and services to foreign governments or other potential project sponsors;

(E) to support, through financial incentives, private sector efforts to commercialize and export nuclear energy products and services in accordance with the subsidy codes of the World Trade Organization; and

(F) to augment budgets for trade and development programs in order to support prefeasibility or feasibility studies for projects that use nuclear energy products and services.

(d) PERSONNEL AND SERVICE MATTERS.—The Secretary of Energy and the heads of agencies represented by membership in the Working Group shall detail such personnel and furnish such services to the Working Group,

with or without reimbursement, as are necessary to carry out the functions of the Working Group.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section $20,000,000 for each of fiscal years 2009 through 2012.

SEC. ___15. NUCLEAR POWER TECHNOLOGY FUND.

There is established in the Treasury of the United States a fund to be known as the ''Nuclear Power Technology Fund'' of which funds shall be made available to carry out the purposes of section ___16 (relating to spent fuel recycling).

SEC. ___16. SPENT FUEL RECYCLING PROGRAM.

(a) PURPOSE.—It is the policy of the United States to recycle spent nuclear fuel to advance energy independence by maximizing the energy potential of nuclear fuel in a proliferation-resistant manner that reduces the quantity of waste dedicated to a permanent Federal repository.

(b) SPENT FUEL RECYCLING RESEARCH AND DEVELOPMENT FACILITY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall begin construction of a spent fuel recycling research and development facility.

(2) PURPOSE.—The facility described in paragraph (1) shall serve as the lead site for continuing research and development of advanced nuclear fuel cycles and separation technologies.

(3) SITE SELECTION.—In selecting a site for the facility, the Secretary shall give preference to a site that has—

(A) the most technically sound bid;

(B) a demonstrated technical expertise in spent fuel recycling; and

(C) community support.

(c) CONTRACTS.—The Secretary shall use amounts in the Nuclear Power Technology Fund, and such other amounts as are appropriated to carry out this section, to enter into long-term contracts with private sector entities for the recycling of spent nuclear fuel.

(d) COMPETITIVE SELECTION.—Contracts awarded under subsection (c) shall be awarded on the basis of a competitive bidding process that—

(1) maximizes the competitive efficiency of the projects funded;

(2) best serves the goal of reducing the amount of waste requiring disposal under this Act; and

(3) ensures adequate protection against the proliferation of nuclear materials that could be used in the manufacture of nuclear weapons.

(e) REGULATORY AUTHORITY.—Not later than 1 year after the date of enactment of this Act, the Nuclear Regulatory Commission, in collaboration with the Secretary of Energy, shall promulgate regulations for the licensing of facilities for recovery and use of spent nuclear fuel that provide reasonable assurance that licenses issued for that purpose will not be counter to the defense, security, and national interests of the United States.

SA 5097. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following

SEC. 17. REVOCATION OF WITHDRAWAL OF CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.

The ''Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'', 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998, is revoked and no longer in effect regarding any area on the outer Continental Shelf covered by sections 104 and 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118).

SEC. 18. STATE AUTHORITY TO PROTECT CERTAIN COASTAL AREAS.

Section 19 of the Outer Continental Shelf Lands Act (43 U.S.C. 1345) is amended by adding at the end the following:

''(f) APPROVAL BY CERTAIN AFFECTED STATES.—

''(1) DEFINITION OF AFFECTED STATE.—In this subsection, the term 'affected State' means a State that the Secretary, in consultation with the Administrator of the Environmental Protection Agency, determines could be affected negatively by the potential environmental or economic impacts of a proposed lease sale or proposed development and production plan for a new producing area under section 32.

''(2) NOTICE TO AFFECTED STATES.—Not later than 30 days before the date of a proposed lease sale or the publication of a proposed development and production plan for a new producing area under section 32, the Secretary shall submit to the Governor of each affected State notice of the proposed sale or plan.

''(3) DUTIES OF AFFECTED STATES.—Not later than 60 days after the date on which the Secretary provides notice under paragraph (2), the Governor of the affected State shall submit to the Secretary a written response to the proposed sale or plan that—

''(A) specifies whether the Governor—

''(i) accepts the sale or plan as proposed;

''(ii) accepts the sale or plan with modification; or

''(iii) vetoes the proposed sale or plan; and

''(B) in the case of subparagraph (A)(ii), includes a counterproposal that describes—

''(i) any proposed modifications to—

''(I) the proposed plan; or

''(II) the size, time, or location of the proposed sale; and

''(ii) any areas off the coast of the State that the Governor recommends for long-term protection in the form of a moratorium on leasing for a period of not more than 20 years based on—

''(I) any information in existence on the date of the counterproposal concerning the geographical, geological, and ecological characteristics of the areas proposed for protection;

''(II) an equitable sharing of developmental benefits and environmental risks among the areas;

''(III) the location of the areas with respect to—

''(aa) other uses of the sea and seabed in the areas, including fisheries, navigation, existing or proposed sealanes, potential sites of deepwater ports; and

''(bb) other anticipated uses of the resources and space of other areas of the outer Continental Shelf;

''(IV) any relevant laws, goals, and policies of the State; and

''(V) the relative environmental sensitivity and marine productivity of other areas of the outer Continental Shelf.

''(4) SECRETARIAL RESPONSE.—

''(A) IN GENERAL.—As soon as practicable after the Secretary receives a counterproposal under paragraph (3)(B), the Secretary, in consultation with the Secretary of Defense, shall—

''(i) approve the counterproposal without modification;

''(ii) attempt to enter into an agreement with the Governor to modify the counterproposal; or

''(iii) deny the counterproposal.

''(B) APPROVAL OF AGREEMENT.—To be valid, an agreement entered into under subparagraph (A)(ii) requires the approval of the Governor, the Secretary, and the Secretary of the Defense.''.

SEC. 19. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

''(B) not more than 200 nautical miles from the geographic center of any leased tract.

''(2) MORATORIUM AREA.—

''(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118).

''(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

''(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area beyond the submerged land of a new producing State.

''(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has received notice of a proposed lease sale for a new producing area under section 19(f)(2).

''(5) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

''(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

''(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

''(ii) revenues from civil penalties;

''(iii) royalties taken by the Secretary in-kind and not sold;

''(iv) revenues generated from leases subject to section 8(g); or

''(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

''(b) AVAILABILITY FOR LEASING.—On approval by the new producing State of a proposed lease sale for a new producing area under section 19(f), the Secretary shall conduct the proposed lease sale for the new producing area.

''(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified outer Continental Shelf revenues—

''(i) in the fund established by section 20 of the Stop Excessive Energy Speculation Act of 2008; or

''(ii) if the Secretary of the Treasury determines that the fund described in clause (i) is fully funded, in the general fund of the Treasury; and

''(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to new producing States in accordance with paragraph (2); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 4601–5).

''(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

''(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

''(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4).

''(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available under for the fiscal year under paragraph (1)(B)(i).

''(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

''(5) AUTHORIZED USES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, and hurricane protection.

''(ii) Mitigation of damage to fish, wildlife, or natural resources.

''(iii) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

''(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore projects.

''(v) Planning assistance and the administrative costs of complying with this section.

''(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

''(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under—

''(i) other provisions of this Act;

''(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.); or

''(iii) any other provision of law.

''(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

''(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

''(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.''.

SEC. 20. ENERGY INDEPENDENCE TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Energy Independence Trust Fund'' (referred to in this section as the ''Fund''), consisting of such amounts as are deposited in the Fund under section 32(c)(1)(A)(i) of the Outer Continental Shelf Lands Act (as added by section 19).

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to carry out the following:

(A) Section 609 of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c).

(B) Title V of the Toxic Substances Control Act (15 U.S.C. 2695 et seq.).

(C) Sections 211(r), 212, and 329 of the Clean Air Act (42 U.S.C. 7545(r), 7546, 7628).

(D) The following provisions of the Energy Policy and Conservation Act:

(i) Section 324A (42 U.S.C. 6294a).

(ii) Section 337(c) (42 U.S.C. 6307(c)).

(iii) Section 365(f) (42 U.S.C. 6325(f)).

(iv) Part E of title III (42 U.S.C. 6341 et seq.).

(v) Section 399A (42 U.S.C. 6371h–1).

(E) The following provisions of the Energy Policy Act of 2005:

(i) Section 107 (42 U.S.C. 15812).

(ii) The amendments made by section 123 (119 Stat. 616).

(iii) Sections 124 through 127 (42 U.S.C. 15821 through 15824).

(iv) The amendments made by section 128 (119 Stat. 619).

(v) Sections 133 and 134 (42 U.S.C. 15831, 15832).

(vi) Section 140 (42 U.S.C. 15833).

(vii) Section 201 (42 U.S.C. 15851).

(viii) The amendments made by section 202 (119 Stat. 651).

(ix) The amendments made by section 206 (119 Stat. 654).

(x) Section 207 (119 Stat. 656).

(xi) Sections 208 and 210 (42 U.S.C. 15854, 15855).

(xii) Sections 242 and 243 (42 U.S.C. 15881, 15882).

(xiii) The amendments made by section 251 (119 Stat. 679).

(xiv) Section 252 (42 U.S.C. 15891).

(xv) Sections 706, 712, 721, and 731 (42 U.S.C. 16051, 16062, 16071, 16081).

(xvi) Subtitle C of title VII (42 U.S.C. 16091 et seq.).

(xvii) Sections 751 and 755 through 758 (42 U.S.C. 16101, 16103 through 16106).

(xviii) Section 771 (119 Stat. 834).

(xix) Sections 782 and 783 (42 U.S.C. 16122, 16123).

(xx) Sections 805, 808, 809, and 812 (42 U.S.C. 16154, 16157, 16158, 16161).

(xxi) Sections 911, 917, 921, and 931 (42 U.S.C. 16191, 16197, 16211, 16231).

(xxii) The amendments made by section 941 (119 Stat. 873).

(xxiii) Sections 942, 944 through 947, and 963 (42 U.S.C. 16251, 16253 through 16256, 16293).

(xxiv) Sections 1510, 1514, and 1516 (42 U.S.C. 16501, 16502, 16503).

(F) The following provisions of the Energy Independence and Security Act of 2007:

(i) Sections 131 and 135 (42 U.S.C. 17011, 17012).

(ii) Sections 207, 223, 229, 230, 234, 244, and 246 (42 U.S.C. 17022, 17032, 17033, 17034, 17035, 17052, 17053).

(iii) Section 243 (121 Stat. 1540).

(iv) Section 411 (42 U.S.C. 6872 note; Public Law 110–140).

(v) Sections 422, 440, 452, 491, and 495 (42 U.S.C. 17082, 17096, 17111, 17121, 17124).

(vi) Section 501 (121 Stat. 1655).

(vii) Section 502 (2 U.S.C. 2169).

(viii) The amendments made by section 505 (121 Stat. 1656).

(ix) Section 517 (42 U.S.C. 17131).

(x) Subtitle E of title V (42 U.S.C. 17151 et seq.).

(xi) Section 602 (42 U.S.C. 17171).

(xii) Sections 604 through 607 (42 U.S.C. 17172 through 17175).

(xiii) Subtitles B through E of title VI (42 U.S.C. 17191 et seq.) (other than section 653).

(xiv) Sections 703, 705, 707, 708, 711, and 712 (42 U.S.C. 17251, 17253, 17255, 17256, 17271, 17272).

(xv) Sections 805 and 807 (42 U.S.C. 17284, 17286).

(xvi) Sections 912, 913, 916, 917, 925, and 927 (42 U.S.C. 17332, 17333, 17336, 17337, 17355, 17357).

(G) Section 21.

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 5 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(c) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 21. LOAN GUARANTEES FOR RENEWABLE FUEL PIPELINES.

(a) DEFINITIONS.—In this section:

(1) COST.—The term ''cost'' has the meaning given the term ''cost of a loan guarantee'' in section 502(5)(C) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(C)).

(2) ELIGIBLE PROJECT.—The term eligible project means a project described in subsection (b)(1).

(3) GUARANTEE.—

(A) IN GENERAL.—The term ''guarantee'' has the meaning given the term ''loan guarantee'' in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(B) INCLUSION.—The term ''guarantee'' includes a loan guarantee commitment (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(4) RENEWABLE FUEL.—The term ''renewable fuel'' has the meaning given the term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) (as in effect on January 1, 2009).

(5) RENEWABLE FUEL PIPELINE.—The term ''renewable fuel pipeline'' means a common carrier pipeline for transporting renewable fuel.

(b) LOAN GUARANTEES.—

(1) IN GENERAL.—The Secretary shall make guarantees under this section for projects that provide for the construction of new renewable fuel pipelines.

(2) ELIGIBILITY.—In determining the eligibility of a project for a guarantee under this section, the Secretary shall consider—

(A) the volume of renewable fuel to be moved by the renewable fuel pipeline;

(B) the size of the markets to be served by the renewable fuel pipeline;

(C) the existence of sufficient storage to facilitate access to the markets served by the renewable fuel pipeline;

(D) the proximity of the renewable fuel pipeline to ethanol production facilities;

(E) the investment of the entity carrying out the proposed project in terminal infrastructure;

(F) the experience of the entity carrying out the proposed project in working with renewable fuels;

(G) the ability of the entity carrying out the proposed project to maintain the quality of the renewable fuel through—

(i) the terminal system of the entity; and

(ii) the dedicated pipeline system;

(H) the ability of the entity carrying out the proposed project to complete the project in a timely manner; and

(I) the ability of the entity carrying out the proposed project to secure property rights-of-way in order to move the proposed project forward in a timely manner.

(3) AMOUNT.—Unless otherwise provided by law, a guarantee by the Secretary under this section shall not exceed an amount equal to 90 percent of the eligible project cost of the renewable fuel pipeline that is the subject of the guarantee, as estimated at the time at which the guarantee is issued or subsequently modified while the eligible project is under construction.

(4) TERMS AND CONDITIONS.—Guarantees under this section shall be provided in accordance with section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512), except that subsections (b) and (c) of that section shall not apply to guarantees under this section.

(5) EXISTING FUNDING AUTHORITY.—The Secretary shall make a guarantee under this section under an existing funding authority.

(6) FINAL RULE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a final rule directing the Director of the Department of Energy Loan Guarantee Program Office to initiate the loan guarantee program under this section in accordance with this section.

(c) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to provide $4,000,000,000 in guarantees under this section.

(2) USE OF OTHER APPROPRIATED FUNDS.—To the extent that the amounts made available under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) have not been disbursed to programs under that title, the Secretary may use the amounts to carry out this section.

SA 5098. Mr. REID proposed an amendment to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; as follows:

The provisions of this bill shall become effective 5 days after enactment.

SA 5099. Mr. REID proposed an amendment to amendment SA 5098 proposed by Mr. REID to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; as follows:

In the amendment, strike ''5'' and insert ''4''.

SA 5100. Mr. REID proposed an amendment to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; as follows:

At the end, insert the following:

This title shall become effective 3 days after enactment of the bill.

SA 5101. Mr. REID proposed an amendment to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; as follows:

In the amendment, strike ''3'' and insert ''2''.

SA 5102. Mr. REID proposed an amendment to amendment SA 5101 proposed by Mr. REID to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; as follows:

In the amendment, strike ''2'' and insert ''1.''

SA 5103. Mr. REID proposed an amendment to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

At the end of the amendment add the following:

The provisions of this act shall become effective 2 days after enactment.

SA 5104. Mr. REID proposed an amendment to amendment SA 5103 proposed by Mr. REID to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

In the amendment, strike ''2'' and insert ''1''.

SA 5105. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REGULATIONS TO IMPLEMENT PROHIBITION ON MARKET MANIPULATION.

Not later than December 31, 2008, the Federal Trade Commission shall promulgate a final rule to implement section 811 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17301).

SA 5106. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RELEASE OF PRODUCTS FROM NORTHEAST HOME HEATING OIL RESERVE ACCOUNT.

Section 183 of the Energy Policy and Conservation Act (42 U.S.C. 6250b) is amended by striking subsection (a) and inserting the following:

''(a) FINDINGS.—

''(1) OPTIONAL RELEASES.—

''(A) IN GENERAL.—Subject to paragraph (2), the Secretary may sell products from the Reserve only on a finding by the President that—

''(i) there is a severe energy supply interruption; or

''(ii) the price of home heating oil threatens the health and safety of residents of the Northeast.

''(B) REQUIREMENT.—The President may make a finding under subparagraph (A) only if the President determines that—

''(i) a dislocation in the heating oil market has resulted from an interruption described in subparagraph (A)(i);

''(ii) the price of home heating oil has increased by such an extent that the Northeast is experiencing, or will experience, an emergency situation that threatens the safety and health of residents of the Northeast; or

''(iii)(I) a circumstance (other than a circumstance described in clause (i) or (ii)) exists that constitutes a regional supply shortage of significant scope and duration; and

''(II) action taken under this section would assist directly and significantly in reducing the adverse impact of the shortage.

''(2) MANDATORY RELEASES.—

''(A) IN GENERAL.—For each fiscal year, the Secretary shall sell—

''(i) 20 percent of the quantity of products in the Reserve as of November 1 of that fiscal year, on a finding by the President that the average retail price of No. 2 heating oil in the Northeast (as reported in the retail price data of the Energy Information Administration for the Northeast) is equal to or more than $4.00 per gallon on November 1 of that fiscal year;

''(ii) 20 percent of the quantity of products in the Reserve as of November 1 of that fiscal year, on a finding by the President that the average retail price of No. 2 heating oil in the Northeast (as so reported) is equal to or more than $4.00 per gallon on December 1 of that fiscal year;

''(iii) 20 percent of the quantity of products in the Reserve as of November 1 of that fiscal year, on a finding by the President that the average retail price of No. 2 heating oil in

the Northeast (as so reported) is equal to or more than $4.00 per gallon on January 1 of that fiscal year;

''(iv) 20 percent of the quantity of products in the Reserve as of November 1 of that fiscal year, on a finding by the President that the average retail price of No. 2 heating oil in the Northeast (as so reported) is equal to or more than $4.00 per gallon on February 1 of that fiscal year; and

''(v) 20 percent of the quantity of products in the Reserve as of November 1 of that fiscal year, on a finding by the President that the average retail price of No. 2 heating oil in the Northeast (as so reported) is equal to or more than $4.00 per gallon on March 1 of that fiscal year.

''(B) USE OF REVENUE.—The Secretary shall use any revenue derived from the sale of products in the Reserve under subparagraph (A) to provide assistance to low-income consumers of heating oil under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).''.

SA 5107. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GRANTS TO STATES FOR RESPONSE PLANS FOR RISING ENERGY COSTS.

Subtitle B of title I of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 616) is amended by adding at the end the following:

''SEC. 129. GRANTS TO STATES FOR RESPONSE PLANS FOR RISING ENERGY COSTS.

''(a) IN GENERAL.—The Secretary shall make grants to States to pay the Federal share of the cost of establishing and implementing response plans to address rising heating oil, natural gas, diesel, and other energy costs.

''(b) USE.—A grant under this section may be used by a State—

''(1) to provide heating shelters for communities;

''(2) to provide energy assistance and information to elderly individuals, consumers, and small business concerns;

''(3) to provide information to individuals and small business concerns concerning State resources for individuals struggling with rising energy costs; and

''(4) to otherwise address rising heating oil, natural gas, diesel, and other energy costs, as determined by the State and approved by the Secretary.

''(c) ALLOCATION.—The Secretary shall allocate grants to States under this section using a formula established by the Secretary that is based on State population and per capita expenditures for energy.

''(d) FEDERAL SHARE.—The Federal share of the cost of establishing a response plan under this section shall be not more than 50 percent.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000,000 for each of fiscal years 2009 through 2013.''.

SA 5108. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Gas Price Reduction Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—DEEP SEA EXPLORATION

Sec. 101. Publication of projected State lines on outer Continental Shelf.
Sec. 102. Production of oil and natural gas in new producing areas.
Sec. 103. Conforming amendments.

TITLE II—WESTERN STATE OIL SHALE EXPLORATION

Sec. 201. Removal of prohibition on final regulations for commercial leasing program for oil shale resources on public land.

TITLE III—PLUG-IN ELECTRIC CARS AND TRUCKS

Sec. 301. Advanced batteries for electric drive vehicles.

TITLE IV—ENERGY COMMODITY MARKETS

Sec. 401. Study of international regulation of energy commodity markets.
Sec. 402. Foreign boards of trade.
Sec. 403. Index traders and swap dealers; disaggregation of index funds.
Sec. 404. Improved oversight and enforcement.

TITLE I—DEEP SEA EXPLORATION

SEC. 101. PUBLICATION OF PROJECTED STATE LINES ON OUTER CONTINENTAL SHELF.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended—

(1) by designating the first, second, and third sentences as clause (i), (iii), and (iv), respectively;

(2) in clause (i) (as so designated), by inserting before the period at the end the following: ''not later than 90 days after the date of enactment of the Gas Price Reduction Act of 2008''; and

(3) by inserting after clause (i) (as so designated) the following:

''(ii)(I) The projected lines shall also be used for the purpose of preleasing and leasing activities conducted in new producing areas under section 32.

''(II) This clause shall not affect any property right or title to Federal submerged land on the outer Continental Shelf.

''(III) In carrying out this clause, the President shall consider the offshore administrative boundaries beyond State submerged lands for planning, coordination, and administrative purposes of the Department of the Interior, but may establish different boundaries.''.

SEC. 102. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

''(B) not more than 200 nautical miles from the geographic center of any leased tract.

''(2) MORATORIUM AREA.—

''(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) (as in effect on the day before the date of enactment of this section).

''(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

''(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

''(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has, within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under subsection (b).

''(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the Secretary beyond State submerged land for planning, coordination, and administrative purposes of the Department of the Interior and published in the Federal Register on January 3, 2006 (71 Fed. Reg. 127).

''(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

''(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

''(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

''(ii) revenues from civil penalties;

''(iii) royalties taken by the Secretary in-kind and not sold;

''(iv) revenues generated from leases subject to section 8(g); or

''(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

''(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Beginning on the date on which the President delineates projected State lines under section 4(a)(2)(A)(ii), the Governor of a State, with the concurrence of the legislature of the State, with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

''(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

''(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to new producing States in accordance with paragraph (2); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l* –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

''(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

''(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

''(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with the regulations promulgated under subparagraph (A).

''(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available for the fiscal year under paragraph (1)(B)(i).

''(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

''(5) AUTHORIZED USES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

''(ii) Mitigation of damage to fish, wildlife, or natural resources.

''(iii) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

''(iv) Funding of onshore infrastructure projects.

''(v) Planning assistance and the administrative costs of complying with this section.

''(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

''(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under—

''(i) other provisions of this Act;

''(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

''(iii) any other provision of law.

''(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

''(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

''(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.''.

SEC. 103. CONFORMING AMENDMENTS.

Sections 104 and 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) are amended by striking ''No funds'' each place it appears and inserting ''Except as provided in section 32 of the Outer Continental Shelf Lands Act, no funds''.

TITLE II—WESTERN STATE OIL SHALE EXPLORATION

SEC. 201. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

TITLE III—PLUG-IN ELECTRIC CARS AND TRUCKS

SEC. 301. ADVANCED BATTERIES FOR ELECTRIC DRIVE VEHICLES.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term ''advanced battery'' means an electrical storage device that is suitable for a vehicle application.

(2) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) the incorporation of qualifying components into the design of an advanced battery; and

(B) the design of tooling and equipment and the development of manufacturing processes and material for suppliers of production facilities that produce qualifying components or advanced batteries.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ADVANCED BATTERY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary shall—

(A) expand and accelerate research and development efforts for advanced batteries; and

(B) emphasize lower cost means of producing abuse-tolerant advanced batteries with the appropriate balance of power and energy capacity to meet market requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $100,000,000 for each of fiscal years 2010 through 2014.

(c) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Subject to the availability of appropriated funds, not later than 1 year after the date of enactment of this Act, the Secretary shall carry out a program to provide a total of not more than $250,000,000 in loans to eligible individuals and entities for not more than 30 percent of the costs of 1 or more of—

(A) reequipping a manufacturing facility in the United States to produce advanced batteries;

(B) expanding a manufacturing facility in the United States to produce advanced batteries; or

(C) establishing a manufacturing facility in the United States to produce advanced batteries.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to obtain a loan under this subsection, an individual or entity shall—

(i) be financially viable without the receipt of additional Federal funding associated with a proposed project under this subsection;

(ii) provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(iii) meet such other criteria as may be established and published by the Secretary.

(B) CONSIDERATION.—In selecting eligible individuals or entities for loans under this subsection, the Secretary may consider whether the proposed project of an eligible individual or entity under this subsection would—

(i) reduce manufacturing time;

(ii) reduce manufacturing energy intensity;

(iii) reduce negative environmental impacts or byproducts; or

(iv) increase spent battery or component recycling

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term that is equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; or

(ii) 25 years; and

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary.

(4) PERIOD OF AVAILABILITY.—A loan under this subsection shall be available for—

(A) facilities and equipment placed in service before December 30, 2020; and

(B) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(5) FEES.—The cost of administering a loan made under this subsection shall not exceed $100,000.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2009 through 2013.

(d) SENSE OF THE SENATE ON PURCHASE OF PLUG-IN ELECTRIC DRIVE VEHICLES.—It is the sense of the Senate that, to the maximum extent practicable, the Federal Government should implement policies to increase the purchase of plug-in electric drive vehicles by the Federal Government.

TITLE IV—ENERGY COMMODITY MARKETS

SEC. 401. STUDY OF INTERNATIONAL REGULATION OF ENERGY COMMODITY MARKETS.

(a) IN GENERAL.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission shall jointly conduct a study of the international regime for regulating the trading of energy commodity futures and derivatives.

(b) ANALYSIS.—The study shall include an analysis of, at a minimum—

(1) key common features and differences among countries in the regulation of energy commodity trading, including with respect to market oversight and enforcement;

(2) agreements and practices for sharing market and trading data;

(3) the use of position limits or thresholds to detect and prevent price manipulation, excessive speculation as described in section 4a(a) of the Commodity Exchange Act (7 U.S.C. 6a(a)) or other unfair trading practices;

(4) practices regarding the identification of commercial and noncommercial trading and the extent of market speculation; and

(5) agreements and practices for facilitating international cooperation on market oversight, compliance, and enforcement.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the heads of the Federal agencies described in subsection (a) shall jointly submit to the appropriate committees of Congress a report that—

(1) describes the results of the study; and

(2) provides recommendations to improve openness, transparency, and other necessary elements of a properly functioning market.

SEC. 402. FOREIGN BOARDS OF TRADE.

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 shall not permit a foreign board of trade's members or other participants located in the United States to enter trades directly into the foreign board of trade's trade matching system with respect to an agreement, contract, or transaction in an energy commodity (as defined by the Commission) that settles against any price, including the daily or final settlement price, of a contract or contracts listed for trading on a registered entity, unless—

''(A) the foreign board of trade makes public daily information on settlement prices, volume, open interest, and opening and closing ranges for the agreement, contract, or transaction that is comparable to the daily trade information published by the registered entity for the contract or contracts against which it settles;

''(B) the foreign board of trade or a foreign futures authority adopts position limitations (including related hedge exemption provisions) or position accountability for speculators for the agreement, contract, or transaction that are comparable to the position limitations (including related hedge exemption provisions) or position accountability adopted by the registered entity for the contract or contracts against which it settles; and

''(C) the foreign board of trade or a foreign futures authority provides such information to the Commission regarding the extent of speculative and non-speculative trading in the agreement, contract, or transaction that is comparable to the information the Commission determines is necessary to publish its weekly report of traders (commonly known as the Commitments of Traders report) for the contract or contracts against which it settles.

''(2) EXISTING FOREIGN BOARDS OF TRADE.—Paragraph (1) shall become effective 1 year after the date of enactment of this subsection with respect to any agreement, contract, or transaction in an energy commodity (as defined by the Commission) conducted on a foreign board of trade for which the Commission's staff had granted relief from the requirements of this Act prior to the date of enactment of this subsection.''.

SEC. 403. INDEX TRADERS AND SWAP DEALERS; DISAGGREGATION OF INDEX FUNDS.

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.—

''(1) REPORTING.—The Commission shall—

''(A) issue a proposed rule regarding routine reporting requirements for index traders and swap dealers (as those terms are defined by the Commission) in energy and agricultural transactions (as those terms are defined by the Commission) within the jurisdiction of the Commission not later than 180 days after the date of enactment of this subsection, and issue a final rule regarding such reporting requirements not later than 270 days after the date of enactment of this subsection; and

''(B) subject to the provisions of section 8, disaggregate and make public monthly information on the positions and value of index funds and other passive, long-only positions in the energy and agricultural futures markets.

''(2) REPORT.—Not later than 90 days after the date of enactment of this subsection, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report regarding—

''(A) the scope of commodity index trading in the futures markets;

''(B) whether classification of index traders and swap dealers in the futures markets can be improved for regulatory and reporting purposes; and

''(C) whether, based on a review of the trading practices for index traders in the futures markets—

''(i) index trading activity is adversely impacting the price discovery process in the futures markets; and

''(ii) different practices and controls should be required.''.

SEC. 404. IMPROVED OVERSIGHT AND ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) crude oil prices are at record levels and consumers in the United States are paying record prices for gasoline;

(2) funding for the Commodity Futures Trading Commission has been insufficient to cover the significant growth of the futures markets;

(3) since the establishment of the Commodity Futures Trading Commission, the volume of trading on futures exchanges has grown 8,000 percent while staffing numbers have decreased 12 percent; and

(4) in today's dynamic market environment, it is essential that the Commodity Futures Trading Commission receive the funding necessary to enforce existing authority to ensure that all commodity markets, including energy markets, are properly monitored for market manipulation.

(b) ADDITIONAL EMPLOYEES.—As soon as practicable after the date of enactment of this Act, the Commodity Futures Trading Commission shall hire at least 100 additional full-time employees—

(1) to increase the public transparency of operations in energy futures markets;

(2) to improve the enforcement in those markets; and

(3) to carry out such other duties as are prescribed by the Commission.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available to carry out the Commodity Exchange Act (7 U.S.C. 1 et seq.), there are authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 2009.

SA 5109. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REPEAL OF MORATORIA ON OFFSHORE OIL AND GAS LEASING.

(a) IN GENERAL.—Sections 104 and 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118), are repealed.

(b) CERTAIN AREAS OF GULF OF MEXICO.—Section 104 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; 120 Stat. 3003) is amended—

(1) by striking subsection (a); and

(2) in subsection (b), by striking the subsection designation and heading and all that follows through ''subsection (a), the'' and inserting ''The''.

SEC. ___. USE OF OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ALTERNATIVE ENERGY PRODUCTION.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE ENERGY.—The term ''alternative energy'' means energy from a source other than oil or gas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a grant program under which the Secretary shall provide grants to pay the Federal share of the cost of—

(A) converting offshore oil and gas platforms or other facilities that are decommissioned from service for oil and gas purposes to alternative energy production facilities; or

(B) using offshore oil and gas platforms or other facilities that are being used for oil and gas purposes to also produce alternative energy.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out activities under paragraph (1) shall be not more than 50 percent.

(3) APPLICABLE LAW.—The Outer Continental Shelf Land Act (43 U.S.C. 1301 et seq.) shall apply to any activities carried out under this section.

(4) DISPOSITION OF REVENUES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), of the revenues to the United States from the production of alternative energy under this section for each fiscal year, the Secretary shall deposit—

(A) 50 percent in the general fund of the Treasury; and

(B) 50 percent in a special account in the Treasury from which the Secretary shall disburse—

(i) 75 percent to States based on a formula established by the Secretary by regulation; and

(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(6) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide grants under this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 5110. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

''(B) not more than 200 nautical miles from the geographic center of any leased tract.

''(2) MORATORIUM AREA.—

''(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) (as in effect on the day before the date of enactment of this section).

''(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

''(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

''(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has, within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under subsection (b).

''(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the Secretary beyond State submerged land for planning, coordination, and administrative purposes of the Department of the Interior and published in the Federal Register on January 3, 2006 (71 Fed. Reg. 127).

''(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

''(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

''(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

''(ii) revenues from civil penalties;

''(iii) royalties taken by the Secretary in-kind and not sold;

''(iv) revenues generated from leases subject to section 8(g); or

''(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

''(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Governor of a State, with the concurrence of the legislature of the State, with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

''(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

''(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall—

''(A) deposit 45 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury;

''(B) deposit 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to new producing States in accordance with paragraph (2); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l* –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5); and

''(C) distribute 5 percent of qualified outer Continental Shelf revenues to States for historic offshore production distribution.

''(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

''(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

''(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with the regulations promulgated under subparagraph (A).

''(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available for the fiscal year under paragraph (1)(B)(i).

''(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

''(5) AUTHORIZED USES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

''(ii) Mitigation of damage to fish, wildlife, or natural resources.

''(iii) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

''(iv) Funding of onshore infrastructure projects.

''(v) Planning assistance and the administrative costs of complying with this section.

''(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

''(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under—

''(i) other provisions of this Act;

''(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

''(iii) any other provision of law.

''(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

''(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

''(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.''.

SEC. _____. USE OF OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ALTERNATIVE ENERGY PRODUCTION.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE ENERGY.—The term ''alternative energy'' means energy from a source other than oil or gas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a grant program under which the Secretary shall provide grants to pay the Federal share of the cost of—

(A) converting offshore oil and gas platforms or other facilities that are decommissioned from service for oil and gas purposes to alternative energy production facilities; or

(B) using offshore oil and gas platforms or other facilities that are being used for oil and gas purposes to also produce alternative energy.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out activities under paragraph (1) shall be not more than 50 percent.

(3) APPLICABLE LAW.—The Outer Continental Shelf Land Act (43 U.S.C. 1301 et seq.) shall apply to any activities carried out under this section.

(4) DISPOSITION OF REVENUES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), of the revenues to the United States from the production of alternative energy under this section for each fiscal year, the Secretary shall deposit—

(A) 50 percent in the general fund of the Treasury; and

(B) 50 percent in a special account in the Treasury from which the Secretary shall disburse—

(i) 75 percent to States based on a formula established by the Secretary by regulation; and

(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(6) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide grants under this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 5111. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

SEC. _____. USE OF OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ALTERNATIVE ENERGY PRODUCTION.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE ENERGY.—The term ''alternative energy'' means energy from a source other than oil or gas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a grant program under which the Secretary shall provide grants to pay the Federal share of the cost of—

(A) converting offshore oil and gas platforms or other facilities that are decommissioned from service for oil and gas purposes to alternative energy production facilities; or

(B) using offshore oil and gas platforms or other facilities that are being used for oil and gas purposes to also produce alternative energy.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out activities under paragraph (1) shall be not more than 50 percent.

(3) APPLICABLE LAW.—The Outer Continental Shelf Land Act (43 U.S.C. 1301 et seq.) shall apply to any activities carried out under this section.

(4) DISPOSITION OF REVENUES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), of the revenues to the United States from the production of alternative energy under this section for each fiscal year, the Secretary shall deposit—

(A) 50 percent in the general fund of the Treasury; and

(B) 50 percent in a special account in the Treasury from which the Secretary shall disburse—

(i) 75 percent to States based on a formula established by the Secretary by regulation; and

(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(6) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide grants under this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 5112. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. USE OF OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ALTERNATIVE ENERGY PRODUCTION.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE ENERGY.—The term ''alternative energy'' means energy from a source other than oil or gas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a grant program under which the Secretary shall provide grants to pay the Federal share of the cost of—

(A) converting offshore oil and gas platforms or other facilities that are decommissioned from service for oil and gas purposes to alternative energy production facilities; or

(B) using offshore oil and gas platforms or other facilities that are being used for oil and gas purposes to also produce alternative energy.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out activities under paragraph (1) shall be not more than 50 percent.

(3) APPLICABLE LAW.—The Outer Continental Shelf Land Act (43 U.S.C. 1301 et seq.) shall apply to any activities carried out under this section.

(4) DISPOSITION OF REVENUES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), of the revenues to the United States from the production of alternative energy under this section for each fiscal year, the Secretary shall deposit—

(A) 50 percent in the general fund of the Treasury; and

(B) 50 percent in a special account in the Treasury from which the Secretary shall disburse—

(i) 75 percent to States based on a formula established by the Secretary by regulation; and

(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(6) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide grants under this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 5113. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. SEAWARD BOUNDARY EXTENSION.

(a) IN GENERAL.—Title II of the Submerged Lands Act (43 U.S.C. 1311 et seq.) is amended—

(1) by redesignating section 11 as section 12; and

(2) by inserting after section 10 the following:

''SEC. 11. EXTENSION OF SEAWARD BOUNDARIES OF THE STATES OF LOUISIANA, MISSISSIPPI, AND ALABAMA.

''(a) DEFINITIONS.—In this section:

''(1) EXISTING INTEREST.—The term 'existing interest' means any lease, easement, right-of-use, or right-of-way on, or for any natural resource or minerals underlying, the expanded submerged land that is in existence on the date of the conveyance of the expanded submerged land to the State under subsection (b)(1).

''(2) EXPANDED SEAWARD BOUNDARY.—The term 'expanded seaward boundary' means the seaward boundary of the State that is 3 marine leagues seaward of the coast line of the State as of the day before the date of enactment of this section.

''(3) EXPANDED SUBMERGED LAND.—The term 'expanded submerged land' means the area of the outer Continental Shelf that is located between 3 geographical miles and 3 marine leagues seaward of the coast line of the State as of the day before the date of enactment of this section.

''(4) INTEREST OWNER.—The term 'interest owner' means any person that owns or holds an existing interest in the expanded submerged land or portion of an existing interest in the expanded submerged land.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(6) STATE.—The term 'State' means each of the States of Louisiana, Mississippi, and Alabama.

''(b) CONVEYANCE OF EXPANDED SUBMERGED LAND.—

''(1) IN GENERAL.—If a State demonstrates to the satisfaction of the Secretary that the conditions described in paragraph (2) will be met, the Secretary shall, subject to valid existing rights and subsection (c), convey to the State the interest of the United States in the expanded submerged land of the State.

''(2) CONDITIONS.—A conveyance under paragraph (1) shall be subject to the condition that—

''(A) on conveyance of the interest of the United States in the expanded submerged land to the State under paragraph (1)—

''(i) the Governor of the State (or a delegate of the Governor) shall exercise the powers and duties of the Secretary under the terms of any existing interest, subject to the requirement that the State and the officers of the State may not exercise the powers to impose any burden or requirement on any interest owner that is more onerous or strict than the burdens or requirements imposed under applicable Federal law (including regulations) on owners or holders of the same type of lease, easement, right-of-use, or right-of-way on the outer Continental Shelf seaward of the expanded submerged land; and

''(ii) the State shall not impose any administrative or judicial penalty or sanction on

any interest owner that is more severe than the penalty or sanction under Federal law (including regulations) applicable to owners or holders of leases, easements, rights-of-use, or rights-of-way on the outer Continental Shelf seaward of the expanded submerged lands for the same act, omission, or violation;

''(B) not later than 5 years after the date of enactment of this section—

''(i) the State shall enact laws or promulgate regulations with respect to the environmental protection, safety, and operations of any platform pipeline in existence on the date of conveyance to the State under paragraph (1) that is affixed to or above the expanded submerged land that impose the same requirements as Federal law (including regulations) applicable to a platform pipeline on the outer Continental Shelf seaward of the expanded submerged land; and

''(ii) the State shall enact laws or promulgate regulations for determining the value of oil, gas, or other mineral production from existing interests for royalty purposes that establish the same requirements as the requirements under Federal law (including regulations) applicable to Federal leases for the same minerals on the outer Continental Shelf seaward of the expanded submerged land; and

''(C) the State laws and regulations enacted or promulgated under subparagraph (B) shall provide that if Federal law (including regulations) applicable to leases, easements, rights-of-use, or rights-of-way on the outer Continental Shelf seaward of the expanded submerged land are modified after the date on which the State laws and regulations are enacted or promulgated, the State laws and regulations applicable to existing interests will be modified to reflect the change in Federal laws (including regulations).

''(c) EXCEPTIONS.—

''(1) MINERAL LEASE OR UNIT DIVIDED.—

''(A) IN GENERAL.—If any existing Federal oil and gas or other mineral lease or unit would be divided by the expanded seaward boundary of a State, the interest of the United States in the leased minerals underlying the portion of the lease or unit that lies within the expanded submerged boundary shall not be considered to be conveyed to the State until the date on which the lease or unit expires or is relinquished by the United States.

''(B) APPLICABILITY FOR OTHER PURPOSES.—Notwithstanding subparagraph (A), the expanded seaward boundary of a State shall be the seaward boundary of the State for all other purposes, including the distribution of revenues under section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)).

''(2) LAWS AND REGULATIONS NOT SUFFICIENT.—If the Secretary determines that any law or regulation enacted or promulgated by a State under subparagraph (B) of subsection (b)(2) does not meet the requirements of that subparagraph, the Secretary shall not convey the expanded submerged land to the State.

''(d) INTEREST ISSUED OR GRANTED BY THE STATE.—This section does not apply to any interest in the expanded submerged land that a State issues or grants after the date of conveyance of the expanded submerged land to the State under subsection (b)(1).

''(e) LIABILITY.—

''(1) IN GENERAL.—By accepting conveyance of the expanded submerged land, the State agrees to indemnify the United States for any liability to any interest owner for the taking of any property interest or breach of contract from—

''(A) the conveyance of the expanded submerged land to the State; or

''(B) the State's administration of any existing interest under subsection (b)(2)(A)(i).

''(2) DEDUCTION FROM OIL AND GAS LEASING REVENUES.—The Secretary may deduct from the amounts otherwise payable to the State under section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)) the amount of any final nonappealable judgment for a taking or breach of contract described in paragraph (1).''.

(b) CONFORMING AMENDMENT.—Section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b)) is amended by striking ''section 4 hereof'' and inserting ''section 4 or 11''.

SEC. _____. USE OF OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ALTERNATIVE ENERGY PRODUCTION.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE ENERGY.—The term ''alternative energy'' means energy from a source other than oil or gas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a grant program under which the Secretary shall provide grants to pay the Federal share of the cost of—

(A) converting offshore oil and gas platforms or other facilities that are decommissioned from service for oil and gas purposes to alternative energy production facilities; or

(B) using offshore oil and gas platforms or other facilities that are being used for oil and gas purposes to also produce alternative energy.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out activities under paragraph (1) shall be not more than 50 percent.

(3) APPLICABLE LAW.—The Outer Continental Shelf Land Act (43 U.S.C. 1301 et seq.) shall apply to any activities carried out under this section.

(4) DISPOSITION OF REVENUES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), of the revenues to the United States from the production of alternative energy under this section for each fiscal year, the Secretary shall deposit—

(A) 50 percent in the general fund of the Treasury; and

(B) 50 percent in a special account in the Treasury from which the Secretary shall disburse—

(i) 75 percent to States based on a formula established by the Secretary by regulation; and

(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(6) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide grants under this section terminates on the date that is 10 years after the date of enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 24, at 9:30 a.m., in room 562 of the Dirksen Senate Office Building to conduct a hearing on Tribal Courts and the Administration of Justice in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWN. 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 July 23, 2008, at 9:45 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 23, 2008 at 9:30 a.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''The Midwest Floods: What Happened and What Might Be Improved for Managing Risk and Responses in the Future.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, July 23, 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. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, at 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWN. 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 ''Childhood Obesity: The Declining Health of America's Next Generation—Part II'' on Wednesday, July 23, 2008. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, at 10 a.m. to conduct a hearing entitled ''Information Sharing: Connecting the Dots at the Federal, State, and Local Levels.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, at 2:30 p.m. to consider pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Courting Big Business: The Supreme Court's Recent Decisions on Corporate Misconduct and Laws Regulating Corporations'' on Wednesday, July 23, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OPPICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing on executive nominations, on Wednesday, July 23, 2008, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, to conduct a hearing in room 418 of the Russell Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BROWN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, from 11 a.m. to 12:30 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that the following individuals from my staff have floor privileges during the period of my speech today: Dustin Bradshaw, Nathan Gambill, Summer Price, and Stephen Young.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I ask unanimous consent that Dayna Gibbons, a fellow in my office, be granted the privilege of the floor for the remainder of the debate on the energy legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LATE DETECTIVE JOHN MICHAEL GIBSON AND PRIVATE FIRST CLASS JACOB JOSEPH CHESTNUT AND THE UNITED STATES CAPITOL POLICE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a resolution submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 621) honoring and commemorating the selfless acts of heroism displayed by the late Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police on July 24, 1998, and expressing the gratitude and appreciation of the Senate for the professionalism and dedication of the United States Capitol Police.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 621) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 621

Whereas Detective Gibson, born March 29, 1956, was killed in the line of duty while protecting the office complex of the House Majority Whip;

Whereas Private First Class Chestnut, born April 28, 1940, was killed in the line of duty while guarding the Document Room Door entrance of the Capitol;

Whereas Detective Gibson and Private First Class Chestnut were the first police officers to lie in honor in the rotunda of the Capitol;

Whereas Private First Class Chestnut was the first African-American to lie in honor in the rotunda of the Capitol;

Whereas Detective Gibson was married to Evelyn and was the father of 3 children;

Whereas Private First Class Chestnut was married to Wen Ling and was the father of 5 children;

Whereas the United States Capitol Police force consists of over 1,600 officers who are dedicated to the protection and security of the Capitol Complex and its employees and visitors;

Whereas the United States Capitol Police continually sacrifice to provide safety and security to the Members, staff, and millions of visitors each year to the Capitol Complex;

Whereas the men and women of the United States Capitol Police join with their colleagues in local law enforcement from urban to rural areas coast to coast to perform their duties with honor and courage;

Whereas while the United States Capitol Police endure physical and verbal assaults in some extreme cases, the officers continue to provide courteous, responsible, and diligent services in an unbiased and nonpartisan manner;

Whereas the United States Capitol Police face many threats to their safety and must remain constantly alert for suspicious actions or for failure to respond to requests and instructions;

Whereas the United States Capitol Police, as the first line of the defense of the Capitol, has shared in the ultimate sacrifice in law enforcement;

Whereas the United States Capitol Police are on the front lines of the War on Terrorism and remain on constant alert against unauthorized access to Capitol buildings, terrorism, and other threats to the Capitol Complex;

Whereas Capitol Police officers stationed throughout the Capitol Complex act in a professional manner and treat Members, staff, and visitors with dignity and respect;

Whereas the United States Capitol Police consistently apply security and safety measures to all, including Members of Congress;

Whereas 10 years have passed since Detective Gibson and Private First Class Chestnut sacrificed their lives to protect the lives of hundreds of tourists, staff, and Members of Congress on July 24, 1998; and

Whereas the United States Capitol Police is one of the best trained, most highly respected law enforcement agencies in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) honors and commemorates the selfless acts of heroism displayed by the late Private First Class Jacob Joseph Chestnut and Detective John Michael Gibson of the United States Capitol Police on July 24, 1998;

(2) expresses its condolences to the wives, children, and other family members of Private First Class Chestnut and Detective Gibson on the 10 year anniversary of their passing;

(3) expresses its gratitude and appreciation for the professional manner in which the United States Capitol Police carry out their diverse missions;

(4) expresses appreciation for the dedication United States Capitol Police officers have for protecting the Capitol Complex; and

(5) commends the United States Capitol Police for their continued courage and professionalism in protecting the Capitol Complex and its employees and visitors.

SOBOBA BAND OF LUISENO INDIANS SETTLEMENT ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4841, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4841) to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interferences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4841) was ordered to a third reading, was read the third time, and passed.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–20

Mr. PRYOR. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on July 23, 2008, by the President of the United States:

Protocols to the North Atlantic Treaty of 1949 on accession of Albania and Croatia (Treaty Document 110–20).

I further ask that the treaty be considered as having been read the first time; that it be transferred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, Protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Albania and the Republic of Croatia. These Protocols were adopted at Brussels on July 9, 2008, and signed that day on behalf of the United States and the other Parties to the North Atlantic Treaty. Also transmitted for the information of the Senate is the report of the Department of State, which includes an overview of the Protocols.

NATO enlargement remains an historic success in advancing freedom, stability, and democracy in the Euro-Atlantic area. Albania and Croatia serve as two more examples of countries motivated by the prospect of NATO membership to advance significant and difficult political, economic, and military reforms. Their efforts and success demonstrate to other countries in the Balkans and beyond that NATO's door remains open to nations willing to shoulder the responsibilities of membership. I am pleased that, with the advice and consent of the Senate, these new democracies can soon join us as members of this great Alliance.

I ask the Senate to join me in advancing the cause of freedom and strengthening NATO by providing its prompt advice and consent to ratification of these Protocols of Accession. My Administration stands ready to assist you in any way we can in your deliberations.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 23, 2008*.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. PRYOR. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 683 to and including 686, 696 to and including 716, all nominations on the Secretary's desk in the Air Force, Army, Marine Corps; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that upon confirmation of the nominations, the President be immediately notified of the Senate's action, with no further motions in order, the Senate then resume legislative session and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Nelson M. Ford, of Virginia, to be Under Secretary of the Army.

Joseph A. Benkert, of Virginia, to be an Assistant Secretary of Defense.

Sean Joseph Stackley, of Virginia, to be an Assistant Secretary of the Navy.

Frederick S. Celec, of Virginia, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Jeffrey A. Remington

The following named officer for appointment to the grade indicated under title 10, U.S.C., section 8037:

To be lieutenant general

Maj. Gen. Jack L. Rives

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Donald J. Hoffman

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Kelly K. McKeague

IN THE ARMY

The following named officer for appointment to the grade indicated under title 10, U.S.C., sections 3064 and 3084:

To be brigadier general

Col. Timothy K. Adams

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Ann E. Dunwoody

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David M. Rodriguez

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Edgar E. Stanton, III

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Matthew L. Kambic

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Martin E. Dempsey

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Carter F. Ham

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Richard P. Zahner

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert E. Durbin

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Ronald L. Burgess, Jr.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John F. Kimmons

IN THE MARINE CORPS

The following named officer for appointment as the Commander, Marine Force Reserve and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and 5144:

To be lieutenant general

Maj. Gen. Douglas M. Stone

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

Maj. Gen. George J. Flynn

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Juan G. Ayala
Colonel Ronald F. Baczkowski
Colonel William B Crowe
Colonel Michael G. Dana
Colonel William M. Faulkner
Colonel Walter L. Miller, Jr.
Colonel Joseph L. Osterman
Colonel Christopher S. Owens
Colonel Gregg A. Sturdevant
Colonel Glenn M. Walters

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Cynthia A. Covell

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Elizabeth S. Niemyer

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. (lh) Robert S. Harward, Jr.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1795 AIR FORCE nomination of Frank J. Hale, which was received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1796 AIR FORCE nomination of Douglas K. Dunbar, which was received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1832 AIR FORCE nomination of Tamera A. Herzog, which was received by the Senate and appeared in the Congressional Record of June 26, 2008.

PN1833 AIR FORCE nominations (12) beginning KERI L. AZUAR, and ending PAMELA P. WARDDEMO, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2008.

IN THE ARMY

PN1797 ARMY nominations (2) beginning KENNETH L. BEALE JR., and ending THOMAS H. BROUILLARD, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1798 ARMY nominations (2) beginning LENARD M. KERR, and ending MASAKI G. KUWANA JR., which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1799 ARMY nominations (15) beginning RALF C. BEILHARDT, and ending RICHARD L. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1800 ARMY nominations (147) beginning MICHAEL P. ABEL, and ending JOHNNIE WRIGHT JR., which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1823 ARMY nomination of John D. Muther, which was received by the Senate and appeared in the Congressional Record of June 25, 2008.

PN1869 ARMY nominations (352) beginning STEPHEN L. AKI, and ending D060701, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2008.

PN1870 ARMY nominations (371) beginning EARL E. ABONADI, and ending X0007, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2008.

PN1871 ARMY nominations (644) beginning JEFFREY W. ABBOTT, and ending D060688, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2008.

IN THE MARINE CORPS

PN1834 MARINE CORPS nomination of Bryan K. Wood, which was received by the Senate and appeared in the Congressional Record of June 26, 2008.

IN THE NAVY

PN1801 NAVY nominations (16) beginning DAVID R. BROWN, and ending TIMOTHY R. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1802 NAVY nominations (23) beginning BRADLEY A. APPLEMAN, and ending FLORENCIO J. YUZON, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1803 NAVY nominations (29) beginning SUE A. ADAMSON, and ending JULIE L. WORKING, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1804 NAVY nominations (31) beginning MARK R. BOONE, and ending JOHN C. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1805 NAVY nominations (32) beginning CHRISTOPHER G. ADAMS, and ending NICOLAS D. I. YAMODIS, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1806 NAVY nominations (56) beginning ALAN L. ADAMS, and ending GEORGES E. YOUNES, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1807 NAVY nominations (57) beginning CRAIG L. ABRAHAM, and ending CHRISTOPHER M. WISE, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1808 NAVY nominations (156) beginning CALLIOPE E. ALLEN, and ending PATRICK E. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

ORDERS FOR THURSDAY, JULY 24, 2008

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Thursday, July 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to S. 3186, the Low-Income Home Energy Assistance Program legislation. I further ask consent that following leader time, the time until 10:30 a.m. be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half, and that the time from 10:30 until 5:30 p.m. be equally divided and controlled by the two leaders or their designees, with the time controlled in 30-minute alternating blocks of time, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent that at 3:40 p.m. tomorrow, the Senate have a moment of silence for the fallen Officers Gibson and Chestnut.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. PRYOR. Mr. President, as a reminder to all Senators, there will be a moment of silence at 3:40 p.m. in remembrance of Officers Gibson and Chestnut, and all Senators are encouraged to be on the floor for this moment of silence.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. PRYOR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 8:05 p.m., recessed until Thursday, July 24, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL SECURITY EDUCATION BOARD

MARK J. GERENCSER, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE ROBERT N. SHAMANSKY, TERM EXPIRED.

DAVID H. MCINTYRE, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE MARK FALCOFF, TERM EXPIRING.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

AMBROSE L. SCHWALLIE, OF SOUTH CAROLINA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2013, VICE A. J. EGGENBERGER, TERM EXPIRING.

OVERSEAS PRIVATE INVESTMENT CORPORATION

MARIA CINO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2010, VICE COLLISTER JOHNSON, JR., TERM EXPIRED.

THE JUDICIARY

ERIC F. MELGREN, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS, VICE MONTI L. BELOT, RETIRED.

MARCO A. HERNANDEZ, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON, VICE GARR M. KING, RETIRING.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL WILLIAM S. BUSBY III
BRIGADIER GENERAL STANLEY E. CLARKE III
BRIGADIER GENERAL JOHN B. ELLINGTON, JR.
BRIGADIER GENERAL MARIA A. FALCA-DODSON
BRIGADIER GENERAL TONY A. HART
BRIGADIER GENERAL JAMES E. HEARON
BRIGADIER GENERAL MARK F. SEARS

To be brigadier general

COLONEL THERESA Z. BLUMBERG
COLONEL PAUL D. BROWN, JR.
COLONEL STEVEN D. FRIEDRICKS
COLONEL STEVEN D. GREGG
COLONEL JOHN O. GRIFFIN
COLONEL JOSEPH L. LENGYEL
COLONEL BRADLEY A. LIVINGSTON
COLONEL MICHAEL A. MEYER
COLONEL STANLEY J. OSSERMAN, JR.
COLONEL STEPHAN A. PAPPAS
COLONEL BRUCE W. PRUNK
COLONEL CHARLES L. SMITH
COLONEL JAMES R. SUMMERS
COLONEL BRUCE N. THOMPSON
COLONEL DELILAH R. WORKS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

TIMOTHY M. FRENCH
MICHAEL L. THERRIEN

To be major

SHELLEY M. EVERSOLE
STEPHEN GABORIAULTWHITCOMB
SVETLANA R. KEYSER
PATRICK D. LYNCH
RACHELLE M. NOWLIN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DIRECTOR OF ADMISSIONS AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 4333(C) AND 4336(B):

To be colonel

DEBORAH J. MCDONALD

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, July 23, 2008:

DEPARTMENT OF DEFENSE

NELSON M. FORD, OF VIRGINIA, TO BE UNDER SECRETARY OF THE ARMY.

JOSEPH A. BENKERT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

SEAN JOSEPH STACKLEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

FREDERICK S. CELEC, OF VIRGINIA, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JEFFREY A. REMINGTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be lieutenant general

MAJ. GEN. JACK L. RIVES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DONALD J. HOFFMAN

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. KELLY K. MCKEAGUE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3084:

To be brigadier general

COL. TIMOTHY K. ADAMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. ANN E. DUNWOODY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID M. RODRIGUEZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EDGAR E. STANTON III

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. MATTHEW L. KAMBIC

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. MARTIN E. DEMPSEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CARTER F. HAM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD P. ZAHNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT E. DURBIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RONALD L. BURGESS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN F. KIMMONS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE COMMANDER, MARINE FORCE RESERVE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 5144:

To be lieutenant general

MAJ. GEN. DOUGLAS M. STONE

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

MAJ. GEN. GEORGE J. FLYNN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JUAN G. AYALA
COLONEL RONALD F. BACZKOWSKI
COLONEL WILLIAM B. CROWE
COLONEL MICHAEL G. DANA
COLONEL WILLIAM M. FAULKNER
COLONEL WALTER L. MILLER, JR.
COLONEL JOSEPH L. OSTERMAN
COLONEL CHRISTOPHER S. OWENS
COLONEL GREGG A. STURDEVANT
COLONEL GLENN M. WALTERS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CYNTHIA A. COVELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ELIZABETH S. NIEMYER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (LH) ROBERT S. HARWARD, JR.

IN THE AIR FORCE

AIR FORCE NOMINATION OF FRANK J. HALE, TO BE COLONEL.

AIR FORCE NOMINATION OF DOUGLAS K. DUNBAR, TO BE COLONEL.

AIR FORCE NOMINATION OF TAMERA A. HERZOG, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH KERI L. AZUAR AND ENDING WITH PAMELA P. WARDDEMO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 26, 2008.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH KENNETH L. BEALE, JR. AND ENDING WITH THOMAS H. BROUILLARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

ARMY NOMINATIONS BEGINNING WITH LENARD M. KERR AND ENDING WITH MASAKI G. KUWANA, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

ARMY NOMINATIONS BEGINNING WITH RALF C. BEILHARDT AND ENDING WITH RICHARD L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

ARMY NOMINATIONS BEGINNING WITH MICHAEL P. ABEL AND ENDING WITH JOHNNIE WRIGHT, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

ARMY NOMINATION OF JOHN D. MUTHER, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH STEPHEN L. AKI AND ENDING WITH D060701, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2008.

ARMY NOMINATIONS BEGINNING WITH EARL E. ABONADI AND ENDING WITH X0007, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2008.

ARMY NOMINATIONS BEGINNING WITH JEFFREY W. ABBOTT AND ENDING WITH D060688, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2008.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF BRYAN K. WOOD, TO BE LIEUTENANT COLONEL.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH DAVID R. BROWN AND ENDING WITH TIMOTHY R. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

NAVY NOMINATIONS BEGINNING WITH BRADLEY A. APPLEMAN AND ENDING WITH FLORENCIO J. YUZON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

NAVY NOMINATIONS BEGINNING WITH SUE A. ADAMSON AND ENDING WITH JULIE L. WORKING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

NAVY NOMINATIONS BEGINNING WITH MARK R. BOONE AND ENDING WITH JOHN C. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER G. ADAMS AND ENDING WITH NICOLAS D. I. YAMODIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE

AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

NAVY NOMINATIONS BEGINNING WITH ALAN L. ADAMS AND ENDING WITH GEORGES E. YOUNES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

NAVY NOMINATIONS BEGINNING WITH CRAIG L. ABRAHAM AND ENDING WITH CHRISTOPHER M. WISE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

NAVY NOMINATIONS BEGINNING WITH CALLIOPE E. ALLEN AND ENDING WITH PATRICK E. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 23, 2008 withdrawing from further Senate consideration the following nomination:

CAROL DILLON KISSAL, OF MARYLAND, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE ERIC M. THORSON, WHICH WAS SENT TO THE SENATE ON FEBRUARY 25, 2008.

EXTENSIONS OF REMARKS

A TRIBUTE TO THE MINORITY BUSINESS DEVELOPMENT AGENCY AND MINORITY ENTERPRISE DEVELOPMENT

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of the Minority Business Development Agency (MBDA) and its celebration of the 26th Minority Enterprise Development Week. Together, the Minority Business Development Agency and minority entrepreneurs provide immense contributions to the back bone of the economy of this great nation; this type of invaluable economic participation must be commended.

With tireless work, minority entrepreneurs and the MBDA have made tremendous advances in advancing the level of ethnic equality seen in the United States' business sector. The strides made towards equal opportunity, increased competition, and economic growth with regard to minority-owned businesses are utterly remarkable.

Minority Enterprise Development Week provides an opportunity to recognize and celebrate the accomplishments of minority entrepreneurs and the Minority Business Development Agency. This week gives everyone time to reflect on the ever-growing role of minority businesses in the vast business landscape of the United States economy.

The competition, diversity and unrelenting work of minority owned businesses provide intangible assets to the growth of the overall economy. It is for this reason that the MBDA and minority entrepreneurs ought to receive the praise and continuing support of people across the country.

Madam Speaker, I would like to recognize the accomplishments of the Minority Business Development Agency and minority entrepreneurs as they offer their unique talents and services for an improved business environment for minority owned businesses in the United States.

Madam Speaker, I urge my fellow colleagues to join me in recognizing the invaluable efforts of the Minority Business Development Agency and minority entrepreneurs toward strengthening not only the United States economy, but minority equality movements everywhere.

RECOGNIZING THE OUTSTANDING ACHIEVEMENTS MADE AT THE 8TH LEON H. SULLIVAN SUMMIT IN ARUSHA, TANZANIA

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. RANGEL. Madam Speaker, I rise today to commend the work and accomplishments of the Leon H. Sullivan Foundation. The Sullivan Foundation held its eighth summit this past June and was hosted by Tanzanian President, Jakaya Kikwete.

Delegates and celebrities from Africa, the United States and the Caribbean were present for this landmark event, including NBA star Kelenna Azubuike, community leader Reverend Jesse L. Jackson, CNN News anchor TJ Holmes, and actor Chris Tucker.

The purpose of this summit was to facilitate positive change in Tanzania. This goal was not only met, but surpassed. Contributions from organizations such as; the Iovino Family Foundation, the Maasai Women's Development Organization and Books for Africa have brought about the ability to create sustainable development and education programs throughout Tanzania.

I would like to recognize the late Leon H. Sullivan for his unwavering commitment to changing the standards of living in Africa. It was his contribution that has allowed for the Sullivan Foundation's success today.

8TH LEON H. SULLIVAN SUMMIT SETS HISTORICAL LANDMARK: ''MOTHER OF ALL SUMMITS'' LEAVES MEMORABLE FOOTPRINT IN TANZANIA

June 18, 2008 (Arusha, Tanzania)—In what was called the ''Mother of all Summits,'' the eighth edition of the Leon H. Sullivan Summit hosted by President Jakaya Kikwete this June brought more than 4,000 participants to the beautiful landscape of Arusha, Tanzania. By the last day of plenary and workshop sessions, what was promised to be the ''Summit of a Lifetime'' turned out to be what many may consider a week of transformation for Tanzania.

''The spirit of my father has definitely moved through this year's Summit and I am truly inspired by all of the selfless displays of generosity and support that were shown during the week. These types of connections, the ones you can see and touch, are what the Summits are all about. This Summit really made a difference in the lives of others. No one can deny that.''

With forty-seven nations represented, the spirit of Reverend Sullivan was alive and well during the week-long conference. On the first day alone, the Iovino Family Foundation gave a $20,000 donation to the Maasai Women's Development Organization (MWEDO), which aims to provide self-sufficiency and increased access to public services and education; Books for Africa gave an initial contribution of 40,000 textbooks and later pledged to provide an additional $100,000 in textbooks for various schools throughout Arusha; More than 1,200 Olyset mosquito nets were supplied to the most endemic villages in Arusha along with school supplies for the Manyatta Village Primary School; Frank Ski, an Atlanta-based radio personality and youth advocate purchased and delivered school supplies to children in local Tanzanian villages, while other attendees sponsored and executed additional independent outreach projects of their own to directly benefit and impact the education and well-being of Tanzanian men, women, and children.

In addition, NBA player Kelenna Azubuike of the Golden State Warriors adopted an orphanage, (the Nora Childcare Trust) and donated 40 pairs of brand new NBA basketball shoes and shirts to the Tanzanian Basketball Federation, of which Tanzanian President Jakaya Kikwete is a member. The Myungsung Presbyterian Baptist Church, using state of the art drilling equipment was able to provide clean drinking water to a community of 12,000 people in Arusha. The state of the art drill used to locate and extract clean drinking water from deep within the earth, is valued at more than $500,000.

But perhaps the most moving and memorable gesture of the Summit, came from Reverend Jesse L. Jackson, who, during the state dinner made a public call to guests to help raise at least $25,000 to improve the educational facilities of Tanzania's schools. Within thirty minutes the delegation, led by Summit Co-Chairmen Ambassador Carlton Masters and Ambassador Andrew Young, Sullivan Foundation President and CEO Hope Masters, over $50,000 from individual donations ranging from as little as $5 to $5,000 was raised. Actor Chris Tucker and CNN news anchor TJ. Holmes were the first to make significant contributions.

By the Summit's end, delegates were able to wind down and relax with a breathtaking trip to Zanzibar Island. It was there that delegates were able to reflect and acknowledge a truly beautiful part of Africa that many admitted they didn't even know existed.

''The beauty and history of Zanzibar was captivating to me and others alike,'' stated Nichet Smith, Director of Public Relations for the Sullivan Foundation. ''Moments like those I have captured and will hold onto forever. Zanzibar is definitely a place that everyone should see in their lifetime.''

Remaining forever committed to the goals of the Summit—to provide a platform for Africa's political, economic, and cultural leaders, the Sullivan Foundation has completed yet another piece of the ever evolving bridge of hope, change and inspiration towards the vision and legacy of an extraordinary man, The Reverend Leon Howard Sullivan. For more information about the 2008 Leon H. Sullivan Summit, please visit www.thesullivanfoundation.org/summit or contact Nichet Smith 202.736.

RECOGNIZING THE 60TH ANNIVERSARY OF THE INTEGRATION OF THE ARMED FORCES

SPEECH OF

HON. KENDRICK B. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. MEEK of Florida. Mr. Speaker, I would like open by saying inclusion of all members of society regardless of race, creed or color, is the strength of our all volunteer Armed Forces. Saturday, July 26, 2008 will mark the 60th anniversary when President Harry S. Truman signed Executive Order 9981 demonstrating the moral courage to ''do what was right and honorable''—to integrate the armed forces of our country. Since the Revolutionary War, African Americans have participated in cod every war or conflict. There were, at the time, countless examples of bravery and noteworthy service that spanned from Crispus Attucks to the

54th Massachusetts Regiment the Buffalo Soldiers, to the Tuskegee Airmen. Service in the greatest war or World War II was the culmination of much collective sacrifice and many individual acts of patriotism. The decision to issue Executive Order 9981 which integrated the armed forces confirmed that diversity is our strength and not our weakness. Since the signing of Executive Order 9981, I can forthrightly say that our country has been stronger and a better society overall.

President Truman and his advisors recognized that complete racial integration at all ranks is an essential prerequisite to a cohesive and highly effective fighting force. We see success with the challenges of diversity as being critical to national security. One poignant example is the way our armed forces were hampered with racial conflict in the ranks during the Vietnam conflict in the 1960s and 1970s. This serves as an effective lesson on the importance of inclusion and equal opportunity at all levels of leadership.

However, there has been progress, and I believe that the U.S. Military is a pioneer in providing equal opportunity for its uniformed members above and beyond what is usually seen in the civilian workforce. In truth, a senior military boardroom is a much closer semblance of our society than the average corporate boardroom. But, we can and should do better because it is simply the right and necessary thing to do. Senior military leadership diversity is a matter of strategic importance to the future well-being of our fighting forces. I have initiated dialogue with the senior leadership of each service branch to lay this issue on the table for a healthy discussion.

Of particular note and at their request, I have met with the Commandant of the Marine Corps (General Conway), the Chief of Naval Operations (Admiral Roughead) twice, the Secretary of the Army (General Casey) and plan to meet with the new Secretary of the Air Force (nominee General Schwartz) in the very near future. Their willingness to discuss difficult topics and issues is a testament to their dedication to finding a suitable and longstanding resolution to establishing diversity within DoD. We collectively believe that diversity within DoD and more specifically at the most senior or Flag officer level is critical to recruiting and retention as well as the national security of this nation.

Over the past few years there has been some progress in terms of promotion of Flag level officers and assignment to high profile positions critical to national security. Two examples are Lieutenant General Lloyd Austin currently serving as Commander Multi-National Forces (MNF) in Iraq and Major General Walt E. Gaskin who served as the Commander Multi-National Forces (MNF) West in Iraq.

It is prudent that we accept the fact that diversity is a necessary component within the officer corps of the services and more specifically the Flag officer pool. Of greatest importance is the most senior flag level rank, which represents the major decision-making and influential officer level population within the Department of Defense.

Rather than substituting my interpretation of the myriad ideas discussed in my recent meetings, I think it is best to provide a forum for all of the principal stakeholders and subject matter experts to delve deeper into the issue and provide the Committee on Armed Services with their recommendations. I have respectfully laid before the House Armed Services Committee language creating a Commission on senior military leadership diversity in the House FY09 NDAA.

The Commission will review current policy and programs to provide recommendations to the Pentagon to insure that qualified minority and female officers are given the same career advancement opportunities as their counterparts.

As you know, of the 39 active four-star Generals, there is currently only one minority, General Kip Ward of Africa Command (AFRICOM). Of the 141 three-star level or 0–9 rank Flag level officers, there are only six minority Generals and five female Generals. Minorities of African-, Hispanic-, Asian-, Pacific Islanders, American Indians, and Native Alaskan decent represent slightly over 19 percent of the over 207,000 officers in the four service branches, but make up over 38 percent of the enlisted ranks.

I believe that just as President Truman had the courage to sign Executive Order 9981 that integrated the armed services in 1948 that it is now time to take a holistic look at the makeup of our officer corps from the most junior to the most senior leadership position to insure that it is diverse and balanced.

We now have the opportunity in our nation's history to begin to put in place a long term solution to the long term challenge of establishing diversity at all levels within our military.

I believe that the onus falls our shoulders to provide a continuation of the courageous initiative that President Truman undertook in order to fully realize integration at all levels within the armed forces and in particular at the senior leadership level.

I respectfully request that the Congress continue to support the establishment of a Commission to discuss diversity in the officer corps and insure equal access to opportunities for the most senior leadership ranks of our Armed Forces.

AVIATION SAFETY ENHANCEMENT ACT OF 2008

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. COSTELLO. Mr. Speaker, today, we are considering H.R. 6493, the Aviation Safety Enhancement Act of 2008.

This important legislation was introduced in a bipartisan manner and I want to thank Chairman OBERSTAR and Ranking Members MICA and PETRI for working with me on this legislation.

The United States has the safest air transportation system in the world; however, I have said time and again, we must not become complacent about our past success.

The Committee's April 3 hearing on the failure of the Federal Aviation Administration (FAA) to properly oversee air carrier maintenance programs demonstrates the need for this Committee to ensure vigorous oversight by the FAA to maintain the highest level of safety.

Following the April 3 hearing, the Department of Transportation Inspector General (DOT IG) made several recommendations to the FAA to ensure proper safety oversight. The FAA's reluctance to accept the IG's recommendations, including establishing an independent entity within the FAA to review FAA employee safety concerns and rotating certain safety inspectors to ensure objective safety oversight is unacceptable. That is why I strongly support H.R. 6493, which establishes an independent Aviation Safety Whistleblower Investigation Office within the FAA; rotates principal supervisory inspectors every 5 years; mandates modification to FAA's customer service initiative; and requires monthly reviews of the FAA's Air Transportation Oversight System (ATOS) database. H.R. 6493 is a positive first step to ensure that FAA maintains safety as its highest priority.

In my capacity as Chairman of the Aviation Subcommittee, I have noticed a pattern with the FAA—the FAA is a reactive agency—not a proactive agency. We have seen it in the area of runway safety; improving conditions at our air traffic control facilities; congestion and delays at our airports and in the sky; and now in safety oversight.

It is a continuous pattern—the FAA only acts when pushed into action by the Aviation Subcommittee or the Full Committee. It is my hope that H.R. 6493 spurs the FAA to be proactive instead of reactive and make the necessary changes to ensure effective oversight of our Nation's aviation system. The American traveling public deserves no less.

With that, I urge my colleagues to support H.R. 6493.

CONDEMNING 1994 ATTACK ON ARGENTINE JEWISH CENTER

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the resolution, condemning the attack on the Argentine Jewish Mutual Association (AMIA), and I would like to thank my friend from Florida, the Ranking Member on the Committee on Foreign Affairs, Congresswoman ILEANA ROS-LEHTINEN for sponsoring this meaningful resolution.

Mr. Speaker, on July 18th, 1994, a huge explosion rocked the city of Buenos Aires—marking the second murderous attack against Israeli and Jewish targets in Argentina, which is home to the largest Jewish community in Latin America. The first occurred 2 years prior and was aimed at the Israeli Embassy. The second was the bombing of the Argentine Jewish Mutual Association—where 85 people were murdered and hundreds more wounded.

It has been 14 years since the Jewish Mutual Association was attacked. Yet, the culprits have not been brought to justice. Part of the reason is there is extensive evidence linking the planning of the attacks to the Government of Iran and the execution of that attack to Hezbollah, an umbrella organization of radical Islamic Shiite groups with strong links to Iran and Syria. Iran and Hezbollah have a history of supporting and sponsoring terror, and they have been unwilling to cooperate with investigators.

I have denounced their actions, particularly Iran for being the engine behind these attacks

by financing, training, and arming terrorist organizations like Hezbollah. And, the time has come for all nations to fully cooperate with the AMIA investigation.

Too many lives have been lost. Too many families have been ripped apart. Too many have suffered.

It is time for the world to join together to move peace forward in the Middle East, to end violence against the Jewish community at-large, and to foster respect and understanding for all people throughout the world.

I believe we can start by bringing the perpetrators of the attacks on Argentina to justice. By punishing those who caused death, harm and conflict in Argentina, we will set a clear signal to the world that killing will not advance their cause.

Thanks again to Congresswoman ROS-LEHTINEN for sponsoring this resolution. It is important for the Argentinean government to know that we support their efforts to bring the perpetrators of this horrific crime to justice. And again, my deepest condolences and sympathy to the people of Argentina and Israel for the grave loss of life and vast destruction caused by this attack.

HONORING ST. JOSEPH'S CATHOLIC CHURCH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate St. Joseph's Catholic Church in celebrating its 100th anniversary. The congregation had its centennial celebration on Saturday, June 21, 2008.

St. Joseph's Catholic Church is located in Twain Harte, California. The origin of this community can be traced back to some of the original settlers in 1907. The area began as a small mining and logging town in the high Sierra Nevada foothills. The church was founded in 1908 with the construction of St. Joseph's Church in Tuolumne City. The church itself not only sets the tone for the present generation but is a proud symbol of the dedication of the pioneer ancestors who built it.

St. Joseph's was originally a member of Sonora's St. Patrick's Parish. Because of the distance to travel between Tuolumne City and Sonora, and the large number of worshipers, the people of northeastern Tuolumne County applied to the Chancery several times for the building of a new parish. Reverend Hugh A. Donohoe, the Bishop of Stockton, decided to go forth with the new parish. The parish in Twain Harte was formally erected and completed on June 20, 1962. The task of forming the Parish was effectively executed by the late Fr. George Lacey, who served the community for 21 years. Fr. William Ryan served the Parish for 10 years and worked to enhance and complete the Parish plant. The parish is now part of Twain Harte's All Saints Parish.

Three generations of worshipers make up the 200 parishioners, headed by Fr. John Fitzgerald and Deacon Ed Zoma. Deacon Zoma is ordained in the Chaldean Rite and can claim to be the longest serving deacon in the country. The Alter Society has now grown into the All Saints' Parish Ladies' Guild and has about sixty members.

Madam Speaker, I rise today to commend and congratulate St. Joseph's Catholic Church on its centennial celebration. I invite my colleagues to join me in wishing the congregation of St. Joseph's Catholic Church many years of continued success.

TRIBUTE TO RICHAEL YOUNG ON BEING ELECTED PRESIDENT OF THE STUDENT SENATE FOR CALIFORNIA COMMUNITY COLLEGES

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Ms. ESHOO. Madam Speaker, it is a privilege for me to honor Richael Young of Foster City, California, on being elected president of the Student Senate for California Community Colleges (SSCCC).

At the young age of 20, Richael has already accomplished much and demonstrated tremendous leadership skills. When she was 14 years old she began attending the College of San Mateo where she, along with two other students, founded their school's chapter of the National Community College Honor Society, Phi Theta Kappa. By 16, Richael was vice president of operations of this prestigious honor society and just a year later, at age 17, she was elected president. That same year, Richael was elected a student trustee of the San Mateo County Community College district, holding this leadership position for nearly 2 years.

In May of 2008, Richael ran a successful campaign for the at-large senator of the Student Senate for California Community Colleges. On July 13, 2008, the Student Senate for California Community Colleges held officer elections, and I am proud to announce that Richael was elected president. Richael is not only the youngest person to ever hold this position, but she is also the first woman to do so. In this prominent role, she will be representing California's 110 community colleges and 2.6 million students.

Madam Speaker, I ask the entire House of Representatives to join me in honoring Ms. Richael Young whom I am so proud to have interning in my Washington, DC office serving the people of the 14th Congressional district. We have all benefited from her intelligence, diligence and dedication to excellence. We wish her our best as the president of the Student Senate for California Community Colleges and the contributions she will no doubt make to California and our country.

REMEMBERING THE LIFE OF STICKBALL HALL OF FAMER, CHARLES EDWARD BALLARD III

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. RANGEL. Madam Speaker, I rise to pay tribute to Charles Edward Ballard III an outstanding son of Harlem who passed away on February 14, 2008, Valentines Day. As I speak with profound sorrow, I ascend to celebrate a life well lived and to remember with fondness the accomplishments of a remarkable man who, over his many years and under much adversity, fought to preserve the good-old pastime game of stickball.

The death of Charles brought immense sorrow and loss to his family and friends, and to the countless individuals associated with the legendary game of stickball. The game he fought to preserve often served to unite young people of different races and nationalities from the many diverse neighborhoods around the city of New York. The All-Star Charles Ballard was a celebrity among the many that played stickball on our city's streets, taking part in ten stickball championships.

Within the New York City stickball community, Mr. Ballard is widely considered a legend whose bat has launched more than 10,000 line drives over a 50-year career. Therefore, it was no surprise that Mr. Ballard was the first inductee into the Stickball Hall of Fame in 1973. The Hall was founded with the most modest of goals: to formally recognize the sport. The founders—all members of the Old Timers, including their manager, Carlos Diaz—picked the top players from throughout the city, including those who parlayed their street skills into professional baseball careers, like Phil Rizzuto, Joe Torre, Willie Randolph and Rusty Torres.

''Charlie'' as he was affectionately known, was an inspiration and true symbol of commitment and sportsmanship to the game he truly loved and its faithful players for more than 50 years. Mr. Ballard was a shining example of selfless love for the many generations of young bucks that came to play the game before and after. He derived significant gratification teaching the sport to kids, spending many hours in the streets and parks of the community with them. He also gladly spent equal, if not more time, mentoring youth about the game of life, offering them his wisdom, compassion, and support.

Mr. Ballard was also a member of the ''Greatest Generation'' as a veteran of World War II. He proudly fought for his country, serving in the Navy from 1942 to 1945. In addition, he had the distinction of being one of only a few African-Americans to serve as a radio operator in the Navy. Charlie achieved so much during his lifetime that his comrades will continue to benefit from his work even as they miss his ongoing presence.

Madam Speaker, rather than mourn his passing, I hope that my colleagues will join me in celebrating the life of Charles Edward Ballard III by remembering that he exemplified greatness in every way.

TRIBUTE TO THE TURKISH CYPRIOT PEOPLE

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. WHITFIELD of Kentucky. Madam Speaker, the meeting of the two Cypriot leaders on March 21, May 23, and July 1, 2008 and the agreement reached by them to launch full-fledged negotiations, which will aim to find a comprehensive settlement to the long-standing Cyprus problem, have been welcomed by the international community, including the United States, the European Union,

and others. The meetings raised hopes among the international community that a mutually acceptable settlement would now be more seriously sought by the Greek Cypriot side, whose policy over the years had been to delay the start of full-fledged negotiations.

On July 20th, the Turkish Cypriots commemorate the 34th anniversary of the Turkish peace operation, which prevented the attempt by the Greek Cypriots to annex the island to Greece. Although peace prevails in Cyprus today, the social, economic, and political development of the Turkish Cypriots have been restricted for more than 3 decades.

In order to promote the spirit of goodwill generated during the recent meetings, it is my sincere hope that this positive stance demonstrated by the two Cypriot leaders will be supported by the United States government. The Turkish Cypriots have demonstrated their willingness to work collaboratively, by voting in favor of the Annan Plan, which presumed great sacrifices for the Turkish Cypriots, because nearly a quarter of their territory would have been ceded to the Greek Cypriot side, and almost a quarter of the Turkish Cypriot population would have been dislocated, some for the second, third, and even fourth time.

Despite the potential impact of the Annan Plan, 65 percent of Turkish Cypriots voted in favor of the historic referenda of April 24, 2004, while 76 percent of Greek Cypriots voted against it. The Turkish Cypriot people, in their continued commitment to achieve a just and lasting settlement that respects the political equality of these two groups on the island are still waiting for the international community to honor the promises it made to them.

Madam Speaker, I want to recognize the unwavering commitment of the Turkish Cypriot people to reunify the island, and I encourage the United States government to lend its support to lifting of the isolation that presently exists.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber yesterday. Had I been present, I would have voted ''yea'' on rollcall votes 512, 513 and 514.

HONORING THE CITY OF TURLOCK, CALIFORNIA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate the city of Turlock upon their celebration of their 100th Anniversary.

In 1871, John Mitchell, a prominent land owner in Turlock, came to an agreement with the railroad. The railroad agreed to build a train depot, a switching yard and telegraph station on a portion of Mr. Mitchell's property. In return, Mr. Mitchell gave the railroad a twenty five mile right of way passage through his vast land holdings. The land consisted of over 100,000 acres of wheat that spanned from, what is now, Ceres to Atwater and west to the San Joaquin River. It was a win-win situation for all; while the railroad was able to expand, Mr. Mitchell was able to move products.

Over the next 20 years, growth in the area was slow. It did, however, experience a great amount of financial success. During California's Golden Wheat era of the mid to late 1800s this area was shipping an extraordinary amount of wheat across the United States and around the world. Turlock was booming, but it did not last long. With the over planting of crops, the poor farming practices, and depleted soil the production of wheat fell drastically. The Golden Wheat era was over by 1890. It only took 3 years for Turlock to fade away, and in 1893 John Mitchell, the founder of Turlock, passed away. Mr. Mitchell had brought life to Turlock; he was responsible for bringing the railroad and he financed many farmers and businesses. With a nationwide economic collapse on the horizon, Turlock faced two more problems; water and fire. The farmers in Turlock desperately needed an irrigation system to keep their crops going, and then a massive fire destroyed downtown Turlock.

Fortunately, luck changed for this small farming town. In 1901, irrigation was funded. Small farmers were back in business, and Turlock began to thrive again. John Mitchell's heirs hired a land promoter and sold his vast holdings into small farming lots. People began to flock to Turlock. By 1907, Turlock was experiencing record breaking activity in commercial and residential construction. The push for incorporation began to take hold. A special election was held on January 21, 1908 and Turlock was incorporated with about 1800 residents. A board of trustees, a treasurer, a clerk and a marshall were all elected into office. Today Turlock has a population of over 69,000 and is home to California State University, Stanislaus.

Madam Speaker, I rise today to commend and congratulate the city of Turlock on 100 years. I invite my colleagues to join me in wishing Turlock many years of continued growth and success.

IN RECOGNITION OF THE RETIREMENT OF SHIRLEY J. PIGOTT, CHIEF OF THE COMMUNITY RELATIONS DIVISION IN THE 96TH AIR BASE WING PUBLIC AFFAIRS OFFICE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. MILLER of Florida. Madam Speaker, I rise today to congratulate Mrs. Shirley Pigott on her retirement as the Chief of the Community Relations Division at the 96th Air Base Wing Public Affairs Office, Eglin Air Force Base.

Mrs. Shirley Pigott has had many accomplishments in her 31 years of civil service work for the military. She served as Deputy Director and Chief of the Community Relations Division in the Air Armament Center Office of Public Affairs. She was an Advisory Board member of the Okaloosa County Cherokee Elementary School, Eglin Air Force Base Officers' Club, and Greater Fort Walton Beach Chamber of Commerce.

She was a Military Affairs Committee Advisory Board member of the Greater Fort Walton Beach Chamber of Commerce, the Niceville/Valparaiso Bay Area Chamber of Commerce, and the Destin Area Chamber of Commerce. Shirley was a member of the Okaloosa County Veterans' Memorial committee, the American Heart Association Ball Committee, and the Air Force Association. She was also a member of the Board of Directors on the Okaloosa County Commission on the Status of Women.

Furthermore, Shirley served her community by being the foremost Eglin authority on local civic and opinion leaders. She was a helpful figure during President Bush's visit to Eglin. Beyond her community, Shirley worked with the White House staff preparing guest lists.

Shirley attended Okaloosa-Walton College and received 2 years of college credit in Management. She has taken 182 hours of the Air Force College of Installation Sustainment and Management, A3, classes and numerous other Air Force classes on a variety of topics. Shirley took 1 year of Bible classes by correspondence from Rhema Bible Institute in Tulsa, OK. She continued her education by taking Mandatory Annual International Merchant Purchase Authorization Card, IMPAC, Card refresher classes with certificates.

Shirley Pigott has received a long list of important certificates and awards. They include: Air Force Systems Command Public Affairs Civilian of the Year Award, 1987; The Military Order of the World Wars Certificate for supporting the Massing of the Colors ceremonies, 1990–2006; Robert L.F. Sikes ''Patriotism Award'' from the Crestview Chamber, 1993; Air Force Enlisted Foundation Certificate for supporting the Bob Hope Birthday and Anniversary celebration, 1996; Air Force Development Test Center Best Program, ComRel Award, 1997; Greater Fort Walton Beach Chamber of Commerce President's Award for Outstanding Assistance to the Chamber and the Armed Forces, 1999; Certificate of Appreciation for the Air Force Materiel Command Public Affairs Achievement Awards Second Place—Director's Excellence Award, Special Achievement, 2000; Certificate of Appreciation for Exemplary Civilian Service in supporting President George W. Bush's visit, 2002; Notable Achievement Award for outstanding leadership and support for the 2004 Open House and Air Show, 2004; Air Armament Center Staff Civilian, Cat IV, of the Quarter, 2005; Nominee for the First Northwest Florida ATHENA Awards Program, 2006; and, Okaloosa County Women's Hall of Fame Nominee, Second Annual Northwest Florida ATHENA Awards Program Recipient, Air Armament Center Recognition Ceremony for Community Support, 2007.

Madam Speaker, on behalf of the United States Congress, I would like to congratulate Shirley Pigott on her retirement and wish her many more years of success and happiness

HONORING LIEUTENANT COLONEL JOSELYN LLOYD BELL, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. ROSS. Madam Speaker, I take this opportunity today to honor Lieutenant Colonel Joselyn LLoyd Bell, Jr., Congressional Liaison Officer, Army House Liaison Division, Office of the Chief of Legislative Liaison, who will retire September 30, 2008. I wish to congratulate Lieutenant Colonel Bell upon his retirement after twenty years of distinguished military service to our Nation.

I came to know Lieutenant Colonel Bell over the last year while he served as an Army legislative liaison officer to the U.S. House of Representatives. A steadfast dedication to Soldiers, their families, the Army, and our Nation has been the hallmark of his remarkable military career during which he has distinguished himself as both a soldier and leader.

Colonel Bell's assignment to the Army's House Liaison Office was the culmination of an outstanding military career. Prior to assuming this position, Colonel Bell served as a Defense Collection Manager at the National Military Command Center in the Pentagon, and later at the Defense Intelligence Analysis Center in Washington, DC, where he worked within the Intelligence Community to ensure intelligence assets were properly postured to answer the Nation's most demanding and urgent needs.

A military intelligence officer, Lieutenant Colonel Bell received his commission through the Army ROTC program at the University of Central Arkansas. A series of command and staff positions followed. His first assignment was as a Surveillance Platoon leader and later Company Executive Officer in the 109th Military Intelligence Battalion of the 9th Infantry Division (Motorized) at Fort Lewis, Washington. He went to war in August 1991, after Iraq invaded Kuwait, serving as a Platoon Leader and Interrogater in the 3rd Armored Cavalry Regiment during Operation Desert Shield/Desert Storm.

Following the Persian Gulf War, Colonel Bell held several military intelligence assignments in positions of increasing responsibility. In 2001, Colonel Bell was assigned to the 3rd Infantry Division, Fort Stewart, Georgia, where, following the terrorist attacks of 9/11, he participated in the development of combat plans and orders for Operation Enduring/Iraqi Freedom.

In 2003, he went to war again as the Chief of the 3rd Infantry Division's Analysis and Control Element directing intelligence operations and producing intelligence in support of the invasion that destroyed the Iraqi Armed Forces and removed the Iraqi Regime.

After his tour of combat, he returned to Fort Stewart as the Executive Officer of the 103rd Military Intelligence Battalion, quickly resetting the Battalion for a second deployment to Iraq.

Lieutenant Colonel Bell holds a Bachelor of Science degree in Biology from the University of Central Arkansas and a Master of Science degree in Strategic Intelligence from the National Defense Intelligence College.

His outstanding service has been recognized with numerous awards including the Legion of Merit, Bronze Star, Defense Meritorious Service Medal, Meritorious Service Medal, Army Commendation Medal, Joint Services Achievement Medal, and Army Achievement Medal. He proudly wears the Parachutist and Air Assault Badges.

Lieutenant Colonel Bell's selfless service, dedication to duty, leadership, and loyalty represent the highest traditions of military service. He is a true soldier and scholar.

I ask my colleagues to join me in thanking Lieutenant Colonel Joselyn LLoyd Bell, Jr. for his service to our Army and our Nation. I would also like to extend my thanks and appreciation to his wife, Amy, and five children—Shelby, Jordan, Chalci, Tanner and Sydnee—for their many sacrifices and for their service to the Nation alongside their Soldier. We have all benefited from the service of such a man and such a family. I wish him and his family all the best in a well deserved retirement.

CELEBRATING THE LIFE OF ROBBIE ''GRAN'' JUANITA SEPOLEN

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. CONAWAY. Madam 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.

It is my honor to not only have represented Gran here in Congress, but also to continue to represent all those she inspired during her long life; they are Gran's legacy to Texas.

THE 34TH COMMEMORATION OF THE TURKISH INVASION OF CYPRUS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. KNOLLENBERG. Madam Speaker, today marks the 34th anniversary of the Turkish invasion of Cyprus and I want to remind all of my colleagues of the ongoing Turkish occupation.

We cannot let the passage of time diminish the events of 1974, nor can we ignore the human rights violations by Turkey that continue today. For more than 34 years the United States and United Nations, as well as European nations, have lamented Turkey's 1974 invasion and subsequent occupation of the Republic of Cyprus. Turkey's poor treatment of Greek-Cypriots living in the occupied area, and its desecration of Christian churches, is without justification.

In July, 1974, Turkey invaded Cyprus in complete violation of international law and is currently occupying approximately 37 percent of Cyprus' territory. Nearly 200,000 Greek Cypriots were forced from their homes, making them refugees in their own country. A large portion of those homes were unlawfully given over to thousands of illegal settlers from Turkey, whom are still there today.

During the Turkish invasion, Cyprus's main town in Famagusta was bombarded and the entire population was forced to flee their homes in fear, never to return again. The Turkish forces sealed off the city with barbed wire fences and this is how it remains today. Since 1974, more than 75 resolutions have been adopted by the U.N. Security Council and more than 13 by the General Assembly, calling for the return of the refugees to their homes and properties. These resolutions are being ignored by Turkey, which continues to violate the basic human rights and fundamental freedoms of the Greek Cypriots.

Since 1974, U.N. Security Council and General Assembly resolutions, as well as resolutions adopted by numerous other international organizations, and resolutions we in Congress have passed, reflect the universal condemnation of Turkey's invasion and all subsequent acts of aggression against Cyprus.

The United States and Cyprus share a deep and abiding commitment to upholding the ideals of freedom, democracy, and human rights. The international community has a moral and ethical obligation to stand with Cypriots to reunify their island and end the military occupation.

Cyprus's goal is the reunification of the island as a bicommunal and bizonal federation with a single sovereignty, single international personality and single citizenship with respect for human rights and fundamental freedoms for all Cypriots and the withdrawal of Turkish occupation forces. President Demetris Christofias is committed to negotiating in good faith in order to achieve a just and viable solution to the Cyprus problem on the basis of U.N. Security Council Resolutions, and the High Level Agreements of 1977 and 1979 and the values and principles on which the EU is founded.

It is my sincere hope that as we honor the 34th anniversary of Turkey's invasion of Cyprus that we are closer to the end of the occupation than to the beginning.

HONORING MIKE WAGNER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Mike Wagner upon his retirement as the Captain of the Stanislaus County Sheriffs Reserve. Mr. Wagner will be honored at the Stanislaus Sheriff's Posse Rodeo on June 14, 2008.

Mike Wagner was born in Yuba City, California but was raised in Newman, California. In 1965 he joined the United States Air Force and served for 3 years. After leaving the Air Force, he moved back home and joined the Stanislaus County Sheriffs Department. Since then, he has documented over 25,000 volunteer hours for the reserve unit. He has held an administrative position within the reserve unit for over 25 years and was the Reserve Captain for 16 years.

Mr. Wagner has contributed greatly to the Sheriff's Department through the Reserves and has received many accolades for his efforts. In 1972, Mr. Wagner was a founding member of the Sheriffs mounted unit. He has chaired the Sheriffs Posse Rodeo to raise money for the Reserve Organization. In 1980 he received commendation for water rescue and for presidential protection. He has received commendation by the Modesto Rotary, the California State Sheriffs Association Meeting for services provided, California State University, Stanislaus and was selected three times as the Stanislaus County Reserve Officer of the Year. He has been certified for mounted patrol and was sworn as a level one officer in 1996. In 1997, Mr. Wagner was selected by the California Reserve Peace Officer Association as the state Reserve Officer of the Year. He also received the 2004 Stanislaus County Sheriff's Department Medal of Merit.

Madam Speaker, I rise today to commend and congratulate Mike Wagner upon his retirement from the Stanislaus County Sheriffs Reserve. I invite my colleagues to join me in wishing Mr. Wagner many years of continued success.

HONORING THE 100TH ANNIVERSARY OF THE CITY OF FOWLER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. COSTA. Madam Speaker, I rise today to congratulate the City of Fowler, California on the celebration of their 100th anniversary this past June 15, 2008.

The City of Fowler owes its name to Thomas Fowler, the first businessman to ship cattle from the Central Pacific Railroad line ten miles south of the city of Fresno, California in 1872 where Fowler now exists. The city was officially incorporated on June 15, 1908.

Among the many historic highlights for this thriving community include establishing a large irrigation canal from the Kings River and incorporating it as the Fowler Switch Canal in 1881; having the sole store owner in town, Mr. John Gentry assume the role of Postmaster in 1882 instituting the first rural delivery in the entire area, and being home to the oldest house of worship of the Armenian Apostolic Faith anywhere in the United States through St. Gregory's Armenian Apostolic Church established in Fowler in 1908.

Relying mainly on agriculture as a significant economic base, this small town in the San Joaquin Valley is known for harvesting citrus fruits, grapes, and fresh market fruits among other crops. Fowler is also the home of processing fruit plants which are part of their thriving industrial business corridor that continues to expand.

Commonly referred to as ''one of Fresno County's best kept secrets'' the residents of Fowler are proud of the small-town feel to their community and the family-centered lifestyle. Fowler's local leaders praise their 'well-kept neighborhoods, attractive downtown, highly acclaimed school district and quality affordable housing' as gemstones of their community.

It is indeed a pleasure for me to congratulate the City of Fowler on their centennial celebration as I am truly honored to represent this little city in the House of Representatives. I wish the community continued success and many more years of tradition for all who already live here and those who choose to make Fowler their home in the future.

RECOGNIZING OKALOOSA COUNTY SHERIFF'S DEPUTY ANTHONY FORGIONE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, I rise today in recognition of Deputy Anthony Forgione of the Okaloosa County Sheriffs Office, who was slain in the line of duty on July 22nd. My deepest condolences go out to Deputy Forgione's family and friends as they mourn his untimely loss.

Deputy Forgione, a former Fort Walton Beach Police officer, was just two days shy of his three-year anniversary with the Okaloosa county Sheriff's office. He was killed when he and two other deputies, all members of the Special Response Team, went into a home to apprehend a suspect who had walked out of a mental health evaluation. The suspect fired at the team with a shotgun, fatally wounding Deputy Forgione. He was only 33 years old and is survived by his wife and two daughters, ages 5 and 10. Deputy Forgione's death marks the first time in the history of the Sheriff's Department a deputy was killed in the line of duty and has shocked a community proud of that history. The funeral service for Anthony Forgione is set for 2:00 p.m. on July 26th at the Niceville Assembly of God in Niceville, FL.

The Northwest Florida Daily News reported that when summarizing what happened during yesterday's early morning events and the manner in which his deputies responded to the incident, Okaloosa County Sheriff Charlie Morris said, ''Sometimes, it just goes wrong. Sometimes in doing our job, we lose people. They did their job well this morning, and they did it well. It's just gut-wrenching.'' When speaking of Deputy Forgione, specifically, he stated, ''He was a professional, a true professional and he loved his SRT team.''

As Sheriff Morris and the rest of the local law enforcement community deal with the loss of one of 'their own', he said, ''It just gets in the deepest part of your stomach and turns it upside down''. As a former Deputy Sheriff myself, I can attest to the pain the whole department is feeling at this time and my heart goes out to them.

Madam Speaker, the communities of Okaloosa County have reason to be proud of Deputy Forgione and I am humbled to have the honor of representing those people. Vicki and I will keep Anthony's entire family, especially his wife, Jessica and his young daughters, in our thoughts and prayers. I hope all the people of Northwest Florida and our Nation do the same. On behalf of the United States Congress, I am proud to recognize the unheralded bravery of Deputy Anthony Forgione and wish to honor his exemplary service to the Okaloosa County community. May God bless Deputy Forgione and all those who serve in law enforcement to protect our communities.

INCREASED DIALOGUE BETWEEN GREEK AND TURKISH CYPRIOTS

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Ms. FOXX. Madam Speaker, recognizing increased dialogue between Greek Cypriot and Turkish Cypriots, and Turkey's support for a peaceful resolution on Cyprus, it is encouraging to see positive steps being taken to reunify the island.

A recent Washington Times editorial outlines the importance of building on progress being made and explains how the U.S. can contribute to this process.

NEEDING AN EXCUSE FOR SUCCESS

[From the Washington Times, July 22, 2008]

The divided island of Cyprus confirms the axiom that political leaders occasionally need excuses for success. The United States should give newly elected Greek Cypriot President Demetris Christofias an excuse to negotiate the reunification of the island with Turkish Cypriot President Mehmet Ali Talat by breaking the international embargo on the Turkish Republic of Northern Cyprus (TRNC) through direct transportation, trade, telecommunications and sporting links.

Cyprus fractured between Greek Cypriot and Turkish Cypriot de facto sovereignties in 1963 following the demise of the 1960 constitution. Since then, Greek Cypriot leaders have lacked any political incentive to compromise from a position of domination because the Greek Cypriot south has enjoyed exclusive international recognition while Turkish Cypriots have suffered from political isolation and economic strangulation. The Greek Cypriot south is represented at the United Nations. It enjoys diplomatic relations with every nation but the Republic of Turkey. It represents the entire island at international sporting or cultural events. Greek Cypriot intransigence has carried no penalty. Indeed, stubbornness has been rewarded by the international community

through the continuing global embargo of the Turkish Cypriots but for Turkey. Turkish Cypriot youth, straining in a economy under perpetual duress, have had to flee the island in search of opportunity. Time has allowed the embargo to weaken Turkish Cypriot resistance to the Greek Cypriot ambition to reduce them to vassalage. In this favorable international context for the Greek Cypriot south, any Greek Cypriot leader who would have yielded anything to Turkish Cypriots would have been committing political suicide.

At its birth from British colonial rule in 1960, Cyprus sported a single sovereignty with single citizenship under a finely balanced constitution. To opine on responsibility for the destruction of the constitutional order in 1963 and the necessity for Turkish troops to rescue Turkish Cypriots from violence in 1974 would imperil ongoing reunification talks. It is sufficient to note that through Greek and Greek Cypriot lobbying and a western prejudice favoring Christians over Muslims, the international community has severed virtually all government and private connections to Turkish Cypriots for nearly 45 years. That isolation was not required by national or international laws. It was the result of cynical political or economic calculations of governments and private enterprise. Intermittent negotiations over reunification with separate constituent states predictably stagnated for three decades. Greek Cypriots generally demanded supremacy, while Turkish Cypriots generally demanded equality.

Then came the 2004 ''Annan Plan.'' United Nations Secretary-General Kofi Annan fashioned a Nobel Prize-like breakthrough to reunify Cyprus through a bold scheme of federalism that accommodated both Greek Cypriot and Turkish Cypriot aspirations while reciprocally quelling their fears. Dual referendums on the ''Annan Plan'' were held in April that year. Turkish Cypriots voted overwhelmingly in favor. The United States and the European Union had lured them into affirmative votes by promising to end the strict embargo on the TRNC if the unexpected happened and Greek Cypriots balked. They did, but the embargo has remained. Neither the United States nor the EU has honored their respective promises to open direct links to the TRNC. Their international credibility has plunged and diminished their ability to facilitate reconciliation elsewhere through a combination of promised carrots and sticks. To add insult to injury to the Turkish Cypriots, who had voted in favor of peace and unity, the European Union proceeded to admit solely the Greek Cypriot south as a new member, theoretically representing all of Cyprus on the heels of its shipwreck of reunification.

The issue remained dormant for four years until the 2008 election of Greek Cypriot President Christofias on a platform that included a renewal of negotiations with President Talat. Face-to-face talks began early in the year. After a meeting on May 23, the two leaders committed themselves to achieving ''a bicommunal, bizonal federation with political equality, as defined by relevant [United Nations] Security Council resolutions.'' The envisioned partnership dispensation would comprise a federal government with a single international personality along with a Turkish Cypriot constituent state and a Greek Cypriot constituent state bearing equal status.

President Christofias and President Talat met again on July 1, when they agreed in principle on a single sovereignty and single citizenship. A scheduled meeting on July 25 is expected to conclude with an agreement to begin discussions in September on a comprehensive final settlement. Working groups and technical committees have already been addressing core political questions and day-to-day issues such as education, road safety, health and the environment.

Despite contrary expectations from world leaders, Greek Cypriots nixed the ''Annan Plan'' because they perceived that the international embargo of the TRNC put time on their side. The United States can reverse that perception by immediately initiating transportation, telecommunications, trade and sporting ties with the TRNC conditioned on a certification by the secretary of state that Turkish Cypriots are negotiating in good faith for reunification on just and equitable terms. That opening is exactly what President Christofias needs to sell an equal partnership single Cypriot state to his compatriots.

ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. ROTHMAN. Madam Speaker, I rise today in remembrance of the 34th Anniversary of the Turkish Invasion of Cyprus and to commemorate this tragedy for the Greek Cypriot people.

The 34th commemoration of the Turkish invasion of Cyprus serves to remind all freedom-loving people to solemnly remember the 1974 Turkish military invasion of the island of Cyprus, to mourn those who lost their lives in the invasion, and to condemn the ongoing Turkish occupation. For the past 34 years, Cyprus has endured the illegal military occupation of more than one third of its territory by the Turkish armed forces, in violation of a number of U.N. Security Council resolutions. However, both the U.S. and the Cypriot governments remain committed to achieving a peaceful resolution of this dispute through diplomatic negotiations.

However, the strong U.S.-Cyprus relationship is not just based on a shared interest in ending the Turkish occupation of Cyprus, but also on the fact that the U.S. and Cyprus share a deep and abiding commitment to upholding the ideals of freedom, democracy, justice, human rights, and the international rule of law. The U.S. and the rest of the international community have a moral and ethical obligation to stand with Cypriots to reunify their island and end the Turkish military occupation.

Cyprus's goal is the reunification of the island as a bicommunal and bizonal federation that will protect the human rights and fundamental freedoms of all Cypriots, but also implement a prompt withdrawal of Turkish occupation forces. Cypriot President Demetris Christofias is committed to negotiating a just, viable solution to the Cyprus problem on the basis of U.N. Security Council Resolutions, the High Level Agreements of 1977 and 1979, as well as the values and principles on which the European Union was founded.

I urge my colleagues in the U.S. Congress to take note of the 34-year anniversary of the violent invasion that brutally divided the island nation of Cyprus, and to encourage Turkish Cypriot leaders to negotiate in good faith with their Greek Cypriot counterparts, settle this dispute, and develop a plan for reunification that addresses the serious concerns of all Cypriots. The reunification of the island nation remains a priority for this Congress and for the international community. On this anniversary of the Turkish invasion of Cyprus, we mourn the deaths of those killed in the invasion and the lost opportunities for reunification over the years, and we look forward to a future of a reunited and peaceful Cyprus.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Thursday July 17, 2008, I was unavoidably detained due to a family emergency and had I been present and voting, I would have voted as follows:

Rollcall No. 511: "yes." On Motion to Suspend the Rules and Pass H.R. 6515.

A TRIBUTE TO THE LIFE OF RICHARD GARABEDIAN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. COSTA. Madam Speaker, I rise today to pay special tribute to the life of an industrious and generous man in the agricultural community of California, Richard Garabedian of Fowler, California. Richard recently passed away after a valiant battle with cancer at the age of 76 years old. He leaves behind his loving wife of 45 years Eleanor, three children and several grandchildren.

Mr. Garabedian was born on June 13, 1932 at his family's 24 by 24 farmhouse in Fowler, California. His parents, having escaped Ottoman Turkey in 1912, immigrated to the U.S. where they first settled in Massachusetts. The family moved to Wisconsin where they soon realized the snow didn't suit them well. The warm climate of the Central Valley of California beckoned them and they settled in Fowler, California. Richard attended Del Rey Grammar School and graduated from Selma High School. After graduating from high school Richard attended Fresno State College. During the Korean War, Richard served with the U.S. Army for two years.

Richard's strong work ethic and his ability to foster action put him at center stage within the California raisin industry. Richard was well known for his strident advocacy on behalf of the raisin industry and raisin growers in particular. He served as chairman of the Raisin Administrative Committee and on the Raisin Bargaining Association Board for 26 years. Through his travels on behalf of the raisin industry, Richard was able to accumulate a broader grasp of the complexities of culture and economics as they relate to the raisin industry both locally and nationally, and abroad. Though Richard's efforts were not always in line with the thinking of others in the industry, all acknowledge that Richard's ardent efforts stemmed from his deep desire that all raisin growers receive the best monetary return due them for their earnest efforts. His tireless efforts on behalf of raisin growers continued until the day he passed away.

It goes without saying that Mr. Garabedian's dedicated involvement in the raisin industry gained him a respected reputation and enormous appreciation from the Central Valley raisin farmers. Richard worked hard and seemed to expect nothing in return. This same generous spirit was evident in Richard's love for his family. I am honored and humbled to join his family today in celebrating the life of this amazing man. His presence will be dearly missed in our community for many years to come.

FREEDOM FOR LEONARDO MIGUEL BRUZON AVILA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise to bring to the attention of our colleagues and denounce the unjustified arrest of Leonardo Miguel Bruzon Avila, a prisoner of conscience in totalitarian Cuba.

Mr. Bruzon's commitment to liberty and freedom of expression has characterized the life of that Cuban patriot. On February 23, 2002, he was arrested by the regime's thugs in order to prevent him from participating in demonstrations commemorating the sixth anniversary of the Cuban dictatorship's Air Force's shoot down, on February 24th 1996, of two Brothers to the Rescue airplanes, when four unarmed civilians were murdered.

Mr. Bruzon, acting as president of the ''Movimiento Pro Derechos Humanos 24 de Febrero'' (the 24 of February Human Rights Movement), sought to commemorate and denounce the murder on that infamous day in 1996 of three American citizens and a US resident. After being arrested in 2002, Mr. Bruzon spent the following two years in the tyranny's gulags without ever having had even a farcical trial or formal ''charges'' filed against him.

During his imprisonment, Mr. Bruzon participated in several hunger strikes protesting his continued brutal and unjustified detention without trial. As reported by Amnesty International, his continued hunger strikes led to poor health and serious medical complications. Despite his poor health, the totalitarian regime denied him medical attention.

In 2003 Bruzon was offered release from the gulag on the condition that he make statements beneficial to the regime in the controlled Cuban ''media''. Mr. Bruzon valiantly refused to do so, and he remained imprisoned until June, 2004.

In April of 2008, regime thugs again arrested Mr. Bruzon for hosting a prayer group where worshippers proclaimed support for freedom for Cuban political prisoners and prisoners of conscience. A day later, Mr. Bruzon Avila was released, after being subjected to repeated brutal interrogations.

On July 3, 2008, Mr. Bruzon was one of thirty-six pro-democracy activists arrested by Cuban regime thugs in order to prevent them from participating in activities commemorating the Independence of the United States of America. According to various reports, Mr. Bruzon remains detained.

The Cuban regime has embarked upon a ''new tactic'' of intimidation of the internal opposition. Pro-democracy activists are routinely picked up, psychologically and often even physically tortured, and then placed back in the streets.

Madam Speaker, the arrest and torture of Mr. Bruzon Avila is yet another example of the gangster-like nature of the Cubans dictatorship; a regime of gangsters, by gangsters and for gangsters, directed by a gangster-in-chief. My colleagues, we must demand the immediate and unconditional release of Leonardo Miguel Bruzon Avila and every political prisoner in totalitarian Cuba.

TRIBUTE TO WENDELL H. STEPP, DOTHAN HISTORIAN AND WIREGRASS VETERANS' ADVOCATE

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. EVERETT. Madam Speaker, I rise to pay tribute to a dear friend who passed away Monday, July 21, at the age of 84. Wendell Stepp was a dedicated supporter of veterans and a well known historian for his adopted hometown of Dothan, Alabama, in my congressional district.

As commander of the Wiregrass Veterans Alliance, Wendell was an unmatched advocate for our former military, never failing to call for their improved access to quality VA health care and benefits.

In the days after I was first sworn in to Congress, Wendell came to me to voice strong support for a Wiregrass based VA outpatient clinic. In 1996, with his encouragement, we were able to secure one of the first such VA outpatient clinics in the nation in Dothan. Today, the Dothan VA Clinic serves 6,000 area veterans and in March a second Wiregrass VA clinic was opened at nearby Fort Rucker.

There is another Wendell Stepp; a local historian and author who in 1984 illustrated the transformation of Dothan with the publication of ''Dothan: A Pictorial History.'' He was also the force behind the successful movement to create the popular historic murals that grace the walls of downtown Dothan.

Wendell Stepp was proud to call Dothan home even though he moved to the Wiregrass from Ohio in 1966. His four decades of service to Dothan will guarantee him a rightful place in our history. I extend my condolences to his wife, Winifred, and his family at this time of personal loss. Dothan has lost one of its biggest friends.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. CARTER. Madam Speaker, on rollcall Nos. 512 (H.R. 6493—The Aviation Safety Enhancement Act), 513 (H. Res. 1311—Expressing Support for the Designation of National GEAR UP Day), and 514 (H. Res. 1202—Supporting the goals and ideals of a National Guard Youth Challenge Day), I was unfortunately unable to vote due to flight difficulties en route to the Capitol.

Had I been present, I would have voted ''yea''.

IN TRIBUTE TO STEWART R. MOTT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Ms. LEE. Madam Speaker, I have the pleasure of being Co-Chair of the 74-Member Congressional Progressive Caucus in this, the 110th Congress. It is with a deep sense of sadness that I pay tribute to the passing of Stewart R. Mott, founder of the Stewart R. Mott Charitable Trust and the Fund for Constitutional Government and a great progressive leader. Stewart died on June 12th after a year-long battle with cancer, and a memorial service in his honor was held last week in New York City.

In a few weeks, I am publishing a memoir that I titled A Renegade for Peace and Justice. I am also reminded that Stewart Mott was truly a giant renegade for peace and justice. Born to a life of wealth and privilege, he took a different path and led a remarkable life of passionate commitment to exploration, discovery, and social change. He also put his good fortune literally and figuratively to remarkably good use, providing essential funding to countless progressive organizations and electoral and issue campaigns dedicated to improving the lot of the downtrodden, promoting peace, and zealously defending the civil rights and civil liberties endowed to each of us in our precious U.S. Constitution.

Stewart Mott lived the philosophy of the Mott family crest, Spectemur Agendo, which translates ''Let us be known by our deeds.'' As many of his friends and associates have noted, he will also be remembered for his great sense of humor, his great generosity, his deeds as a pioneering philanthropist, and his undaunted commitment to building a better democracy.

America is hungry for change and I am saddened that Stewart Mott did not live long enough to witness a resurgent progressive movement deliver many of the 21st century changes that will be required to move our country and our world toward more peace and justice. But without his resolve and extraordinary generosity, prospects for lasting progress toward a more perfect Union in America would be far dimmer, as is underscored by the following obituary for Stewart Mott that appeared in the New York Times on June 14, 2008:

[From the New York Times, Jun. 14, 2008]

STEWART R. MOTT, 70, OFFBEAT PHILANTHROPIST, DIES

(By Douglas Martin)

Stewart R. Mott, a philanthropist whose gifts to progressive and sometimes offbeat causes were often upstaged by his eccentricities, like cultivating a farm with 460 plant species (including 17 types of radishes), a chicken coop and a compost pile, atop his Manhattan penthouse, died Thursday night. He was 70 and had homes in North Salem, N.Y. and Bermuda.

His death was confirmed Friday morning by Conrad Martin, executive director of the Stewart R. Mott Charitable Trust. He said Mr. Mott had been ill with cancer for some time and died in the emergency room of

Northern Westchester Hospital in Mount Kisco, N.Y.

Mr. Mott's philanthropy included birth control, abortion reform, sex research, arms control, feminism, civil liberties, governmental reform, gay rights and research on extrasensory perception.

His political giving, often directed against incumbent presidents, was most visible. In 1968, he heavily bankrolled Senator Eugene McCarthy's challenge to President Lyndon B. Johnson. Four years later, he was the biggest contributor to Senator George McGovern, the Democratic presidential nominee.

When Charles W. Colson, the White House chief counsel to President Richard M. Nixon, included Mr. Mott in the famed ''enemies list,'' Mr. Colson said of him, ''nothing but big money for radic-lib candidates.''

After the 1974 campaign finance law outlawed exactly the sort of large political gifts in which Mr. Mott specialized, he joined conservatives to fight it as an abridgement of free expression. They argued that limits on contributions given independently of a candidate's organization were unconstitutional. In 1976, the Supreme Court agreed, while keeping other parts of the law. Mr. Mott then became expert on devising ways to give to candidates under the new rules. Following conservatives' precedents, he formed political action committees and became an expert on direct mail, using both as methods of collecting many small donations.

Still, his ability to help the independent presidential candidacy of Representative John B. Anderson of Illinois in 1980 was curbed somewhat; gone were the days when he could simply write a big check and directly hand it to Mr. McCarthy or Mr. McGovern. Some argued that the financing restrictions diminished the chances that surprise candidates could emerge from the grass roots and be propelled to national prominence by well-placed benefactors.

Bradley A. Smith, former chairman of the Federal Election Commission, wrote in the Yale Law Journal in 1996 that Mr. Anderson's losing independent bid might have fared better had Mr. Mott not been so effectively leashed.

Irreverent, good-looking and effusive, Mr. Mott seemed tailor-made for the 1960s and '70s, when he attracted his widest attention, not least for his all-too-candid comments about everything from his sex partners (full names spelled out in newsletters) to his father's parental deficiencies (''a zookeeper'') to his blood type (AB+).

He once lived on a Chinese junk as a self-described beatnik and kept notes to himself on Turkish cigarette boxes, accumulating thousands. He held folk music festivals to promote peace and love. His garden atop his Manhattan penthouse (which he sold some years ago) was famous; at one point Mr. Mott taught a course in city gardening at the New School for Social Research in New York. He once told an interviewer that he lay awake wondering how to grow a better radish.

Mr. Mott seemed to relish poking his finger in the eye of General Motors, a company that his father, Charles Stewart Mott, helped shape as an early high executive. In the '60s, the younger Mr. Mott drove a battered red Volkswagen with yellow flower decals when he drove at all. He lambasted G.M. at its annual meeting for not speaking out against the Vietnam War. He gave money to a neighborhood group opposing a new G.M. plant because it would involve razing 1,500 homes.

Mr. Mott broke into politics in 1968, when he used newspaper advertisements to pledge $50,000 to the as-yet-nonexistent presidential candidacy of Gov. Nelson A. Rockefeller of New York if others would contribute double that amount. When Mr. Rockefeller rejected his efforts, Mr. Mott turned to Mr. McCarthy.

In 1972, Mr. Mott ran what some regarded as a scurrilous ad campaign against Senator Edmund S. Muskie, a rival of Mr. McGovern's in his own Democratic Party. This led to Mr. Mott's being called before the Senate Watergate Committee, which was investigating political ''dirty tricks.'' It found no wrongdoing by him.

Mr. Mott devoted himself to military reform by financing the Project on Military Procurement and the Center for Defense Information, among other left-leaning projects. In 1979, a report by the Heritage Foundation, a conservative research group, said these activities added up to an ''anti-defense lobby.''

In 1974, Mr. Mott started the Fund for Constitutional Government to expose and correct corruption in the federal government. His mansion in Washington has long been used to raise funds for candidates, as well as causes from handgun control to gay rights. At a 1982 soiree, he brought in an elephant and two donkeys, presumably to demonstrate political balance.

Mr. Mott paid most of the early legal fees for a 1976 suit that ultimately caused former Vice President Spiro T. Agnew to repay kickbacks ($147,599 plus interest) that he had been accused of receiving when he was governor of Maryland. Mr. Agnew, who had resigned the vice presidency after pleading no contest to a tax evasion charge, did not admit guilt.

Mr. Mott officially told the election agency that his job was ''maverick.'' He listed himself as ''philanthropist'' in the Manhattan phone book. (Space limitations precluded his preferred ''avant-garde philanthropist.'')

Stewart Rawlings Mott was born on Dec. 4, 1937, in Flint, Mich. He was the son of Charles Stewart Mott and the former Ruth Rawlings, Mr. Mott's fourth wife. They also had two daughters.

Mr. Mott and his first wife, the former Ethel Culbert Harding, had a son and two daughters. She died in 1924. Mr. Mott's middle two marriages yielded no children.

Charles Mott took over one of the family's businesses, manufacturing wheels and axles, and in 1906 moved this company from Utica, N.Y., to Flint, Mich., to take advantage of the auto industry's rapid growth. By 1913, he had sold the company to General Motors for G.M. stock, becoming G.M.'s largest individual shareholder.

He became a director of the company, serving for 6o years until his death in 1973 at 97. He accumulated interests in many other companies, and in 1926 established the Charles Stewart Mott Foundation, a major philanthropy.

Stewart, the second child of the second wave of children, was born when his father was 62. This gap, when combined with the father's standoffish manner, created an immense chasm. The father signed notes to his son, ''Very truly yours, C. S. Mott,'' and hired a coach to teach him to ride a bike.

Stewart was overweight as a child and nearly drowned at 9 when he ventured out on thin ice. After running away at 11, he struck a bargain with his father to come home half the summer if he could work the other half at family enterprises. His experiences included a Flint department store, a pecan-and-goose farm in New Mexico and a refrigerator plant near Paris.

He attended Michigan public and private schools until he was 13, and then entered Deerfield Academy in Massachusetts, from which he graduated. He studied engineering for three years at the Massachusetts Institute of Technology, then hitchhiked around the world for a year, spending just $1,500.

He finished his education at the Columbia University School of General Studies, earning two bachelor's degrees, one in business administration and one in comparative literature, as well as a Phi Beta Kappa key. After his Chinese junk kept sinking in the Hudson, he abandoned it for terrestrial accommodations. He wrote a thesis on Sophocles for a never-completed Columbia master's degree in Greek drama.

While pursuing his education, Mr. Mott worked as an apprentice in various family enterprises. In the academic year of 1963–64, he taught English at Eastern Michigan University in Ypsilanti, Mich. His philanthropy began when he returned to Flint and started the city's first branch of Planned Parenthood. He then traveled the nation on behalf of Planned Parenthood.

Newly enamored by philanthropy, he asked to join his father's foundation, which mainly served Flint. Father said no, so Stewart used trust funds to start his own charity. He moved to New York in 1966, and did not speak to his father for a year.

He said in an interview in 1971 with The New Yorker: ''Right now, my philanthropy is hearty, robust, full-bodied, but it still needs a few years of aging before it will develop fully its eventual clarity, delicacy, elegancy, fruitiness, and fragrance.''

What happened over the years was that it became more low-key, even as Mr. Mott pursued the same range of causes. On its Web site, the Stewart R. Mott Charitable Trust said it looks for projects ''seeking tangible change.''

For years, Mr. Mott was a highly publicized eligible bachelor. When the Washington Post reported that he had slept with 40 women over an eight-month period, he issued a correction, saying the number was actually 20.

In 1979, he married Kappy Wells, a sculptor. They divorced in 1999. He is survived by a son, Sam, of Santa Fe, N.M., and a sister, Maryanne Mott, of Santa Barbara, Calif., and Montana.

In 1969, Mr. Mott gave a huge party at Tavern on the Green in Manhattan to celebrate his father's 94th birthday. The older man earlier that day accepted a ride in his son's Volkswagen. He said it was bumpy.

RECOGNIZING THE EGLIN AIR FORCE BASE LIBRARY UPON ITS RECEIPT OF THE AIR FORCE LIBRARY PROGRAM OF THE YEAR AWARD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to honor the Eglin Air Force Base Library which has recently been recognized as the best in the Air Force upon its receipt of the Air Force Library Program of the Year Award.

Despite setbacks, such as a limited staff and budget cuts, Eglin's library continues to succeed. With over 55,000 items housed in 22 computers, the library holds an abundance of information within its walls. In addition to maintaining the vast inventory and computer center, the library also conducts educational summer reading programs for all ages. These programs are expansive, hosting approximately 1,000 participants and various authors.

The staff has also created a community outreach program that provides services to families facing deployment. The Northwest Florida

area has a high population of military members. These patriots greatly benefit from the library's available programs.

For all its exemplary services, the Eglin Air Force Base Library was awarded the Air Force Library Program of the Year Award on June 12, 2008. The First District of Florida is incredibly grateful for the staff's hard work and diligent efforts to the public and continues to benefit from the library's services. The library's commendable performance has distinguished it as one of the great organizations in northwest Florida.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize the Eglin Base Library for all its outstanding dedication to the community.

TAIWAN

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Ms. FOXX. Madam Speaker, 50 years ago on September 11, 1958, President Dwight D. Eisenhower went before the Nation in a radio-television broadcast to speak to the matter of what we today refer to as the Second Taiwan Crisis. The Second Taiwan Crisis was when mainland China had been shelling Taiwan's Quemoy and Matsu Islands for almost 3 weeks. Records from the Republic of China report that over the course of the Second Taiwan Crisis, there were 3,000 civilian and 1,000 military casualities.

President Eisenhower explained that the United States would not waver in its commitment to assist Taiwan in its struggle to remain free of communist domination.

Taiwan, and the islands of Penghu, Quemoy and Matsu have been home of the Republic of China, ROC, ever since the Chinese nationalists, under General Chiang Kai-shek, lost their battle to secure democracy on the Chinese mainland to Mao Zedong in that Nation's civil war, which ended in 1949.

President Eisenhower strongly reaffirmed the United States support of Chiang Kai-shek and his ROC government, noting, ''Some misguided persons have said that Quemoy is nothing to become excited about,'' but pointed out their error, warning that the Red Chinese, under Mao Zedong were using the attacks on the islands to test the free world's courage in resisting aggression. President Eisenhower stated that it was the opinion of his government that the bombardment and blockade of Quemoy and Matsu were not so much a genuine attempt to conquer the Taiwanese islands, but were as part of a plan ''to liquidate all of the free world positions in the Western Pacific.''

In a firm statement of policy, President Eisenhower promised U.S. allies that there would be ''no Pacific Munich.'' Eisenhower also expressed a sincere hope for ''negotiations'' for peaceful and honorable solutions, directly or through the U.N.

Americans have not forgotten the free China on Taiwan, but need to be ''reminded'' of it. And while many today fail to grasp the difference between the ROC and the People's Republic of China they need to know that it is the difference between freedom and communism.

Today, having recently elected its third president, Taiwan is a thriving democratic republic. As citizens of United States of America, we must insure that Taiwan is assisted in its desire to remain a democratic nation. To that end, we will hold faith with the Taiwan Relations Act.

When running for the Republican nomination as President of the United States, George W. Bush was asked on national TV what he would do if push ever came to shove with mainland China on Taiwan—in other words, what would he be willing to do if the communist PRC ever threatened to take over the ROC on Taiwan. He responded in clear and concise language: ''Whatever it takes.''

Thus, as Taiwan celebrates the 50th anniversary of the August 23, 1958, Bombardment War, we join with Taiwan's President Ma, in his August 23, 2008, visit to Quemoy, where he will personally salute his nation's military, all the citizens of Taiwan and their United States military allies, in their ongoing struggle for self-determination.

Henceforth, let the word go forth that at one time there were people willing to sacrifice, even to death, to protect what they considered payment towards a future of freedom, one not dictated by any outside ''detractor,'' but by those of a citizenry choosing their destiny. Nor should the world forget that today, because of their sacrifice, Taiwan is a free democratic republic.

God has blessed the world with a free, vibrant and productive society in the democratic people on all the islands of Taiwan. May the citizens of Taiwan live long in freedom.

HONORING COMMAND SERGEANT MAJOR OTIS SMITH, JR.

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to Command Sergeant Major Otis Smith, Jr., an exemplary citizen and soldier from my Congressional District retiring this month after 33 years of military service. CSM Smith currently serves as Armor Center and Fort Knox, KY CSM.

CSM Smith entered the Army in March 1975 as a cavalry scout and graduated from OSUT at Ft. Knox, Kentucky. His first assignment was with A Troop, 15th Cavalry at Fort Benning, GA, as a loader and driver of a Sheridan. He was later assigned to 1–64 Armor in Kitzingen, Germany as a gunner for the improved tow vehicle.

In November of 1978, CSM Smith was assigned to Fort Knox, KY, as an Instructor for 19D Advanced Individual Training. He served as a Drill Sergeant at Fort Knox from 1980 to 1982.

CSM Smith returned to 1–64 Armor in Kitzingen, Germany, in September 1982, where he served as a Scout Squad Leader and Platoon Sergeant. He served as an instructor at the Primary Leadership Development Course at Fort Bliss, TX from 1985 to 1989. CSM Smith returned to Europe in November 1989 to serve as an Evaluator and Observer/Controller for Bradley Gunnery at the 7th Army Training Center in Vilseck, Germany. In 1993 he was assigned to 2–37 Armor (Vilseck) and served as the acting Operation Sergeant Major for six months before assuming duties as First Sergeant of C/2–37 Armor, with a tour of duty at TF Able Sentry (Macedonia) from March to September 1996.

CSM Smith's next assignment took him to Fort Stewart, GA, where he served as the Operation Sergeant Major of 3–69 Armor for eight months. CSM Smith attended the Sergeants Major Academy from August 1997 to May 1998, subsequently returning to Fort Stewart where he assumed duties as the Operation Sergeant Major of 2d Brigade, 3d Infantry Division, with a deployment to ''Operation Desert Fox.''

In March of 1999 CSM Smith assumed the duties as CSM of 1–64 Armor. In April of 2001, after a successful SFOR 8 rotation, CSM Smith assumed the duties as the 2d Brigade CSM, with deployments to ''Operation Desert Spring'' and ''Operation Iraqi Freedom.'' CSM Smith served as the Armor School CSM from August 2003 to July 2005 before receiving his current assignment.

CSM Smith was a tireless advocate of Fort Knox's military value and future viability in the months leading up to the 2005 Base Realignment and Closure consideration. He has remained a valuable steward at the Armor School and throughout the Installation during this time a war and administrative transition.

CSM Smith's awards and decorations include the Legion of Merit, the Bronze Star Medal, Meritorious Service Medal with two Oak Leaf Clusters, Army Commendation Medal with three Oak Leaf Clusters, Army Achievement Medal with six Oak Leaf Clusters, Good Conduct Medal, U.N. Medal, Global War of Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, NATO Medal, Armed Forces Expeditionary Medal, Armed Forces Service Medal, Army Superior Unit Award, Drill Sergeant Badge and the Order of Saint George.

It is my great privilege to recognize Command Sergeant Major Otis Smith, Jr. today, before the entire U.S. House of Representatives, for his lifelong example of leadership and service. His unique achievements and dedication to the men and women of the U.S. Army make him an outstanding American worthy of our collective honor and respect.

REAL HOPE FOR PEACE ON CYPRUS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. BURTON of Indiana. Madam Speaker, Sunday July 20, 2008, marked the 34th anniversary of the day in 1974 when Turkey intervened to stop an ethnic cleansing campaign against Turkish Cypriots by militant Greek Cypriots. Over the course of the next few days I am sure that a number of my colleagues will come to the floor of this Chamber to lament the so-called ''invasion'' of Cyprus. I have said this before and I say it again, I am deeply concerned when I hear some of my colleagues throwing barbs at the Turkish Cypriots and Turkey in an attempt to lay all the blame for this complicated issue at their doorstep. The truth is that an unbiased examination of the facts leads to a different conclusion; and by

distorting the facts, by continuing to perpetuate the myth that Turkish Cypriots and Turkey are solely to blame for this incident, I fear that such statements only undermine the good faith efforts of the United States, the European Union and other members of the international community to finally see this conflict resolved; and to see peace and prosperity come to all the people of Cyprus.

Tragically, an historic opportunity to resolve the crisis was lost when the Annan Plan, a UN- brokered proposal to settle the dispute, was soundly defeated by the Greek Cypriots in April 2004. Although the plan had broad support from the international community, and was ratified by the Turkish Cypriots, the Greek Cypriots inexplicably rejected the proposal by a 3 to 1 margin. Those individuals and special interest groups who adhere to the ''blame Turkey'' school of thought on the status of Cyprus seem to ignore the irony of the fact that when offered the chance to vote for peace, it was the Greek and not the Turkish side that rejected peace.

After the referendum, then UN Secretary-General Kofi Annan reported to the Security Council that ''the Turkish Cypriot vote has undone any rationale for pressuring and isolating them;'' he called for all Security Council members to ''give a strong lead to all States to cooperate both bilaterally and in international bodies, to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development.'' Unfortunately, while the Greek Cypriots became full members of the European Union, little changed for the Turkish Cypriots and their economic and political isolation continues to this day.

Despite the Greek Cypriots' failure to embrace peace and the international community's failure to end the economic isolation of the Turkish Cypriots; Turkish Cypriots continued to seek a just and a peaceful settlement to this crisis. Unfortunately, the issue was at a virtual standstill until recent elections in southern Cyprus brought a new Greek leadership to the forefront who seems more willing to reach a settlement.

In fact, the two leaders in Cyprus, Greek Cypriot Demetris Christofias and Turkish Cypriot Mehmet Ali Talat, met on July 1, 2008 and achieved a remarkable breakthrough by striking an agreement in principle on the issue of a single sovereignty and citizenship. They also agreed to meet again on July 25th to prepare for the first full-fledged negotiations in four years. United States Assistant Secretary of State for European and Eurasian Affairs, Daniel Fried, who has followed the talks closely, has said that: ''There's a chance . . . that we will be moving forward again in a way we haven't in some time.'' He has also hinted that the Administration is considering appointing a special envoy to Cyprus.

Madam Speaker, I congratulate the Greek and Turkish Cypriot Leaders for their recent courageous steps; and I sincerely hope that when they meet again a few days from today that they will get down to the real work of reshaping Cyprus into a peaceful island that respects human rights and the fundamental freedoms for all Cypriots. I also sincerely hope that all of my colleagues will learn from their example and join with me to end the 'blame game,' and instead advocate for an even handed approach to the thorny issue that is Cyprus, an approach that recognizes the fundamental equality of all Greek and Turkish Cypriots.

RECOGNIZING THE NATIONAL FOOTBALL LEAGUE'S GRASSROOTS PROGRAM

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. ROTHMAN. Madam Speaker, I rise today to recognize the National Football League, NFL, for its continuing efforts to improve the lives of America's youth both on and off the field.

In 1998, the NFL and NFL Players Association organized the NFL Youth Football Fund, YFF, which is a non-profit foundation that supports the game of football at the youth level and promotes positive youth development. This wonderful organization has provided hundreds of thousands of children with the opportunity to learn the game of football, stay physically active, and get involved in productive after-school activities with positive role models.

One important initiative that the YFF has undertaken is its Grassroots Field Refurbishment Program. This unique program provides funds for communities to revamp local athletic fields so that youth have a safe place for athletic activities. The fields are newly built or significantly renovated, with improvements such as irrigation systems, lights, bleachers, scoreboards, goal posts and turf. The YFF has contributed nearly $23 million through the Grassroots Program to rebuild 170 fields nationwide in underserved areas.

The NFL recently awarded a $200,000 grant to the Jersey City public schools to help replace the playing field at Cochrane Stadium in the Caven Point Athletic Complex, which is located in my home state of New Jersey. The field was closed in April 2008 because of concerns about high levels of lead found in the astroturf surface. The sports complex at Caven Point is an integral part of youth athletics in Hudson County and many of my constituents use these facilities. I am extremely pleased that the NFL is assisting the community in this way.

I am honored to have an outstanding NFL franchise such as the Giants, who are the Super Bowl XLII Champions, play in my Congressional district at their home field of Giants Stadium in East Rutherford. Our local community continues to proudly support the Giants and is grateful that the NFL has selected Jersey City to receive a grant to improve their local athletic playing field.

Madam Speaker, I ask my colleagues to join with me today in commending the National Football League for its consistent support of our youth across the country. I also ask for unanimous consent to enter an article from the Jersey Journal into the RECORD.

[From the Jersey Journal, June 10, 2008]

NFL GIVING $200G TO HELP REPLACE TURF AT COCHRANE STADIUM

(By Ken Thorbourne)

The National Football League is chipping in to replace an athletic field in Jersey City that was closed in April due to concerns about lead. The National Football League Grassroots Program announced the $200,000 grant to the Jersey City public schools to help replace the heavily used Cochrane Stadium field at the Caven Point Athletic Complex last week.

''The district is thrilled the NFL is supporting local athletics,'' said Board of Education spokesman Gerard Crisonino. ''We see it as a real commitment to the students of Jersey City.''

Cochrane Stadium—along with the field at Frank Sinatra Park in Hoboken—were closed after elevated levels of lead were found in the synthetic fibers. The Hoboken field has already been replaced.

Crisonino said a new field at Caven Point is expected to cost $1.1 million. In addition to the NFL grant, the district expects to receive city and county money. Specifications are being drawn up to bid the contract, he added.

Elevated lead levels were also found at the College of New Jersey's Lions Stadium Field in Ewing, which also has a synthetic turf field.

''Fields are an integral part of creating viable and healthy communities,'' NFL Commissioner Roger Goodell said in a statement. ''The development and refurbishment of these football fields give youngsters a safe place to play the game, and brings families and neighborhoods together.''

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Tuesday, July 22, 2008, I was unavoidably detained in my congressional district and had I been present and voting, I would have voted as follows: (1) rollcall No. 512: ''yes'' on Motion to Suspend the Rules and Pass H.R. 6493; (2) rollcall No. 513: ''yes'' on Motion to Suspend the Rules and Pass H. Res. 1311; (3) rollcall No. 514: ''yes'' on Motion to Suspend the Rules and Pass H. Res. 1202.

RECOGNIZING THE 34TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. LANGEVIN. Madam Speaker, as a proud member of the Hellenic Caucus, I rise today to recognize the 34th anniversary of Turkey's invasion of Cyprus. On this occasion, we mourn those who lost their lives and remember the barrier created in 1974 that still exists today. The island remains divided between the Turkish Cypriots and the Greek Cypriots, despite attempts by the international community for a reunification settlement.

I have repeatedly emphasized the need for a peaceful settlement to the ongoing division in Cyprus—a goal that has eluded American and European leaders for more than thirty years. I believe that a strong U.S. commitment to Cyprus should be one of our nation's top foreign policy priorities. As Americans, we must guarantee that our foreign policy reflects our values of justice, equality and responsibility, and promoting a lasting peace and stability in Cyprus illustrates those values.

The United States holds a unique position of trust with both Greece and Turkey, and we must use our influence to work toward a solution that is acceptable and equitable to all of Cyprus's residents. I am pleased that we have made progress in recent years, but we have more to do. We must remain committed to our vision of a Cyprus that is again unified and able to reach its full potential in the international arena.

I also would like to thank my colleagues on the Hellenic Caucus, especially Mrs. MALONEY and Mr. BILIRAKIS, for addressing this important event.

TRIBUTE TO RANDALL COLLINS

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. COURTNEY. Madam Speaker, I rise today to recognize an outstanding academic leader from my district, Randall Collins, Superintendent of Waterford, Connecticut public schools. On July 24, he will be inducted as the 2008–2009 President of the American Association of School Administrators (AASA) in a ceremony to be held in St. Louis, Missouri.

For the past 18 years, Randy has dedicated his personal and professional life to the children, teachers, and faculty of the Waterford public school system in eastern Connecticut. Prior to joining the Waterford public school system, he was Superintendent of Easthampton, Massachusetts public schools. Over the course of his career, Randy has served as the President of the Connecticut Association of Public School Superintendents, Co-president of the New England Association of School Superintendents, and has been awarded with numerous accolades including Connecticut's 2002 Superintendent of the Year. Under Randy's leadership, four Waterford schools will also undergo a ''green overhaul'' to integrate green technologies such as geothermal heating and cooling pumps in the schools' infrastructure.

The AASA is a national association of educational professionals that advocate for improvements in our public education systems as well as for the advancement of children's issues. As President of the AASA, Randy will guide these objectives in a national context. Over the coming year, he will serve as Chairman of the AASA's national convention in San Francisco, travel to Peru to speak with the country's Ministers of Education, and discuss national educational priorities with members of Congress.

Madam Speaker, the success of our education systems relies on the strength and passion of our academic leaders. Mr. Collins has exemplified these traits and I remain confident that he will spark the same passion for children's education in his colleagues at the AASA. I ask my colleagues to join with me and my constituents in recognizing his significant contributions to public education and welcome him as the new AASA President.

RECOGNIZING SFC QUINTON EDWARD COURSON, JR.

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. PUTNAM. Madam Speaker, I rise today to honor Sergeant First Class Quinton Edward Courson, Jr.

At an awards ceremony held May 16, 2008 at Fort Bragg, North Carolina, Sergeant First Class Quinton Edward Courson, Jr., a 1990 graduate of Bartow High School, was awarded the Bronze Star medal for his actions during a recent fifteen month tour of duty with the United States Army in Tikrit, Iraq. The medal is added to those previously earned by SFC Courson, which include the Combat Action Badge, Parachute Qualifications Badge, four Army Commendation medals, six Army Achievement medals and numerous service medals awarded for service in Korea, the Sinai Peninsula and two deployments to Iraq while serving with the 75th Ranger Regiment and the 82nd Airborne Division.

SFC Courson has served seventeen years in the U.S. Army, four years of which have been outside the United States. Quinn and his two daughters, Whitney and Kortney currently live in Springhill, North Carolina until July 2008, when he is reassigned as an instructor at the Advanced Individual Training School at Fort Lee, Virginia.

The ceremony was attended by his Mother, Debbie Parrish of Alturas, Florida and other family members.

I ask my colleagues to join me in honoring not only the contributions and accomplishments of SFC Courson, but all the men and women serving in the Armed Forces. America is truly a great place because of those who proudly serve this great Nation.

INTRODUCTION OF HONOR FLIGHT MICHIGAN RESOLUTION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. KNOLLENBERG. Madam Speaker, I rise today to introduce a resolution which honors David and Carole Cameron and the organization they started in Michigan, Honor Flight Michigan.

Sadly our greatest generation is growing older and passing on. Many of those who fought in World War II never have had the chance to see the World War II Memoria erected in their honor. Madam Speaker, approximately two years ago David and his wife Carole Cameron, founded Honor Flight Michigan in order to remedy that.

This non-profit organization seeks to provide an all-expenses paid trip to Washington, D.C. for World War II veterans, in order for the veterans to see the World War II Memorial on the National Mall. The Cameron's built up the organization by private donations and since its inception it has paid for hundreds veterans from our greatest generation to see the Memorial erected in their honor.

David and Carole Cameron, and everyone associated with Honor Flight Michigan represent the very definition of patriots. Each year, between April and October, Honor Flight Michigan flies a group of veterans to Washington, D.C. to visit the World War II memorial and lay a wreath on the Tomb of the Unknown Soldier. It is truly a remarkable experience for not only the veterans but also the volunteers who assist the veterans on the trips.

Unfortunately, Madam Speaker, David Cameron passed away earlier this year. While I and the organization he founded certainly miss him, his legacy lives on through his family and Honor Flight Michigan. The resolution I am introducing today honors the life of David Cameron and the work he and Carole did to found Honor Flight Michigan. I ask all my colleagues to cosponsor this resolution as a way to pay tribute to the veterans of World War II.

TRIBUTE TO MR. JOHN P. SHAFFER

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. RYAN of Ohio. Madam Speaker, I rise today to pay respect and tribute to Mr. John P. Shaffer, who passed away July 21 at the age of 84.

Mr. Shaffer was born April 25, 1924 in Youngstown, the son of John H. and Genevieve Perry Shaffer. A U.S. Army veteran of World War II, Mr. Shaffer proudly served his country with honor. Following the war, he returned home to Niles and soon married Ann M. Bancroft, his wife of 62 years.

Mr. Shaffer retired in 1984 after working 31 years as a supervisor at National Gypsum Co. A lifelong public servant in the city of Niles, he was a city councilman at large for 12 years, and safety director for the city from 1976 to 1980. In 1984 he was elected mayor, a position he held until 1988.

Mr. Shaffer's tenure as mayor is best remembered for aiding the city in its time of need. In 1985, his second year in office, a devastating tornado swept through the city leaving a path of destruction in its wake. Mr. Shaffer's strong leadership helped the city rise from the rubble, providing hope in the face of devastation.

A patriotic American family man, Mr. Shaffer cherished time spent with his daughters, grandchildren, and great-grandchildren. An avid fisherman and outdoorsman, he enjoyed his retirement to the fullest extent, often retreating to the Florida sunshine during harsh Midwestern winters.

He was a member of the Niles Men's Democratic Club, Loyal Order of Moose, and the Niles American Legion. A man of faith, Mr. Shaffer was a member of St. Stephen Church in Niles, often devoting time to those less fortunate. For much of his life, he was a Eucharistic minister for homebound parishioners.

A man of the highest character, Mr. Shaffer's legacy in the Mahoning Valley will live on through his work, public contributions, and family. John P. Shaffer touched many lives in his lifetime, and he will be greatly missed. I am honored to have represented him.

THE DAILY 45: YOUNG PERCY ROUNDS SHOT TO DEATH IN WEST PULLMAN

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. Chicago is but one of several American cities that are struggling through an escalating wave of gun-related violence this summer.

On Monday, in the West Pullman neighborhood of Chicago's Far Southside, 15-year-old Percy Rounds, a promising young man, lost his life to an unknown assailant. Like a bad scene from an all-too-familiar movie, Rounds was shot to death by a gunman who sprang out of a gangway. Sadly, for several days prior to Rounds' murder, local residents said they'd heard a steady stream of gunfire throughout their neighborhood. Think about that. A steady stream of gunfire in a residential community.

I extend my heartfelt condolences to Percy Rounds' family and friends. His grieving aunt described her nephew this way, ''He was a good kid. He gave himself to the Lord. He's been going to church faithfully every Sunday. He wasn't in a gang.'' His aunt, a nurse, had the presence of mind to share these sentiments after trying valiantly to stop the bleeding from a fatal wound to her nephew's head.

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!''

MOTION TO GO TO CONFERENCE ON S. 294, PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. HOLT. Madam Speaker, I rise today in support of S. 294, the Passenger Rail Investment and Improvement Act of 2008, legislation that would authorize $14.9 billion in funding for Amtrak over the next 5 years.

Rail service has integrated small communities with large cities across the country providing opportunity for economic expansion, increased mobility, and environmentally sound transit. Since Amtrak was founded in 1971, our country has benefited from organized, reliable and safe service to individuals commuting to and from work and individuals using rail service for extended travel. Amtrak also serves as an essential component of easing traffic congestion, reducing wear and tear on roads, protecting our environment and preserving open space across the country. With the skyrocketing costs of airline flights and gas prices at over $4 a gallon, individuals are relying more and more on rail service.

It is no exaggeration to say that rail service is the lifeline from which New Jersey's state economy draws nourishment. Our region's employers—small, medium, and large—depend upon an integrated rail operation to enable many of their employees to get to and from work. Clients, potential clients, and business partners use the train to come to New Jersey. Our local entrepreneurs use Amtrak to pitch their ideas and sell their products outside of our home state.

It is thus of critical importance that we provide Amtrak with the funding it needs to support its growing ridership, both in New Jersey and throughout the country. For the last 12 years, Amtrak has been suffering from a lack of federal support and for the last 6 years it has been operating without Congressional authorization. In order to keep from going out of business, Amtrak was forced to delay crucial repairs and security improvements, freeze the salaries of its employees, renege on employee pensions and go billions of dollars into debt. The legislation before us today would authorize the funding necessary to improve Amtrak's operations throughout the country and bring our country's rail service into the 21st Century.

S. 294 authorizes $14.9 billion for Amtrak over the next 5 years, $4.2 billion of which would be used for capital grants to help Amtrak afford to make necessary repairs and upgrades to the Northeast Corridor. It would also allow Amtrak to procure new rolling stock, rehabilitate existing bridges, as well as make additional capital improvements and maintenance over its entire network.

As a regular Amtrak rider, I appreciate the professionalism and service that customers enjoy every day. Amtrak's hard working employees, including the over 1,300 employed in New Jersey, have continued to provide high quality service despite Amtrak's payroll freezes and pension problems. The Passenger Rail Investment and Improvement Act would provide Amtrak with $3 billion in operating grants, which would help Amtrak make good on its promises to these employees. A portion of these funds would be used to pay employees salaries, health costs, and overtime pay. It would also help Amtrak pay for increasing fuel costs, facilities, maintenance and train operations.

This legislation would also create a new Capital Grant program to provide grants for States for intercity passenger rail capital projects. In New Jersey the demand for public transportation has increased dramatically, with NJ Transit providing 900,000 trips per weekday on its trains, buses and light-rail vehicles. S. 294 would authorize over $2.5 billion in grants to states over the next 5 years to help organizations like NJ Transit pay for the capital costs of facilities and the equipment necessary to provide new or improved intercity passenger rail.

I am pleased that S. 294 includes language I wrote with Representative MURPHY that would require Amtrak to study the feasibility of increasing passenger rail service between Princeton Junction, NJ, and Philadelphia, PA. The Princeton Junction station has seen a 90 percent decrease in Amtrak ridership since 2004 due to reductions in Amtrak service at the Princeton Junction Station. While NJ Transit was able to step in to fill the service void to New York City, commuters to Philadelphia no longer have access to direct. The demand for public transportation will continue to increase, and it is essential that we ensure that we are using existing transportation resources efficiently to meet this demand. This study would require Amtrak to ensure that they are using this station effectively.

The Passenger Rail Investment Reauthorization Act would also provide $1.7 billion over the next 5 years to help Amtrak pay off the debt it incurred when Congress drastically cut its funding in 2000 and 2001. Amtrak has aggressively targeted this debt, paying down $600 million from 2002 through 2007. This bill would help Amtrak take further steps to reduce its debt, and allow Amtrak to focus its resources on improving existing services and making additional capital and operational improvements.

S. 294 would bring American passenger rail into the 21st century, authorizing $1.7 billion for the construction of eleven high-speed rail networks spanning the entire Nation, the first of which would be a high-speed rail corridor between Washington, D.C. and New York City. Countries like France, England and Japan have greatly improved the experience of commuters through the utilization of high speed corridors. This would lead to more efficient public transportation and help the more than 1.5 million New Jerseyans who use Amtrak spend less time commuting and more time at home with their families.

Supporting public transportation especially passenger rail, should be a crucial element of our national effort to slow the rate of global climate change and reduce our dependence on foreign fuels. Passenger rail consumes 21 percent less energy per passenger mile than automobiles and 17 percent less than airplanes. It releases half the amount of greenhouse gases per passenger mile as either air or car travel. The continued operation of Amtrak is an essential component of easing traffic congestion, reducing wear and tear on roads, protecting our environment and preserving open space in New Jersey and across the country.

Rail service is a fundamental component of our Nation's continually growing transportation system, and Amtrak has demonstrated the capacity of integrated rail service to expand economic opportunity, commuter options, and make vital contributions to the fabric of our communities. I urge my colleagues to support S. 294.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. AL GREEN of Texas. Madam Speaker, I was unavailable to vote on July 16th and had I been present I would have voted ''yea''' on rollcalls 495, 496, 497, 498, 499, 501, 504, 505, 507, and 508. I would have voted ''nay'' on rollcalls 500, 502, 503, and 506.

HONORING OFFICER JACOB CHESTNUT AND DETECTIVE JOHN GIBSON

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. CAPUANO. Madam Speaker, I rise today to pay tribute to United States Capitol Police Officer Jacob Joseph Chestnut and Detective John Michael Gibson, who were both

shot and killed in the line of duty 10 years ago on July 24, 1998.

Officer Chestnut and Detective Gibson represented the very best of the U.S. Capitol Police in their dedication and service to Congress. Each man served the force honorably for 18 years before his untimely death. They assumed great personal risk to safeguard the lives of visitors to the Capitol, Members of Congress, and Congressional staff every day. Their brave actions on that tragic day 10 years ago undoubtedly helped to protect hundreds of innocent lives and illustrated the commitment demonstrated by every sworn member of the U.S. Capitol Police.

While I never personally met Officer Chestnut or Detective Gibson, I have witnessed first-hand their legacy at the Capitol. Their example continues to inspire police officers, Members, and staff alike. The men and women who protect the Capitol complex and community are top-notch professionals who dedicate their time, energy, and prodigious skill to their work. I thank them all from the bottom of my heart.

The tragic loss of Officer Chestnut and Detective Gibson is not one that we will ever forget. I know that Congress and the Capitol Police will continue to honor their memory and their ultimate sacrifice as we seek to ensure the safety of one of the most recognizable symbols of freedom and democracy today—our Capitol.

INTRODUCTION OF THE TRIBAL LAW AND ORDER ACT OF 2008

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Ms. HERSETH SANDLIN. Madam Speaker, today, I am pleased to introduce the Tribal Law and Order Act of 2008. I want to thank Senator DORGAN and his colleagues and staff on the Senate Indian Affairs Committee for their tireless dedication to addressing the needs of law enforcement and justice services in Indian Country. I am proud to sponsor the companion legislation in the House of Representatives.

In June 2007, the House Committee on Natural Resources held a hearing on the Lower Brule Reservation in south central South Dakota. Entitled, The Needs and Challenges of Tribal Law Enforcement in Indian Reservations, tribal leaders and law enforcement officials from eight tribes testified for the need to improve government-to-government consultations between tribes and the federal agencies charged with supporting their law enforcement goals. Witnesses explained the need for more resources for officers, equipment, jails, and tribal courts. One witness, Chairman Joseph Brings Plenty of the Cheyenne River Reservation, explained that on his reservation, there are an average of only three officers per shift to cover nineteen communities with 15,000 people and an area approximately the size of Connecticut. On this large, land-based reservation, each officer covers an average of 450 miles of road in one 8 hour shift. In 2006 alone, the Cheyenne River Sioux tribe's police department responded to 11,488 calls for service and made 11,791 arrests. From my work with tribal communities in South Dakota and as a Member of the Committee on Natural Resources, I know that Cheyenne River is not an extreme case. The experiences and frustrations articulated by Chairman Brings Plenty resonate with tribal leaders across the United States.

The Tribal Law and Order Act is an important step to addressing the complex and broken system of law and order in Indian Country. This bill would clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in tribal communities; increase coordination and communication among Federal, State, tribal, and local law enforcement agencies; empower tribal governments with the authority, resources, and information necessary to safely and effectively provide for the public's safety in tribal communities; reduce the prevalence of violent crime in tribal communities and to combat violence against Indian and Alaska Native women; address and prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in tribal communities.

The Senate Indian Affairs Committee has held numerous hearings and has reached out to tribes across the United States while crafting this bill, and I appreciate their efforts to address the concerns raised by tribal members and leaders. I recognize that this bill alone will not solve the problems raised by tribes in these consultations and hearings. As such, I will continue to work for increased funding for law enforcement personnel, detention facilities, equipment and training, tribal courts, and other components required for a successful justice system. I will continue to hold Bureau of Indian Affairs accountable for upholding the trust responsibility within the realm of law enforcement. Ultimately, I believe that this bill offers important and necessary tools in our shared goal of making Indian Country a safer place to be.

CONGRATULATING MIKE MCROBERTS

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate Mike McRoberts on his retirement after 36 years of working for John Deere and 8 years serving as Shop Chairman. Mike McRoberts served as a Union Steward from 1979 until 1990 when he became a Committee Man. After ten years in that position he became Shop Chairman and has been serving in that position up to the present day.

Mike has been a strong advocate for the 3,000 members of Local 838, the largest local within John Deere. Mike has been at the table for all bargaining meetings between John Deere and UAW since 1991, and has overseen all contracts since that time. Mike was also very instrumental in the UAW/John Deere apprenticeship programs and skilled tradesman programs. Most importantly, Mike was a great friend and mentor to all of the workers at John Deere and taught young people how to be good officers for the local and good committeemen. I know that Mike will be greatly missed by his colleagues at John Deere and the union. I wish him the best in his retirement and future endeavors, and thank him for his many years of service.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Ms. SOLIS. Madam Speaker, during rollcall vote No. 512 on H.R. 6493. I was unavoidably detained. Had I been present, I would have voted "yes."

AVIATION SAFETY ENHANCEMENT ACT OF 2008

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 6493, the Aviation Safety Enhancement Act.

Over the last few years we have heard a number of disturbing reports that the Federal Aviation Administration, FAA, is failing in its mandate to ensure the safety of airline passengers. Last year we discovered that the FAA had allowed Southwest Airlines to fly 117 planes that had not received their mandatory inspections. We learned of two near midair collisions at Newark Airport in my home state of New Jersey. In meetings with Air Traffic Controllers I have been told that these near misses were caused by pilot confusion over last minute and unpublished route changes by the FAA. Rather than address serious concerns about the safety of our nation's air travelers, the FAA has attempted to hide these complaints and issues. In some of these cases, the FAA has retaliated against whistleblowers who disclosed these issues and the number of whistleblower protection claims filed by FAA employees has tripled over the last year.

It is difficult to overstate how important whistleblowers are in the policy process. They are often the human face that confirms the existence of a tangible, even life-threatening problem in a federal agency. Bush Administration officials threatened Jack Spadaro, the former head of the National Mine Health and Safety Academy, MSHA, with the loss of his job when he tried to investigate a mining accident that occurred in 2000. In 2005, the Forest Service fired Douglas Parker, a 40 year employee of the service, after he filed a whistleblower complaint about the improper use of pesticides across several forests in New Mexico and Arizona. Fredrick Whitehurst, a longtime FBI bomb residue expert, filed whistleblower complaints after he pointed out major problems in the FBI's crime lab. I could go on at length about these kinds of cases, but I think you get my point. Outside of the national security community, protecting whistleblowers is perhaps more important in the transportation sector than anywhere else. If the FAA is

being too cozy with industry and pressuring maintenance personnel to reduce the number of violations they cite among the carriers, we need to know that so we can stop it. If the FAA is trying to implement a dangerous and inadequately tested national air traffic pattern change and air traffic controllers believe people will die as a result, we need to know that so we can stop it. This legislation would help us to do that.

Among its provisions, H.R. 6493 would create an independent office of Aviation Safety Whistleblower Protection within the FAA. This office would be responsible for receiving complaints and information from FAA and airline employees about possible violations of safety regulations, federal laws, and standards. This office would allow FAA and airline employees to disclose anonymously their safety concerns without fear of retaliation.

RECALLING THE INFAMOUS ANNIVERSARY OF THE INVASION OF CYPRUS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, today I rise to recall the brutal invasion of Cyprus that occurred thirty-four years ago on July 20, 1974.

The people of Cyprus continue to suffer the consequences of that contemptible invasion. Even now, Turkish troops continue to illegally occupy Cyprus. The island remains torn by a militarized fence that slices a 113-mile line across the island.

I encourage both sides to fully comply with the guiding principles of the July 8, 2006 agreement. This agreement seeks to establish working groups that can operate together to reunify Cyprus into one bizonal, bicommunal federation. The July 8 agreement is an important achievement which gives us great cause to remain optimistic that a resolution is possible.

While we can mark the significance of the July 8 agreement, we cannot celebrate until the goal of a unified Cyprus is fully and finally realized. We cannot celebrate until the anniversary of the July 20 invasion is no longer a source of pain for Cypriots, and barbed wire fence no longer splits Cyprus into two disparate sections. The United States, the European Union, and the United Nations have all expressed their support for a solution that will reunify Cyprus. With the steadfast determination of the international community and the people of Cyprus, we will persist until the goal of a free, undivided Cyprus is realized at last.

Madam Speaker, I remain hopeful that Cyprus will once again be free and undivided. After thirty-four years of division, illegal occupation and oppression, the long-suffering Cypriot people deserve to live in freedom and unity today.

HONORING AN ACHIEVEMENT OF THE UCWIP INTERNSHIP PROGRAM

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize one achievement of my former intern, Anu Ambikaipalan who participated in the Australian Uni-Capitol Washington Internship Program, UCWIP. After an experience in Washington, she returned to Deakin University in Melbourne, Australia where she will soon graduate and pursue a career in law at a prestigious local firm.

Ms. Ambikaipalan was recently distinguished as a leader in her academic pursuits and was asked to deliver a keynote speech at a breakfast reception honoring "Women in the Law." I commend to your attention the insightful text of her speech to reiterate the importance of providing professional development opportunities for youth on Capitol Hill and how these experiences can translate into successful contributions to communities, even on the other side of the world. As Members of Congress, we must continue to support initiatives like the UCWIP which not only improve the lives of our constituents, but engage the global community. The text of her speech follows:

Good morning Ladies and Gentlemen. It's great to see so many people here today, and especially university students. Being able to sleep in till 12 noon is one of the prized possessions of a university student, so I'm glad you could all make it.

It is indeed a privilege to be able to speak in front of so many accomplished women and men in the law here. I'd like to thank the Victorian Council of Law Students' Society and the convener of today's breakfast, Katie Elder, for asking me to speak to you this morning on my experience as an Intern in Congress in Washington, D.C., through the Uni-Capitol Washington Internship Program or the UCWIP.

In the summer of 2007, I along with 11 other Australian university students, were fortunate enough to receive the opportunity to work as Interns in the U.S. Congress.

As exciting as this was, I was brought back to reality when the response given by my friends to my impending internship was—'So, is it like the West Wing?' or 'An Intern? . . . Like Monica Lewinsky?'

The UCWIP is a program run by Mr. Eric Federing, who directs and manages the program pro bono. It is now in its tenth year and includes 8 participating Australian universities from around Australia with approximately 60 applicants a year.

Applicants are required to choose from 13 Congressional offices which participated in the program. My first preference was an African American Congressman, Mr. Alcee Hastings, who represented the 23rd district of Florida. I chose Congressman Hastings because of his strong stance on racial equality and social justice. Having been in Congress for almost 18 years, the Congressman is an important member of the Democrat party's leadership and often champions the rights of minority groups.

When I arrived in Washington, D.C., in January 2007, I had no idea that the next two months would be a life changing experience.

I remember walking through the hallowed halls of Congress on the first day, nervous but also in complete and utter wonderment. As the weeks went on, I tried not to become too complacent as to where I was. Every morning I would take the long route to my office so I could see the Capitol Building and remind myself that I was working at the centre of global politics.

When we arrived on Capitol Hill, the U.S. was witnessing monumental changes, with the Democrats regaining the majority in the House of Representatives and the Senate. The highlight for me personally, was when my Congressman gave me his only ticket to the historical swearing in of the first female Speaker of the House, Nancy Pelosi.

The biggest talking point in Congress with the change in power was the Iraq War and the troop surge.

We were fortunate enough to see both Secretary of State Condoleezza Rice and Former Secretary of State Madeleine Albright give testimonies before the House Foreign Affairs Committee in relation to the troop surge.

As my Congressman sits on the Intelligence Committee, I was lucky enough to attend one of the very rare open Intelligence Committee hearings with Hon. John Negroponte, Director of National Intelligence and General Michael Hayden, Director of the CIA as witnesses.

However, the UCWIP was not all about work and serious political issues. The program is established to allow participants to gain a well-rounded appreciation of American culture and history. We were given a guided tour of the battlefields of Gettysburg, visited Philadelphia and met extraordinary individuals such as Mr. Joe Ichiuji, a Japanese-American who fought for the U.S. army in World War II, while his family were detained in concentration camps in America because of their Japanese descent.

We also attended major social events such as the inaugural ball for the new mayor of Washington, D.C., Adrian Fenty and the annual Roe v. Wade dinner run by the National Abortion Rights Action League, Pro-Choice America.

The most significant part of my internship was the opportunity to develop legislation to combat gang violence which the Congressman could introduce into this Congress.

This issue came to the forefront after the rapid increase in deaths resulting from gang violence in the Congressman's district. By the 5th January 2007, 8 people had been killed from gang violence. That was more than one person a day. One of those killed was a 2 year old boy who was left in the car as his parents fled from a drive-by shooting.

Since I had very little knowledge of gang violence, I decided to put my years of researching for law assignments into good use. I jumped onto Google. As I scrawled through pages of information, I realized that I had just opened Pandora's Box. Gang violence in America is one of the deadliest and most dangerous activities on the streets, and its scourge has permeated into mainstream American culture through music, movies and television.

Through my research, I discovered that the two problem areas were: (1) trying to deter youths from entering gangs and (2) the high rate of re-offending by youths once they were released from juvenile detention.

Looking through the limited legislation that had already been put through Congress, it was evident a fresh new approach was required. Clearly, the problem will never be solved by middle-aged, college educated, men and women from privileged backgrounds sitting on Capitol Hill, who are so far dissociated from the unemployed, impoverished and generally black young men who roam the streets, searching for drugs and money in order to survive. A connection has to be established between those making the law and the young people on American streets who live day by day in fear of their lives and in the shadows of gang violence.

So, it was a stroke of luck when a group called 'Exhoodus' was holding a briefing on the Hill encouraging Congress to take action combating gang violence. The forum was hosted by Bill Cosby with a panel made up of ex-gang members who had all spent time in jail for murder and drug related crimes. The group traveled around America to speak to youths and deter them from entering gangs. They informed us that gangs were now recruiting from primary school, with gang members being as young as 8 years old.

Inspired by the work of this group, I figured that the only way to find out what to put in the legislation was to ask those directly affected by the issue. As such, we organized to visit the Northern Virginia Juvenile Detention Home to have a tour of the facilities and speak to some of the children incarcerated there.

It was the most significant part of my internship and one of the most confronting experiences of my life. Some of these kids were 10 or 11 and had already spent 2 or 3 years in detention. As we spent time with these kids, I realized that they were just normal kids who had made one mistake. Most of these children came from broken homes, with violent, alcoholic fathers or mothers prostituting themselves to support their drug addiction. Being in a gang not only provided them with a family unit, but also provided them with money to support their families. They too had dreams of becoming a chef, journalist or an NBA basketballer, but were victims of the streets and of a society that couldn't provide the security and safety that they felt came from being in a gang.

When we told these kids that we wanted them to help us create this piece of legislation to combat gang violence, their reaction was something I can still picture today. They were bursting with ideas on how to improve their local communities and get gangs off their streets and kids back into school.

As we continued to work on the legislation, I was given the opportunity to travel to Florida to visit the Congressman's district and finally experience some resemblance of a summer.

I visited both of the Congressman's district offices—in Ft. Lauderdale and West Palm Beach. His staff took me around the streets of Ft. Lauderdale and I couldn't believe my eyes. I was driving through the ghetto. There was rubbish littering the streets, police officers outside houses questioning people and young men dealing drugs openly on street corners.

Actually seeing the district and understanding where the Congressman came from made me fully appreciate his fight against racial discrimination and injustice. His policies began to make more sense and I gained a lot more motivation for my gang violence work.

After discussing the issue of gang violence with local officials and police, it became evident, and quite frustrating, that nobody wanted to take responsibility for fixing the problem. It was only when we visited a community university that we discovered a possible idea for legislation that would assist with gang violence.

We organized for community colleges to work with local prisons to create reintroduction programs for those who had spent time in juvenile detention. Our purpose was to deter them from falling back into gang activity. The legislation, entitled 'Path to Success' promotes initiatives to provide at-risk youths with counseling and academic and vocational training. Ultimately, this program is based on a principle that is a central tenet of law all over the world reintegrating offenders as a means of rehabilitation.

Last week to my delight, I received an email from the Congressman's office. It was to inform me that the Bill had passed through Congress and the Senate. The ''Path to Success'' program was finally becoming law in the United States.

My experience in Congress has made me realize that we should never feel too small or powerless to make a difference. Upon reflection, after working with people like Congressman Hastings and Eric Federing, if we all took the most valuable commodity we have—our time, and use that for the benefit of others, in a personal way, imagine what a difference we could make.

Although, throughout the internship, I was acting as an Ambassador for my university and Australia, at times we felt like we were acting as ambassadors for those kids who were stuck on the streets of America. Helping the Congressman to produce this piece of legislation was one of the most rewarding and proudest moments of my life.

Being a final year law student from Deakin University, I was given the chance to make a small, yet tangible contribution in the most powerful Government in the world. Through this, I discovered that the opportunity to make a difference is out there for each and every one of us. As the playwright, George Bernard Shaw once wrote, 'Dream things that never were and say, why not?'

COMMEMORATING THE 24TH ANNIVERSARY OF THE TURKISH OCCUPATION OF CYPRUS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Ms. BERKLEY. Madam Speaker, I rise to commemorate once again the anniversary of Turkey's illegal invasion and occupation of Cyprus, beginning in 1974, lasting up to the present time. The division of Cyprus has wreaked havoc on the island nation and left its Turkish-occupied section in disarray. It is cruel that the Cypriot people should continue to be subjected to this conflict.

Two summers ago, we were all pleased to see the two sides reach a major breakthrough in the troubled history of this divided island. After years of conflict, both sides committed themselves to the reunification of Cyprus based on a bizonal, bicommunal federation and political equality. By agreeing to these principles, they recognized the status quo is unacceptable and that continuing it only hurts Turkish and Greek Cypriots.

Now, the two parties have set up working groups and committees so they can begin implementing the agreement they reached in 2006. In just a few days, Cypriot President Christofias will meet with his Turkish counterpart, Mr. Talat, when they will review the progress of these working groups. It is my hope—and I believe my colleagues share in my feeling—that the two sides will soon be able to begin full-fledged negotiations, leading to a final status agreement and the removal of all Turkish troops from the island. Last fall, this House expressed its support for these efforts by unanimously passing H. Res. 405, of which I was a proud cosponsor.

Madam Speaker, we urge the two parties to move forward in their discussions and, at the same time, we urge the international community to step back and allow the Cypriots—and the Cypriots alone—to make the decisions affecting their future. No one can force an agreement on them.

TRIBUTE TO DR. YUHUA WANG

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Ms. CORRINE BROWN of Florida. Madam Speaker, I would like to pay tribute to Dr. Yuhua Wang, who has been recognized as a great artist and sculptor.

Dr. Wang was born in Sichuan, China, and permanently resides in the United States. Since 2000, she has worked as a visiting professor of oriental arts in the College of Liberal Arts at Auburn University, where she has received several commendation certificates for excellent work performance.

In August 2008, Dr. Wang's book entitled World's Highest-Level Color Paintings and Ink-Wash Paintings will be published and distributed worldwide by International Arts Publishing. Dr. Wang has meticulously and delicately applied fine-brushwork and oil colors on hand-sculpted coral and cobblestones which have become treasures of the world.

In the history of Chinese art, her lotus flower paintings are unsurpassed and are extremely valuable. In addition to being proficient in Chinese paintings, she is a highly talented sculptor whose themes are nature's mountains, rocks and plants. Dr. Wang's skills in the creation of colors, paintings and sculptures have reached the acme of perfection in their exquisiteness, elegance and beauty.

Dr. Wang, who takes great pleasure in helping others, is a selfless person whose moral character is noble, which is evidenced by the numerous awards and honors she has received. She has made great contributions to the development of cultural exchange between the East and West. Through her practice of Buddhism, Professor Wang benefits humanity and all living beings.

Madam Speaker, I invite my colleagues to join me in paying tribute to Dr. Yuhua Wang, an outstanding artist and scholar, who has chosen to make her home here in the United States because she has heartfelt love for its people.

NATIONAL ENERGY SECURITY INTELLIGENCE ACT OF 2008

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. HOLT. Mr. Speaker, I rise in support of the National Energy Security Intelligence Act of 2008, H.R. 6545.

Our Nation is in the middle of an energy crisis. Oil and gas prices are continuing to climb past $4 a gallon, and it is unlikely that gas will ever be cheap again. We will never be able to meet our domestic demand even if we drill on every square inch of our public and private lands. The United States possesses only 2 percent of the world's oil reserves, yet consumes over 25 percent of the world's oil. In order to meet our demand we import 22 million barrels of oil a day from some of the most volatile regions of the world. There is no denying that our national security is weakened by our dependence on foreign fuels.

While it is intuitive that our reliance on the international market for our oil and gas supply has an effect on the stability of our economy and our national security, we do not have up-to-date intelligence information on what this dependence means to our national and global security. The legislation before us today would require a National Intelligence Estimate, NEI, of the long-term and short-term outlook for oil and gas prices, supply, and demand as well as an assessment of how our dependence on foreign fuels affects both our short-term and long-term national security. I would like to commend my colleague from Louisiana, Representative DON CAZAYOUX, for introducing H.R. 6545. This legislation would provide us with the information that we need in order to make informed decisions about the relationship between crude oil and natural gas prices and our national security.

The National Energy Security Intelligence Act would also study the national security implications of potential use of energy resources as leverage against the United States by Venezuela, Iran, or other potential adversaries as a result of increased energy prices. One of the most damaging ways Iran could leverage oil prices higher would be to disrupt or even cut off the flow of oil from the Persian Gulf. As chairman of the House Select Intelligence Oversight Panel, I believe it is essential that this NIE address Iran's ability to attack shipping and oil production infrastructure in the Persian Gulf region. Twenty years ago, Iran's efforts to disrupt shipping in the gulf led directly to a military confrontation between our countries. Published reports indicate that Iran has greatly expanded its sea mine stocks, its ballistic missile force, and other assets that could be used to disrupt oil production and shipment through the gulf. The NIE must address these issues if we are to have a full picture of Iran's potential to drive oil prices higher through military action. I support this bill, and I urge my colleagues to do likewise.

HONORING WALTER GLENN KELM

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Walter Glenn Kelm, who was recognized this week by Florida Governor Charlie Crist with the Points of Light Award for his outstanding volunteerism. Glenn has committed countless hours and tireless efforts for the past 16 years to provide healthy meals for those less fortunate.

Glenn began his volunteer mission in 1992 when he established the Shephard's Cupboard. Each day after work Glenn would collect food from local grocery stores and donate it for those who otherwise could not afford a nutritious meal. Then, in 1997, he left the Shephard's Cupboard to help start the Volunteer Way Food Bank. Glenn has served many roles at the Volunteer Way, including volunteer board member and later treasurer, but has always stepped up with a smile to do whatever needed to be done. Because of Glenn's active involvement, the Volunteer Way quickly expanded their outreach. Last year they distributed over 5,000,000 pounds of food all over central Florida to those who most need it.

Madam Speaker, Glenn's devoted volunteer efforts have helped provide so many Floridians with healthy meals. I am very much honored to recognize a man whose work has greatly improved the lives of those less fortunate, and will undoubtedly continue to do so. I congratulate him for deservingly receiving the Points of Light Award and believe all American can learn from his commitment and passion.

IN RECOGNITION OF THE CONTRIBUTIONS OF EAST CENTRAL ALABAMA UNITED CEREBRAL PALSY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay special recognition to the work of East Central Alabama United Cerebral Palsy. For the last 50 years, this admirable organization has pursued its mission of providing personalized educational and therapeutic services to children with a wide range of developmental disabilities.

In January of 1972, ECAUCP opened Calhoun County's first cerebral palsy center. Just 6 years later the center expanded to provide a full range of treatment for children in need. Today, ECAUCP and the State Department of Mental Health spearhead Alabama's Early Intervention Program which benefits developmentally delayed children and their families.

I am pleased to help recognize the fine work of East Central Alabama United Cerebral Palsy, and wish them the very best in their next 50 years of service to our communities.

EXPRESSING SUPPORT FOR NATIONAL GEAR UP DAY

SPEECH OF

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. HONDA. Madam Speaker, I rise today in support of H. Res. 1311, supporting the designation of July 22, 2008 as National GEAR UP Day. Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) serves to increase the number of low-income students who are prepared to enter and succeed in postsecondary education. Through the hard work of program staff, students, families, and educators, GEAR UP has proven to be an incredibly successful program, providing services at high-poverty middle and high schools. This year marks the 10th Anniversary since Congress established the GEAR UP program, exemplifying our commitment towards providing a quality education to the disadvantaged youth of America.

In a society that depends on, and rewards, those who have a strong educational background, lagging behind can have severe consequences. In this day and age, when our country has transitioned from a post-industrial economy into a knowledge based economy, investing in education is more important than ever, and a high school degree is seen as one of the first steps towards achieving that quality education. Research has shown that having a high school degree significantly increases an individual's annual earnings and labor force participation rates, and that these rates increase with greater educational attainment.

According to the National Center for Education Statistics, 8.9 percent of 15–24 year-old students from low-income families dropped out during grades 10–12 in 2005, compared to 3.8 percent from middle-income and 1.5 percent from high-income families. In the same year, 53.5 percent of high school graduates from low-income families enrolled in college immediately after high school, compared to 65.1 percent of middle-income students and 81.2 percent of high-income students.

GEAR UP is currently focused on three objectives to reduce the disadvantages low-income students face compared to their middle-income and high-income peers: increasing academic performance and preparation for postsecondary education, increasing high school graduation and post-secondary enrollment rates, and increasing students' and their families' knowledge of postsecondary education options, preparation, and financing. These efforts are working—in 2006, 85.5 percent of the second cohort of GEAR UP students graduated from high school. This remarkable graduation rate is well above those of other low-income students who did not participate in GEAR UP (64 percent) and all students nationally (73.9 percent).

While the effects of GEAR UP are evident, there are currently many low-income students who are unable to participate in the program and many areas in which the program can improve. We need to raise awareness and bolster discussions about how to tailor GEAR UP for all of our low-income students. Recognizing July 22nd, 2008 as National GEAR UP Day could provide the opportunity for conversation about the challenges and opportunities faced by lower income students and will recognize the success of so many who have defied expectations. Funding is also vital towards the successful implementation and expansion of GEAR UP, and as a Member of the Appropriations Committee, I will work to ensure improved funding for GEAR UP and other critical Federal programs focused on improving educational opportunities, supporting the work of teachers and schools, and increasing access to higher education.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is July 23, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,966 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation

of this Nation heen stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.'' The phrase in the 14th amendment capsulizes our entire Constitution. It says, ''No State shall deprive any person of life, liberty or property without due process of law.'' Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

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 12,966 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 23, 2008, 12,966 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 24, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 25

9:30 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To continue hearings to examine financial institutions located in offshore tax havens, focusing on ways to strengthen United States domestic and international tax enforcement efforts.
SD–342

JULY 29

9:30 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the magnitude of outstanding payroll tax debt, focusing on the policies and procedures that are used to collect unpaid payroll taxes.
SD–342

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the state of the insurance industry, focusing on the current regulatory and oversight structure.
SD–538

Environment and Public Works
Clean Air and Nuclear Safety Subcommittee
To hold hearings to examine the Environmental Protection Agency's (EPA) Clean Air Interstate Rule (CAIR), focusing on a recent court decision and its implications.
SD–406

Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine the Occupational Safety and Health Administration (OSHA), focusing on protecting workers from dangerous dust at the workplace.
SD–430

Finance
To hold hearings to examine the future of United States trade policy, focusing on perspectives from former United States trade representatives.
SD–215

Judiciary
To hold hearings to examine music and radio in the 21st century, focusing on assuring fair rates and rules across the platforms.
SD–226

11 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
Financial Services and General Government Subcommittee
To hold joint hearings to examine food marketing to children, focusing on ways to make it safer.
SD–192

2:15 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

2:30 p.m.
Intelligence
Closed business meeting to consider pending intelligence matters.
SH–219

JULY 30

9 a.m.
Judiciary
To hold hearings to examine hiring at the Department of Justice.
SD–226

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine ways to improve consumer protection in the prepaid calling card market.
SR–253

Judiciary
To hold hearings to examine the White House and the Environmental protection Agency (EPA), focusing on impeding congressional oversight.
SD–226

12 noon
Homeland Security and Governmental Affairs
Disaster Recovery Subcommittee
To hold hearings to examine planning for post-catastrophe housing needs, focusing on if the Federal Emergency Management Agency (FEMA) has developed an effective strategy for housing large numbers of citizens displaced by a disaster.
SD–562

1 p.m.
Judiciary
To hold hearings to examine S. J.Res. 45, expressing the consent and approval of Congress to an inter-state compact regarding water resources in the Great Lakes—St. Lawrence River Basin.
SD–226

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 1816, to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, S. 2093, to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System, S. 2535, to revise the boundary of the Martin Van Buren National Historic Site, S. 2561, to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War, S. 3011, to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, S. 3113, to reinstate the Interim Management Strategy governing off-road vehicle use in the Cape Hatteras National Seashore, North Carolina, pending the issuance of a final rule for off-road vehicle use by the National Park Service, S. 3148, to modify the boundary of the Oregon Caves National Monument, S. 3158, to extend the authority for the Cape Cod National Seashore Advisory Commission, S. 3226, to rename the Abraham Lincoln Birthplace National Historic Site in the State of Kentucky as the ''Abraham Lincoln Birthplace National Historical Park'', S. 3247, to provide for the designation of the River Raisin National Battlefield Park in the State of Michigan, and H.R. 5137, to ensure that hunting remains a purpose of the New River Gorge National River.
SD–366

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

JULY 31

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Indian health service management, focusing on lost property, wasteful spending and document fabrication.
SD–562

1 p.m.
Homeland Security and Governmental Affairs
Disaster Recovery Subcommittee
To hold joint hearings with the House Committee on Homeland Security Subcommittee on Emergency Communications, Preparedness to examine ways to ensure the delivery of donated goods to survivors of catastrophes.
311, Cannon Building

2 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine reliance on smart power, focusing on reforming the foreign assistance bureaucracy.
SD–342

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7089–S7201

Measures Introduced: Fourteen bills and three resolutions were introduced, as follows: S. 3309–3322, S.J. Res. 45, and S. Res. 620–621. **Pages S7148–49**

Measures Reported:

S.J. Res. 41, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. **Page S7148**

Measures Passed:

Commemorating the late Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut: Senate agreed to S. Res. 621, honoring and commemorating the selfless acts of heroism displayed by the late Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police on July 24, 1998, and expressing the gratitude and appreciation of the Senate for the professionalism and dedication of the United States Capitol Police. **Pages S7197**

Soboba Band of Luiseno Indians Settlement Act: Senate passed H.R. 4841, to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interferences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, clearing the measure for the President. **Pages S7197–98**

Measures Considered:

Stop Excessive Energy Speculation Act: Senate began consideration of S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, after agreeing to the motion to proceed to its consideration, taking action on the following amendments proposed thereto: **Page S7095–S7124, S7124–29**

Pending:

Reid Amendment No. 5098, to establish the enactment date. **Page S7129**

Reid Amendment No. 5099 (to Amendment No. 5098), to change the enactment date. **Pages S7129–30**

Reid Motion to commit the bill to the Committee on Agricultural, Nutrition, and Forestry with instructions to report back forthwith, with Reid Amendment No. 5100, to establish the effective date. **Page S7130**

Reid Amendment No. 5101 (to the instructions of the motion to commit), to change the enactment date. **Page S7130**

Reid Amendment No. 5102 (to Amendment No. 5101), to change the enactment date.

A motion was entered to close further debate on the bill, after agreeing to the motion to proceed and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, July 25, 2008. **Page S7130**

Warm in Winter and Cool in Summer Act: Senate began consideration of the motion to proceed to consideration of S. 3186, to provide funding for the Low-Income Home Energy Assistance Program. **Page S7131–40**

A motion was entered to close further debate on the bill, after agreeing to the motion to proceed and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, July 25, 2008. **Page S7130**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 9:30 a.m., on Thursday, July 24, 2008, and that the time until 10:30 a.m. be equally divided and controlled between the two Leaders, or their designees, and that the Majority control the first half of the time and the Republicans control the final half; provided further, that the time from 10:30 a.m. until 5:30 p.m. be equally divided and controlled between the two Leaders, or their designees; and the time controlled in 30-minute alternating blocks of time, with the Majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes. **Page S7190**

House Messages:

Foreclosure Prevention Act: Senate began consideration of the amendment of the House of Representatives to the amendment of the Senate to the amendments of the House to the amendment of the

Senate to H.R. 3221, to provide needed housing reform. **Page S7130**

Pending:

Senator Reid entered a motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the amendments of the House to the amendment of the Senate to the bill. **Pages S7130–31**

Senator Reid entered a motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the amendments of the House to the amendment of the Senate to the bill, with Amendment No. 5103, to establish the effective date. **Page S7131**

Reid Amendment No. 5104 (to Amendment No. 5103), to change the enactment date. **Page S7131**

A motion was entered to close further debate on the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the amendments of the House to the Senate amendment to the bill and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, July 25, 2008. **Page S7131**

Moment of Silence—Agreement: A unanimous-consent agreement was reached providing that at 3:40 p.m. on Thursday, July 24, 2008, that there be a moment of silence in remembrance of the late Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police. **Page S7089**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the Continuation of Emergency Regarding Export Control Regulations under the authority of Executive Order 13222 dated August 17, 2001; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–59) **Page S7146**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Protocols to the North Atlantic Treaty of 1949 on Accession of Albania and Croatia (Treaty Doc. No. 110–20).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S7198**

Nominations Confirmed: Senate confirmed the following nominations:

Nelson M. Ford, of Virginia, to be Under Secretary of the Army.

Joseph A. Benkert, of Virginia, to be an Assistant Secretary of Defense.

Sean Joseph Stackley, of Virginia, to be an Assistant Secretary of the Navy.

Frederick S. Celec, of Virginia, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

4 Air Force nominations in the rank of general.

11 Army nominations in the rank of general.

12 Marine Corps nominations in the rank of general.

4 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S7198–99, S7200–01**

Nominations Received: Senate received the following nominations:

Mark J. Gerencser, of New Jersey, to be a Member of the National Security Education Board for a term of four years.

David H. McIntyre, of Texas, to be a Member of the National Security Education Board for a term of four years.

Ambrose L. Schwallie, of South Carolina, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2013.

Maria Cino, of Virginia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2010.

Eric F. Melgren, of Kansas, to be United States District Judge for the District of Kansas.

Marco A. Hernandez, of Oregon, to be United States District Judge for the District of Oregon.

22 Air Force nominations in the rank of general.

Routine lists in the Air Force, Army. **Pages S7199–S7200**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Carol Dillon Kissal, of Maryland, to be Inspector General, Small Business Administration, which was sent to the Senate on February 25, 2008. **Page S7201**

Messages from the House: **Pages S7146–47**

Measures Referred: **Page S7147**

Measures Placed on the Calendar: **Page S7147**

Executive Communications: **Page S7147**

Petitions and Memorials: **Pages S7147–48**

Additional Cosponsors: **Pages S7149–50**

Statements on Introduced Bills/Resolutions: **Pages S7150–79**

Additional Statements: **Pages S7145–46**

Amendments Submitted: **Pages S7179–96**

Notices of Hearings/Meetings: **Pages S7196**

Authorities for Committees to Meet:

Pages S7196–97

Privileges of the Floor: Page S7197

Recess: Senate convened at 10 a.m. and recessed at 8:05 p.m., until 9:30 a.m. on Thursday, July 24, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7199.)

Committee Meetings

(Committees not listed did not meet)

DEFENSE CONTRACTING IN IRAQ

Committee on Appropriations: Committee concluded a hearing to examine the adequacy of defense contracting oversight for Operation Iraqi Freedom, after receiving testimony from Gordon England, Deputy Secretary, Gordon S. Heddell, Acting Inspector General, and General Benjamin S. Griffin, Commanding Officer, United States Army Materiel Command, all of the Department of Defense.

REDUCING GASOLINE DEMAND

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the status of existing federal programs targeted at reducing gasoline demand, focusing on additional proposals for near-term gasoline demand reductions, after receiving testimony from Steven G. Chalk, Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, and David L. Greene, Corporate Fellow, Transportation Science and Energy Division, Oak Ridge National Laboratory, both of the Department of Energy; John A. Laitner, American Council for an Energy-Efficient Economy (ACEEE), Washington, D.C.; Steve Winkelman, Center for Clean Air Policy, Port Chester, New York; and Edward R. Buiel, Axion Power International, Inc., New Castle, Pennsylvania.

MIDWEST FLOODS

Committee on Environment and Public Works: Committee concluded a hearing to examine the recent floods in the Midwestern United States, focusing on ways to determine what happened and how to improve managing risk and responses in the future, after receiving testimony from Senators Grassley, Durbin, and McCaskill; and John Paul Woodley, Jr., Assistant Secretary for Civil Works, and Brigadier General Michael J. Walsh, Division Commander, Mississippi Valley Division, U.S. Army Corps of Engineers, both of the Department of the Army, Department of Defense.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following:

S.J. Res. 41, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of James Christopher Swan, of California, to be Ambassador to the Republic of Djibouti, Alan W. Eastham, Jr., of Arkansas, to be Ambassador to the Republic of the Congo, W. Stuart Symington, of Missouri, to be Ambassador to the Republic of Rwanda, who was introduced by Senators Klobuchar and McCaskill, and John A. Simon, of Maryland, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador, all of the Department of State, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Tatiana C. Gfoeller-Volkoff, of the District of Columbia, to be Ambassador to the Kyrgyz Republic, Richard G. Olson, Jr., of New Mexico, to be Ambassador to the United Arab Emirates, David D. Pearce, of Virginia, to be Ambassador to the People's Democratic Republic of Algeria, and Michele Jeanne Sison, of Maryland, to be Ambassador to the Republic of Lebanon, all of the Department of State, after the nominees testified and answered questions in their own behalf.

UNITED NATIONS PEACEKEEPING

Committee on Foreign Relations: Subcommittee on International Operations and Organizations, Democracy and Human Rights concluded a hearing to examine United Nations peacekeeping operations, focusing on opportunities and challenges for the administration of the next president of the United States, after receiving testimony from Brian Hook, Acting Assistant Secretary of State for International Organization Affairs; Brett D. Schaefer, Heritage Foundation Margaret Thatcher Center for Freedom, and William J. Durch, Henry L. Stimson Center, both of Washington, D.C.; and Nancy Soderberg, University of North Florida, Jacksonville.

INFORMATION SHARING

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine information sharing, including the actions that have been taken to guide the design and implementation of the Information Sharing Environment (ISE), and

to report its progress, the characteristics of state and local fusion centers and the extent to which federal efforts are helping to address some of the challenges centers reported, and the progress made in developing streamlined policies and procedures for designating, marking, safeguarding, and disseminating sensitive but unclassified information, after receiving testimony from Eileen R. Larence, Director, Homeland Security and Justice Issues, Government Accountability Office; Charles E. Allen, Under Secretary of Homeland Security for Intelligence and Analysis, and Chief Intelligence Officer; James M. Thomas, Connecticut Department of Emergency Management and Homeland Security, Hartford; and Thomas E. McNamara, Information Sharing Environment, and Jeffrey H. Smith, Arnold and Porter LLP, both of Washington, D.C.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Carol A. Dalton, Anthony C. Epstein, and Heidi M. Pasichow, all of the District of Columbia, all to be an Associate Judge of the Superior Court of the District of Columbia, who were introduced by Representative Norton, after the nominees testified and answered questions in their own behalf.

CHILDHOOD OBESITY

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families concluded hearings to examine childhood obesity, focusing on the declining health of America's next generation (Part II), after receiving testimony from Joseph W. Thompson, Arkansas Surgeon General, Little Rock, on behalf of the Robert Wood Johnson Foundation Center to Prevent Childhood Obesity; Philip J. Dwyer, Central Connecticut Coast YMCA, New Haven; Susan K. Neely, American Beverage Association, Washington, D.C.; and Jonathan Miller, Ypsilanti, Michigan.

SUPREME COURT DECISIONS

Committee on the Judiciary: Committee concluded a hearing to examine the impact of Supreme Court decisions, focusing on recent decisions on corporate misconduct and laws regulating corporations, after receiving testimony from Elizabeth Bartholet, Harvard Law School, Cambridge, Massachusetts; Patricia Ann Millett, Akin Gump Strauss Hauer and Feld, LLP, Washington, D.C.; and Osa Marie Schultz, Cordova, Alaska.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of J. Patrick Rowan, of Maryland, and Jeffrey Leigh Sedgwick, of Massachusetts, both to be an Assistant Attorney General, Department of Justice, and William B. Carr, Jr., of Pennsylvania, to be a Member of the United States Sentencing Commission, after the nominees testified and answered questions in their own behalf.

NATIONAL GUARD AND RESERVES VA OUTREACH

Committee on Veterans' Affairs: Committee concluded an oversight hearing to examine the Department of Veterans Affairs, focusing on responding to the needs of returning United States National Guard and Reserve members, after receiving testimony from Donald Nelson, Deputy Assistant Secretary of Defense for Reserve Affairs; Bradley G. Mayes, Director, Compensation and Pension Service, Veterans Benefits Administration, and Major General Marianne Mathewson-Chapman, (Ret.) Army National Guard, Coordinator of National Guard, Reserve and Families, VHA OEF/OIF Outreach Office, Veterans Health Administration, both of the Department of Veterans Affairs; Joseph R. Scotti, West Virginia University, Morgantown; Colonel Bradley A. Livingston, Montana National Guard, Fort Harrison; Lieutenant Colonel John Boyd, Vermont Army National Guard, Colchester; Sergeant Roy Meredith, Maryland Army National Guard, Annapolis; and Major Cynthia M. Rasmussen, Combat Stress Officer, Sexual Assault Response Coordinator, 88th Regional Readiness Command, Fort Snelling, Minnesota.

NURSING HOME CARE

Special Committee on Aging: Committee concluded a hearing to examine person-centered health care at nursing homes, focusing on reforming services and improving the quality of care, after receiving testimony from Bill Thomas, University of Maryland Baltimore Erickson School, Ithaca, New York; Robert Jenkens, GREEN HOUSE Project, Arlington, Virginia; Melinda Abrams, Commonwealth Fund, New York, New York; Eric A. Coleman, University of Colorado at Denver and Health Sciences Center; Edna Hess, Lebanon Valley Brethren Home, Palmyra, Pennsylvania; Diana White, Portland State University Institute on Aging, Portland, Oregon; and Zoe Valentine Holland, Lincoln, Nebraska.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 19 public bills, H.R. 6544–6592; and 6 resolutions, H. Con. Res. 395; and H. Res. 1366, 1369–1372 were introduced. **Pages H7057–58**

Additional Cosponsors: **Pages H7058–59**

Reports Filed: Reports were filed today as follows:

H. Res. 1367, providing for consideration of motions to suspend the rules (H. Rept. 110–768) and

H. Res. 1368, relating to the House procedures contained in section 803 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (H. Rept. 110–769). **Pages H7012–13, H7057**

Chaplain: The prayer was offered by the guest Chaplain, Rev. James Rousakis, Holy Trinity Greek Orthodox Church, Clearwater, Florida. **Page H6827**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003: H. J. Res. 93, amended, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; **Pages H6831–33**

Amending the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance: H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance, by a 2/3 yea-and-nay vote of 387 yeas to 37 nays, Roll No. 518; **Pages H6833–38, H6854**

Honoring and commemorating the selfless acts of heroism displayed by the late Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police on July 24, 1998: H. Res. 1360, to honor and commemorate the selfless acts of heroism displayed by the late Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police on July 24, 1998; **Pages H6838–39**

Expressing the gratitude and appreciation of the House of Representatives to the professionalism and dedication of the United States Capitol Police: H. Res. 645, amended, to express the gratitude and appreciation of the House of Representatives to the professionalism and dedication of the United States Capitol Police; **Pages H6839–40**

Recognizing and celebrating the 20th anniversary of the National Black Arts Festival: H. Res. 1286, to recognize and celebrate the 20th anniversary of the National Black Arts Festival; **Pages H7037–38**

Expressing support for designation of Disability Pride Day and recognizing that all people, including those living with disabilities, have the right, responsibility, and ability to be active, contributing members of our society and fully engaged as citizens: H. Res. 1355, to express support for designation of Disability Pride Day and to recognize that all people, including those living with disabilities, have the right, responsibility, and ability to be active, contributing members of our society and fully engaged as citizens; and **Pages H7038–39**

Honoring the life and accomplishments of Katherine Dunham: H. Res. 655, amended, to honor the life and accomplishments of Katherine Dunham. **Pages H7039–41**

Authorizing the printing of an additional number of copies of the 23rd edition of the pocket version of the United States Constitution: The House agreed to discharge from committee and agree to H. Con. Res. 395, authorizing the printing of an additional number of copies of the 23rd edition of the pocket version of the United States Constitution. **Page H6840**

Motion to Adjourn: Rejected the Sessions motion to adjourn by a yea-and-nay vote of 20 yeas to 400 nays, Roll No. 515. **Page H6852**

Housing and Economic Recovery Act of 2008: The House agreed to the Senate amendment to the House amendments to the Senate amendment to H.R. 3221, to provide needed housing reform, with the amendment printed in H. Rept. 110–767, by a yea-and-nay vote of 272 yeas to 152 nays, Roll No. 519. **Pages H6854–H7011**

H. Res. 1363, the rule providing for consideration of the Senate amendment to the House amendments to the Senate amendment to the bill, was agreed to by a recorded vote of 223 ayes to 201 noes, Roll No. 517, after agreeing to order the previous question by a yea-and-nay vote of 226 yeas to 183 nays, Roll No. 516. **Pages H6840–52, H6852–54**

Pursuant to section 2 of H. Res. 1363, the House has receded from any remaining amendments or disagreements on H.R. 3221. **Page H7011**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, July 22nd:

National Energy Security Intelligence Act of 2008: H.R. 6545, to require the Director of National Intelligence to conduct a national intelligence assessment on national security and energy security issues, by a ⅔ yea-and-nay vote of 414 yeas with none voting "nay" and 2 voting "present", Roll No. 520. **Pages H7011–12**

The House further agreed to the Hastings (FL) motion to table the Price (GA) motion to reconsider the vote, by a recorded vote of 242 ayes to 179 noes, Roll No. 521. **Page H7012**

National Highway Bridge Reconstruction and Inspection Act of 2008: The House began consideration of 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. Further proceedings were postponed. **Pages H7018–37**

Pursuant to the rule, the amendment in the nature of a substitute printed in part A of H. Rept. 110–760 shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Pages H7025–37**

Accepted:

Oberstar amendment (No. 1 printed in part B of H. Rept. 110–760) that makes technical corrections to the amendment in the nature of a substitute; **Page H7027**

Mica amendment (No. 2 printed in part B of H. Rept. 110–760) that requires the Government Accountability Office to conduct a study of the Federal Highway Administration's bridge rating system. The study shall specifically address the effectiveness of using the terms ''structurally deficient'' and ''functionally obsolete'' in describing the condition of the highway bridge inventory in the United States; **Page H7028**

Mario Diaz-Balart (FL) amendment (No. 3 printed in part B of H. Rept. 110–760) that considers emergency evacuation routes in the risk-based prioritization for replacement or rehabilitation of deficient bridges; **Pages H7028–29**

Walz (MN) amendment (No. 4 printed in part B of H. Rept. 110–760) that requires the Secretary of Transportation to report to Congress, within 15 days of issuing a critical finding that results in the closure of a bridge, on the economic impact and impact on regional transportation that will result from the bridge closure. The amendment also requires the Secretary to recommend solutions to mitigate such impacts; **Pages H7029–30**

Miller (MI) amendment (No. 5 printed in part B of H. Rept. 110–760) that requires the Secretary of Transportation to conduct a study on the cost benefits of using carbon fiber composite materials in bridge projects instead of traditional construction materials; **Pages H7030–31**

Conaway amendment (No. 6 printed in part B of H. Rept. 110–760) that expresses the sense of Congress to encourage States that receive Federal funding to develop corrosion mitigation and prevention plans. The plans are encouraged to contain expected useful life of the bridge, details of corrosion mitigation and prevention methods in construction and maintenance of the bridge, certification and approval by a corrosion expert and corrosion training for all bridge inspectors; **Pages H7031–32**

Shays amendment (No. 7 printed in part B of H. Rept. 110–760) that requests the GAO to conduct a study on factors contributing to bridge construction and rehabilitation delays and ways to expedite construction projects; **Pages H7032–33**

Loebsack amendment (No. 8 printed in part B of H. Rept. 110–760) that requires the Secretary, in consultation with the States, to study the risks posed by a ''500 year'' flood to bridges on federal-aid highways, bridges on other public roads, and bridges on Indian reservations and park bridges while also giving consideration to safety, serviceability, essentiality for public use, and public safety. The Secretary would report the results to Congress not later than 2 years after enactment of the legislation; **Pages H7033–34**

Shea-Porter amendment (No. 9 printed in part B of H. Rept. 110–760) that allows a state performance plan to provide for increased inspection of a historic bridge rather than rehabilitation or replacement; and **Pages H7034–35**

Oberstar amendment (No. 11 printed in part B of H. Rept. 110–760) that creates a National Tunnel Inspection Program that would establish national tunnel inspection standards and ensure uniformity among the States in the conduct of such inspections. **Pages H7035–36**

Proceedings Postponed:

Childers amendment (No. 10 printed in part B of H. Rept. 110–760) that seeks to provide that none of the funds may be used to employ workers in violation of section 274A of the Immigration and Nationality Act. **Page H7035**

H. Res. 1344, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 228 yeas to 193 nays, Roll No. 523, after agreeing to order the previous question by a yea-and-nay vote of 228 yeas to 192 nays, Roll No. 522. **Pages H7013–18**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Supporting the designation of a National Child Awareness Month to promote awareness of children's charities and youth-serving organizations across the United States and recognizing their efforts on behalf of children and youth as a positive investment for the future of our Nation: H. Res. 1296, amended, to support the designation of a National Child Awareness Month to promote awareness of children's charities and youth-serving organizations across the United States and to recognize their efforts on behalf of children and youth as a positive investment for the future of our Nation. **Pages H7041–42**

Presidential Message: Read a message from the President wherein he transmitted notification that the national emergency caused by the lapse of the Export Administration Act of 1979, as amended, is to continue in effect for 1 year beyond August 17, 2008—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–137). **Page H7042**

Senate Message: Message received from the Senate today appears on page H6839.

Senate Referrals: S. 3295 was referred to the Committee on the Judiciary. Page H7055

Quorum Calls—Votes: Seven yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H6852, H6852–53, H6853–54, H6854, H7010–11, H7011–12, H7012, H7017, and H7018. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:05 p.m.

Committee Meetings

COST OF HUNGER IN AMERICA

Committee on Agriculture: Subcommittee on Department Operations, Oversight, Nutrition, and Forestry held a hearing to review the short- and long-term costs of hunger in America. Testimony was heard from Mark Nord, Sociologist, Economic Research, USDA; and public witnesses.

RURAL HEALTHCARE NEEDS

Committee on Agriculture: Subcommittee on Specialty Crops, Rural Development, and Foreign Agriculture held a hearing to review the state of health care in rural areas and the role of federal programs in addressing rural health care needs. Testimony was heard from Thomas Dorr, Under Secretary, Rural Development, USDA; Tom Morris, Acting Associate Administrator, Office of Rural Health Policy, Health and Resources Administration, Department of Health and Human Services; and public witnesses.

IRAQ PROGRESS REPORT

Committee on Armed Services: Held a hearing on the Comptroller General's progress report on Iraq, Testimony was heard from the following officials of the GAO: Gene L. Dodaro, Acting Comptroller General of the United States; and Joseph Christoff, Director, International Affairs and Trade.

DON'T ASK, DON'T TELL REVIEW

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on Don't Ask, Don't Tell Review. Testimony was heard from public witnesses.

PRO(TECH)T ACT OF 2008

Committee on Energy and Commerce: Ordered reported, as amended, H.R. 6357, PRO(TECH)T Act of 2008.

CHINA AND THE OLYMPICS

Committee on Foreign Affairs: Held a hearing on China on the Eve of the Olympics. Testimony was heard from public witnesses.

UN MANDATE FOR IRAQ OPTIONS

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights, and Oversight held a hearing on Possible Extension of the UN Mandate for Iraq: Options. Testimony was heard from public witnesses.

The Subcommittee also held a briefing on this subject. The Subcommittee was briefed by Ayad Allawi, member of the Council of Representatives, Republic of Iraq and former Prime Minister of the Republic of Iraq.

JUDICIARY DEPARTMENT OVERSIGHT

Committee on the Judiciary: Held an oversight hearing on the U.S. Department of Justice. Testimony was heard from Michael Mukasey, The Attorney General, Department of Justice.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Ordered reported the following bills, H.R. 5853, Minute Man National Historical Park Boundary Revision Act; H.R. 6177, amended, Rio Grande Wild and Scenic River Extension Act of 2008; H.R. 6159, amended, Deafy Glade Exchange Act; H.R. 1847, amended, National Trails System Willing Seller Act; and H.R. 5335, amended, To amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail, and for other purposes.

OVER-CLASSIFICATION REDUCTION ACT; CONTROLLED UNCLASSIFIED INFORMATION ACT

Committee on Oversight and Government Reform: Ordered reported the following bills: H.R. 6575 Over-Classification Reduction Act; and H.R. 6576, Reducing Information Control Designations Act.

U.S. AFRICA COMMAND

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held a hearing entitled "AFRICOM: Rationales, Roles, and Progress on the Eve of Operations—Part 2." Testimony was heard from public witnesses.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND RULES

Committee on Rules: Granted, by record vote of 8 to 3, a rule providing that it shall be in order at any time on the legislative day of Thursday, July 24, 2008, for the Speaker to entertain motions that the House suspend the rules relating to the bill (H.R. 6578) to provide for the sale of light grade petroleum from the Strategic Petroleum Reserve and its replacement with heavy grade petroleum.

SECTION 803 OF MEDICARE PRESCRIPTION DRUG, IMPROVEMENT AND MODERNIZATION ACT OF 2003 SHALL NOT APPLY DURING REMAINDER OF 110TH CONGRESS

Committee on Rules: Granted, by a record vote of 9 to 3, a rule providing that section 803 of the Medicare Prescription Drug, Improvement, and Modernization

Act of 2003 shall not apply during the remainder of the 110th Congress.

IMPROVING FEDERAL WATER; RESEARCH

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on A National Water Initiative: Coordinating and Improving Federal Research on Water. Testimony was heard from Jerry Johnson, General Manager, Water and Sewer Authority, District of Columbia; and public witnesses.

PREDATORS IN LONG-TERM CARE

Committee on Small Business: Subcommittee on Investigations and Oversight held a hearing entitled "The Impact of Predators in Long-Term Care on Small Business Operators." Testimony was heard from Kris Steele, member, House of Representatives, State of Oklahoma; and public witnesses.

STRATEGIC PETROLEUM RESERVE DEPLOYMENT

Select Committee on Energy Independence and Global Warming: Held a hearing entitled "Immediate Relief from High Oil Prices: Deploying the Strategic Petroleum Reserve." Testimony was heard from public witnesses.

Joint Meetings

FAMILY ECONOMIC ISSUES

Joint Economic Committee: Committee concluded a hearing to examine escalating household costs, static family income growth, and falling home prices, focusing on ways to help American families to deal with economic issues in a skillful and efficient manner, after receiving testimony from Elizabeth Warren, Harvard Law School, Cambridge, Massachusetts; Jared Bernstein, Economic Policy Institute, and David Kreutzer, Heritage Foundation, both of Washington, D.C.; and Kristen Lewis, American Human Development Project, New York, New York.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D928)*

S. 3145, to designate a portion of United States Route 20A, located in Orchard Park, New York, as the "Timothy J. Russert Highway". Signed on July 23, 2008. (Public Law 110–282)

H.R. 3403, to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E–911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E–911 access to those with disabilities. Signed on July 23, 2008. (Public Law 110–283)

H.R. 3712, to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse". Signed on July 23, 2008. (Public 110–284)

COMMITTEE MEETINGS FOR THURSDAY, JULY 24, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to receive a closed briefing on Iran, 9:30 a.m., S–407, Capitol.

Committee on Environment and Public Works: business meeting to consider a committee resolution, 9:30 a.m., SD–406.

Committee on Finance: to hold hearings to examine the Cayman Islands, focusing on offshore tax issues, 10 a.m., SD–215.

Subcommittee on Energy, Natural Resources, and Infrastructure, to hold hearings to examine tax and financing aspects of highway public-private partnerships, 2:15 p.m., SD–215.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nomination of James A. Williams, of Virginia, to be Administrator of General Services Administration, 11:30 a.m., SD–342.

Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine ways to improve federal program management using performance information, 2:30 p.m., SD–342.

Committee on Indian Affairs: to hold an oversight hearing to examine tribal courts and the administration of justice in Indian country, 9:30 a.m., SD–562.

Committee on the Judiciary: to hold hearings to examine crimes associated with polygamy, focusing on the need for a coordinated state and federal response, 10 a.m., SD–226.

House

Committee on Agriculture, Subcommittee on Conservation, Credit, Energy, and Research, hearing to review Renewable Fuels Standard implementation and agriculture producer eligibility, 10 a.m., 1300 Longworth.

Committee on Education and Labor, hearing on the Benefits of Physical and Health Education for Our Nation's Children, 10 a.m., and to mark up H.R. 1338, Paycheck Fairness Act, 1 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials, hearing entitled "Carbon Sequestration: Risks, Opportunities, and Protection of Drinking Water," 10 a.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "Long-Term Care Insurance: Are Consumers Protected for the Long Term?" 10 a.m., 2123 Rayburn.

Committee on Financial Services, to continue hearings entitled "Systemic Risk and the Financial Markets," 10 a.m., and to hold a hearing entitled "Implications of a Weaker Dollar for Oil Prices and the U.S. Economy," 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, to mark up the following: a measure To provide for conditions for the implementation of the U.S.-Russia Agreement for Peaceful Nuclear Cooperation, and for other purposes; a resolution Calling on the Government of the People's Republic of China to immediately end its abuses of the human rights of China's citizens, including its Tibetan, Uighur, and other

ethnic minority citizens and to end its support for the governments of Sudan and Burma to ensure that the Olympic games take place in an atmosphere that honors the Olympic traditions of freedom and openness; a resolution Commemorating nongovernmental organizations working to bring just and lasting peace between Israelis and Palestinians; H. Res. 1351, Expressing support for the United Nations African Union Mission in Darfur (NAMID) and calling upon United Nations Member States and the international community to contribute the resources necessary to ensure the success of UNAMID; H. Res. 1361, Expressing the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to defeat the campaign by some members of the Organization of Islamic Conference to divert the United Nation's Durban Review Conference from a review of problems in this own and other countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Charter of Human Rights and to ensure that the Durban Review Conference serves as a forum to review commitments to combat all forms of racism; and H. Con. Res. 374, Supporting the spirit of peace and desire for unity displayed in the letter from 138 Muslim scholars, and in the Pope's response, 9:30 a.m., 2172 Rayburn.

Subcommittee on Terrorism, Nonproliferation and Trade, hearing on Saving the NPT and the Nonproliferation Regime in an Era of Nuclear Renaissance, 11 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to mark up H.R. 3679, State Video Tax Fairness Act of 2007, 10 a.m., 2141 Rayburn.

Subcommittee on the Constitution, Civil Rights, and Civil Liberties, hearing on Lessons Learned from the 2004 Presidential Election, 1 p.m., 2141 Rayburn.

Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, hearing on Immigration Raids: Postville and Beyond, 11 a.m., 1310 Longworth.

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife and Oceans, hearing on the following bills: H.R. 6537, Sanctuary Enhancement Act of 2008; and H.R. 6204, Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act, 10 a.m., 1334 Longworth.

Subcommittee on National Parks, Forests and Public Lands, oversight hearing on Expanding Access to Federal Lands for People with Disabilities, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, hearing entitled "The Medicare Drug Benefit: Are Private Insurers Getting Good Discounts for the Taxpayer?" 10 a.m., 2154 Rayburn.

Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, hearing entitled "The Three R's of the Postal Network Plan: Realignment, Right-Sizing, and Responsiveness," 2 p.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Technology and Innovation, hearing on The National Windstorm Impact Reduction Program: Strengthening Windstorm Hazard Mitigation, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled "Economic Stimulus for Small Business: A Look Back and Assessing Need for Additional Relief," 10 a.m., 1539 Longworth.

Committee on Transportation and Infrastructure, hearing on FMCSA's Progress in Improving Medical Oversight of Commercial Drivers, 2 p.m., 2167 Rayburn.

Subcommittee on Aviation, hearing on Aviation Security: An Update, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Health, hearing on promoting health information technology, 10 a.m., 1100 Longworth.

Joint Meetings

Joint Economic Committee: to hold hearings to examine small market drugs, focusing on companies exploiting people with rare diseases, 10 a.m., SD–106.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, July 24

Senate Chamber

Program for Thursday: Senate will continue consideration of the motion to proceed to consideration of S. 3186, Warm in Winter and Cool in Summer Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, July 24

House Chamber

Program for Thursday: Complete consideration of H.R. 3999—National Highway Bridge Reconstruction and Inspection Act of 2008. Consideration of the Senate amendment to H.R. 5501—Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

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