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No. 160

## House of Representatives

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

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
October 22, 2007.

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,  
Speaker of the House of Representatives.

### MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### RECESS

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

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois) at 2 p.m.

### PRAYER

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

This weekend, Lord, made it possible to draw in deeply the fresh breath of autumn's air and notice the slight hesitancy in the season's coloring.

Let Your grace now burst forth upon this Nation. Set us on fire with compassionate love and a zeal for justice.

With violence, oppression, poverty and unfaithfulness all around us, we cannot, we will not lose sight of Your kingdom and its values. Enkindle within government and the people of this Nation a deep desire for what are lasting values and for what leads to the common good of us all.

Shake from us weak commitments and indifference that, as Your people, we may prove ourselves as colorful as the picturesque forest in sowing seeds of freedom and giving You glory now and forever. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

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

Mr. PASCRELL 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.

### GRATITUDE FOR THE VIRGIN ISLANDS NATIONAL GUARD

(Mrs. CHRISTENSEN asked and was given permission to address the House

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

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to welcome the 26 men and women of the 786th Quartermaster Battalion led by battalion commander LTC Michael McDonald back home to the Virgin Islands. It was an emotional homecoming yesterday after 14 long months, as all honored the memory of McDonald's cousin, LTC David Canegata III, and MSG Floyd Lake, who died when their Black Hawk helicopter was shot down in Iraq in January. Just last week I joined the families at the interment in Arlington Cemetery of the commingled remains of the 12 men and women who were lost that day.

MSG Hillis Benjamin, speaking for her fellow soldiers, summed up that running the base in Taji and making sure the troops were fully supplied had been a long, hard deployment for the battalion, and Commander McDonald thanked the soldiers for their "professionalism, commitment and patriotism," attributing their success to their working together as a strong team.

Mr. Speaker, I join my community in thanking God for their safe return and pray for the safe return of all of the members of the VI National Guard and all the other brave men and women who are serving today in Iraq and Afghanistan.

In fact, Mr. Speaker, it is time to begin to bring all of the troops in Iraq home.

### CONGRATULATING LOUISIANA GOVERNOR-ELECT BOBBY JINDAL

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to congratulate our colleague, BOBBY JINDAL, who on Saturday was elected to serve as the

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

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



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next Governor for the State of Louisiana. Republican Governor-elect JINDAL successfully defeated 11 opponents to become the youngest sitting Governor in America.

The son of immigrants, BOBBY has built a reputation as a hard worker and dedicated public servant. As a fellow Member of Congress, I have had the opportunity to work with BOBBY. I know from his representation here in Washington and his years of service to the citizens of his State that the people of Louisiana have elected a strong leader.

I want to congratulate BOBBY; his wife, Supriya; his dedicated staff; and his entire family for this wonderful victory. As Republican cochair of the Congressional Caucus on India and Indian Americans and a strong supporter of the Indian American community, I am grateful for BOBBY's success and praise him for being the first Indian-American Governor in our Nation's history.

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

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 18, 2007.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 18, 2007, at 5:53 p.m.:

That the Senate agreed to H. Con. Res. 182.  
That the Senate passed with an amendment and requests a conference with the House, appoints conferees, H.R. 3093.

With best wishes, I am,  
Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 19, 2007.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 19, 2007, at 9:39 a.m.:

That the Senate agreed to H. Con. Res. 222.  
That the Senate passed without amendment H.R. 1284.

That the Senate agreed to S. Con. Res. 51.  
That the Senate passed S. 2206.  
That the Senate passed S. 1839.

With best wishes, I am,  
Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 19, 2007.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 19, 2007, at 2:41 p.m. and said to contain a message from the President whereby he submits to the Congress an Executive Order, with an annex attached, he has issued with respect to Burma.

With best wishes, I am,  
Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

#### BLOCKING PROPERTY AND PROHIBITING CERTAIN TRANSACTIONS RELATED TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110-66)

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:*

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the "Order") that expands the scope of the national emergency declared in Executive Order 13047 of May 20, 1997, and takes additional steps with respect to that national emergency.

In 1997, the United States put in place a prohibition on new investment in Burma in response to the Government of Burma's large-scale repression of the democratic opposition in that country. On July 28, 2003, those sanctions were expanded by steps taken in Executive Order 13310, which contained prohibitions implementing sections 3 and 4 of the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61) and supplemented that Act with additional restrictions. I have now determined that the Government of Burma's continued repression of the democratic opposition in Burma, manifested most recently in the violent response to peaceful demonstrations, the commission of human rights abuses related to political repression, and engagement in public corruption, including by diverting or misusing Burmese public assets

or by misusing public authority, warrant an expansion of the existing sanctions.

The order incorporates existing designation criteria set forth in Executive Order 13310, authorizing the Secretary of the Treasury, after consultation with the Secretary of State, to designate any person determined to be a senior official of the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, or any successor entity to any of the foregoing. The order blocks the property and interests in property in the United States of persons listed in the Annex to the order and provides additional criteria for designations of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for, or to have participated in, human rights abuses related to political repression in Burma; to be engaged, or to have engaged, in activities facilitating public corruption by senior officials of the Government of Burma; to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, any successor entity to any of the foregoing, any senior official of any of the foregoing, or any person whose property and interests in property are blocked pursuant to Executive Order 13310 or section 1(b)(i)-(v) of the order; to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to Executive Order 13310 or section 1(b)(i)-(v) of the order; or to be a spouse or dependent child of any person whose property and interests in property are blocked pursuant to the order or Executive Order 13310.

The order leaves in place the existing prohibitions on new investment, the exportation or reexportation to Burma of financial services, and the importation of any article that is a product of Burma, which were put into effect in Executive Order 13047 and Executive Order 13310.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and section 4 of the Burmese Freedom and Democracy Act of 2003 as may be necessary to carry out the purposes of the order.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH,  
THE WHITE HOUSE, October 18, 2007.

#### IMMIGRATION

(Mrs. BLACKBURN asked and was given permission to address the House

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

Mrs. BLACKBURN. Mr. Speaker, the issue we hear of regularly is national security, from Tehran to Turkey, back to the local community: How does it impact me? That is what our constituents are asking. They are concerned about security from the national and the local level. I think many of them are frustrated that those of us in Congress haven't done anything to address the criminal illegal alien situation.

I want to let the body know last week the Board of Supervisors in Prince William County, Virginia, took a stand by unanimously approving a tough local crackdown on illegal immigrants. They are doing it to make their community a safer place. It denies some county services to illegal immigrants and adds to enforcement powers already available to cops on the beat.

We can do the same thing at the Federal level with the bipartisan CLEAR Act, which I introduced last month. It would get dangerous criminal aliens off the streets and require the Department of Homeland Security to pick them up within 48 hours.

It is H.R. 3494, the CLEAR Act. I would encourage my colleagues to cosponsor this bill and do what the Prince William supervisors have done: put citizen safety first.

#### SCHIP—POOR KIDS FIRST

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

Mr. PRICE of Georgia. Mr. Speaker, today I call on the Speaker to open up a positive dialogue with Republicans to find SCHIP solutions that put poor kids first. House Democrats have wrapped their expansion of bureaucratic Washington-run health care in so much deception and political theater that they have lost focus of what SCHIP is really all about, helping underprivileged kids. But as a recent Gallup poll has shown, American people now see through this insincere ploy and support keeping SCHIP rightfully focused on poor children.

It is unacceptable for the majority to continue exploiting the neediest of children in pursuit of an ideological agenda controlling health care decisions. This charade has gone on long enough, and the American people want solutions, not these political games. If Democrat leaders truly want to help needy children, now is the time to support a plan that reflects the original bipartisan intent of the program and the views of the American people. A positive solution will put poor kids first and promote the purchase of personal health care for all Americans. H.R. 3888 is such a bill.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

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

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

#### PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 189) to establish the Paterson Great Falls National Park in the State of New Jersey, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 189

*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 "Paterson Great Falls National Historical Park Act of 2007".*

##### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:  
(1) The Great Falls Historic District in Paterson, New Jersey, is the site that Alexander Hamilton selected to implement his vision of American economic independence and transform a rural agrarian society based on slavery into a global economy based on freedom.

(2) The Great Falls Historic District was designated as a National Historic Landmark in 1976 and President Gerald Ford declared it "a symbol of the industrial might which helps to make America the most powerful nation in the world".

(3) Section 510 of Public Law 104-333 established the Great Falls Historic District to recognize the contribution to our national heritage of certain historical, cultural, and natural resources of the historic district.

(4) Exceptional natural and cultural resources make the Great Falls Historic District America's only National Historic District that contains both a National Historic Landmark and a National Natural Landmark.

(5) Pierre L'Enfant's water power system at the Great Falls and the buildings erected around it over two centuries constitute the finest and most extensive remaining example of engineering, planning and architectural works that span the entire period of America's growth into an industrial power.

(b) PURPOSES.—The purposes of this Act are—  
(1) to establish a unit of the National Park System in Paterson, New Jersey, consisting of the Great Falls Historic District; and

(2) to foster activities among Federal, State, and local governments, non-profit organizations, and private donors to preserve, enhance, interpret, and promote the cultural sites, historic structures, and natural beauty of the Great Falls Historic District for the benefit of present and future generations.

##### SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) PARK.—The term "park" means the Paterson Great Falls National Historical Park established in section 4.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) COMMISSION.—The term "Commission" means the Paterson Great Falls National Historical Park Commission established in section 7.

##### SEC. 4. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve and interpret for the benefit of present and future

generations certain historical, cultural, and natural resources associated with the Great Falls National Historic District, there is established in the city of Paterson in the county of Passaic in the State of New Jersey the Paterson Great Falls National Historical Park as a unit of the National Park System.

(b) BOUNDARIES.—The park shall consist of approximately 109 acres as generally depicted on the map titled "Paterson Great Falls National Historical Park—Proposed Boundary", numbered T03/80,000, and dated June 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the city of Paterson.

##### SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1-4) and the Act of August 21, 1935 (16 U.S.C. 461-467).

(b) STATE AND LOCAL JURISDICTION.—Nothing in this section shall be construed to diminish, enlarge, or modify any right of the State of New Jersey or any political subdivision thereof, to exercise civil and criminal jurisdiction or to carry out State laws, rules, and regulations within the park.

##### (c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—In furtherance of the purposes of this Act, the Secretary is authorized, after consultation with the Commission, to enter into cooperative agreements with the owners of properties of natural, historical, or cultural significance within the park, pursuant to which agreements the Secretary may mark, interpret, restore, and provide technical assistance for the preservation of such properties and pursuant to which the Secretary may provide assistance, including management services and program implementation.

(2) RIGHT OF ACCESS.—Each cooperative agreement shall provide that the Secretary, through the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purpose of conducting visitors through such properties and interpreting them to the public.

(3) ALTERATION OF PROPERTIES.—Each cooperative agreement shall provide that no changes or alterations shall be made in the property covered by the agreement except by mutual agreement between the Secretary and the other party to the agreement.

##### (d) USE OF FEDERAL FUNDS.—

(1) CONVERSION, USE, OR DISPOSAL OF PROJECTS.—Any payment made by the Secretary pursuant to a cooperative agreement under this section shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in the right of the United States to reimbursement of all funds made available to the project or the portion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(2) MATCHING FUNDS.—As a condition of expending any funds appropriated to the Secretary for the purposes of cooperative agreements under this section, the Secretary shall require that such expenditure must be matched by expenditure of an equal amount of funds provided by non-Federal sources.

(3) DONATIONS.—With the approval of the Secretary, any donation of property, goods, or services from a non-Federal source may be considered as a contribution of funds from a non-federal source for purposes of this section.

##### SEC. 6. GENERAL MANAGEMENT PLAN.

Not later than 3 complete fiscal years after the date funds are made available for this purpose, the Secretary shall prepare, in consultation

with the Commission, and transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park in accordance with the provisions of section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)), popularly known as the National Park System General Authorities Act, and other applicable law.

**SEC. 7. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK COMMISSION.**

(a) **ESTABLISHMENT.**—There is hereby established the Paterson Great Falls National Historical Park Commission whose purpose shall be to assist and advise the Secretary in the development and implementation of the general management plan for the park.

(b) **MEMBERSHIP.**—

(1) **APPOINTMENTS.**—The Commission shall be composed of 9 members appointed by the Secretary, of whom—

(A) 4 members shall be from nominees submitted by the Governor of the State of New Jersey;

(B) 2 members shall be from nominees submitted by the City Council of Paterson;

(C) 1 member shall be from nominees submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

(D) 2 members shall be qualified to serve on the Commission because of their familiarity with national parks and historic preservation.

(2) **CHAIRPERSON; VICE CHAIRPERSON.**—The Commission shall elect one of its members as Chairperson and one as Vice Chairperson. The Vice Chairperson shall serve as chairperson in the absence of the Chairperson.

(3) **VACANCIES.**—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(4) **TERMS.**—Terms of service are as follows:

(A) The term of office of the Chairperson and Vice Chairperson shall be one year.

(B) Members of the Commission shall serve for terms of 3 years and may be reappointed not more than once.

(C) A member may serve after the expiration of his or her term until a successor has been appointed.

(5) **TIMELINE FOR APPOINTMENTS.**—The Secretary shall appoint the first members of the Commission not later than 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to paragraph (1).

(c) **COMPENSATION.**—Members of the Commission shall serve without pay, but while away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(d) **MEETINGS.**—The Commission shall meet at the call of the Chairperson or a majority of its members.

(e) **QUORUM.**—A majority of the Commission shall constitute a quorum.

(f) **STAFF.**—The Secretary shall provide the Commission with such staff and technical assistance as the Secretary, after consultation with the Commission, considers appropriate to enable the Commission to carry out its duties. The Secretary may accept the services of personnel detailed from the State of New Jersey, any political subdivision of the State or any entity represented on the Commission.

(g) **EXEMPTION.**—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) **TERMINATION.**—The Commission shall terminate 10 years after the date of the enactment of this Act.

**SEC. 8. ACQUISITION OF LAND.**

(a) **GENERAL AUTHORITY.**—The Secretary may acquire land or interests in land within the

boundaries of the park from willing sellers only by donation, purchase with donated or appropriated funds, or exchange.

(b) **STATE PROPERTY.**—Land or interests in land owned by the State of New Jersey or any political subdivision of the State may be acquired only by donation.

**SEC. 9. HINCHLIFFE STADIUM.**

Not later than three years after the date of the enactment of this Act, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium as listed on the National Register of Historic Places. The study shall include an assessment of the potential for listing as a National Historic Landmark as well as options for maintaining the historic integrity of the stadium.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

**GENERAL LEAVE**

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

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, soon after the Revolutionary War, Alexander Hamilton selected the area around the Great Falls of the Passaic River as a site for the first planned industrial center in America. Hamilton, then Secretary of the Treasury, invited Pierre L'Enfant to design the city in 1791. The result was the City of Paterson, New Jersey, which became one of the most important manufacturing centers in America during the Industrial Revolution. President Gerald Ford designated the Great Falls Historic District as a national historic landmark in 1976. The 104th Congress established an historic district and authorized the restoration, preservation, and interpretive program for the area.

H.R. 189, sponsored by our colleague, Representative BILL PASCRELL, the former mayor of Paterson, designates the historic district as a National Historic Park and a unit of the National Park System. This bill contains standard management language for NPS units.

This is a unique area and will make an excellent addition to our National Park System. Representative PASCRELL is to be commended for his tireless efforts on behalf of the legislation and the city and the people of Paterson. We urge the adoption of this bill by the House today.

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

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

Mr. Speaker, while H.R. 189 went through both a hearing and a full com-

mittee, but not subcommittee, markup, several issues have gone unresolved. The National Park Service conducted a study as requested by this body to determine whether the Great Falls Historic District in Paterson, New Jersey, should become a national park. The study concluded that the area did not meet the criteria for inclusion in the National Park System.

Now, if we entrust the National Park Service with the management of our own crown jewels, then why are we ignoring their expert judgment that this should not be a national park? I remind my colleagues that we requested the park service to tell us what should be done here.

I recognize also it is our responsibility and our right as the legislative branch to decide what will become a national park regardless of what the park service tells us. There are times when it is necessary to disagree with them. However, in this case, we do not even know what the costs are. We don't know, nor does the park service have any idea, how it would manage the area. That is what we asked them to tell us and they are not in a position to do that at this time.

Now, the park service has already got a full plate and a billion dollar maintenance backlog. They are not even keeping up with and taking care of the parks that have been entrusted to them. So is this really the time to add another park that doesn't meet the criteria to add to this burden with this designation?

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

□ 1415

Mr. GRIJALVA. Mr. Speaker, at this time I yield such time as he may consume to the gentlemen from New Jersey (Mr. PASCRELL), the sponsor of the legislation.

Mr. PASCRELL. Mr. Speaker, I am proud to rise today in strong support of the passage of the Paterson Great Falls National Park Act, H.R. 189. I want to extend my deepest gratitude to the Speaker, Chairman RAHALL and Chairman GRIJALVA for their tireless work in bringing this worthy legislation to the floor. I want to thank all the members of the New Jersey delegation, Democrats and Republicans. All of them endorsed this legislation.

As a lifelong Paterson resident, as the city's former mayor, I fought for many years to bring recognition to this site that has played such a seminal role in American history. The National Historic Park is the only way to properly showcase the significant cultural and historic landmarks and natural beauty that the Great Falls Historic Park District has to offer. This legislation ensures that it will get the recognition and support that it richly deserves.

Mr. Speaker, 15 miles west of New York City, the Great Falls was the second largest waterfall in Colonial America. At the Great Falls, Alexander

Hamilton conceived a plan to harness the force of water to power the new industries that would secure our economic independence. He told the Congress of the United States and the American people that at the Great Falls he would begin to implement his ambitious strategy to transform an agricultural society, dependent upon slavery, into a modern economy based on freedom.

How dare anyone imply that this is not significant. It was the power of the Great Falls. True to Hamilton's vision, Paterson became a great manufacturing city. It produced the Colt Revolver; the first submarine, John Holland, 1878; the aircraft engine for the first transatlantic flight; more locomotives than any city in the United States; more silk than any city in the world. This is not significant, Mr. Speaker? Cotton sails for the U.S. Navy early in the 19th century.

Mr. Speaker, scholars have concluded that Pierre L'Enfant's innovative water power system in Paterson and many factories built later constitute the finest remaining collection of engineering and architectural structures representing each stage of America's progress from a weak agrarian society to the leader in the global economy.

The Great Falls Historic District is the only national historic district that includes both a national natural resource and a national landmark, the only one in the entire Nation.

In a special bicentennial speech in Paterson, with the spectacular national beauty of the falls behind it, the President of the United States, the late Gerald Ford, in 1976, and I had the honor as a Democrat to introduce him that day, Mr. Speaker, said this: "We can see the Great Falls as a symbol of the industrial might which helps to make America the most powerful Nation in the world." Now, so many years later, we are that much closer to making the dream of a national park in Paterson a reality.

I do not see facts and figures here, Mr. Speaker. I see the faces of hard-working people from all over the world, who came to Paterson, came to the falls and worked in those factories. We are talking about human beings. We are talking about people who came here and made this country the greatest country in the world, who asked nothing, who didn't get a real living wage until years later. I am talking about those people who are not faceless, who do have names, who worked hard to give their children a better opportunity, a better place.

That was Alexander Hamilton's dream, to bring economic superiority to the United States, so that we would not pretend to be an agrarian society for the rest of our history. He introduced the Industrial Revolution; and then, secondly, to give equal opportunity to each person regardless of where he came from, what he looked like, how he cooked his food, how he spoke.

Mr. Speaker, this legislation enjoys bipartisan and widespread support. It is cosponsored by every member of the New Jersey congressional delegation. National conservation and historic organizations, our Nation's most renowned Hamiltonian scholars and distinguished professors throughout America have documented that this historic district is worthy of National Historic Park designation. When the park service says it is not worthy because we have other places, they were even against Lowell, Massachusetts. They didn't support Lowell, Massachusetts either.

This has to do with urban parks. This has to do with how we became the country we are today. Editorial boards, Federal, State, local officials and community groups have also endorsed the campaign to create a National Park Service unit. Today, on page 3, U.S. News, a full page on the Paterson Falls and two other places in the United States, where that historic district, where the park service was able to in partnership with the locality, with the State, to bring economic opportunity.

It is important to note, Mr. Speaker, that this park will be run as a partnership between the State of New Jersey and the Federal Government, as they already have a State park designated at the site. The National Park Service has a long history of Federal and State cooperation, from the Lowell National Historic Park to the Redwood National State Parks in California. It is park service policy to foster State and Federal partnerships to fund and manage parks. Great Falls will be no different.

Mr. Speaker, if the Great Falls District were added to the park system, Federal resources could be leveraged to revitalize the falls, the entire city, the entire area. Through this Federal partnership, the Great Falls will be transformed into an attraction for visitors and Patersonians alike that can lead to the economic revitalization of this entire area, be a living reminder of our Nation's rich industrial history with so many of our star places where we put purple ropes around them, "don't touch." That is not what we are talking about here. We are talking about living history.

Congress must act now to pass this vital piece of legislation, so that we may fully recognize these cultural and historic landmarks that have played such a decisive role in America's history. Today, Mr. Speaker, we have that opportunity. I hope we will all come together and support that opportunity.

Mr. GOHMERT. Mr. Speaker, I do need to address the question, and it may have been rhetorical, how dare anyone imply that this area is not significant? I haven't heard anybody imply such a thing. It is truly significant. That is not the issue. The issue is priorities.

We have been hearing for the last week how important it is for poor children to have health care insurance. There are so many priorities; yet there

are thousands and thousands of wonderfully historic significant pieces of property. No one, I would hope, would dare say that this area was not significant. It is quite significant.

Mr. Speaker, I yield such time as he may consume to my friend from Georgia (Mr. PRICE).

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

Mr. Speaker, I appreciate the passion of the gentleman from New Jersey. I share his passion for national parks, and I am sure that this area is a beautiful and a wonderful area. As such, it has already been designated as a National Historic District, which makes it eligible for about \$3 million in funding.

I would point out, as my friend from Texas said, that it is the National Park Service that said it didn't meet the criteria, not us. I am pleased, though, to hear from my friend from New Jersey that, in fact, the partnership with the State will be ongoing. I had understood that the State of New Jersey had not agreed to provide matching funds. I wonder if the gentleman might be able to clarify that.

Mr. PASCRELL. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentleman from New Jersey.

Mr. PASCRELL. Yes, the State of New Jersey has designated this as a State park. It has committed \$10 million to the project in true partnership. The municipality has also done the same thing.

Mr. PRICE of Georgia. Reclaiming my time, I appreciate that. That is information I had not had. My concern is kind of rising to the 30,000- or 40,000-foot view for the National Park Service.

Mr. Speaker, I represent the Sixth District of Georgia, which is on the northern side of the City of Atlanta, and through my district runs the Chattahoochee River National Recreation Area, a 48-mile long linear park, the longest linear park in our Nation.

Mr. Speaker, we have been trying to get accurate communication from the National Park Service about how they determine how much of their resources, their finite resources that they have, come to the various national parks across this Nation.

We asked that because, as my friend from Texas mentioned, the National Park Service appears to be at least \$1 billion, if not more, in arrears on their maintenance and operations budget. So the Chattahoochee River National Recreation Area has trails that are, in fact, a danger to those that visit this beautiful park. It is unable to patrol the park, again, a 48-mile linear park. It doesn't have the number of full-time equivalent employees that ought be there for this size park. When we look at other parks around the Nation, we see that parks of equivalent visitation, the same number of folks visiting each year, get a significantly greater budget. So as we try to drill down and find

out why that is, it appears that that is all political. For example, there is a park that a former Speaker of the House of Representatives had in his district, and that park gets four or five times the amount of funding that parks with the same visitation across this Nation get.

So we asked the National Park Service, what is your formula? How do you determine how much of your budget goes to various national parks and national recreation areas. Of course, we haven't been able to get that answer. It hasn't been just a week or two, Mr. Speaker; it has been years, years, that we have been trying to get that answer.

So I rise with great concern about the political nature of the relationship of the National Park Service and the priorities that they set. And as my friend from Texas raised, there may be some concerns about this bill that we have on the floor today about that matter as well.

So I raise a greater concern, a concern that I believe would be appropriate, to pull back this resolution and find out from the National Park Service the answer to those pivotal questions that Americans want to know, and that is is there any rationale to how you are spending your money. Where is the accountability in how you spend your money.

I appreciate the gentleman from New Jersey and his passion for this area. I am sure it is a beautiful and wonderful area, and I look forward to visiting it at some point in the future. But I believe we have got challenges and problems within the National Park Service. I hope we address those first.

Mr. GRIJALVA. Mr. Speaker, I would say to the gentleman from Georgia, if I am not mistaken, the original designation for the Chattahoochee National Recreation Area was also not supported by National Park Service, and I know that the people of Georgia are glad that this Congress used its legislative prerogative to create that designation.

With that, let me yield such additional time as he may consume to the sponsor of the legislation, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I want to address some of the cogent points that have been presented by the other side.

We are not talking about hundreds of square miles here. We are talking about 110 acres of land. We are talking about in the middle of that property the second largest falls in the East. We are talking about what Alexander Hamilton said in 1774, before the establishment of the Society of Useful Manufacturers, before America decided that it was going to go that industrial route so that we would have a multifaceted economy, he discerned that at that falls that water power would bring tremendous job growth and tremendous facilitation to economic growth and industrial growth.

He was right. He was absolutely right. No other industrial city, no

other city that brought the technology and science from England and from other parts of Europe had the success that Paterson had. There were seven or eight major areas, and I pointed them out and I am not going to do it again. I am going to tell you, there is no other area, and all powered by the falls.

Today, when we talk about alternative energy sources, and both sides of the aisle have been talking about it, and talking and talking and talking and talking, it was really at the falls that we had the beginnings of hydroelectric power.

□ 1430

I think the significance is not to be simply caught up in how beautiful the place is. We are not talking about aesthetics; we are talking about what the meaning of this place is, where all races and all creeds and all nationalities worked during what we call the Industrial Revolution.

This is a national landmark and a national natural landmark, and there is no other place in the United States that meets that criteria. Isn't that interesting. So while the park system opposed Lowell and opposed a lot of things, it is the Congress that will determine in the Constitution, the Congress will determine what is a park system and what is not. That is our authority; that is our responsibility. And today I hope, with your good sense, we will have bipartisan support of this legislation.

Mr. GOHMERT. Mr. Speaker, I have no further speakers, but I understand, and I have not had the privilege of visiting the Great Falls area, it is supposed to be one of the most beautiful areas and I am greatly appreciative of that. As I understand, this area is expected to include a microbrewery, a climbing wall, and an apartment complex is what was brought to my attention. And these of course raise other issues of liability. When we look around the country at all of the parks that are struggling right now to take care of their needs because the park service is a billion dollars in arrears as far as taking care of their current obligations, it should cause us to look carefully and go slowly in absorbing other land until we have the wherewithal to do so and the park service is able to work with Congress to come up with a solid plan to care for the park.

There are also other issues when you bring in these other things like a microbrewery, a climbing wall, and an apartment complex regarding liabilities that may arise. There are so many questions still out there yet to be resolved.

I have to say with regard to the Resources Committee, I am well pleased there are so many things that are completely bipartisan, and we have a number of them today. But because of the issues involved here, we will be asking our colleagues to vote "no" until we have a better plan.

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

Mr. GRIJALVA. Mr. Speaker, let me just in closing say this legislation, H.R. 189, this designation goes beyond a simple designation. It speaks to the strengthening of our independence as this Nation develops. It speaks to a beautiful natural resource that needs to be protected and designated, and it speaks to an historic legacy about people and industrial advancement that needs to be preserved and enhanced and designated for the whole Nation to appreciate. I want to thank the sponsor of the legislation and urge my colleagues to exercise the wisdom of Congress and approve H.R. 189.

Mr. HOLT. Mr. Speaker, I rise today to voice my strong support for H.R. 189, the Paterson Great Falls National Park Act of 2007. I am proud to be a cosponsor of this legislation along with the New Jersey Congressional delegation. I also want to thank my colleague, Mr. PASCRELL, a Paterson native and former mayor, for his hard work in drafting this bill and bringing it to the floor.

H.R. 189 will establish a National Park in Paterson, NJ, encompassing 118 acres of the Great Falls National Historic District and the adjacent Hinchliffe Stadium. These sites are of great historical significance to New Jersey and to the Nation at large.

In 1791, Alexander Hamilton created the Society for the Establishment of Useful Manufactures, a public-private corporation, to fulfill his vision of transforming the United States from an agrarian society into an industrial power. The society, in turn, established Paterson 1 year later as America's first planned industrial city.

Located 15 miles west of New York City, the centerpiece of Hamilton's industrial city is the Great Falls, a 77-foot waterfall on the Passaic River. After implementing engineer Pierre Charles L'Enfant's water power system, dozens of mills and manufacturing buildings were built on the banks of the Passaic, harnessing the hydropower made available by the Great Falls.

Paterson was the heart of the industrial revolution in the United States, with dozens of mills producing paper, cotton, and enough silk for Paterson to earn the nickname "Silk City." As one of the earliest centers of manufacturing in the United States, Paterson was also home to historic inventions such as Samuel Colt's first repeating revolver and inventor John Holland's early submarine prototypes.

Paterson's Great Falls is also the site of historic Hinchliffe Stadium, which served as the homefield for the New York Black Yankees of the Negro Leagues during America's Jim Crow era. Placed on the National Register of Historic Places in 2004, Hinchliffe Stadium is one of a handful of remaining stadiums used by Negro League baseball teams. Hinchliffe stadium hosted baseball legends such as Satchel Paige, Josh Gibson, and Larry Doby, who became the first African American to integrate the American League. The stadium is a poignant reminder of a bygone era of our country's national pastime.

With the passage of this bill, Members of the House will create a unique national park that protects a striking natural resource along with cultural and historical sites that tell the stories of our Founding Fathers, America's

economic rise and of the African American experience. I urge my colleagues to join me in supporting this bill.

Mr. GRIJALVA. 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 Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 189, as amended.

The question was taken.

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

Mr. PRICE of Georgia. 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.

#### DENALI NATIONAL PARK AND ALASKA RAILROAD EXCHANGE ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 830) to authorize the exchange of certain lands in Denali National Park in the State of Alaska, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

#### H.R. 830

*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 "Denali National Park and Alaska Railroad Exchange Act of 2007".*

#### SEC. 2. DEFINITIONS.

*In this Act:*

(1) CORPORATION.—The term "Corporation" means the Alaska Railroad Corporation owned by the State of Alaska.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

#### SEC. 3. EXCHANGE.

(a) IN GENERAL.—

(1) EASEMENT EXPANDED.—The Secretary is authorized to grant to the Alaska Railroad Corporation an exclusive-use easement on land that is identified by the Secretary within Denali National Park for the purpose of providing a location to the Corporation for construction, maintenance, and on-going operation of track and associated support facilities for turning railroad trains around near Denali Park Station.

(2) EASEMENT RELINQUISHED.—In exchange for the easement granted in paragraph (1), the Secretary shall require the relinquishment of certain portions of the Corporation's existing exclusive use easement within the boundary of Denali National Park.

(b) CONDITIONS OF THE EXCHANGE.—

(1) EQUAL EXCHANGE.—The exchange of easements under this section shall be on an approximately equal-acre basis.

(2) TOTAL ACRES.—The easement granted under paragraph (1) of subsection (a) shall not exceed 25 acres.

(3) INTERESTS CONVEYED.—The easement conveyed to the Alaska Railroad Corporation by the Secretary under this section shall be under the same terms as the exclusive use easement granted to the Railroad in Denali National Park in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985-994 of the Nenana Recording District,

Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.). The easement relinquished by the Alaska Railroad Corporation to the United States under this section shall, with respect to the portion being exchanged, be the full title and interest received by the Alaska Railroad in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985-994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.).

(4) COSTS.—The Alaska Railroad shall pay all costs associated with the exchange under this section, including the costs of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the costs of any surveys, and other reasonable costs.

(5) LAND TO BE PART OF WILDERNESS.—The lands underlying any easement relinquished to the United States under this section that are adjacent to designated wilderness are hereby designated as wilderness and added to the Denali Wilderness, the boundaries of which are modified accordingly, and shall be managed in accordance with applicable provisions of the Wilderness Act (78 Stat. 892) and the Alaska National Interest Lands Conservation Act of 1980 (94 Stat. 2371).

(6) OTHER TERMS AND CONDITIONS.—The Secretary shall require any additional terms and conditions under this section that the Secretary determines to be appropriate to protect the interests of the United States and of Denali National Park.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 830 was introduced by the gentleman from Alaska (Mr. YOUNG). The legislation would authorize an exchange of easements on land along the Alaska Railroad track inside the Denali National Park.

The exchange would make it possible for the railroad to build a turnaround track near the Denali Park station, helping to accommodate the increasing popularity of rail travel in the park.

Mr. Speaker, this is an exchange of easements only. No park land will change hands. The railroad has an existing easement along its entire track, granted as a result of the 1982 Alaska Railroad Transfer Act. But the easement will not accommodate the turnaround.

H.R. 830 would allow the Secretary of the Interior to grant a new easement for the turnaround. In exchange, the railroad will relinquish its existing easement on an approximate equal number of acres elsewhere along the current track.

Mr. Speaker, we support H.R. 830, as amended, and recommend its adoption by the House today.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I thank the chairman of the full committee and the chairman of the subcommittee for allowing this legislation to come to the floor of the House.

As a sponsor of H.R. 830 and of the Alaska Railroad Transfer Act of 1982, I am pleased we are considering this legislation today. Although it is small, the land exchange provided by H.R. 830 will improve the ability of the Alaska Railroad Corporation to serve its customers who wish to visit Denali National Park. The construction of a turnaround track will increase scheduling frequency and flexibility. This not only reduces overcrowding of Denali at any one time, it makes the Park Service's job of managing visitation much smoother.

This is a noncontroversial bill and enjoys the support of the National Park Service, the State of Alaska which owns the railroad, and the National Parks Conservation Association.

For anyone who has not traveled on the Alaska Railroad, it is a journey you should not miss. For those who have had an opportunity to enjoy the splendor of Alaska's scenery aboard the train, I am sure you will agree it is a first-class experience.

You may not know, but Alaska Railroad was once owned by the Federal Government; but Congress in its wisdom passed bipartisan legislation in 1982 to transfer the railroad to the State of Alaska. As Congress faces immense backlogs in caring for Federal assets, perhaps there is a lesson to be learned here. We might consider transferring more of these assets to the States. Alaska has proven it can take a Federal asset like the Alaska Railroad and manage it for the benefit of everyone who uses it. I believe this is a fine piece of legislation.

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

Mr. GRIJALVA. 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 Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 830, as amended.

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

The title was amended so as to read: "A bill to authorize the exchange of certain interests in land in Denali National Park in the State of Alaska."

A motion to reconsider was laid on the table.

HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2197) to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes.

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 2197

*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 "Hopewell Culture National Historical Park Boundary Adjustment Act".

**SEC. 2. BOUNDARY EXPANSION.**

Section 2 of the Act entitled "An Act to rename and expand the boundaries of the Mound City Group National Monument in Ohio", approved May 27, 1992 (106 Stat. 185), is amended—

(1) by striking "and" at the end of subsection (a)(3);

(2) by striking the period at the end of subsection (a)(4) and inserting "; and";

(3) by adding after subsection (a)(4) the following new paragraph:

"(5) the map entitled 'Hopewell Culture National Historical Park, Ohio Proposed Boundary Adjustment' numbered 353/80,049 and dated June, 2006."; and

(4) by adding after subsection (d)(2) the following new paragraph:

"(3) The Secretary may acquire lands added by subsection (a)(5) only from willing sellers."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 2197 was introduced by the gentleman from Ohio (Mr. SPACE). The legislation would modify the boundaries of the Hopewell Culture National Historical Park in south central Ohio to add two tracts, totaling almost 360 acres.

The Hopewell Culture was a pre-European civilization best known for the numerous mounds and earthworks found throughout the Ohio Valley. The current park boundary encompasses five sites totaling 1,174 acres. H.R. 2197 would add two tracts, the 177-acre Spruce Hill Works unit and the 180-acre addition to the existing Seip Earthworks unit.

Mr. Speaker, the National Park Service has testified in support of the legislation, and it was approved by the Resources Committee by unanimous consent. This addition to our National

Park System will preserve important sites from our Nation's past.

I commend the gentleman from Ohio (Mr. SPACE) for his diligence in bringing this bill to the House. Representative SPACE is on his way back from his district this afternoon, but will submit a statement for the RECORD.

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

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. GOHMERT) will control the time.

There was no objection.

Mr. GOHMERT. Mr. Speaker, I believe the National Parks Subcommittee chairman has adequately explained this bill, and we have no objection.

Mr. SPACE. Mr. Speaker, it is with great excitement that I share my support for H.R. 2197, the Hopewell Culture National Historical Park Boundary Adjustment Act, with the House today. Passage of this legislation will help to ensure the protection of a national archaeological treasure in Ohio's 18th Congressional District.

I would like to begin by offering my thanks to Chairmen RAHALL and GRIJALVA for their gracious assistance in assuring this legislation was heard both by the Committee and the House of Representatives. The House is fortunate to have the service of both of these Members.

H.R. 2197 permits the expansion of the boundaries of Hopewell Culture National Historical Park in two areas. Hopewell Culture National Historical Park is home to historical remains of the Hopewell Culture, a culture of Native Americans that thrived between the years of 200 BC and 500 AD. This culture was known for the creation of large enclosures characterized by earthen walls, many of which still stand today.

The proposed border expansion is not an arbitrary one. Earlier this year, a parcel of land known as Spruce Hill became available for sale. Spruce Hill is home to many archaeological remains of interest to historians and archaeologists, and significant natural phenomena that piqued the interest of the environmental community. In fact, legislation passed by Congress in 1980 ordered the Department of the Interior to perform a study on the relevance of Spruce Hill to the Hopewell culture for the purposes of a possible expansion. The report, released in 1998, found that Spruce Hill is an "outstanding example of a particular class of Hopewellian monumental architecture," confirming the importance of adding this land to the Park.

Spruce Hill was scheduled for public auction by the owner last June. I, like many of the residents of Ross County, were concerned that this land might be transferred to an owner uninterested in preserving its historical treasures. Fortunately, a land trust created by a group of concerned citizens and other interested parties were successful in raising enough funds to purchase the land before it was put up for auction. I am pleased to say that the land is currently in safe hands.

H.R. 2197 will allow the federal government to expand the borders of Hopewell Culture National Historical Park to include Spruce Hill, ensuring it takes its proper place within the boundaries of a park meant to commemorate an important chapter in the history of America.

Historians will tell you that the Hopewell culture is a chapter of American history in need of further exploration. Dr. Brad Lepper of the Ohio Historical Society testified before the Subcommittee on National Parks in June that Spruce Hill was an untapped resource that could offer answers to many historical questions about this culture, and even raise new questions of interest.

I urge my colleagues to join me in passage of H.R. 2197 today. Its passage is both timely and critical to the protection of our culture.

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

Mr. GRIJALVA. 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 Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 2197.

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

A motion to reconsider was laid on the table.

MESA VERDE NATIONAL PARK BOUNDARY EXPANSION ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 783) to modify the boundary of Mesa Verde National Park, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 783

*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 "Mesa Verde National Park Boundary Expansion Act of 2007".

**SEC. 2. FINDINGS; PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) on June 29, 1906, Mesa Verde National Park was established as the first national park in the United States to preserve the works of humanity;

(2) on September 6, 1978, Mesa Verde National Park became the first World Heritage Site designated in the United States; and

(3) Mesa Verde National Park protects some of the best preserved and notable archeological sites of the ancient Puebloan culture that flourished in the southwestern United States from approximately 600–1300, including the elaborate stone villages in the sheltered alcoves of the canyon walls referred to as "cliff dwellings".

(b) PURPOSES.—The purposes of this Act are—

(1) to modify the boundary of Mesa Verde National Park—

(A) to protect the archeological sites located on property adjacent to the Park boundary;

(B) to extend and expand the knowledge and understanding of the ancient Puebloan culture, a major influence in the development of the southwestern United States;

(C) to protect from potential development the scenic and biological value of the pinyon-juniper covered hills that—

(i) border the Park; and

(ii) are in full view of the Park entrance road; and

(D) to protect the largest recorded colony of the globally imperiled Gray's Townsend Daisy, to ensure continuation of a major wildlife corridor, and to protect important habitat for wildlife; and

(2) to provide greater opportunities to visitors, researchers, and surrounding communities to understand and appreciate the natural environment of Mesa Verde and the contributions of the ancient Puebloan culture to the region by providing the land required to construct a contemporary museum collections storage facility and visitor orientation center.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **MAP.**—The term “map” means the map entitled “Mesa Verde National Park Proposed Boundary Adjustment”, numbered 307/80,180, and dated March 1, 2007.

(2) **PARK.**—The term “Park” means the Mesa Verde National Park in the State of Colorado.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

### SEC. 4. MESA VERDE NATIONAL PARK.

(a) **ACQUISITION OF LAND.**—

(1) **IN GENERAL.**—The Secretary may acquire the land or an interest in the land described in subsection (b) for addition to the Park.

(2) **MEANS.**—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a)(1) is the approximately 360 acres of land adjacent to the Park, as generally depicted on the map.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(d) **BOUNDARY MODIFICATION.**—The boundary of the Park shall be revised to reflect the acquisition of the land under subsection (a).

(e) **ADMINISTRATION.**—The Secretary shall administer any land or interest in land acquired under subsection (a)(1) as part of the Park in accordance with the laws (including regulations) applicable to the Park.

### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

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

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 783 authorizes a boundary expansion at Mesa Verde National Park in southwestern Colorado of approximately 362 acres. Mesa Verde National Park, established in 1906, contains the most extensive concentration of cliff-dwellings in the United States.

H.R. 783 authorizes the acquisition of two parcels of the land that border the park. One parcel is in full view of the park's entrance road and contains important archaeological sites, an ancient forest, and the largest known population of a globally imperiled plant. This parcel is currently zoned for a subdivision, but the owners would prefer to protect the property through inclusion in the park.

The second parcel is currently owned by a park partner, the Mesa Verde Foundation.

□ 1445

The foundation intends to donate the parcel to the park for the development of a visitor information center and museum collection facility but cannot do so until the park boundary is expanded.

Mr. Speaker, the administration has testified in support of this legislation, the Natural Resources Committee approved the legislation with a minor amendment by unanimous consent.

I want to acknowledge, at this point, the hard work of the bill's sponsor, Representative JOHN SALAZAR, in bringing this important legislation forward. We support this bill and urge its adoption by the House today.

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

Mr. GOHMERT. Mr. Speaker, once again, I think my friend from Arizona has adequately explained the bill. We support it and I have no objections, and even though it's unusual here in Congress to yield back any time, we do so yield back our time.

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the sponsor of this legislation, Representative JOHN SALAZAR.

Mr. SALAZAR. Mr. Speaker, I first want to thank Chairman GRIJALVA for assistance in moving this important piece of legislation forward.

I introduced H.R. 783, along with my friend and colleague MARK UDALL from Colorado, to expand the boundary of Mesa Verde National Park. Mesa Verde National Park protects the most notable and best-preserved cliff dwellings in this country. The park is also vital to the economy of southwest Colorado.

Established by Congress in June 1906, Mesa Verde National Park was the first cultural park to be set aside in the National Park System.

Over 1,400 years ago, the Puebloans settled at Mesa Verde where they built elaborate stone communities in the protected alcoves of the canyon, calling it home for over 700 years.

When President Teddy Roosevelt signed the law establishing Mesa Verde, he claimed that it was to “preserve the works of man.”

The establishment of Mesa Verde set off intense public interest in preserving other such sites in the American southwest and nationwide. Today, the towns of Cortez and Mancos, in Montezuma County, Colorado, rely heavily on tourism from Mesa Verde National Park.

H.R. 783 authorizes the National Park Service to acquire two critically important plots at the gateway to Mesa Verde National Park. One is a 324-acre tract of private land to be acquired from the Henneman family. I want to credit the Henneman family, as they remained steadfast in their termination to see the property included in this park, and I'd like to thank them for their dedication.

The second plot of land is a 38-acre tract to be donated to the National

Park Service by the Mesa Verde Foundation. With passage of H.R. 783, the National Park Service will have the authority to accept the generous donation of this parcel from the foundation.

In keeping with the longstanding tradition of preserving the resources and cultural heritage at Mesa Verde National Park, H.R. 783 will greatly enhance the visitor experience at Mesa Verde for future generations of Americans.

I urge the House to adopt this important piece of legislation, and I urge my colleagues to someday come out and visit Mesa Verde National Park.

Mr. GRIJALVA. 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 Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 783, as amended.

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

A motion to reconsider was laid on the table.

#### DWIGHT D. EISENHOWER MEMORIAL COMMISSION

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2094) to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2094

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

#### SECTION 1. DWIGHT D. EISENHOWER MEMORIAL COMMISSION.

*Section 8162 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1274) is amended—*

*(1) by striking subsection (j) and inserting the following:*

*“(j) POWERS OF THE COMMISSION.—*

*“(1) IN GENERAL.—*

*“(A) POWERS.—The Commission may—*

*“(i) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;*

*“(ii) solicit and accept contributions to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial;*

*“(iii) hold hearings and enter into contracts;*

*“(iv) enter into contracts for specialized or professional services as necessary to carry out this section; and*

*“(v) take such actions as are necessary to carry out this section.*

*“(B) SPECIALIZED OR PROFESSIONAL SERVICES.—Services under subparagraph (A)(iv) may be—*

*“(i) obtained without regard to the provisions of title 5, United States Code, including section 3109 of that title; and*

*“(ii) may be paid without regard to the provisions of title 5, United States Code, including chapter 51 and subchapter III of chapter 53 of that title.*

“(2) GIFTS OF PROPERTY.—The Commission may accept gifts of real or personal property to be used in carrying out this section, including to be used in connection with the construction or other expenses of the memorial.

“(3) FEDERAL COOPERATION.—At the request of the Commission, a Federal department or agency may provide any information or other assistance to the Commission that the head of the Federal department or agency determines to be appropriate.

“(4) POWERS OF MEMBERS AND AGENTS.—

“(A) IN GENERAL.—If authorized by the Commission, any member or agent of the Commission may take any action that the Commission is authorized to take under this section.

“(B) ARCHITECT.—The Commission may appoint an architect as an agent of the Commission to—

“(i) represent the Commission on various governmental source selection and planning boards on the selection of the firms that will design and construct the memorial; and

“(ii) perform other duties as designated by the Chairperson of the Commission.

“(C) TREATMENT.—An authorized member or agent of the Commission (including an individual appointed under subparagraph (B)) providing services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of chapter 171 of title 28, United States Code, relating to tort claims.

“(5) TRAVEL.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.”;

(2) by redesignating subsection (o) as subsection (q); and

(3) by adding after subsection (n) the following:

“(o) STAFF AND SUPPORT SERVICES.—

“(1) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission to be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

“(2) STAFF.—

“(A) IN GENERAL.—The staff of the Commission may be appointed and terminated without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, except that an individual appointed under this paragraph may not receive pay in excess of the maximum rate of basic pay for GS-15 of the General Schedule.

“(B) SENIOR STAFF.—Notwithstanding subparagraph (A), not more than 3 staff employees of the Commission (in addition to the Executive Director) may be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule

“(3) STAFF OF FEDERAL AGENCIES.—On request of the Commission, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this section.

“(4) FEDERAL SUPPORT.—The Commission shall obtain administrative and support services from the General Services Administration on a reimbursable basis. The Commission may use all contracts, schedules, and acquisition vehicles allowed to external clients through the General Services Administration.

“(5) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with Federal agencies, State, local, tribal and international governments, and private interests and organizations which will further the goals and purposes of this section.

“(6) TEMPORARY, INTERMITTENT, AND PART-TIME SERVICES.—

“(A) IN GENERAL.—The Commission may obtain temporary, intermittent, and part-time services under section 3109 of title 5, United States Code, at rates not to exceed the maximum annual rate of basic pay payable under section 5376 of that title.

“(B) NON-APPLICABILITY TO CERTAIN SERVICES.—This paragraph shall not apply to services under subsection (j)(1)(A)(iv).

“(7) VOLUNTEER SERVICES.—

“(A) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation.

“(B) REIMBURSEMENT.—The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

“(C) LIABILITY.—

“(i) IN GENERAL.—Subject to clause (ii), a volunteer described in subparagraph (A) shall be considered to be a volunteer for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

“(ii) EXCEPTION.—Section 4(d) of the Volunteer Protection Act of 1997 (42 U.S.C. 14503(d)) shall not apply for purposes of a claim against a volunteer described in subparagraph (A).

“(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

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

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, there's no doubt that Dwight Eisenhower played a significant role in American history. His service as a military leader, both during war and in peacetime, as our Nation's 34th President and as a statesman and a scholar are deserving of a memorial here in our Nation's capital.

Plans to establish such a memorial, a site across the street from the Smithsonian Air and Space Museum, are well underway. The commission established to oversee the memorial is now developing a design concept. Once the design is approved, the commission will oversee construction of the memorial.

H.R. 2094, sponsored by our colleague from Kansas, Representative DENNIS MOORE, makes technical changes to the staff organization and administrative authority of the commission. These changes are necessary as the commission transitions from the planning phase to the construction phase.

Representative MOORE has worked very hard in this very difficult process to help get this memorial established.

Thanks to his efforts, and those of the commission, future visitors to Washington will come away with a better understanding of President Eisenhower's place in American history.

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

Mr. GOHMERT. Mr. Speaker, I believe the bill has been properly explained.

I would like to add a personal touch as a Member of Congress from Texas. We are proud that a Texan like Dwight Eisenhower is being honored. Not many people are aware, since he grew up in Kansas, that he was born in Denison, Texas, but there was so much about this great man to be admired. It is a wonderful tribute, and of course, as chairman of the National Parks Subcommittee has indicated, this is not the beginning of the process. This is continuing the ongoing process to make this a reality.

So we are very pleased that it's occurring. Of course, from a personal standpoint, I like the fact that he was a Republican and especially liked his hairline, but especially what he did for this Nation and shoring us up, protecting us in World War II, guiding this Nation as its President. This is a wonderful tribute, and I appreciate the work of the chairman in bringing this about.

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

Mr. GRIJALVA. Mr. Speaker, let me indicate at this time that Representative MOORE, the sponsor of the legislation, is in his district and will have a statement to submit for the RECORD.

Mr. MOORE of Kansas. Mr. Speaker, I rise today in support of a bill that I sponsored with Representatives JERRY MORAN, TODD TIAHRT, NANCY BOYDA, LEONARD BOSWELL, and MAC THORNBERRY. As an Executive Committee member of the Dwight D. Eisenhower Memorial Commission, I know that this legislation is important to our continuing efforts to establish a national, permanent memorial to President Eisenhower. H.R. 2094 would make important amendments to the statute establishing the Eisenhower Memorial Commission, so that it can more effectively discharge its duties.

Congress created the Eisenhower Memorial Commission in 1999 and charged the Commission with establishing a national memorial to Dwight David Eisenhower to honor his memory and commemorate his contributions to the Nation. The Commission is completely bipartisan, consisting of four Senators, four Representatives, and four private citizens. The Commission keeps an office in Washington, D.C., with four full-time staff, including an Executive Director and Executive Architect.

Since determining a preferred site in June 2005, the Commission has worked tirelessly to speed the progress of the memorialization. In September 2006, only fifteen months later, the Commission received final site approval from the National Capital Planning Commission and the Commission of Fine Arts. The National Eisenhower Memorial will be located across the street from the National Air and Space Museum at the intersection of Maryland and Independence Avenues, SW. The site is surrounded by institutions like either created or

profoundly influenced, including the Department of Education.

The Commission is now engaged in Pre-Design Programming, a concerted effort to determine what the memorial should be. Eisenhower family members, Eisenhower contemporaries, historians, Kansans, and many others have been interviewed on their vision for the memorial. A voluntary online questionnaire is available to the public. Although there are many diverse opinions on Ike's greatest achievement and the appropriate focus for his memorial, all agree that Eisenhower is, as Michael Korda presents in his new biography, "an American hero."

I am particularly proud to claim one of the greatest 20th-century Americans as a fellow Kansan. He ranks as one of the preeminent figures in the global history of the 20th century. Dwight Eisenhower spent his entire life in public service. His most well-known contributions include serving as Supreme Commander of the Allied Expeditionary Forces in World War II and as 34th President of the United States, but Eisenhower also served as the first commander of NATO and as President of Columbia University. Dramatic changes occurred in America during his lifetime, many of which he participated in and influenced through his extraordinary leadership as President. Although Ike grew up before automobiles existed, he created the Interstate Highway System and took America into space. He created NASA, the Department of Health, Education, and Welfare, and the Federal Aviation Administration. He added Hawaii and Alaska to the United States and ended the Korean War. President Eisenhower desegregated the District of Columbia and sent federal troops into Little Rock, Arkansas, to enforce school integration. He defused international crises and inaugurated the national security policies that guided the nation for the next three decades, leading to the peaceful end of the Cold War. A career soldier, Eisenhower championed peace, freedom, justice and security, and as President he stressed the interdependence of those goals. He spent a lifetime fulfilling his duty to his country, always remembering to ask what's best for America.

The development of the Pre-Design Program will produce three books to serve as an information packet for potential designers and the eventual design team for the memorial. The reasons for building a memorial to Eisenhower are only one part of the challenge set out in the Pre-Design Program. Technical considerations and guidance from the National Park Service are also included. Issues from preserving the historic view to the U.S. Capitol to providing a National Park Service Ranger station at the site are presented. This stage is the last major step prior to procuring a design team.

While the Eisenhower Memorial Commission has so far been able to efficiently manage the memorialization process, the tasks involved in design and construction require revised administrative and operational authority. H.R. 2094 provides the needed revisions and will enable the Commission to work more efficiently and effectively during design and construction when quick turnaround times are vital and daily decisions must be made. The authority provided in this legislation is based on the authority given to temporary commissions in existence for up to three years. The Eisenhower Memorial Commission has similar

needs, but exists for no set time period. The Commission will exist until the completion of the memorial.

For example, H.R. 2094 will enable the Commission to hire temporary federal employees instead of contract consultants, simplifying administration of staffing and covering the liability of its employees. H.R. 2094 will also provide for the Executive Architect to represent the Commission on the panels that will select the design team for the memorial. As currently written, the Commission's legislation prohibits its staff or members from participating in the determination of the design team.

H.R. 2094 will enable the Commission to continue working not only to ensure that the National Eisenhower Memorial is an inspiration to future generations, but also to ensure that the memorialization process is an example of responsible public work. I urge my colleagues to support passage of this measure today and I thank the leadership of the House Natural Resources Committee and of the House, as a whole, for bringing this bill before us today.

Mr. GRIJALVA. 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 Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 2094, as amended.

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

A motion to reconsider was laid on the table.

#### DOUGLAS COUNTY, WASHINGTON, PUD CONVEYANCE ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 523) to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 523

*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 "Douglas County, Washington, PUD Conveyance Act".*

#### SEC. 2. DEFINITIONS.

*In this Act:*

(1) **PUBLIC LAND.**—The term "public land" means the approximately 622 acres of Federal land managed by the Bureau of Land Management and identified for conveyance on the map prepared by the Bureau of Land Management entitled "Douglas County Public Utility District Proposal" and dated March 2, 2006.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(3) **PUD.**—The term "PUD" means the Public Utility District No. 1 of Douglas County, Washington.

(4) **WELLS HYDROELECTRIC PROJECT.**—The term "Wells Hydroelectric Project" means Federal Energy Regulatory Commission Project No. 2149.

#### SEC. 3. CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON.

(a) **CONVEYANCE REQUIRED.**—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required under subsection (b), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary of the Interior an offer to acquire the public land for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.

(b) **APPRAISAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions" and the "Uniform Standards of Professional Appraisal Practice".

(c) **PAYMENT.**—Not later than 30 days after the date on which the public land is conveyed under this section, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under subsection (b).

(d) **MAP AND LEGAL DESCRIPTIONS.**—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the public land to be conveyed under this section. The Secretary may correct any minor errors in the map referred to in section 2 or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(e) **COSTS OF CONVEYANCE.**—As a condition of conveyance, any costs related to the conveyance under this section shall be paid by the PUD.

(f) **DISPOSITION OF PROCEEDS.**—The Secretary shall deposit the proceeds from the sale in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) to be expended to improve access to public lands administered by the Bureau of Land Management in the State of Washington.

#### SEC. 4. SEGREGATION OF LANDS.

(a) **WITHDRAWAL.**—Except as provided in section 3(a), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws, and all amendments thereto;

(2) location, entry, and patenting under the mining laws, and all amendments thereto; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

(b) **DURATION.**—This section expires two years after the date of enactment of this Act or on the date of the completion of the conveyance under section 3, whichever is earlier.

#### SEC. 5. RETAINED AUTHORITY.

The Secretary shall retain the authority to place conditions on the license to insure adequate protection and utilization of the public land granted to the Secretary in section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) until the Federal Energy Regulatory Commission has issued a new license for the Wells Hydroelectric Project, to replace the original license expiring May 31, 2012, consistent with section 15 of the Federal Power Act (16 U.S.C. 808).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, the Wells Hydroelectric Project, operated by the Public Utility District in Douglas County, provides electricity to approximately 17,000 customers in Washington State. The central feature of the project is a dam on the Columbia River.

The utility district is in the early stages of the Federal Energy Regulatory Commission's relicensing process. The project's current license was granted in 1962 and will expire in May 2012. An application for relicensing must be submitted by 2010.

H.R. 523 directs the Secretary of the Interior to sell 662 acres of BLM land within the project boundary to the utility district and requires the district to pay the appraised fair market value of the land.

Importantly, the legislation requires that, even after the conveyance takes place, the Secretary of the Interior will retain authority under the Federal Power Act to place conditions on the utility district's new license, if necessary, to protect the natural resources of the area.

Mr. Speaker, we have worked closely with the sponsor and our minority colleagues on the Natural Resources Committee to improve this legislation. We thank them for that and appreciate it very much.

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

Mr. GOHMERT. Mr. Speaker, I rise in support of H.R. 523 and yield myself such time as I may consume.

First, I would like to thank Committee Chairman RAHALL and Subcommittee Chairman GRIJALVA for scheduling and for pushing this important legislation. This straightforward bill allows for the conveyance of a few small pieces of public land to the Douglas Public Utility District for fair market value and then dedicates the sales proceeds to improving public access to existing Bureau of Land Management lands in Washington State. This conveyance from one public agency to another will better facilitate the use of this land.

Congressman DOC HASTINGS is also to be commended for his work. He has worked and pushed, and it's great to see this all coming to fruition. Congressman HASTINGS is traveling from his district at this time and cannot be here.

Mr. HASTINGS of Washington. Madam Speaker, I strongly support H.R. 523, legislation I introduced to convey certain Bureau of

Land Management land to the Douglas County Public Utility District in Washington state. The Douglas County PUD operates the Wells Hydropower Project on the Columbia River, in North Central Washington. The PUD manages the Wells Hydroelectric Dam and the associated reservoir for multiple purposes, including power generation, fish and wildlife protection, and recreation. Almost all of the land encompassing the project area is owned by the PUD, with the exception of several small BLM holdings.

Passing this legislation enables the PUD to manage the project in a far more efficient manner. It also allows the BLM to concentrate its limited resources elsewhere, in areas where there are large contiguous blocks of BLM land. It is clear that we can achieve a better and more efficient management of our resources with this land conveyance.

In addition, since the Douglas PUD is a public agency under Washington state law, this conveyance simply moves land from the control of one public agency to the control of another agency. It is also important to note that the Douglas PUD has a stellar reputation as a steward of the environment. They worked diligently with federal and state agencies, tribal governments, and environmental groups to develop a model Habitat Conservation Plan for salmon and steelhead. The PUD also protects other forms of wildlife and provides public access wherever possible.

As my colleagues may recall, similar legislation passed the House last year under suspension. There is one important addition to the legislation this year. H.R. 523 calls for the proceeds of this land sale to be used to improve public access to existing BLM lands in Washington state. I am pleased that I was able to reach a consensus with members of the Natural Resources Committee to ensure that the proceeds from this sale will stay in the state where the land conveyance occurred—my home state of Washington. I am also pleased to note that these funds will go towards increasing the ability of our constituents to access their public lands.

It is my intention to see that these funds go towards projects like the Juniper Dunes Wilderness Area in Washington state. Due to its close proximity to the Tri-Cities, Juniper Dunes is a highly popular recreation area for serious hikers as well as families who are looking for an interesting place to explore with their children. Despite its popularity, it is extremely difficult for the public to visit Juniper Dunes. The Dunes are currently surrounded by private lands. Therefore, in order to visit the public area, one has to cross private property. H.R. 523 gives the BLM the financial resources and the flexibility they need to improve access to Juniper Dunes.

Finally, I am pleased that I was able to work with the Resources Committee to include language clarifying that the BLM will retain authority under the Federal Power Act for the current FERC relicensing of the Wells project. This authority will remain with the BLM until a new license is in place, which is expected in 2012.

I want to thank my colleagues on the Natural Resources Committee, specifically Chairman RAHALL, Ranking Member YOUNG and Subcommittee Chairman GRIJALVA and Subcommittee Ranking Member BISHOP and their staffs for all their hard work on this legislation. H.R. 523 will benefit the Douglas County PUD,

the BLM as well as improve vitally needed public access throughout Washington state. I urge my colleagues to support this legislation.

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

Mr. GRIJALVA. 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 Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 523, 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. GRIJALVA. 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.

#### VIRGIN ISLANDS NATIONAL PARK SCHOOL LEASE ACT

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 53) to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 53

*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 "Virgin Islands National Park School Lease Act".*

#### SEC. 2. LONG-TERM LEASE, VIRGIN ISLANDS NATIONAL PARK, SAINT JOHN, VIRGIN ISLANDS.

(a) *LEASE AUTHORIZED.*—The Secretary of the Interior may lease to the Government of the United States Virgin Islands a parcel of real property, including any improvements thereon, located within the boundaries of Virgin Islands National Park on the island of Saint John, Virgin Islands, as depicted on the map entitled "Virgin Islands National Park School Exchange", numbered 161/80,037, and dated September 19, 2007, for the purpose of providing a suitable location for the establishment of a school by the Government of the United States Virgin Islands on the island.

(b) *TERM OF LEASE.*—The lease authorized by subsection (a) may not exceed a term of 99 years.

(c) *AVAILABILITY OF MAP.*—The map referred to in subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) *ADDITIONAL TERMS AND CONDITIONS.*—The Secretary may require such additional terms and conditions in connection with the lease under this section as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

□ 1500

GENERAL LEAVE

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

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

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume to explain the bill.

I want to thank the Chair of the Subcommittee on Parks for coming to the Virgin Islands and having a hearing in St. John on this important bill.

This bill, H.R. 53, was introduced by me on January 4 of this year to authorize the Secretary of the Interior to lease land on the island of St. John to the Government of the United States Virgin Islands to build a public school. The legislation is strongly supported by the people of the Virgin Islands, particularly the residents of St. John.

The Virgin Islands National Park was authorized by Congress in 1956 and established largely by an initial land donation by Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. In 1962 and 1978, the park was enlarged by Congress so that it now takes up almost two-thirds of St. John, which is only 22 square miles.

For at least the past three decades, the Government of the Virgin Islands and the National Park Service have been discussing the question of securing suitable land on the island of St. John to construct the public school. Since the 1970s, public school enrollment on St. John has more than doubled, and the U.S. VI Government owns no land on the island to expand either of the two public schools that now exist or to build a new one.

The two existing public schools, Julius E. Sprauve and the Guy H. Benjamin Elementary School, only accommodate children up to the ninth grade. St. Johnian high school children have to travel to St. Thomas, 20 minutes by ferry over open ocean to complete their secondary education.

The Julius E. Sprauve School is in the middle of a heavily trafficked area, which really threatens and puts the lives of our children at risk as they come to and from school. About 2 years ago, a second-grade student was killed leaving a Christmas party. The schools are not in the best location; especially that school is not in the best location for our students.

It is clear that with limited land and the continued growth and population, this legislation is critically needed.

I want to thank Chairman RAHALL and Ranking Member DON YOUNG and Subcommittee Parks Chairman RAÚL GRIJALVA and Insular Affairs Subcommittee ranking member, LUIS

FORTUÑO, for their support to have this legislation considered on the floor today.

I also have to thank the One Campus Group in St. John, Kirstin Cox, Lorelei Monsanto, Alvis Christian, Ronnie Jones and all of the others for the work that they have done to get us this far and to bring the community together in support of the process that is outlined in H.R. 53 when all else failed.

I urge my colleagues to support the people of St. John and to support H.R. 53.

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

Mr. GOHMERT. I do thank my colleague from the Virgin Islands for outlining H.R. 53.

Two-thirds of the island of St. John is comprised of the Virgin Islands National Park. The park's dominant size is negatively impacting the quality of life for the growing population there at St. John. Without utilizing the park land, there is no other suitable property to build a school on St. John.

I urge my colleagues to support the bill. We had hoped to consider an amendment to convey the property outright for the school, as was offered, but then withdrawn by Congressman JEFF FLAKE during our committee consideration of this bill.

However, Chairman RAHALL has given his support for other long-term leases, and this bill does establish an important precedent for the National Park Service.

We support the bill. It is for a great purpose. I would urge my colleagues to support this, since we don't have an amendment to give it outright to my colleague, but, in the meantime, we support this bill and wish the project well.

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

Mrs. CHRISTENSEN. I thank the gentleman for his support.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 53, as amended.

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

A motion to reconsider was laid on the table.

REFUGE ECOLOGY PROTECTION, ASSISTANCE, AND IMMEDIATE RESPONSE ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 767) to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 767

*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 "Refuge Ecology Protection, Assistance, and Immediate Response Act".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds the following:

(1) The National Wildlife Refuge System is the premier land conservation system in the world.

(2) Harmful nonnative species are the leading cause of habitat destruction in national wildlife refuges.

(3) More than 675 known harmful nonnative species are found in the National Wildlife Refuge System.

(4) Nearly 8 million acres of the National Wildlife Refuge System contain harmful nonnative species.

(5) The cost of early identification and removal of harmful nonnative species is dramatically lower than removing an established invasive population.

(6) The cost of the backlog of harmful nonnative species control projects that need to be carried out in the National Wildlife Refuge System is over \$361,000,000, and the failure to carry out such projects threatens the ability of the System to fulfill its basic mission.

(b) PURPOSE.—The purpose of this Act is to encourage partnerships among the United States Fish and Wildlife Service, other Federal agencies, States, Indian tribes, and other interests for the following objectives:

(1) To protect, enhance, restore, and manage a diversity of habitats for native fish and wildlife resources within the National Wildlife Refuge System through control of harmful nonnative species.

(2) To promote the development of voluntary State assessments to establish priorities for controlling harmful nonnative species that threaten or negatively impact refuge resources.

(3) To promote greater cooperation among Federal, State, and local land and water managers, and owners of private land, water rights, or other interests, to implement ecologically based strategies to eradicate, mitigate, and control harmful nonnative species that threaten or negatively impact refuge resources through a voluntary and incentive-based financial assistance grant program.

(4) To establish an immediate response capability to combat incipient harmful nonnative species invasions.

**SEC. 3. DEFINITIONS.**

For the purposes of this Act:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Invasive Species Advisory Committee established by section 3 of Executive Order 13112, dated February 3, 1999.

(2) APPROPRIATE COMMITTEES.—The term "appropriate Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) CONTROL.—The term "control" means, as appropriate, eradicating, suppressing, reducing, or managing harmful nonnative species from areas where they are present; taking steps to detect early infestations on at-risk native habitats; and restoring native species and habitats to reduce the effects of harmful nonnative species.

(4) ENVIRONMENTAL SOUNDNESS.—The term "environmental soundness" means the extent of inclusion of methods, efforts, actions,

or programs to prevent or control infestations of harmful nonnative species, that—

(A) minimize adverse impacts to the structure and function of an ecosystem and adverse effects on nontarget species and ecosystems; and

(B) emphasize integrated management techniques.

(5) **HARMFUL NONNATIVE SPECIES.**—The term “harmful nonnative species” means, with respect to a particular ecosystem in a particular region, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem and has a demonstrable or potentially demonstrable negative environmental or economic impact in that region.

(6) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) **NATIONAL MANAGEMENT PLAN.**—The term “National Management Plan” means the management plan referred to in section 5 of Executive Order 13112 of February 3, 1999, and entitled “Meeting the Invasive Species Challenge”.

(8) **REFUGE RESOURCES.**—The term “refuge resources” means all lands and waters, including the fish and wildlife species and the ecosystems and habitats therein, that are owned and managed by the Federal Government through the United States Fish and Wildlife Service and located within the National Wildlife Refuge System administered under the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd et seq.), including any waterfowl production area.

(9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(10) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

#### **SEC. 4. REFUGE ECOLOGY PROTECTION, ASSISTANCE, AND IMMEDIATE RESPONSE (REPAIR) GRANT PROGRAM.**

(a) **IN GENERAL.**—The Secretary may provide—

(1) a grant to any eligible applicant to carry out a qualified control project in accordance with this section; and

(2) a grant to any State to carry out an assessment project consistent with relevant State plans that have been developed in whole or in part for the conservation of native fish, wildlife, and their habitats, and in accordance with this section, to—

(A) identify harmful nonnative species that occur in the State that threaten or negatively impact refuge resources;

(B) assess the needs to restore, manage, or enhance native fish and wildlife and their natural habitats and processes in the State to compliment activities to control, mitigate, or eradicate harmful nonnative species negatively impacting refuge resources;

(C) identify priorities for actions to address such needs;

(D) identify mechanisms to increase capacity building in a State or across State lines to conserve and protect native fish and wildlife and their habitats and to detect and control harmful nonnative species that might threaten or negatively impact refuge resources within the State; and

(E) incorporate, where applicable, the guidelines of the National Management Plan.

The grant program under this section shall be known as the “Refuge Ecology Protec-

tion, Assistance, and Immediate Response Grant Program” or the “REPAIR Program”.

(b) **FUNCTIONS OF THE SECRETARY.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) publish guidelines for and solicit applications for grants under this section not later than 6 months after the date of enactment of this Act;

(B) receive, review, evaluate, and approve applications for grants under this section;

(C) consult with the Advisory Committee on the projects proposed for grants under this section, including regarding the scientific merit, technical merit, feasibility, and priority of proposed projects for such grants; and

(D) consult with the Advisory Committee regarding the development of the database required under subsection (j).

(2) **DELEGATION OF AUTHORITY.**—The Secretary may delegate to another Federal instrumentality the authority of the Secretary under this section, other than the authority to approve applications for grants and make grants.

(c) **FUNCTIONS OF THE ADVISORY COMMITTEE.**—The Advisory Committee shall—

(1) consult with the Secretary to create criteria and guidelines for grants under this section;

(2) consult with the Secretary regarding whether proposed control projects are qualified control projects; and

(3) carry out functions relating to monitoring control projects under subsection (j).

(d) **ELIGIBLE APPLICANT.**—To be an eligible applicant for purposes of subsection (a)(1), an applicant shall—

(1) be a State, local government, interstate or regional agency, university, or private person;

(2) have adequate personnel, funding, and authority to carry out and monitor or maintain a control project; and

(3) have entered into an agreement with the Secretary or a designee of the Secretary, for a national wildlife refuge or refuge complex.

(e) **QUALIFIED CONTROL PROJECT.**—

(1) **IN GENERAL.**—To be a qualified control project under this section, a project shall—

(A) control harmful nonnative species on the lands or waters on which it is conducted;

(B) include a plan for monitoring the project area and maintaining effective control of harmful nonnative species after the completion of the project, that is consistent with standards for monitoring developed under subsection (j);

(C) be conducted in partnership with a national wildlife refuge or refuge complex;

(D) be conducted on lands or waters, other than national wildlife refuge lands or waters, that, for purposes of carrying out the project, are under the control of the eligible applicant applying for the grant under this section and on adjacent national wildlife refuge lands or waters administered by the United States Fish and Wildlife Service referred to in subparagraph (C), that are—

(i) administered for the long-term conservation of such lands and waters and the native fish and wildlife dependent thereon; and

(ii) managed to prevent the future reintroduction or dispersal of harmful nonnative species from the lands and waters on which the project is carried out; and

(E) encourage public notice and outreach on control project activities in the affected community.

(2) **OTHER FACTORS FOR SELECTION OF PROJECTS.**—In ranking qualified control projects, the Director may consider the following:

(A) The extent to which a project would address the operational and maintenance

backlog attributed to harmful nonnative species on refuge resources.

(B) Whether a project will encourage increased coordination and cooperation among one or more Federal agencies and State or local government agencies or nongovernmental or other private entities to control harmful nonnative species threatening or negatively impacting refuge resources.

(C) Whether a project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions to control harmful nonnative species or national wildlife refuge lands or non-Federal lands in proximity to refuge resources.

(D) The extent to which a project would aid the conservation of species that are listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(E) Whether a project includes pilot testing or a demonstration of an innovative technology having the potential for improved cost-effectiveness in controlling harmful nonnative species.

(F) The extent to which a project considers the potential for unintended consequences of control methods on ecosystems and includes contingency measures.

(f) **DISTRIBUTION OF CONTROL GRANT AWARDS.**—In making grants for control projects under this section the Secretary shall, to the greatest extent practicable, ensure—

(1) a balance of smaller and larger projects conducted with grants under this section; and

(2) an equitable geographic distribution of projects carried out with grants under this section, among all regions and States within which such projects are proposed to be conducted.

(g) **GRANT DURATION.**—

(1) **IN GENERAL.**—Each grant under this section shall be to provide funding for the Federal share of the cost of a project carried out with the grant for up to 2 fiscal years.

(2) **RENEWAL.**—(A) If the Secretary, after reviewing the reports under subsection (h) regarding a control project, finds that the project is making satisfactory progress, the Secretary may renew a grant under this section for the project for an additional 3 fiscal years.

(B) The Secretary may renew a grant under this section to implement the monitoring and maintenance plan required for a control project under subsection (e)(1)(B) for up to 5 fiscal years after the project is otherwise completed.

(h) **REPORTING BY GRANTEE.**—

(1) **IN GENERAL.**—(A) A grantee carrying out a control project with a grant under this section shall report to the Secretary every 24 months or at the expiration of the grant, whichever is of shorter duration.

(B) A State carrying out an assessment project with a grant under this section shall submit the assessment pursuant to subsection (a)(2) to the Secretary no later than 24 months after the date on which the grant is awarded.

(2) **REPORT CONTENTS.**—Each report under this subsection shall include the following information with respect to each project covered by the report:

(A) In the case of a control project—

(i) the information described in subparagraphs (B), (D), and (F) of subsection (k)(2);

(ii) specific information on the methods and techniques used to control harmful nonnative species in the project area; and

(iii) specific information on the methods and techniques used to restore native fish, wildlife, or their habitats in the project area.

(B) A detailed report of the funding for the grant and the expenditures made.

(3) INTERIM UPDATE.—Each grantee under subsection (h)(1)(A) of this section shall also submit annually a brief synopsis to the Secretary, either electronically or in writing, that includes—

(A) a chronological list of project progress; and

(B) use of awarded funds.

(i) COST SHARING FOR PROJECTS.—

(1) FEDERAL SHARE.—Except as provided in paragraphs (2) and (3), the Federal share of the cost of a project carried out with a grant under this section shall not exceed 75 percent of such cost.

(2) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a control project any pilot testing or a demonstration of an innovative technology described in subsection (e)(2)(E) shall be 85 percent.

(3) PROJECTS ON REFUGE LANDS OR WATERS.—The Federal share of the cost of the portion of a control project funded with a grant under this section that is carried out on national wildlife refuge lands or waters, including the cost of acquisition by the Federal Government of lands or waters for use for such a project, shall be 100 percent.

(4) APPLICATION OF IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of costs of a control project carried out with a grant under this section the fair market value of services or any other form of in-kind contribution to the project made by non-Federal interests that the Secretary determines to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(5) DERIVATION OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a control project carried out with a grant under this section may not be derived from a Federal grant program or other Federal funds.

(j) MONITORING AND MAINTENANCE OF CONTROL GRANT PROJECTS.—

(1) REQUIREMENTS.—The Secretary, in consultation with the Advisory Committee, shall develop requirements for the monitoring and maintenance of a control project to ensure that the requirements under subsections (e)(1)(A) and (B) are achieved.

(2) DATABASE OF GRANT PROJECT INFORMATION.—The Secretary shall develop and maintain an appropriate database of information concerning control projects carried out with grants under this subsection, including information on project techniques, project completion, monitoring data, and other relevant information.

(3) USE OF EXISTING PROGRAMS.—The Secretary shall use existing programs within the Department of the Interior to create and maintain the database required under this subsection.

(4) PUBLIC AVAILABILITY.—The Secretary shall make the information collected and maintained under this subsection available to the public.

(k) REPORTING BY THE SECRETARY.—

(1) IN GENERAL.—The Secretary shall, by not later than 3 years after the date of the enactment of this Act and biennially thereafter in the report under section 8, report to the appropriate Committees on the implementation of this section.

(2) REPORT CONTENTS.—A report under paragraph (1) shall include an assessment of—

(A) trends in the population size and distribution of harmful nonnative species in the project area for each control project carried out with a grant under this section, and in the adjacent areas as defined by the Secretary;

(B) data on the number of acres of refuge resources and native fish and wildlife habitat restored, protected, or enhanced under this

section, including descriptions of, and participants involved with, control projects selected, in progress, and completed under this section;

(C) trends in the population size and distribution in the project areas of native species targeted for restoration, and in areas in proximity to refuge resources as defined by the Secretary;

(D) an estimate of the long-term success of varying conservation techniques used in carrying out control projects with grants under this section;

(E) an assessment of the status of control projects carried out with grants under this section, including an accounting of expenditures by the United States Fish and Wildlife Service, State, regional, and local government agencies, and other entities to carry out such projects;

(F) a review of the environmental soundness of the control projects carried out with grants under this section;

(G) a review of efforts made to maintain an appropriate database of grants under this section; and

(H) a review of the geographical distribution of Federal money, matching funds, and in-kind contributions for control projects carried out with grants under this section.

(l) COOPERATION OF NON-FEDERAL INTERESTS.—The Secretary may not make a grant under this section for a control project on national wildlife refuge lands or lands in proximity to refuge resources before a non-Federal interest has entered into a written agreement with a national wildlife refuge or refuge complex under which the non-Federal interest agrees to—

(1) monitor and maintain the control project in accordance with the plan required under subsection (e)(1)(B); and

(2) provide any other items of cooperation the Secretary considers necessary to carry out the project.

#### SEC. 5. CREATION OF AN IMMEDIATE RESPONSE CAPABILITY TO HARMFUL NON-NATIVE SPECIES.

(a) ESTABLISHMENT.—The Secretary may provide financial assistance for a period of one fiscal year to enable an immediate response to outbreaks of harmful nonnative species that threaten or may negatively impact refuge resources that are at a stage at which rapid eradication or control is possible, and ensure eradication or immediate control of the harmful nonnative species.

(b) REQUIREMENTS FOR ASSISTANCE.—The Secretary shall provide assistance under this section, with the concurrence of the Governor of a State, to local and State agencies, universities, or nongovernmental entities for the eradication of an immediate harmful nonnative species threat only if—

(1) there is a demonstrated need for the assistance;

(2) the harmful nonnative species is considered to be an immediate threat to refuge resources, as determined by the Secretary; and

(3) the proposed response to such threat—

(A) is technically feasible; and

(B) minimizes adverse impacts to the structure and function of national wildlife refuge ecosystems and adverse effects on nontarget species.

(c) AMOUNT OF FINANCIAL ASSISTANCE.—The Secretary shall determine the amount of financial assistance to be provided under this section with respect to an outbreak of a harmful nonnative species, subject to the availability of appropriations.

(d) COST SHARE.—The Federal share of the cost of any activity carried out with assistance under this section may be up to 100 percent.

(e) MONITORING AND REPORTING.—The Secretary shall require that persons receiving assistance under this section monitor and re-

port on activities carried out with assistance under this section in accordance with the requirements that apply with respect to control projects carried out with assistance under section 4.

#### SEC. 6. COOPERATIVE VOLUNTEER HARMFUL NON-NATIVE SPECIES MONITORING AND CONTROL PROGRAM.

(a) IN GENERAL.—Consistent with the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (Public Law 105-242), the Secretary shall establish a cooperative volunteer harmful non-native species monitoring and control program to administer and coordinate projects implemented by partner organizations concerned with national wildlife refuges that threaten national wildlife refuges or adjacent lands.

(b) ELIGIBLE ACTIVITIES.—Each project administered and coordinated under this section shall include one of the following activities:

(1) Habitat surveys.

(2) Detection and identification of new introductions or infestations of harmful non-native species.

(3) Harmful non-native species control projects.

(4) Public education and outreach to increase awareness concerning harmful non-native species and their threat to the refuge system.

#### SEC. 7. RELATIONSHIP TO OTHER AUTHORITIES.

(a) AUTHORITIES, ETC. OF SECRETARY.—Nothing in this Act affects authorities, responsibilities, obligations, or powers of the Secretary under any other statute.

(b) STATE AUTHORITY.—Nothing in this Act preempts any provision or enforcement of State statute or regulation relating to the management of fish and wildlife resources within such State.

#### SEC. 8. BIENNIAL REPORT.

The Secretary shall prepare and submit to the Congress by not later than 2 years after the date of the enactment of this Act and biennially thereafter—

(1) a comprehensive report summarizing all grant activities relating to invasive species initiated under this Act including—

(A) State assessment projects;

(B) qualified control projects;

(C) immediate response activities; and

(D) projects identified in the Refuge Operations Needs database or the Service Asset and Maintenance Management System database of the United States Fish and Wildlife Service.

(2) a list of grant priorities, ranked in high, medium, and low categories, for future grant activities in the areas of—

(A) early detection and rapid response;

(B) control, management, and restoration;

(C) research and monitoring;

(D) information management; and

(E) public outreach and partnership efforts; and

(3) information required to be included under section 4(k).

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act such sums as may be necessary.

(b) ALLOWANCE FOR IMMEDIATE RESPONSE.—Of the amounts appropriated to carry out this Act no more than 25 percent shall be available in any fiscal year for financial assistance under section 5.

(c) CONTINUING AVAILABILITY.—Amounts appropriated under this Act may remain available until expended.

(d) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this Act, the Secretary may expend not more than 3 percent or up to \$100,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 767, as amended, would give the Secretary of the Interior additional tools to combat harmful nonnative species that are hurting native wildlife and plants on our national wildlife refuges. I commend the author of this bill, Representative RON KIND, for his leadership and on other matters affecting the National Wildlife Refuge System.

H.R. 767, as amended, authorizes the Secretary of the Interior to issue grants to States to assess the extent of invasive species affecting refuges. The Secretary may also provide matching grants to entities for the control, mitigation, and eradication of invasive species on refuges and adjoining non-Federal lands.

The bill, as amended, includes a provision authorizing the Secretary to give States financial assistance to address invasive species outbreaks in emergency situations.

H.R. 767, as amended, will encourage the development of partnerships to address the threat of invasive species on a cooperative landscape basis. I urge adoption of the bill, as amended.

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

Mr. GOHMERT. Mr. Speaker, I rise in support of H.R. 767, the REPAIR Act, as it is called, and yield myself such time as I may consume.

I would like to also congratulate and thank my dear friend from Guam. She gives hope to this country and encouragement by showing that there is class and there is graciousness in this body, and it exists in the delegate from Guam. She also carries that out as chairman of the subcommittee.

Now, the effectiveness of the REPAIR Act will be in direct proportion to the amount of money Congress allocates. We simply cannot afford to let our wildlife refuges be systematically destroyed by invasive species, and that is happening. This legislation is a positive step because it offers hope in the fight against invasives in the future.

One such species is the giant silvinia, a plant that has made its way across many lakes as it has entered Texas. It is a small harmless-looking little aquatic plant that finds itself on boat trailers leaving a lake. When the boat trailer is lowered into another lake,

the nightmare floating plant finds itself in a new lake, and it can take over. It doubles its size in less than a week, and in no time covers acres, shutting off sunlight, killing off plants underneath, which results in aquatic life dying. It must be fought and eradicated without doing damage to the lake during the fight. Such a battle takes many good minds and hard workers coming together to prevent this creeping menace from being the last thing left in a lake alive.

In Louisiana, there are cities like Shreveport whose sources of drinking water are being put in jeopardy by this freak of nature. Just recently I toured Caddo Lake, the largest freshwater natural lake at one time and a true treasure for America with its cypress trees, Spanish moss, and unusual fish. We had a joint task force of biologists and brilliant environmental problem-solvers from Federal, State, private groups, who all had the same goal: eradicate the invasion of this foreign species without doing damage to the lake.

I just want to read a list of the types of people that are willing to come together when we deal with something that is such a grave threat to our water supplies.

We had Dan Turner, representing Congressman JIM MCCRERY of Louisiana; Ken Shaw, chairman, Cypress Valley Navigation District; Robert Speight, President, Greater Caddo Lake Association; Jack Canson, community response coordinator; Mark Williams, U.S. Fish and Wildlife, Caddo Lake National Wildlife Refuge manager; Al Tasker, USDA/Animal Plant Health Inspection Service; Dustin Grant, USDA/Plant Protection and Quarantine, State operations support officer; Dr. Earl Chilton, Texas Parks & Wildlife, and a member of the Invasive Species Advisory Committee for the National Invasive Species Council, Department of the Interior; Paul Hoffman, Deputy Assistant Secretary, Department of Interior/NISC; also Dr. Michael Grodowitz, U.S. Army Corps of Engineers, biocontrol expert; Dr. Randy Westbrook, U.S. Geological Survey, invasive plant coordinator; Judge Richard Anderson, Harrison County judge; Jerry Lomax, Harrison County Precinct 1 commissioner; C.E. Bourne, Marion County Precinct 3 commissioner for Judge Parker; Sam Canup, mayor of the City of Uncertain, Texas; Jay Webb, Caddo Lake Chamber of Commerce; Bill Abney, Red River Compact; Walt Sears, manager, Northeast Texas Municipal Water District; Dwight Shellman, Caddo Lake Institute; Todd Dickenson, manager, Caddo Lake State Park; Alan Grantham, Dallas Caddo Club; Connie Ware, Marshall Chamber of Commerce; Dr. Jim Harris, Marshall Chamber of Commerce, Water Committee Chair; and Sam Moseley of Marshall.

It just points up how important what this bill addresses is. These are

invasive species that come into lakes and to parks and take over and destroy the native habitat that we are trying to preserve. I have to say, when we had this meeting that went on for a number of hours, I don't recall one time during the entire meeting where anybody ever asked what party anybody ever supported politically. It was all about trying to protect what God had graced this country with, and it is wonderful to see that kind of support.

But what is very clear is that we cannot fight off these nonnative invasive species unless we work together in a bipartisan, in a cumulative fashion with all these different scientists, biologists, governmental groups coming together, because it affects so many different areas. It's one of the reasons I am so grateful to my friend from Guam and for all of those that have worked to help make this possible. We have got to preserve what we have got, and this is one of the ways to do it.

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

Ms. BORDALLO. Mr. Speaker, I want to thank my dear friend across the aisle, Mr. GOHMERT, the gentleman from Texas, for his very kind words.

Mr. Speaker, I recognize the gentleman, my colleague from American Samoa (Mr. FALEOMAVAEGA) for 1 minute.

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

Mr. FALEOMAVAEGA. I do want to commend the distinguished gentlewoman who serves as Chair of our Fisheries, Wildlife and Oceans Subcommittee in the Natural Resources Committee, and I want to associate myself with the comments made earlier by our colleague from the other side of the aisle, the gentleman from Texas. This is not a Republican or Democratic issue. This is something that really is important that serves the best interests of our Nation.

I know my good friend, the gentleman from Wisconsin, would have been here on the floor, but I am sure he probably had some transportation problems coming here today. I want to commend him especially for his leadership and for the tremendous service that he has rendered in promoting the interests of wildlife and refuge conservation measures, also as a distinguished member of the subcommittee; but I also want to note that I know he would have spoken, and not only in support of a bill that he has sponsored, but certainly for his knowledge and his commitment in dealing with the issues and conservation and wildlife refuges.

Mr. GOHMERT. Mr. Speaker, once again, some people advocate mechanical removal of an invasive species; others advocate using natural means, whether it's an insect or a fish or something to help control an invasive species. Some offer that there are chemical means for dealing with those.

But unless we come together on a bill like this, bringing all the different entities with all the difference weapons

at their command, we are not going to be able to control some of these species. Some of them, like the giant silvinia, are so resistant to so much, and they hide among other plants until they take over and just spread so rapidly, that we must come together.

It is gratifying to see such bipartisan effort in trying to hold on to the land we love.

Mr. KIND. Mr. Speaker, I rise today in strong support of H.R. 767, the Refuge Ecology Protection, Assistance, and Immediate Response Act, which I authored. Passage of this legislation today will bring us one step closer to giving our National Wildlife Refuge System a vital tool in the war being waged against invasive species.

For too long, our National Wildlife Refuges have been overlooked and neglected. The Refuge System has forged on as a System under siege from a number of fronts. Paramount among these has been the steady march of invasive plants and animals that have come from other places and literally taken over, crowding out the very wildlife and habitat the refuges are charged with protecting. Experts and refuge managers at the Fish and Wildlife Service have identified invasives as the number one threat to the biological integrity of our National Wildlife Refuges. Nevertheless, without the resources to maintain even the most basic functions and infrastructure—indeed, many refuge units do not have any dedicated staff at all—refuges have been able to do little to respond to invasive species.

This House has affirmed its commitment to our wildlife refuges by approving the largest-ever budget increase for the Refuge System in the FY08 Interior Appropriations bill. This money will begin to bring the System's budget to a level where it can stop cutting employees and shuttering refuges and begin to address its pressing maintenance and management needs. This is a good start. But with all the challenges that face our refuges, there is still a great need to focus resources on preventing the spread of invasive species. That is why we must pass the REPAIR Act here today.

H.R. 767 authorizes new grants that will bring the Fish and Wildlife Service together with State agencies, community groups, and private citizens to form a united front against invasives. The bill confronts the challenge of invasive species through a two-pronged approach. First, it authorizes immediate response grants when a harmful non-native species has been identified as an immediate threat to a refuge at a stage at which rapid eradication is possible. This way we will be able to prevent new invasive species from taking hold and wreaking havoc on refuge ecosystems.

The second line of defense in the bill are REPAIR grants, which contribute to a more long-term strategy for combating existing invasives. These grants would go to States, local governments, community groups, or individuals to remove harmful non-native species and promote native species and their habitat on lands and waters in and adjacent to National Wildlife Refuges. Additionally, the grants could be used to complete assessment projects consistent with existing State wildlife conservation plans to identify invasive species, assess the needs on the ground, and target resources to address the problem adequately and efficiently.

All grants would be awarded on a competitive basis and include monitoring and reporting requirements to ensure proper oversight ability by the Fish and Wildlife Service. The Federal grants would cover 100 percent of the cost for projects within refuges and for immediate response projects, but a non-Federal cost share of at least 25 percent would be required for REPAIR grants on adjacent lands.

In short, Mr. Speaker, the REPAIR Act brings together the public and private sectors to ensure the future of our Wildlife Refuge System. These are special places unlike any other in the world. They are the only Federal land system devoted primarily to the preservation of our unique wildlife resources. I know from my countless hours spent taking in the grandeur of the Upper Mississippi River National Wildlife and Fish Refuge, admiring the special beauty of Trempealeau NWR, or proudly watching the whooping cranes take off from Necedah NWR behind their ultralight guide, that these places are an integral part of the American experience that deserve special protection.

I would like to thank my fellow co-chairs of the Congressional National Wildlife Refuge Caucus, JIM SAXTON, MIKE THOMPSON, and MIKE CASTLE for helping promote our Refuge System here in the House, and for their support of H.R. 767. I also extend my great thanks to Natural Resources Committee Chairman RAHALL and Fisheries, Wildlife and Oceans Subcommittee Chairwoman BORDALLO for their support and for helping this bill get through the committee process and to the floor today. Finally, I thank Dave Jansen and the rest of the committee staff for their expertise and tireless work on behalf of our Nation's tremendous natural endowment.

H.R. 767 makes good policy by fostering cooperation between government and private entities in pursuit of a common goal in the national interest. I urge my colleagues to support its passage today so we can begin to protect America's National Wildlife Refuges from further attack and degradation. We owe it to future generations of hunters, anglers, wildlife enthusiasts, and nature lovers of all types to preserve creatures and habitats that are distinctly American.

Mr. GOHMERT. Mr. Speaker, I yield back the balance of my time and urge my colleagues to support this bill.

Ms. BORDALLO. I thank the gentleman from Texas for his very supportive words on this particular measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 767, as amended.

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

A motion to reconsider was laid on the table.

#### CORAL REEF CONSERVATION AMENDMENTS ACT OF 2007

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1205) to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1205

*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 "Coral Reef Conservation Amendments Act of 2007".

#### SEC. 2. EXPANSION OF CORAL REEF CONSERVATION PROGRAM.

(a) PROJECT DIVERSITY.—Section 204(d) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403(d)) is amended—

(1) in the heading by striking "GEOGRAPHIC AND BIOLOGICAL" and inserting "PROJECT"; and

(2) by striking paragraph (3) and inserting the following:

"(3) Remaining funds shall be awarded for—

"(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Administrator in consultation with the Coral Reef Task Force; and

"(B) other appropriate projects, as determined by the Administrator, including monitoring and assessment, research, pollution reduction, education, and technical support."

(b) APPROVAL CRITERIA.—Section 204(g) of that Act (16 U.S.C. 6403(g)) is amended—

(1) by striking "or" after the semicolon in paragraph (9);

(2) by striking paragraph (10); and

(3) by inserting after paragraph (9) the following:

"(10) promoting activities designed to minimize the likelihood of vessel impacts on coral reefs, particularly those areas identified under section 210(b), including the promotion of ecologically sound navigation and anchorages near coral reefs; or

"(11) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef ecosystems."

#### SEC. 3. EMERGENCY RESPONSE.

Section 206 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6405) is amended to read as follows:

#### "SEC. 206. EMERGENCY RESPONSE ACTIONS.

"(a) IN GENERAL.—The Administrator may undertake or authorize action necessary—

"(1) to minimize the destruction or loss of, or injury to, a coral reef from—

"(A) vessel impacts, derelict fishing gear, vessel anchors, and anchor chains; and

"(B) from unforeseen or disaster-related circumstances; and

"(2) to stabilize, repair, recover, or restore such coral reef.

"(b) VESSEL REMOVAL; RESTABILIZATION.—Action authorized by subsection (a) includes vessel removal and emergency restabilization of the vessel or any impacted coral reef.

"(c) PARTNERING WITH OTHER FEDERAL AGENCIES.—When possible, action by the Administrator under this section should—

"(1) be conducted in partnership with other government agencies as appropriate, including—

"(A) the Coast Guard, the Federal Emergency Management Agency, the Army Corps of Engineers, and the Department of the Interior; and

"(B) agencies of States and territories of the United States; and

“(2) leverage resources of other agencies.

“(d) EMERGENCY RESPONSE ASSISTANCE BY OTHER FEDERAL AGENCIES.—

“(1) IN GENERAL.—The head of any other Federal agency may assist the Administrator in emergency response actions under this section, using funds available for operations of the agency concerned.

“(2) REIMBURSEMENT.—The Administrator, subject to the availability of appropriations, may reimburse a Federal agency for assistance provided under paragraph (1).

“(e) LIABILITY FOR COSTS AND DAMAGES TO CORAL REEFS.—

“(1) TREATMENT OF CORAL REEFS UNDER NATIONAL MARINE SANCTUARIES ACT.—For purposes of the provisions set forth in paragraph (2), and subject to paragraph (3), each of the terms ‘sanctuary resources’, ‘resource’, ‘sanctuary resource managed under law or regulations for that sanctuary’, ‘national marine sanctuary’, ‘sanctuary resources of the national marine sanctuary’, and ‘sanctuary resources of other national marine sanctuaries’ is deemed to include any coral reef that is subject to the jurisdiction of the United States or any State, without regard to whether such coral reef is located in a national marine sanctuary.

“(2) APPLICABLE PROVISIONS OF NATIONAL MARINE SANCTUARIES ACT.—The provisions referred to in paragraph (1) are the following provisions of the National Marine Sanctuaries Act:

“(A) Paragraphs (6) and (7) of section 302 (16 U.S.C. 1432).

“(B) Paragraphs (1), (2), (3), and (4) of section 306 (16 U.S.C. 1436).

“(C) Section 307 (16 U.S.C. 1437).

“(D) Section 312 (16 U.S.C. 1443).

“(3) STATE CONSENT REQUIRED.—

“(A) IN GENERAL.—This subsection shall not apply to any coral reef that is subject to the jurisdiction of a State unless the Governor of that State notifies the Secretary that the State consents to that application.

“(B) REVOCATION OF CONSENT.—The Governor of a State may revoke consent under subparagraph (A) by notifying the Secretary of such revocation.

“(4) CONSISTENCY WITH INTERNATIONAL LAW AND TREATIES.—Any action taken under the authority of this subsection must be consistent with otherwise applicable international law and treaties.

“(5) ACTIONS AUTHORIZED WITH RESPECT TO VESSELS.—Actions authorized under this subsection include vessel removal, and emergency re-stabilization of a vessel and any coral reef that is impacted by a vessel

“(6) REGULATIONS.—The Secretary may issue regulations necessary to implement this subsection.”

#### SEC. 4. NATIONAL PROGRAM.

(a) PURPOSE OF ACT.—Section 202 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401) is amended—

(1) by amending paragraph (3) to read as follows:

“(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems including large-scale threats related to climate change, to benefit local communities and the Nation, and to the extent practicable support and enhance coral reef research capabilities at local academic institutions;”

and  
(2) by striking “and” after the semicolon at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting “; and”, and by adding at the end the following:

“(7) to recognize the benefits of healthy coral reefs to island and coastal communities and to encourage Federal action to ensure, to the maximum extent practicable,

the continued availability of those benefits.”

(b) GOALS AND OBJECTIVES OF NATIONAL CORAL REEF ACTION STRATEGY.—Section 203(b)(8) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6402(b)(8)) is amended to read as follows:

“(8) conservation, including resilience and the consideration of island and local traditions and practices.”

(c) AMENDMENTS RELATING TO ACTIVITIES TO CONSERVE CORAL REEFS AND CORAL REEF ECOSYSTEMS.—Section 207(b) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6406) is amended—

(1) in paragraph (3) by striking “and” after the semicolon;

(2) in paragraph (4)—

(A) by striking “cooperative conservation” and inserting “cooperative research, conservation;” and

(B) by striking “partners.” and inserting “partners, including academic institutions located in those States, territories, and freely associated States referred to in section 212; and”; and

(3) by adding at the end the following:

“(5) activities designed to minimize the likelihood of vessel impacts or other physical damage to coral reefs, including those areas identified in section 210(b).”

#### SEC. 5. REPORT TO CONGRESS.

Section 208 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6407) is amended to read as follows:

##### “SEC. 208. REPORT TO CONGRESS.

“Not later than March 1, 2010, and every 3 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report describing all activities undertaken to implement the strategy, including—

“(1) a description of the funds obligated by each participating Federal agency to advance coral reef conservation during each of the 3 fiscal years next preceding the fiscal year in which the report is submitted;

“(2) a description of Federal interagency and cooperative efforts with States, United States territories, freely associated States, and non-governmental partner organizations to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reef ecosystems, including projects undertaken with the Department of the Interior, the Department of Agriculture, the Environmental Protection Agency, and the Army Corps of Engineers;

“(3) a summary of the information contained in the vessel grounding inventory established under section 210, including additional authorization or funding, needed for response and removal of such vessels;

“(4) a description of Federal disaster response actions taken pursuant to the National Response Plan to address damage to coral reefs and coral reef ecosystems; and

“(5) an assessment of the condition of United States coral reefs, accomplishments under this Act, and the effectiveness of management actions to address threats to coral reefs, including actions taken to address large-scale threats to coral reef ecosystems related to climate change.”

#### SEC. 6. FUND; GRANTS; GROUNDING INVENTORY; COORDINATION.

(a) FUND; GRANTS; GROUNDING INVENTORY; COORDINATION.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended—

(1) in section 205(a) (16 U.S.C. 6404(a)), by striking “organization solely” and all that follows and inserting “organization—

“(1) to support partnerships between the public and private sectors that further the

purposes of this Act and are consistent with the national coral reef strategy under section 203; and

“(2) to address emergency response actions under section 206.”

(2) by adding at the end of section 205(b) (16 U.S.C. 6404(b)) “The organization is encouraged to solicit funding and in-kind services from the private sector, including non-governmental organizations, for emergency response actions under section 206 and for activities to prevent damage to coral reefs, including areas identified in section 210(b)(2).”; (3) in section 205(c) (16 U.S.C. 6404(c)), by striking “the grant program” and inserting “any grant program or emergency response action”;

(4) by redesignating sections 209 and 210 as sections 213 and 214, respectively; and

(5) by inserting after section 208 the following:

##### “SEC. 209. COMMUNITY-BASED PLANNING GRANTS.

“(a) IN GENERAL.—The Administrator may make grants to entities that are eligible to receive grants under section 204(c) to provide additional funds to such entities to work with local communities and through appropriate Federal and State entities to prepare and implement plans for the increased protection of coral reef areas identified by the community and scientific experts as high priorities for focused attention. The plans shall—

“(1) support attainment of 1 or more of the criteria described in section 204(g);

“(2) be developed at the community level;

“(3) utilize where applicable watershed-based or ecosystem-based approaches;

“(4) provide for coordination with Federal and State experts and managers;

“(5) build upon local approaches or models, including traditional or island-based resource management concepts; and

“(6) complement local action strategies or regional plans for coral reef conservation.

“(b) TERMS AND CONDITIONS.—The provisions of subsections (b), (d), (f), and (h) of section 204 apply to grants under subsection (a), except that, for the purpose of applying section 204(b)(1) to grants under this section, ‘75 percent’ shall be substituted for ‘50 percent’.

##### “SEC. 210. VESSEL GROUNDING INVENTORY.

“(a) IN GENERAL.—The Administrator, in coordination with other Federal agencies, may maintain an inventory of all vessel grounding incidents involving coral reefs, including a description of—

“(1) the impacts to such resources;

“(2) vessel and ownership information, if available;

“(3) the estimated cost of removal, mitigation, or restoration;

“(4) the response action taken by the owner, the Administrator, the Commandant of the Coast Guard, or other Federal or State agency representatives;

“(5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and

“(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

“(b) IDENTIFICATION OF AT-RISK REEFS.—The Administrator may—

“(1) use information from any inventory maintained under subsection (a) or any other available information source to identify all coral reef areas that have a high incidence of vessel impacts, including groundings and anchor damage; and

“(2) identify appropriate measures, including action by other agencies, to reduce the likelihood of such impacts.

**SEC. 211. REGIONAL COORDINATION.**

"The Administrator shall work in coordination and collaboration with other Federal agencies, States, and United States territorial governments to implement the national coral reef action strategy developed under section 203, including regional and local strategies, to address multiple threats to coral reefs and coral reef ecosystems such as coastal runoff, vessel impacts, overharvesting, and factors attributed to climate change.

**SEC. 212. UNITED STATES CORAL REEF TASK FORCE.**

"(a) ESTABLISHMENT.—There is hereby established the United States Coral Reef Task Force.

"(b) GOAL.—The goal of the Task Force shall be to lead, coordinate, and strengthen Federal Government actions to better preserve and protect coral reef ecosystems.

"(c) DUTIES.—The duties of the Task Force shall be—

"(1) to coordinate, in cooperation with State, territory, freely associated State, commonwealth, and local government partners, academic, and nongovernmental partners if appropriate, activities regarding the mapping, monitoring, research, conservation, mitigation, restoration of coral reefs and coral reef ecosystems;

"(2) to monitor and advise regarding implementation of the policy and Federal agency responsibilities set forth in Executive Order 13089 and the national coral reef action strategy developed under section 203; and

"(3) to work with the Secretary of State and the Administrator of the Agency for International Development, and in coordination with the other members of the Task Force, to—

"(A) assess the United States role in international trade and protection of coral species; and

"(B) encourage implementation of appropriate strategies and actions to promote conservation and sustainable use of coral reef resources worldwide.

"(d) MEMBERSHIP, GENERALLY.—The Task Force shall be comprised of—

"(1) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior, who shall be co-chairs of the Task Force;

"(2) the Administrator of the Agency of International Development;

"(3) the Secretary of Agriculture;

"(4) the Secretary of Defense;

"(5) the Secretary of the Army, acting through the Corps of Engineers;

"(6) the Secretary of Homeland Security;

"(7) the Attorney General;

"(8) the Secretary of State;

"(9) the Secretary of Transportation;

"(10) the Administrator of the Environmental Protection Agency;

"(11) the Administrator of the National Aeronautics and Space Administration;

"(12) the Director of the National Science Foundation;

"(13) the Governor, or a representative of the Governor, of the Commonwealth of the Northern Mariana Islands;

"(14) the Governor, or a representative of the Governor, of the Commonwealth of Puerto Rico;

"(15) the Governor, or a representative of the Governor, of the State of Florida;

"(16) the Governor, or a representative of the Governor, of the State of Hawaii;

"(17) the Governor, or a representative of the Governor, of the Territory of Guam;

"(18) the Governor, or a representative of the Governor, of the Territory of American Samoa; and

"(19) the Governor, or a representative of the Governor, of the Virgin Islands.

"(e) NONVOTING MEMBERS.—The President, or a representative of the President, of each of the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau may appoint a nonvoting member of the Task Force.

"(f) RESPONSIBILITIES OF FEDERAL AGENCY MEMBERS.—

"(1) IN GENERAL.—The Federal agency members of the Task Force shall—

"(A) identify the actions of their agencies that may affect coral reef ecosystems;

"(B) utilize the programs and authorities of their agencies to protect and enhance the conditions of such ecosystems; and

"(C) assist in the implementation of the National Action Plan to Conserve Coral Reefs, the national coral reef action strategy developed under section 203, the local action strategies, and any other coordinated efforts approved by the Task Force.

"(2) CO-CHAIRS.—In addition to their responsibilities under paragraph (1), the co-chairs of the Task Force shall administer performance of the functions of the Task Force and facilitate the coordination of the Federal agency members of the Task Force.

"(g) WORKING GROUPS.—

"(1) IN GENERAL.—The co-chairs of the Task Force may establish working groups as necessary to meet the goals and duties of this Act. The Task Force may request the co-chairs to establish such a working group.

"(2) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairs may allow a nongovernmental organization or academic institution to participate in such a working group.

"(h) FACIA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force."

(b) COOPERATIVE AGREEMENTS.—Section 204 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403) is amended by adding at the end the following:

"(k) MULTIYEAR COOPERATIVE AGREEMENTS.—The Administrator may enter into multiyear cooperative agreements with the heads of other Federal agencies, States, territories, other freely associated States, local governments, academic institutions, and non-governmental organizations to carry out the activities of the national coral reef action strategy developed under section 203 and to implement regional strategies developed pursuant to section 211."

**SEC. 7. AMENDMENTS RELATING TO DEPARTMENT OF THE INTERIOR PROGRAM.**

(a) AMENDMENTS AND CLARIFICATIONS TO DEFINITIONS.—

(1) FISH AND WILDLIFE COORDINATION ACT.—Section 8 of the Fish and Wildlife Coordination Act (16 U.S.C. 666b) is amended by inserting before the period at the end the following: "including coral reef ecosystems (as such term is defined in section 214 of the Coral Reef Conservation Act of 2000)".

(2) FISH AND WILDLIFE ACT OF 1956 AND FISH AND WILDLIFE IMPROVEMENT ACT OF 1978.—With respect to the authorities under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et. seq) and the authorities under the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742l), references in such Acts to "wildlife" and "fish and wildlife" shall be construed to include coral reef ecosystems (as such term is defined in section 214 of the Coral Reef Conservation Act of 2000, as amended by this Act).

(b) CORAL REEF CONSERVATION ASSISTANCE.—The Secretary of the Interior may provide technical assistance and, subject to the availability of appropriations, financial assistance to coastal States (as that term is defined in the Coral Reef Conservation Act of 2000, as amended by this Act).

**SEC. 8. CLARIFICATION OF DEFINITIONS.**

Section 214 of the Coral Reef Conservation Act of 2000, as redesignated by section 6(a) of this Act (relating to definitions; 16 U.S.C. 6409), is further amended—

(1) by amending paragraph (1) to read as follows:

"(1) ADMINISTRATOR.—The term 'Administrator'—

"(A) except as provided in subparagraph (B), means the Administrator of the National Oceanic and Atmospheric Administration; and

"(B) in sections 206 and 209, means the Secretary of the Interior for purposes of application of those sections to national parks, national wildlife refuges, and Wake Island."

(2) by amending paragraph (2) to read as follows:

"(2) CONSERVATION.—The term 'conservation' means the use of methods and procedures that are necessary to preserve or sustain coral reefs and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including—

"(A) all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat;

"(B) mapping;

"(C) monitoring of coral reef ecosystems;

"(D) assistance in the development of management strategies for marine protected area or networks thereof and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

"(E) law enforcement;

"(F) conflict resolution initiatives;

"(G) community outreach and education; and

"(H) activities that promote safe and ecologically sound navigation."

(3) by amending paragraph (3) to read as follows:

"(3) CORAL.—The term 'coral' means species of the phylum Cnidaria, including—

"(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyonacea (soft corals), and Helioporacea (blue coral), of the class Anthozoa; and

"(B) all species of the families Milleporidae (fire corals) and Stylasteridae (stylasterid hydrocorals), of the class Hydrozoa."

(4) by amending paragraph (4) to read as follows:

"(4) CORAL REEF.—The term 'coral reef' means a limestone structure composed in whole or in part of living zooanthellate stony corals (Class Anthozoa, Order Scleractinia), their skeletal remains, or both."

(5) by amending paragraph (5) to read as follows:

"(5) CORAL REEF ECOSYSTEM.—The term 'coral reef ecosystem' means a system of coral reefs and geographically associated species, habitats, and environment, including mangroves and seagrass habitats, and the processes that control its dynamics;" and

(6) by amending paragraph (7) to read as follows:

"(7) SECRETARY.—The term 'Secretary'—

"(A) except as provided in subparagraphs (B) and (C), means the Secretary of Commerce;

"(B) in section 206(e), means—

"(i) the Secretary of the Interior, with respect to any coral reef or component thereof that is located in—

"(I) the National Wildlife Refuge System;

"(II) the National Park System; or

“(III) the waters surrounding Wake Island under the jurisdiction of the Secretary of the Interior, as set forth in Executive Order 11048 (27 Fed. Reg. 8851), dated September 4, 1962; or

“(ii) the Secretary of Commerce, with respect to any other coral reef or component thereof; and

“(C) in sections 203 and 209, means the Secretary of Commerce and the Secretary of the Interior.”

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 213 of the Coral Reef Conservation Act of 2000 (formerly 16 U.S.C. 6408), as redesignated by section 4, is amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce to carry out this title \$30,000,000 for fiscal year 2008, \$32,000,000 for fiscal year 2009, \$34,000,000 for fiscal year 2010 and \$35,000,000 for fiscal years 2011 and 2012.”;

(2) in subsection (b) by striking “\$1,000,000” and inserting “\$2,000,000”;

(3) by striking subsection (c) and inserting the following:

“(c) COMMUNITY-BASED PLANNING GRANTS.—There is authorized to be appropriated to the Administrator to carry out section 209, \$8,000,000 for fiscal years 2008 through 2012, to remain available until expended.”; and

(4) by striking subsection (d) and inserting the following:

“(d) DEPARTMENT OF THE INTERIOR.—There is authorized to be appropriated to the Secretary of the Interior to carry out this title \$5,000,000 for each of fiscal years 2008 through 2012.”.

#### SEC. 10. ENSURING RESILIENCE.

(a) PURPOSES.—Section 202 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401) is further amended by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively, and by inserting after paragraph (1) the following:

“(2) to promote the resilience of coral reef ecosystems;”.

(b) CRITERIA FOR APPROVAL OF PROJECT PROPOSALS.—Section 204(g) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403(g)) is further amended by striking “or” after the semicolon at the end of paragraph (10), by redesignating paragraph (11) as paragraph (12), and by inserting after paragraph (10) the following:

“(11) improving and promoting the resilience of coral reefs and coral reef ecosystems; or”.

(c) ACTIVITIES AUTHORIZED UNDER NATIONAL PROGRAM.—Section 207(b) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6406(b)) is further amended by striking “and” after the semicolon at the end of paragraph (4), by redesignating paragraph (5) as paragraph (6), and by inserting after paragraph (4) the following:

“(5) improving and promoting the resilience of coral reefs and coral reef ecosystems; and”.

#### SEC. 11. FUNDING FOR MARINE FACILITIES, CORAL REEF RESEARCH, AND CORAL REEF INSTITUTES.

(a) AMERICAN SAMOA COMMUNITY COLLEGE.—There is authorized to be appropriated \$1,000,000 to the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, to provide funds to a research facility for coral reef research and protection, and coastal ecology and development, at the American Samoa Community College.

(b) UNIVERSITY OF GUAM.—There is authorized to be appropriated \$1,000,000 to the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administra-

tion, to provide funds to the University of Guam for coral reef research and protection.

(c) SUPPORT FOR CORAL REEF INSTITUTES.—The Administrator, subject to the availability of appropriations specifically to carry out this subsection, may enter into, renegotiate, or extend a cooperative agreement with any university or local academic institution or other research center with established programs that support coral reef conservation to accomplish the following:

(1) Provide technical and other assistance to build capacity for effective resource management on a regional level and within local communities.

(2) Facilitate interdisciplinary research regarding coral reef ecosystems to improve resource management and improve understanding of potential impacts to such ecosystems attributed to climate change.

(3) Conduct public education programs regarding coral reefs and coral reef ecosystems to improve public awareness of the need to protect and conserve such resources.

(4) To advance the purposes and policies set forth in the Coral Reef Conservation Act of 2000.

(d) DEFINITIONS.—For purposes of this section the definitions in section 214 of the Coral Reef Conservation Act of 2000, as redesignated by section 6(a) of this Act and amended by section 8 of this Act, apply.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

□ 1515

#### GENERAL LEAVE

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

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Is there objection to the request of the gentlewoman from Guam?

There was no objection.

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

H.R. 1205, as amended, would reauthorize the Coral Reef Conservation Act through fiscal year 2012 and give the Federal Government, States and territories additional tools to protect and conserve coral reefs. I commend the gentleman from American Samoa, the Honorable ENI FALEOMAVAEGA, for sponsoring this legislation and for his hard work to move it forward.

H.R. 1205 was referred to the Natural Resources Committee and the Science and Technology Committee. I'm including in the CONGRESSIONAL RECORD an exchange of letters between Chairmen NICK RAHALL and BART GORDON asserting both committees jurisdiction in H.R. 1205. Science Committee Chairman BART GORDON gracefully agreed to allow this bill to come to the floor today.

H.R. 1205, as amended, broadens and improves the definition of “coral reef ecosystem” to include mangroves and sea grass habitats. Additionally, the bill gives the Secretaries of Commerce

and the Interior the authority to cover related costs for damages to coral reefs in U.S. waters located outside national marine sanctuaries.

Mr. Speaker, more than 70 percent of the coral reefs under the jurisdiction of the United States are found in the Pacific, including Guam. Regrettably, coral reefs worldwide remain imperiled and deserving of greater protection. I am a proud cosponsor of this legislation, and I urge my colleagues to support the bill, as amended.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,

Washington, DC, September 26, 2007.

Hon. BART GORDON,  
Chairman, Committee on Science and Technology, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness to allow floor consideration of H.R. 1205, the Coral Reef Conservation Amendments Act of 2007, to proceed unimpeded.

I appreciate your willingness to waive rights to further consideration of H.R. 1205, even though your Committee shares jurisdiction over it and has received an additional referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Science and Technology if a conference is held on this matter.

As you requested, I will insert our two letters in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SCIENCE AND  
TECHNOLOGY,  
Washington, DC, September 27, 2007.

Hon. NICK J. RAHALL II,  
Chairman, Committee on Natural Resources,  
Washington, DC.

DEAR CHAIRMAN RAHALL: I write to you regarding H.R. 1205, the “Coral Reef Conservation Amendments Act of 2007.” This legislation was initially referred to both the Committee on Natural Resources and the Committee on Science and Technology.

H.R. 1205 was marked up by the Committee on Natural Resources on June 28, 2007. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 1205.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I also ask that a copy of this letter and your response be placed in the Congressional Record during consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BART GORDON,  
Chairman.

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

Mr. GOHMERT. Mr. Speaker, I rise in support of H.R. 1205, the Coral Reef Conservation Amendments Act of 2007. We thank the gentleman from American Samoa and, once again, my friend from Guam and also the gentleman from Puerto Rico for their work on this legislation.

Coral reefs are truly a treasure, but they mean the world to the aquatic life in those areas. This legislation authorizes the Secretary of the Interior to undertake coral reef conservation activities. It does involve matching grants, and it provides it in areas under the jurisdiction of the Department of the Interior.

At this time, though, Mr. Speaker, I would like to yield such time as he may consume to my friend from Maryland (Mr. GILCREST).

Mr. GILCREST. Mr. Speaker, I rise in strong support of H.R. 1205 today, and I want to thank my good friend from American Samoa (Mr. FALEOMAVAEGA) for his effort in reauthorizing the Coral Reef Restoration Act.

I want to thank the chairman of the subcommittee, Ms. BORDALLO, for her work in helping us facilitate a number of provisions in this bill; Mr. RAHALL, of course, and certainly Mr. YOUNG and Mr. BROWN. This Coral Reef Restoration Act brings a number of different agencies; once again to thank Mr. FALEOMAVAEGA for helping make this happen. The coordination between various Federal agencies in ensuring that the restoration process continues and does so in a very timely fashion is admirable.

For example, ship strikes pose, used to pose somewhat of a danger to coral reefs because of the various levels of bureaucracy. This bill codifies the Coral Reef Task Force, which coordinates those various Federal agencies to more quickly implement policies that can deal with the restoration process.

Mr. Speaker, 20 percent of America's coral reefs are dead. They are destroyed. 50 percent of America's coral reefs are in danger of dying for various, various reasons, and it is so important at this critical time that we understand the nature and the importance, the value to the ecosystem, the value to marine biological communities, and the economic value to all those States and areas that live next to coral reefs and depend upon them for their fisheries, for tourism, for coastal protection and so on.

Coral reefs do protect coastlines, and they're valued for supporting rich biological diversity that is of immense economic value to a number of regions throughout the United States. Half of the federally managed fish species, that equals billions of dollars, spend much of their life cycle in coral reefs.

But coral reefs, as a result of coastal runoff, Overharvesting, and now the effects of climate change, these particular areas of degradation act in a

phenomenally coordinated fashion to degrade our coral reefs. And so this type of legislation can ameliorate the effects of the anthropogenic onslaught to coral reefs; that's the human activity that degrades coral reefs.

Now, this bill, and I'll close with this, affects coral reefs in this manner, because there's multiple effects on coral reefs: Overharvesting, climate change, acidification of the ocean, runoff, pollution in our oceans, debris in our oceans, and a whole range of other things. That means that we have to approach this from a multiple-stressor effect. How do we deal with all these things?

To account for future effects of human activity, including climate change, this bill enables us to manage the coral reefs in something that we will call "ecosystem resilience," the resilience of an ecosystem. If you look at the human body—your lungs, your liver, your kidneys, your bloodstream, your heart—the human body functions in an extraordinary coordinated fashion. It's our own personal ecosystem.

And in the ecosystem abroad, in the Nation's oceans, that ecosystem can function, if it's restored, understanding that concept of an ecosystem, of a metabolism, if you will, to restore it so it is resilient, just like the human body can be restored. But unless you have a process where you're healthy, where you exercise, where you have a good diet, et cetera, et cetera, then you will run through cycles of health and ill health.

The ecosystem of coral reefs will be managed for its resiliency so it can come back after an onslaught of overharvesting; it can come back after an onslaught of pollution; it can resist and be resilient to this unknown factor of climate change.

So for all these reasons, and for all the help we've had from the staff and the Members, I heartily endorse H.R. 1205, and ask the Members to vote in favor of this legislation.

Ms. BORDALLO. Mr. Speaker, I now recognize my colleague from Florida, the Honorable Mr. KLEIN, for 3 minutes.

Mr. KLEIN of Florida. Thank you, Chairwoman BORDALLO, for yielding me time and Congressman FALEOMAVAEGA for bringing this important legislation to the floor today.

Mr. Speaker, coral reefs are among the most diverse, biologically complex, and valuable ecosystems on Earth. In my home State of Florida, we are fortunate to have the third largest barrier reef in the world. Along with their natural beauty, Florida's coral reef systems serve as a critical place for fish habitat and as a potentially lifesaving barrier against hurricanes as well.

But it's only on an everyday level that coral reefs probably have the greatest impact on south Florida, serving as an important source of tourism, jobs and revenue. In Broward County alone, coral reefs contribute over \$2 billion annually to the local economy.

However, coral reefs are in nothing short of a crisis. Because of a variety of threats, scientists estimate that 60 percent of coral reefs may disappear before 2050.

That's why I'm very proud to support all of my colleagues' efforts today to bring this legislation forward. H.R. 1205 will make important changes to the Coral Reef Conservation Act of 2000. One will be able to take advantage of the vast resources and expertise at various coral reef conservation institutions across the country, like the National Coral Reef Institute.

The National Coral Reef Institute will be hosting the 11th International Coral Reef Symposium next year in Florida, which will bring together scientists from throughout the world, over 3,000 of those scientists, to discuss coral reef issues. Harnessing their experience and knowledge and other institutions' will be a vital component of any Federal coral reef conservation plan.

Another important aspect of this legislation we're considering today will be to authorize NOAA to respond to vessel groundings. Since 1994, we've seen 12 large ships run aground on sensitive coral reef areas near Ft. Lauderdale. The last one, occurring almost a year ago, involved a freighter that left a 20-foot swath of destruction along 100 feet of a coral reef. Whatever coral that once lived there is now, unfortunately, gone.

Part of the solution to vessel groundings is adopting better prevention strategies, such as closing anchorage sites in shallow waters that are close to coral reefs. And I'm very proud that the Coast Guard and others have worked to achieve this objective.

But we also need to respond faster when a vessel does run aground, because the sooner coral reefs can be restored, the better chances for their survival. Expanding NOAA's authority to act will allow NOAA to utilize their experience and resources to both assess the damage and restore the reefs.

For these reasons, I urge my colleagues to adopt this legislation. I thank the sponsors on both sides of the aisle, and recommend that we move forward.

Mr. GOHMERT. Mr. Speaker, this is a good bill. It does a good thing and preserves something that is so vital to our Nation as a resource. We do need to be careful about the unintended consequences of the expansion of the term "wildlife" in other statutes just to give the Secretary authority over coral reefs and coral reef ecosystems, even in limited circumstances.

But with that aside, I would encourage support for the bill, and yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I would now like to recognize the sponsor of this bill, the Honorable Mr. FALEOMAVAEGA from American Samoa, for 4 minutes.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 1205, to reauthorize the Coral Reef Conservation Act of 2000.

First and foremost, I certainly want to commend the chairman of our Natural Resources Committee, the gentleman from West Virginia (Mr. RAHALL), for his support and commitment to this important legislation.

I also would like to acknowledge the leadership and the tremendous support that we have received from my good friend and colleague, the gentleman from Alaska, our senior ranking member, Mr. YOUNG, for his spirit of cooperation and certainly for his support of the bill.

Last but not least, I want to recognize especially my good friend, the chairwoman of our Subcommittee on Fisheries and Wildlife, the gentlelady from Guam (Ms. BORDALLO).

And I want to also commend the gentleman from Texas (Mr. GOHMERT) for his support and management of the bill on the other side of the aisle.

I want to thank my good friend, the gentleman and former chairman of the Fisheries and Wildlife Subcommittee, my good friend from Maryland (Mr. GILCREST). I can't think of a better person that knows more about wildlife than the gentleman from Maryland in the years that I've served with him as a member of the Fisheries Subcommittee.

I also want to thank my good friend, the gentleman from Florida (Mr. KLEIN), for his support of this legislation.

I also want to note for my colleagues that the gentlelady from Florida (Ms. ROS-LEHTINEN) is also a cosponsor of this legislation.

Mr. Speaker, H.R. 1205, the Coral Reef Conservation Act of 2007, is an important piece of legislation because it recognizes that we need to do more now to protect the health of our Nation's coral reefs. We have coral reefs running along the coasts on both sides of the United States, continental United States, especially completely surrounding our U.S. territories.

Coral reefs are critically important, not only here in the United States, but around the world, and we should take the lead in protecting such a vital resource.

Mr. Speaker, H.R. 1205 has carried over key provisions from legislation that I introduced in the previous Congress which had very strong bipartisan support. This legislation will authorize funding for management assistance grants, enhance research and monitoring, implement local action strategies, and also codify the U.S. Coral Reef Task Force, which was established by an executive order issued by President Clinton in 1998.

More importantly, we have included recommendations from our experts in the current administration as well as from other Members of Congress, and also certainly to enhance the passage of this legislation. This has been a

work of some 7 months in consultations. Not only did we have hearings in our subcommittee, we had a markup, also a markup in the full committee for which we received unanimous support.

□ 1530

Mr. Speaker, a United Nations report estimates that 60 percent of the world's coral reefs will die off by the year 2030. And with the drastic change to climate as well as the escalation of global warming, our coral reefs are in peril.

Mr. Speaker, H.R. 1205 affords us an opportunity to take immediate action in conserving and protecting our coral reefs. It is not only critical for our coastal States and territories but, more importantly, for the rest of the world.

I urge my colleagues to support this legislation. And I would be remiss if I did not recognize the senior staffs of the committee on both sides of the aisle, Ms. Lori Sonken, Mr. Dave Jansen, and my good friend Mr. Dave Whaley for their support and for their work in putting this legislation in such a way that now has the bipartisan support of our colleagues on both sides of the aisle.

Again, this is not a Democratic or Republican bill; it is a bill that will serve the best interests of our Nation.

Ms. BORDALLO. Mr. Speaker, as a new chairman of this subcommittee, I want to go on record to thank my colleagues for their input, their expertise on this particular subject. They have all spoken in support of this legislation, and I want to thank them for their bipartisan support.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentlewoman yield?

Ms. BORDALLO. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I just want to note to my colleagues as part of our efforts in preserving the coral reefs is the announcement by President Bush in the last year of the largest marine monument of the world, which is known as the Papahānaumokuākea National Marine Monument, north of the Hawaiian Islands. It is about 140,000 square miles, a little less than the size of Montana, but about the same size as Germany. It also supports some 7,000 species of animal and marine life, which is so important. I think we need to understand that this is also part of what this legislation proposes.

And I thank the gentlewoman for yielding.

Ms. BORDALLO. 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 gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1205, as amended.

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

A motion to reconsider was laid on the table.

#### PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM AND PATHFINDER MODIFICATION AUTHORIZATION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1462) to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1462

*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 “Platte River Recovery Implementation Program and Pathfinder Modification Authorization Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

#### TITLE I—PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM

Sec. 101. Definitions.

Sec. 102. Implementation of Program.

Sec. 103. Cost-sharing contributions.

Sec. 104. Authority to modify Program.

Sec. 105. Effect.

Sec. 106. Authorization of appropriations.

Sec. 107. Termination of authority.

#### TITLE II—PATHFINDER MODIFICATION PROJECT

Sec. 201. Authorization of project.

Sec. 202. Authorized uses of pathfinder reservoir.

#### SEC. 2. PURPOSES.

*The purposes of this Act are to authorize—*

(1) *the Secretary of the Interior, acting through the Commissioner of Reclamation and in partnership with the States, other Federal agencies, and other non-Federal entities, to continue the cooperative effort among the Federal and non-Federal entities through the implementation of the Platte River Recovery Implementation Program for threatened and endangered species in the Central and Lower Platte River Basin without creating Federal water rights or requiring the grant of water rights to Federal entities; and*

(2) *the modification of the Pathfinder Dam and Reservoir.*

#### TITLE I—PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM

##### SEC. 101. DEFINITIONS.

*In this title:*

(1) *AGREEMENT.*—The term “Agreement” means the Platte River Recovery Implementation Program Cooperative Agreement entered into by the Governors of the States and the Secretary.

(2) *FIRST INCREMENT.*—The term “First Increment” means the first 13 years of the Program.

(3) *GOVERNANCE COMMITTEE.*—The term “Governance Committee” means the governance committee established under the Agreement and composed of members from the States, the Federal Government, environmental interests, and water users.

(4) *INTEREST IN LAND OR WATER.*—The term “interest in land or water” includes a fee title,

short- or long-term easement, lease, or other contractual arrangement that is determined to be necessary by the Secretary to implement the land and water components of the Program.

(5) **PROGRAM.**—The term “Program” means the Platte River Recovery Implementation Program established under the Agreement.

(6) **PROJECT OR ACTIVITY.**—The term “project or activity” means—

(A) the planning, design, permitting or other compliance activity, preconstruction activity, construction, construction management, operation, maintenance, and replacement of a facility;

(B) the acquisition of an interest in land or water;

(C) habitat restoration;

(D) research and monitoring;

(E) program administration; and

(F) any other activity that is determined to be necessary by the Secretary to carry out the Program.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) **STATES.**—The term “States” means the States of Nebraska, Wyoming, and Colorado.

#### **SEC. 102. IMPLEMENTATION OF PROGRAM.**

(a) **IN GENERAL.**—The Secretary, in cooperation with the Governance Committee, may—

(1) participate in the Program; and

(2) carry out any projects and activities that are designated for implementation during the First Increment.

(b) **AUTHORITY OF SECRETARY.**—For purposes of carrying out this title, the Secretary, in cooperation with the Governance Committee, may—

(1) enter into agreements and contracts with Federal and non-Federal entities;

(2) acquire interests in land, water, and facilities from willing sellers without the use of eminent domain;

(3) subsequently transfer any interests acquired under paragraph (2); and

(4) accept or provide grants.

#### **SEC. 103. COST-SHARING CONTRIBUTIONS.**

(a) **IN GENERAL.**—As provided in the Agreement, the participating States shall contribute not less than 50 percent of the total contributions necessary to carry out the Program.

(b) **NON-FEDERAL CONTRIBUTIONS.**—The following contributions shall constitute the States’ share of the Program:

(1) \$30,000,000 in non-Federal funds, with the balance of funds remaining to be contributed to be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(2) Credit for contributions of water or land for the purposes of implementing the Program, as determined to be appropriate by the Secretary.

(c) **IN-KIND CONTRIBUTIONS.**—The Secretary or the States may elect to provide a portion of the Federal share or non-Federal share, respectively, in the form of in-kind goods or services, if the contribution of goods or services is approved by the Governance Committee, as provided in Attachment 1 of the Agreement.

#### **SEC. 104. AUTHORITY TO MODIFY PROGRAM.**

The Program may be modified or amended before the completion of the First Increment if the Secretary and the States determine that the modifications are consistent with the purposes of the Program.

#### **SEC. 105. EFFECT.**

(a) **EFFECT ON RECLAMATION LAWS.**—No action carried out under this title shall, with respect to the acreage limitation provisions of the reclamation laws—

(1) be considered in determining whether a district (as the term is defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb)) has discharged the obligation of the district to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(2) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of the construction obligations of the district; or

(3) serve as the basis for increasing the construction repayment obligation of the district, which would extend the period during which the acreage limitation provisions would apply.

(b) **EFFECT ON WATER RIGHTS.**—Nothing in this title—

(1) creates Federal water rights; or

(2) requires the grant of water rights to Federal entities.

#### **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out projects and activities under this title \$157,140,000, as adjusted under subsection (c).

(b) **NONREIMBURSABLE FEDERAL EXPENDITURES.**—Any amounts expended under subsection (a) shall be considered to be non-reimbursable Federal expenditures.

(c) **ADJUSTMENT.**—The balance of funds remaining to be appropriated shall be adjusted for inflation on October 1 of the year after the enactment of this Act and each October 1 thereafter.

(d) **AVAILABILITY OF FUNDS.**—At the end of each fiscal year, any unexpended funds for projects and activities made available under subsection (a) shall be retained for use in future fiscal years to implement projects and activities under the Program.

#### **SEC. 107. TERMINATION OF AUTHORITY.**

The authority for the Secretary to implement the First Increment shall terminate on September 30, 2020.

### **TITLE II—PATHFINDER MODIFICATION PROJECT**

#### **SEC. 201. AUTHORIZATION OF PROJECT.**

(a) **IN GENERAL.**—The Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this title as the “Secretary”), may—

(1) modify the Pathfinder Dam and Reservoir; and

(2) enter into 1 or more agreements with the State of Wyoming to implement the Pathfinder Modification Project (referred to in this title as the “Project”), as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).

(b) **FEDERAL APPROPRIATIONS.**—No Federal appropriations are required to modify the Pathfinder Dam under this section.

#### **SEC. 202. AUTHORIZED USES OF PATHFINDER RESERVOIR.**

The approximately 54,000 acre-feet capacity of Pathfinder Reservoir, which has been lost to sediment but will be recaptured by the Project, may be used for municipal, environmental, and other purposes, as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

#### **GENERAL LEAVE**

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

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

There was no objection.

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

The purpose of H.R. 1462, as introduced by our colleague Congressman MARK UDALL of Colorado and amended by the Committee on Natural Resources, is to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir.

H.R. 1462, as amended, would secure benefits for four target species and their associated habitats while also providing Endangered Species Act compliance for existing and certain new water-related activities in the Platte River basin.

H.R. 1462, as amended, also authorizes the modification of Pathfinder Dam and Reservoir as is required by a legal settlement and is the key part of the water devoted to recovery implementation.

Mr. Speaker, this program is the result of years and years of negotiation and compromise between water users and environmentalists and should be seen as a model for dealing with endangered species conflicts. I congratulate my Democratic colleague from Colorado, the Honorable Representative MARK UDALL, for his hard work on this legislation. And I strongly urge my colleagues to stand in support of this non-controversial bill.

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

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

H.R. 1462 stems from endangered species conflicts along the Platte River. As a result of lawsuits and the real threat of water and power infrastructure being shut down over endangered species conflicts, the Federal Government, three States, water and power users, and environmental organizations came together on the Platte River Recovery Program, and this legislation implements part of that program. The result is that existing water and power infrastructure is protected while a collaborative and far-reaching program to help save four different species begins.

Since this program is contingent upon Federal appropriations and a State can opt out, the governance committee charged with implementing the program has the enormous responsibility of keeping all stakeholders together, conversing with affected parties, communities and landowners on land and water issues and finding real results. Congress will continue to have oversight on this program to see if it is being run effectively and efficiently. This legislation, if implemented properly, can be a win-win for both the people and species of the Platte River basin.

Mr. Speaker, before I yield back, let me just emphasize again there were so many interests at work here. I don't know if anybody is totally thrilled with the result, but it seemed to be an appropriate way to bring what could be

done together to come about with a result that will require oversight, will require monitoring. But under the circumstances to keep things from being totally shut down, we would encourage our colleagues to support this bill.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this legislation, which I introduced earlier this year.

I want to express my thanks to Chairman RAHALL, Ranking Member DON YOUNG, Subcommittee Chairwoman NAPOLITANO, and Subcommittee Ranking Member MCMORRIS RODGERS for making it possible for the bill to come before the House of Representatives today.

The legislation will authorize the Interior Department to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin.

I consider myself fortunate to have the honor of introducing it, and am gratified that it is cosponsored by my Colorado colleagues, Representatives DEGETTE, SALAZAR, and PERLMUTTER, as well as the entire House delegations of our neighboring States of Wyoming and Nebraska.

Its purpose is to continue a cooperative effort involving the Federal Government and the States of Colorado, Nebraska, and Wyoming (and other entities and groups) aimed at recovery of endangered species in ways that will not involve the creation of Federal water rights or requiring the grant of water rights to Federal entities.

This legislation is the result of 14 years of negotiations that culminated last year when the Governors of Colorado, Wyoming, and Nebraska joined Secretary Kempthorne in signing the agreement.

Since then, initial implementing steps have begun and the President's budget for fiscal 2008 has requested the initial funding for the program.

The program is modeled after a somewhat similar program for the recovery of several endangered species of fish in the upper basin of the Colorado River. I have strongly supported that program because it has enabled us in Colorado and other participating States to meet the requirements of the Endangered Species Act while allowing continued development and use of water for other purposes as well.

While such arrangements are not easy to work out, I think doing so is far better than alternative approaches that are more likely to be marked by conflicts or litigation. So, I think all concerned in the negotiation of this important agreement are to be congratulated.

Mr. Speaker, this is an important bill that deserves the support of the entire House, and I urge its approval. For the benefit of our colleagues, I am attaching information about the background of the Recovery Program addressed by the bill:

#### BACKGROUND

Since 1997, the States of Colorado, Nebraska, and Wyoming have worked with water users, conservation groups and the Interior Department to develop ways to allow continued water use and development along the Platte River to comply with the Endangered Species Act (ESA).

In late 2006 the States and the Interior Department signed the final agreement for a basin-wide Recovery Program to benefit three endangered species (interior least tern, whooping crane, and pallid sturgeon) and one

threatened species (piping plover) referred to as the "target species."

The Federal government is to pay half the cost—and the bill authorizes appropriation of those funds. Total authorization would be \$157.14 million plus any needed inflation adjustments.

#### RECOVERY PROGRAM

The Program is designed to secure defined benefits for the target species and their associated habitats while also providing ESA compliance for existing and certain new water-related activities in the Platte River basin. It is to be incremental, with the First Increment coming over the next 13 years. It would be implemented by a Governance Committee with membership including representatives of the three states, the Interior Department, water users, and environmental groups.

While the Program is designed to provide ESA compliance for existing and certain new water-related activities throughout the Platte River basin upstream of the confluence of the Platte and the Loup Rivers (in Nebraska), the land acquisition and management for the target bird species will occur in the central Platte River region (Lexington to Chapman, Nebraska), and Program water activities would be designed to provide benefits for the target bird species in the central Platte River region and for the pallid sturgeon in the lower Platte River region (below the confluence with the Elkhorn River).

#### ELEMENTS OF THE PROGRAM

The Program has three main elements—(1) increasing stream flows in the central Platte River during relevant periods through retiming and water conservation/supply projects; (2) enhancing, restoring and protecting habitat lands for the target bird species; and (3) accommodating certain new water-related activities.

The Program will achieve these results through an adaptive management approach employing scientific monitoring and research to evaluate the management actions and species habitat needs. These elements will be implemented according to underlying principles that require interests in land to be acquired only from willing participants and avoid increasing tax burdens to local citizens by paying taxes or their equivalent on Program lands. Program lands will be held by a land holding entity (rather than by the Federal or state governments) and will be managed under a "good neighbor" policy.

#### WATER

The Program's long-term objective for water is to provide sufficient water to and through the central Platte River habitat area to assist in improving and maintaining habitat for the target species using incentive based water projects. During the First Increment (13 years) the Program's objective is to retime and improve flows in the central Platte River to reduce shortages to target flows by an average of 130,000 to 150,000 acre-feet per year at Grand Island.

#### LAND

During the First Increment, the Program's objective is to protect, restore, and maintain 10,000 acres of habitat. The Program's long-term objective for land is to acquire land interests, restore where appropriate, and maintain and manage approximately 29,000 acres of suitable habitat along the central Platte River between Lexington and Chapman, Nebraska. Land acquired during the Program's First Increment will be credited to this long-term objective as will certain lands that meet criteria established by the Governance Committee but are managed by other entities such as environmental organizations or utility and irrigation districts.

#### FUTURE WATER DEVELOPMENT PROJECTS AND NEW DEPLETIONS

One Program purpose is to mitigate the adverse impacts of certain new water-related activities through the implementation of state and Federal depletions plans. This will allow continued growth and water development to occur in the Platte River basin along with improving conditions for the target species.

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

Ms. BORDALLO. 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 gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1462, as amended.

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

A motion to reconsider was laid on the table.

#### CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT FEASIBILITY STUDY

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1337) to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1337

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

#### SECTION 1. CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT FEASIBILITY STUDY.

(a) FINDINGS.—Congress finds that—

(1) Thunderbird Lake, located on Little River in central Oklahoma, was constructed in 1965 by the Bureau of Reclamation for flood control, water supply, recreation, and fish and wildlife purposes;

(2) the available yield of Thunderbird Lake is allocated to the Central Oklahoma Master Conservancy District, which supplies municipal and industrial water supplies to the cities of Norman, Midwest City, and Del City, Oklahoma; and

(3) studies conducted by the Bureau during fiscal year 2003 indicate that the District will require additional water supplies to meet the future needs of the District, including through—

(A) the drilling of additional wells;

(B) the implementation of a seasonal pool plan at Thunderbird Lake;

(C) the construction of terminal storage to hold wet-weather yield from Thunderbird Lake;

(D) a reallocation of water storage; and

(E) the importation of surplus water from sources outside the basin of Thunderbird Lake.

(b) STUDY.—Beginning no later than 1 year after the date of enactment of this Act, the Commissioner of the Bureau of Reclamation shall conduct a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District, including recommendations of the Commissioner, if any.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the

Commissioner of the Bureau of Reclamation \$900,000 to conduct the study under subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

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

The purpose of H.R. 1337, introduced by our colleague, Congressman TOM COLE of Oklahoma, is to direct the Commissioner of the Bureau of Reclamation to conduct a feasibility study on alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by that district.

This legislation was previously considered by the House, and we have no objection to this noncontroversial bill.

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

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

I rise in support of H.R. 1337.

H.R. 1337, authored by Congressman TOM COLE, authorizes a feasibility study to assist Norman, Oklahoma, and the surrounding area to meet long-term water supplies through the expansion of a Federal water project.

Like many areas throughout the West, these Oklahoma communities are faced with growing water supply challenges. This thoughtful bill provides limited Federal assistance to expand a Federal reservoir, but preserves local rights and jurisdiction.

Although some of us have concerns that there are people who play football in the Norman, Oklahoma, area and they have been overly aggressive as of late with some of our Texas teams, we are hopeful that by providing this help that it will cool down some of that overaggressiveness.

I would urge my colleagues to support the bill.

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

Ms. BORDALLO. Mr. Speaker, I thank my colleague from Texas (Mr. GOHMERT) for his support on this noncontroversial bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1337, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SANTA ANA RIVER WATER SUPPLY ENHANCEMENT ACT OF 2007

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 813) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 813

*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 "Santa Ana River Water Supply Enhancement Act of 2007".

**SEC. 2. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

**"SEC. 16 . PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.**

"(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section."

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is further amended by inserting after the last item the following:

"16 . Prado Basin Natural Treatment System Project."

**SEC. 3. REGIONAL BRINE LINES.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is further amended by adding at the end the following:

**"SEC. 16 . REGIONAL BRINE LINES.**

"(a) SOUTHERN CALIFORNIA.—The Secretary, under Federal reclamation laws and in cooperation with units of local government, may assist agencies in projects to con-

struct regional brine lines to export the salinity imported from the Colorado River to the Pacific Ocean as identified in—

"(1) the Salinity Management Study prepared by the Bureau of Reclamation and the Metropolitan Water District of Southern California; and

"(2) the Southern California Comprehensive Water Reclamation and Reuse Study prepared by the Bureau of Reclamation.

"(b) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

"(c) COST SHARING.—The Federal share of the cost of a project to construct regional brine lines described in subsection (a) shall not exceed—

"(1) 25 percent of the total cost of the project; or

"(2) \$40,000,000.

"(d) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a).

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section."

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is further amended by inserting after the last item the following:

"16 . Regional brine lines."

**SEC. 4. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is further amended by adding at the end the following:

**"SEC. 16 . LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.**

"(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

"(1) 25 percent of the total cost of the project; or

"(2) \$50,000,000.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section."

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is further amended by inserting after the last item the following:

"16 . Lower Chino dairy area desalination demonstration and reclamation project."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

## GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the purpose of H.R. 813, as amended, is to authorize the Secretary of the Interior to participate in several important projects to improve water supplies in Southern California. In consultation with the minority, the legislation has been amended to eliminate the authorization and funding for a technology center. Similar legislation passed the House in the 109th Congress.

So, Mr. Speaker, we support this non-controversial bill.

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

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

I rise in support of H.R. 813.

H.R. 813 does enjoy bipartisan support from the Orange County, California delegation. This legislation seeks to reduce Southern California's dependence on imported water by helping localities build needed desalination infrastructure in the region.

Congressman GARY MILLER's bill could not be considered at a better time since millions of water consumers in Southern California may soon feel the brunt of water rationing due to a lawsuit and subsequent judicial decision reducing water deliveries to the region.

A number of our colleagues, on a bipartisan basis, sent a letter over a month ago requesting that the Democratic majority hold a hearing on the impacts of this decision. This Congress needs to recognize that people are a part of the water equation as well in this endangered species debate. We hope the majority will work with us on this important hearing and ways to avoid future water shut-offs.

This legislation may be too late to mitigate harmful lawsuits and judicial decisions, but it will help in the long term; and that is why we support the bill.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of H.R. 813, the Santa Ana River Water Supply Enhancement Act of 2007, which will significantly increase Southern California's water supply.

The Santa Ana River Water Supply Enhancement Act of 2007 authorizes federal funding for a number of important local water projects. When complete, these projects will increase Southern California's water supply by over 37 billion gallons per year.

Because of dwindling supplies, increasing demands, and looming drought, Southern California communities continue to seek non-traditional methods to produce dependable water sources. I am pleased that the House has rec-

ognized the importance of addressing the chronic water shortages in Southern California by providing the funding resources necessary to help local water agencies improve water reliability and diversity.

H.R. 813, the Santa Ana River Water Supply Enhancement Act of 2007, will improve Southern California's water supply by developing wetlands in the Prado Basin, and expanding groundwater desalination in the Chino Basin, and constructing regional brine lines.

Specifically, H.R. 813 authorizes the federal government to spend \$20 million to develop large-scale wetlands along the Santa Ana River in the Prado Basin, to purify the River before it replenishes Orange County's groundwater supplies. This expanded natural treatment system will provide an additional 24.5 billion gallons of water per year.

In addition, H.R. 813 authorizes \$50 million in federal funding to expand groundwater desalination in the Chino Basin from the current 2.9 billion gallons per year to 13 billion gallons per year. This will provide a new fresh drinking water supply for Jurupa Community Services District, Santa Ana Mutual Water Company in Riverside County, and the cities of Norco, Chino, Chino Hills, and Ontario in San Bernardino County.

Also, the bill authorizes \$40 million in federal funding to provide methods to safely and efficiently discard excess brine from nearby desalination plants by constructing a line that transports residual brine to the Pacific Ocean. This will ensure salt water does not contaminate fresh groundwater supplies.

If we want to sustain America's economic growth and provide for a rapidly increasing population, we must ensure our communities have efficient and reliable access to water resources. By encouraging the use of innovative technologies through water recycling and desalination, this bill ensures that more drinking water will be available across Southern California.

Mr. Speaker, I urge my colleagues to support this important bill. As it moves forward through the legislative process, I will continue to urge for its expeditious enactment.

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

Ms. BORDALLO. 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 Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 813, as amended.

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

A motion to reconsider was laid on the table.

□ 1545

SAN DIEGO WATER STORAGE AND EFFICIENCY ACT OF 2007

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1803) to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the pur-

poses of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitán, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1803

*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 "San Diego Water Storage and Efficiency Act of 2007".

**SEC. 2. FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.**

(a) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as "Secretary"), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary's engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under subsection (d) whether the proposed reservoir and intertie project is recommended for construction.

(b) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(c) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this section.

(d) FEASIBILITY REPORT.—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(1) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(2) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

**SEC. 3. FEDERAL RECLAMATION PROJECTS.**

Nothing in this Act shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the Secretary \$3,000,000 for the Federal cost share of the study authorized in section 2.

**SEC. 5. SUNSET.**

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

## GENERAL LEAVE

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

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

There was no objection.

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

H.R. 1803, introduced by Congressman DUNCAN HUNTER, would direct the Secretary of the Interior to conduct a feasibility study to design and construct a four-reservoir intertie system. This intertie system will improve the water storage opportunities and water supply reliability for the City of San Diego and the Sweetwater Authority, the third largest water retailer in San Diego County. Similar legislation was passed by the House in the 109th Congress.

We have no objection to this non-controversial bill.

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

Mr. GOHMERT. Mr. Speaker, I rise in support of H.R. 1803 and yield myself such time as I may consume.

This important legislation was introduced by our colleagues from California, President—not President yet—DUNCAN HUNTER and SUSAN DAVIS, both colleagues here in Congress. It represents the first step in expanding increasingly scarce water supplies for the citizens of the San Diego area.

This bill authorizes the Bureau of Reclamation to assess the feasibility of constructing an intertie system between four reservoirs. Several of these reservoirs are significantly below capacity in most years. Once interconnected, water could then be transported to the unused space.

Growing populations and reduced water storage opportunities require us to make efficient use of the supplies that we have, and this bill does just that.

I urge my colleagues to support this noncontroversial bill, which also passed the House in the last Congress. It also follows the adage that an east Texan once told me, "Use what you got." This will allow us to do that. I urge support of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1803.

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

A motion to reconsider was laid on the table.

### MADERA WATER SUPPLY ENHANCEMENT ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1855) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1855

*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 "Madera Water Supply Enhancement Act".

**SEC. 2. DEFINITIONS.**

For the purposes of this Act:

(1) DISTRICT.—The term "District" means the Madera Irrigation District, Madera, California.

(2) PROJECT.—The term "Project" means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

(3) SECRETARY.—The term "Secretary" means the Secretary of the United States Department of the Interior.

(4) TOTAL COST.—The term "total cost" means all reasonable costs, such as the planning, design, permitting, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

**SEC. 3. PROJECT FEASIBILITY.**

(a) PROJECT FEASIBLE.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(b) APPLICABILITY OF OTHER LAWS.—The Secretary shall implement the authority provided in this Act in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

**SEC. 4. COOPERATIVE AGREEMENT.**

All final planning and design and the construction of the Project authorized by this Act shall be undertaken in accordance with

a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;

(2) construction; and

(3) the administration of contracts pertaining to any of the foregoing.

**SEC. 5. AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.**

(a) AUTHORIZATION OF CONSTRUCTION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, is authorized to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the final design and construction of the Project.

(b) TOTAL COST.—The total cost of the Project for the purposes of determining the Federal cost share shall not exceed \$90,000,000.

(c) COST SHARE.—The Federal share of the capital costs of the Project shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(d) CREDIT FOR NON-FEDERAL WORK.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(1) in-kind services that the Secretary determines would contribute substantially toward the completion of the project;

(2) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and

(3) the acquisition costs of lands used or acquired by the District for the Project.

(e) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this section. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(f) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(g) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or the assistance provided under this section shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(h) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary to carry out this Act \$22,500,000 or 25 percent of the total cost of the Project, whichever is less.

**SEC. 6. SUNSET.**

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

## GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

The purpose of H.R. 1855, as amended, is to authorize the Secretary of the Interior to provide support for the design and the construction of the Madera Water Supply and Enhancement Project in California's Central Valley.

Similar legislation was introduced by Congressman RADANOVICH in the 109th Congress and passed by the House. With the concurrence of the minority, H.R. 1855 has been amended to simplify the legislation and to ensure there is no doubt that this project should be promptly funded and constructed without further studies of its feasibility.

We have no objection to this non-controversial bill.

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

Mr. GOHMERT. Mr. Speaker, I rise in support of H.R. 1855 and yield myself such time as I may consume.

Mr. Speaker, this legislation, sponsored by our California colleague and former Water and Power Subcommittee Chair GEORGE RADANOVICH, authorizes the Bureau of Reclamation to participate in the design and construction of the Madera Water Supply and Enhancement Project.

Due to a rapidly growing population and lawsuits filed, once again we hear about those lawsuits filed by San Francisco-based environmental organizations, the San Joaquin Valley of California faces increasing demands on its limited water supply. If excess water in the San Joaquin River exists, this project would store those flows in a nearby aquifer underneath the 13,000-acre Madera Ranch. This stored water bank could prove critical to meeting demands in dry years.

This legislation also unilaterally declares the project feasible, which is something the bureaucracy would normally take years and much paperwork to decide. We commend the majority for agreeing to this rarely-used congressional declaration for a water storage project.

With that, Mr. Speaker, I would like to commend my colleague across the aisle again, a Member of Congress with true grace and class. I appreciate her work on these bills, and I urge my colleagues to support this particular legislation.

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

Ms. BORDALLO. Mr. Speaker, it has been a pleasure to work with my friend, the gentleman from Texas (Mr. GOHMERT), in managing these non-controversial bills this afternoon, and I want to thank him very much. I hope we have the opportunity again.

Mr. RADANOVICH. Mr. Speaker, I rise in support of H.R. 3897, the Madera Water Sup-

ply Enhancement Act. This legislation authorizes the Bureau of Reclamation to participate in the design and construction of the Madera Water Supply Enhancement Project. This important water bank project will help improve water supply in California's San Joaquin Valley, which includes my congressional district.

The Project will be located on the over 13,000-acre Madera Ranch, where the soils are ideal for percolating water from the surface to the aquifer for storage. The land is also a valuable habitat for numerous species and contains large sections of the region's native grasslands.

Since I first introduced this legislation in early 2006 the water supply needs of the area have only increased. Court decisions and drought have led to an increasing demand on water supply in California. Groundwater pumping is exceeding groundwater recharge by approximately 100,000 acre-feet per year, causing severe groundwater level declines. This water bank, by storing excess water in wet years, will provide a much needed source of water in dry years and facilitate the restoration of groundwater levels over time.

The Madera Irrigation District has worked tirelessly to develop this exciting and innovative project that will increase water supply, provide groundwater resource protection, contribute to habitat conservation and have other positive impacts on the severe water supply and reliability problem in the area.

The looming water crisis in California demands more feasible water supply projects, such as this water bank. I am encouraged by the authorization of this project and look forward to many more projects to ensure the water supply and quality in California. Companion legislation has been introduced by Senator DIANNE FEINSTEIN. Hopefully, with the support of the Senate we will see this project come to fruition.

I urge my colleagues to support this legislation to expand water supply opportunities in Madera and California's San Joaquin Valley.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1855, as amended.

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

A motion to reconsider was laid on the table.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 22, 2007.

HON. NANCY PELOSI,  
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 22, 2007, at 9:51 a.m.:

That the Senate passed without amendment H.R. 3233.

With best wishes, I am,  
Sincerely,

LORRAINE C. MILLER,  
Clerk of the House.

#### SUPPORTING THE GOALS OF NATIONAL BULLYING PREVENTION AWARENESS WEEK

Mrs. MCCARTHY of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 762) supporting the goals of National Bullying Prevention Awareness Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 762

Whereas bullying among school-aged children is aggressive behavior that is intentional, often involves an imbalance of power or strength, and is typically repeated over time;

Whereas by some estimates, millions of students are bullied each year;

Whereas bullying can take many forms, including hitting or punching; teasing or name-calling; intimidating through gestures or social exclusion, and sending insulting, threatening, or offensive messages or images via e-mail, text, telephone, or other electronic means;

Whereas there is no single cause of bullying among school-aged children; rather, individual, familial, peer, school, and community factors may place a child or youth at risk of bullying his or her peers;

Whereas a majority of parents, students, and educators report that bullying and harassment are issues of major concern;

Whereas school-aged children who are bullied are more likely than other children to be depressed, lonely, or anxious; have low self-esteem; be absent from school; have more physical complaints, such as headaches and stomach aches; and think about suicide;

Whereas bullying others may be an early sign of other serious antisocial or violent behavior or both;

Whereas school-aged children who frequently bully their peers are more likely than their peers to get into frequent fights, be injured in a fight, vandalize or steal property, drink alcohol, smoke, be truant from school, drop out of school, or carry a weapon;

Whereas harassment and bullying have been linked to 75 percent of school shooting incidents, including the fatal shootings at Columbine High School in Colorado, Santana High School in California, and the Virginia Polytechnic Institute and State University (Virginia Tech);

Whereas the stresses of being bullied or harassed can interfere with student's engagement and learning in school and may have a negative impact on student learning;

Whereas research indicates that bullying at school can be significantly reduced through comprehensive, school-wide programs designed to change norms for behavior; and

Whereas National Bullying Prevention Awareness Week is October 21 through October 27; Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that bullying of school-aged children is a national concern;

(2) recognizes that bullying is unhealthy for our families and communities;

(3) commends the efforts of national and community organizations, schools, parents,

recreation programs, and religious institutions for their efforts to promote greater public awareness about bullying and prevention activities; and

(4) supports the goals of National Bullying Prevention Awareness Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 762 into the RECORD.

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

There was no objection.

Mrs. MCCARTHY of New York. I yield myself such time as I may consume.

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

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of National Bullying Prevention Awareness Week.

Bullying among children is aggressive behavior that is intentional and often repeated over time. It is estimated that 3.2 million students are bullied each year. These children that are victims of bullying often have a hard time defending themselves. They are the target of hitting, teasing, name-calling, intimidation and social exclusion. With the arrival of the digital age, bullying is taking place over e-mail in online communities such as MySpace and Facebook.

There is no single cause of bullying among school children. Several factors can make a child the target of aggressive bullying. What we do know is that students with disabilities and special needs are more often targeted by bullies. Overweight and obese children are also far more likely to be the victims of bullying. This weight-based teasing often causes body image issues with the children, sometimes leading to depression and even suicide. Bullying can often be a sign of serious antisocial behavior, and many children who bully are often dealing with issues in their home life.

We have all seen the horrors that can occur when bullying does go unchecked. The students at Columbine High School were the subjects of constant bullying. We are all aware of what happened when they reached their breaking point.

Congress cannot sit and wait for another tragedy to occur before we act. That is why I have introduced, with my colleague, today's resolution. The resolution recognizes this week as National Bullying Prevention Awareness Week, and commends the many programs and organizations that do great work in preventing the cycle of bullying.

I urge my colleagues to support this resolution.

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

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

Mr. Speaker, I rise today in support of House Resolution 762, supporting the goals of National Bullying Prevention Awareness Week.

According to the Health Resources and Services Administration of the United States Department of Health and Human Services, bullying is aggressive behavior that is intentional, repeated over time, and involves an imbalance of power or strength.

In practical terms, bullying happens when one child purposely hurts, scares or intimidates another. Bullying can seriously affect the mental and physical health as well as the academic work of children who are targeted.

Bullying can take place face to face, online or through other types of technology, such as text messaging over cell phones. The person being bullied has a difficult time defending himself or herself and feels victimized or abused. Usually bullying happens repeatedly, and studies show that between 15 and 25 percent of U.S. students are bullied with some frequency.

Bullying is prevalent, and children are concerned about it. In a 2003 Harris poll of 8- to 17-year-old girls commissioned by the Girl Scouts of America, bullying topped girls' lists of concerns regarding their safety. When asked what they worried most about, the common response was being socially ostracized, being made fun of, or being teased. To protect kids who are bullied, parents and adults must understand what bullying is, how harmful it can be, and the best ways to stop bullying behaviors.

According to the American Psychological Association, the most effective prevention strategies are comprehensive in nature, involving the entire school as a community working to change the climate of the school and norms of behavior. It's crucial that parents, educators and administrators, health care professionals and researchers work together to reduce bullying. Campaigns are taking place in the U.S. and abroad to teach children that they play an important role in the prevention of bullying and to raise awareness of the problem among adults. Children should feel comfortable in their communities and in their schools. They should not have to fear harassment, abuse or exclusion. We must continue to support efforts to combat bullying.

I thank the gentlewoman from New York (Mrs. MCCARTHY) for introducing this resolution. I ask for my colleagues' support.

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

Mrs. MCCARTHY of New York. Mr. Speaker, I want to thank my colleague from New York (Mr. KUHL) for his work in working on this bipartisan agreement.

Mr. Speaker, I yield 5 minutes to Congresswoman LINDA SÁNCHEZ from

California, who has been working on this issue for many, many years.

□ 1600

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today in strong support of this resolution, supporting the goals of National Bullying Prevention Week. It is time that we recognize that bullying is a serious problem and support our local communities in their attempts to address it.

Contrary to what is sadly still popular belief, bullying is neither a minor nuisance nor something to be laughed off. It is not a rite of passage, but instead an aggressive interference with a child's right to go to school, to learn, and to play in safety. Although any child may be bullied, some children face much greater risks than others. Children whom others perceive to be gay or lesbian are especially at risk, as are children who are obese.

Just what kind of dangers do these children face? Here are just two stories of students bullied on the basis of their sexual orientation.

One California student was recently subjected to verbal harassment and name-calling by students and teachers, spit on in school hallways, subjected to sexually suggestive touching, and even referred to an independent study program, as if the bullying and harassment were the victim's fault.

A Kentucky student received death threats, repeated unwanted sexual contact, offensive and hostile verbal abuse, and sexual intimidation and humiliation, including sexually explicit graffiti on the school parking lot depicting two male figures engaged in a sexual act with the student's name above the picture.

It is regrettable that not all my colleagues agree that all adults should be treated equally regardless of their sexual orientation or gender identity. But surely we can agree that all children deserve to be protected from abuse.

As many as three-quarters of school shooting incidents have been linked to bullying and harassment. We know that the shooters in the Columbine High School and Virginia Tech tragedies were bullying victims.

Yet, even in the face of this evidence, many communities have still failed to take action against bullying. It is time for us to stop making excuses for aggressive behavior. Instead of letting our most vulnerable young people fend for themselves, we, as adults, must help schools address this problem. We must get the word out that bullying is never okay.

Kids can't succeed in school if they're being bullied and harassed.

I'm pleased to be able to honor today a wide variety of groups that are working to help parents, schools, and communities combat bullying and harassment.

I also honor those that teach children how to nonviolently defend themselves against bullying, whether in person or via electronic means such as e-

mail, telephone, or text message. For example, nonprofit groups like i-SAFE, TeenAngels, and TweenAngels have developed curricula that help children and youth stay safe online. And the National PTA and the American Psychological Association have provided instrumental support for efforts to assist local schools in their attempts to create a safer, bullying-free environment.

I am so pleased that Congress is working in a bipartisan way to advance this resolution, which recognizes that bullying and harassment are violent and damaging behaviors that we can and must address.

Additionally, I am pleased that Chairman GEORGE MILLER and Ranking Member BUCK MCKEON of the Education and Labor Committee have already gone a step farther. In their No Child Left Behind reauthorization discussion draft, they have included language that will ensure that schools can use their Safe and Drug Free Schools funding to reduce bullying and harassment.

I ask my colleagues to join me, not only in supporting this resolution, but also in supporting other legislation that would protect our children and youth from bullying and harassment. No student should be denied full access to education as a result of the fear and intimidation that stems from instances of bullying and harassment. All our children deserve to be safe.

I want to commend again the gentlewoman from New York (Mrs. MCCARTHY) for her work on this resolution. Thank you.

Mr. KUHL of New York. Madam Speaker, I might inquire as to whether or not the gentlewoman from New York has any additional speakers.

Mrs. MCCARTHY of New York. Madam Speaker, we have no more speakers.

Mr. KUHL of New York. Madam Speaker, I would thank the gentlewoman for bringing this resolution to the floor once again, and I yield back the balance of my time.

Mrs. MCCARTHY of New York. Madam Speaker, we have heard some points about bullying in our schools across America. Recently, the Girl Scouts of America had actually done a survey. In my home district, they asked their Girl Scouts and their Brownies on addressing bullying and asked if any of them had participated in it. They were actually shocked at how many of their girls, Girl Scouts, actually participated in bullying.

I think that when we look at bullying today, it is an issue that teachers, parents, students themselves need to be educated on. With that, I am hoping that this resolution will go forward so people are aware. Bullying cannot be tolerated. It does hurt our young people. It certainly hurts their self-image. It is something that we need to face.

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

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). The

question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 762.

The question was taken.

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

Mrs. MCCARTHY of New York. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

CONGRATULATING THE WICHITA STATE UNIVERSITY WOMEN'S BOWLING TEAM FOR WINNING THE 2007 UNITED STATES BOWLING CONGRESS INTERCOLLEGIATE BOWLING NATIONAL CHAMPIONSHIP

Mrs. MCCARTHY of New York. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 472) congratulating and commending the Wichita State University women's bowling team for winning the 2007 United States Bowling Congress Intercollegiate Bowling National Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 472

Whereas on April 21, 2007, the Wichita State University (WSU) women's bowling team won the 2007 United States Bowling Congress (USBC) Intercollegiate Bowling National Championship Tournament in Wichita, Kansas;

Whereas WSU, on the final day of the tournament, defeated Central Florida University 4 games to 1 in the semi-finals and McKendree College (Illinois) 2 games to 0 in the finals to win the national championship;

Whereas the WSU women's bowling team has won eight Intercollegiate Bowling National Championships (1975, 1977, 1978, 1986, 1990, 1994, 2005, and 2007) and has advanced to the national tournament a record 31 times;

Whereas Head Coach Gordon Vadakin has coached the WSU bowling team since 1978, leading them to the Intercollegiate Bowling National Championship Tournament 29 times and has coached the team to six national titles;

Whereas Women's Coach Mark Lewis and Assistant Women's Coach Kristal Scott directly coached the 2007 WSU women's bowling team to the national championship in Wichita, Kansas;

Whereas both Head Coach Gordon Vadakin and Women's Coach Mark Lewis are members of the USBC Hall of Fame;

Whereas the 2007 national championship team is comprised of the following members: Daniela Alvarado, Ashley Cox, Elysia Current, Sandra Gongora, Melissa Hurst, Samantha Linder, Emily Maier, Rocio Restrepo, Ricki Williams, and Felicia Wong; and

Whereas WSU Juniors Elysia Current and Emily Maier were named as First Team All-Americans, and Maier was named as a member of the All-Tournament Team of the 2007

Intercollegiate Bowling National Championship Tournament: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates and commends the Wichita State University (WSU) women's bowling team for winning the 2007 United States Bowling Congress (USBC) Intercollegiate Bowling National Championship Tournament;

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the WSU women's bowling team win the national championship; and

(3) respectfully requests the Clerk of the House of Representatives to transmit enrolled copies of this resolution to the following individuals for appropriate display—

(A) Donald L. Beggs, President of Wichita State University;

(B) Gordon Vadakin, Head Coach;

(C) Mark Lewis, Women's Coach; and

(D) Kristal Scott, Assistant Women's Coach.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Madam Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 472 into the RECORD.

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

There was no objection.

Mrs. MCCARTHY of New York. Madam Speaker, I yield myself such time as I may consume.

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

Mrs. MCCARTHY of New York. Madam Speaker, I want to congratulate the Wichita State University women's bowling team for winning the 2007 United States Bowling Congressional Intercollegiate Bowling National Championship. On April 21, 2007, the Wichita State University women's bowling team won the 2007 USBC Bowling National Championship Tournament by defeating Central Florida University in Wichita, Kansas.

I also want to congratulate head coach Gordon Vadakin, women's coach Mark Lewis, assistant women's coach Kristal Scott, athletic director Jim Schaus, Wichita State University president Donald L. Beggs and the student athletes on an excellent season.

After bowling eight events, the women's team played 362 games and knocked down 68,227 pins for an average score of 188.5 points. This was the eighth Intercollegiate Bowling National Championship for the Wichita State University women's bowling team and a record 31st appearance at the national tournament. The Shockers also had two juniors, Elysia Current and Emily Maier, named as First Team All-Americans, with Emily Maier being named to the All-Tournament team.

Winning the 2007 USBC Bowling National Championship Tournament and winning their eighth national title has revealed its excellent athletic program at Wichita State University to the Nation. I know the fans, students, and alumni of the university will remember this moment for many years to come.

Madam Speaker, once again I congratulate Wichita State University for their success.

I reserve the balance of my time.

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

Madam Speaker, I rise today in support of House Resolution 472, congratulating and commending the Wichita State University's bowling team for winning the 2007 United States Bowling Congress Intercollegiate Bowling National Championship. On April 21, 2007, the Wichita State University Shockers, as they are called, women's bowling team defeated McKendree College two games to none to claim their eighth national championship.

In game one, both teams went head-to-head in a low-scoring match. However, the Shockers were able to capitalize on a McKendree split and pull out a win 138–128. Close match. In the second match, the Shockers completely outplayed McKendree as senior Felicia Wong and junior Emily Maier doubled in the third and fourth frame and again in the eighth and the ninth to close out the match and claim the title.

This year's title is the team's first since 2005 and the eighth overall, which is the most in all of college bowling history. This title also adds to the amazing legacy of Wichita State bowling, as it is the 15th in school history, eight women's titles, seven men's titles.

Founded in 1895, Wichita State University offers more than 60 undergraduate degree programs in more than 200 areas of study in six undergraduate colleges. The graduate school offers an extensive program, including 44 master's degrees in more than 100 areas and a specialist in education degree. It offers doctoral degrees in applied mathematics and chemistry, communicative disorders and sciences, psychology, educational administration and aerospace, and electrical, industrial and mechanical engineering.

Together with the City of Wichita, Wichita State University has built one of the most unique partnerships in Kansas, one that over the years has propelled each to new heights.

I extend my congratulations to head coach Gordon Vadakin, women's coach Mark Lewis, assistant women's coach Kristal Scott and President Donald Beggs, all of the hard-working players, certainly the fans and to Wichita State University. I am happy to join my colleague, Representative TODD TIAHRT, in honoring an exceptional team in all its accomplishments and wish all involved continued success. I ask my colleagues certainly to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Does my colleague from New York have any more speakers?

Mr. KUHLMAN of New York. Yes, Madam Speaker, I have one, and if it would be appropriate, I yield 5 minutes at this time to my colleague Mr. TIAHRT from Kansas.

Mr. TIAHRT. Madam Speaker, I thank the gentleman from New York. I am pleased today to have the privilege of honoring the 2007 National Championship Wichita State University women's bowling team. House Resolution 472 congratulates and commends the Wichita State University's bowling team for winning the 2007 United States Bowling Congress Intercollegiate Bowling National Championship.

Though known for its baseball and lately its basketball teams, the Shockers have had a long tradition of championship bowlers, and last year's team again made the region proud. The Wichita State University's women's bowling team has won eight intercollegiate bowling national championships, 1975, 1977, 1978, 1986, 1990, 1994, 2005, and now 2007, and has advanced to the national tournament a record 31 times.

On April 21, 2007, the Wichita State University's women's bowling team won the 2007 United States Bowling Congress Intercollegiate Bowling National Championship Tournament in Wichita by defeating Central Florida University four games to one in the semi-finals and McKendree College of Illinois two games to zero in the finals.

Wichita State University earned the second seed on the day after completing 32 baker games. On day two, the team defeated Ohio State University four games to one in the best of seven series, Purdue University four to one and Newman University four games to two to advance to the semi-finals.

On the final day of the tournament, the Wichita State University women defeated Central Florida University four games to one in the semi-finals and McKendree College two games to zero in the finals to win the national championship at home at Northrock Lanes.

Despite having a top caliber team, the championship was not assured going into the season because the Shockers had lost seven players from their top-ranked team from the 2006 season. The 2007 additions included six new members and three international players, Wichita local freshman Ricki Williams and two transfers. None of the bowlers had been in a championship game before nor a televised game. Yet they did not let the hype overpower them and instead let their talent shine through.

I want to congratulate WSU President Don Beggs and athletic director Jim Schaus for their leadership by creating a great university and an excellent athletic program. Wichita State is blessed to have two coaches, Gordon

Vadakin and Mark Lewis, who are themselves members of USBC Hall of Fame. Head coach Gordon Vadakin has coached the team since 1978, leading it to the Intercollegiate Bowling National Championship Tournament 29 times and has coached the team to six national titles. Women's coach Mark Lewis and assistant women's coach Kristal Scott directly coached the 2007 WSU women's team to the national championship in Wichita, Kansas.

The 2007 national championship team is comprised of the following members: Daniela Alvarado, Ashley Cox, Elysia Current, Sandra Gongora, Melissa Hurst, Samantha Linder, Emily Maier, Rocio Restrepo, Ricki Williams and Felicia Wong. WSU juniors, Elysia Current and Emily Maier, were named the First Team All-Americans, and Maier was named as the member of the All-Tournament team of the Intercollegiate Bowling Championship Tournament. I also want to thank Amy Skeen of my staff who worked on this resolution and getting it to the floor.

Once again, I am very pleased that today the United States House of Representatives will congratulate and commend the Wichita State University's women's bowling team for winning the 2007 Intercollegiate Bowling National Championship Tournament. Go Shox.

Mrs. MCCARTHY of New York. Madam Speaker, in closing, I urge my colleagues to support House Resolution 472. Team athletic competition teaches student athletes teamwork, cooperation, and leadership. These skills will translate into the classroom for each student as well as into their professional lives. I urge my colleagues to vote "yes" on H. Res. 472, celebrating the success of the Wichita State University Shockers.

Mr. KUHLMAN of New York. I yield back the balance of my time, Madam Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 472.

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.

□ 1615

#### REGULATORY IMPROVEMENT ACT OF 2007

Mrs. LINDA T. SÁNCHEZ of California. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3564) to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3564

*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 "Regulatory Improvement Act of 2007".

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

Section 596 of title 5, United States Code, is amended to read as follows:

**"§ 596. Authorization of appropriations**

"There are authorized to be appropriated to carry out this subchapter not more than \$1,000,000 for fiscal year 2008, \$3,300,000 for fiscal year 2009, \$3,400,000 for fiscal year 2010, and \$3,500,000 for fiscal year 2011. Of any amounts appropriated under this section, not more than \$2,500 may be made available in each fiscal year for official representation and entertainment expenses for foreign dignitaries."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SANCHEZ) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

## GENERAL LEAVE

Ms. LINDA T. SANCHEZ of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. LINDA T. SANCHEZ of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Federal regulation process is among the most important ways by which our Nation implements public policy. Each year, agencies issue thousands of regulations to ensure that the food we eat, the air we breathe, and the cars we drive are safe. Surprisingly, however, there is little empirical analysis of whether these regulations work as intended.

Until 1995, the last year it received federal funding, the Administrative Conference of the United States was a nonpartisan, public-private think tank that provided invaluable guidance to Congress about how to improve the administrative and regulatory process. First established on a temporary basis, the conference, over the course of its nearly 30-year existence, made numerous recommendations, many of which were enacted into law. H.R. 3564, the Regulatory Improvement Act of 2007, would simply reauthorize the conference for an additional 4 years.

Madam Speaker, some might ask why we should reauthorize an entity that has not been in existence for nearly a dozen years. Let me just mention three reasons. First, the conference saved taxpayers many millions of dollars. It helped agencies implement cost-saving procedures and made recommendations that work to eliminate excessive litigation costs and long delays. Just one agency alone, the So-

cial Security Administration, estimated that the conference's recommendation to change its appeals process yielded approximately \$85 million in savings.

Indeed, Justice Stephen Breyer testified before the Subcommittee on Commercial and Administrative Law about the "huge" savings to the public resulting from the conference's recommendations. Justice Antonin Scalia likewise agreed that it was an "enormous bargain."

Second, the Administrative Conference promoted innovation among agencies. For example, it convinced 24 agencies to use alternative dispute resolution for issues concerning the private sector. The conference also spearheaded the implementation of the Negotiated Rulemaking Act, the Equal Access to Justice Act, and the Magnusson-Moss Warranty Act, governing consumer product warranties.

Madam Speaker, the conference played a major role in encouraging agencies to promulgate smarter regulations. It did this by improving participation in the rulemaking process, promoting judicial review of agency regulations, and reducing regulatory burdens on the private sector.

Third, and perhaps more importantly, Congress needs the conference. Experience with the Congressional Review Act demonstrates that we simply lack the resources and, sometimes, the political will to conduct aggressive oversight of regulations. Congressional recognition of the conference's significant contributions to the regulatory process is probably best evidenced by the fact that in nearly every Congress since its demise in 1995, legislation has been introduced assigning responsibilities to the conference. The Congressional Research Service advises that reactivation of the conference comes at an opportune time, especially in light of efforts by the executive branch to augment its role in the regulatory process.

Madam Speaker, there are few entities that enjoyed more bipartisan support than the Administrative Conference. I commend my colleague, the ranking member of the Subcommittee on Commercial and Administrative Law, Mr. CANNON of Utah, for his continued leadership in pursuing the reauthorization of the conference. I urge my colleagues to support H.R. 3564.

Madam Speaker, I would like to insert into the RECORD two letters from Supreme Court Justices Breyer and Scalia written in 1995 that describe the importance of the Administrative Conference of the United States.

SUPREME COURT OF THE  
UNITED STATES,  
Washington, DC, August 21, 1995.

HON. CHARLES E. GRASSLEY,  
*Chairman, Subcommittee on Administrative Oversight, and the Courts, U.S. Senate Committee on the Judiciary, Washington, DC.*

DEAR SENATOR GRASSLEY, thank you for the invitation to submit a few comments about the Administrative Conference of the

United States. As a "liaison" to the Administrative Conference (from the Judicial Conference), I have participated in its activities from 1981 to 1994. I believe that the Conference is a unique organization, carrying out work that is important and beneficial to the average American, at rather low cost.

The Conference primarily examines government agency procedures and practices, searching for ways to help agencies function more fairly and more efficiently. It normally focuses upon achieving "semi-technical" reform, that is to say, changes in practices that are general (involving more than a handful of cases and, often, more than one agency) but which are not so controversial or politically significant as to likely provoke a general debate, say, in Congress. Thus, it may study, and adopt recommendations concerning better rule-making procedures, or ways to avoid legal technicalities, controversies, and delays through agency use of negotiation, or ways of making judicial review of agency action less technical and easier for ordinary citizens to obtain. While these subjects themselves, and the recommendations about them, often sound technical, in practice they may make it easier for citizens to understand what government agencies are doing to prevent arbitrary government actions that may harm them.

The Administrative Conference is unique in that it develops its recommendations by bringing together at least four important groups of people: top-level agency administrators; professional agency staff; private (including "public interest") practitioners; and academicians. The Conference will typically commission a study by an academician, say, a law professor, who often has the time to conduct the study thoughtfully, but may lack first-hand practical experience. The professor will spend time with agency staff, which often has otherwise unavailable facts and experience, but may lack the time for general reflection and comparisons with other agencies. The professor's draft will be reviewed and discussed by private practitioners, who bring to it a critically important practical perspective, and by top-level administrators such as agency heads, who can make inter-agency comparisons and may add special public perspectives. The upshot is likely to be a work-product that draws upon many different points of view, that is practically helpful and that commands general acceptance.

In seeking to answer the question, "Who will control the regulators?" most governments have found it necessary to develop institutions that continuously review, and recommend changes in, technical agency practices. In some countries, ombudsmen, in dealing with citizen complaints, will also recommend changes in practices and procedures. Sometimes, as in France and Canada, expert tribunals will review decisions of other agencies and help them improve their procedures. Sometimes, as in Australia and the United Kingdom, special councils will advise ministries about needed procedural reforms. Our own Nation has developed this rather special approach (drawing together scholars, practitioners, and agency officials) to bringing about reform of a sort that is more general than the investigation of individual complaints yet less dramatic than that normally needed to invoke Congressional processes. Given the Conference's rather low cost (a small central staff, commissioning academic papers, endless amounts of volunteered private time, and two general meetings a year), it would be a pity to weaken or to lose our federal government's ability to respond effectively, in this general way, to the problems of its citizens.

I do not see any other institution readily available to perform this same task. Individual agencies, while trying to reform

themselves, sometimes lack the ability to make cross-agency comparisons. The American Bar Association's Administrative Law Section, while a fine institution, cannot call upon the time and resources of agency staff members and agency heads as readily as can the Administrative Conference. Congressional staffs cannot as easily conduct the technical research necessary to develop many of the Conference's more technical proposals. The Office of Management and Budget does not normally concern itself with general procedural proposals.

All this is to explain why I believe the Administrative Conference performs a necessary function, which, in light of the cost, is worth maintaining. I recognize that the Conference is not the most well known of government agencies; indeed, it is widely known only within a fairly small (administrative practice oriented) community. But, that, in my view, simply reflects the fact that it does its job, developing consensus about change in fairly technical areas. That is a job that the public, whether or not it knows the name "Administrative Conference," needs to have done. And, for the reasons I have given, I believe the Administrative Conference well suited to do it.

I hope these views will help you in your evaluation of the Conference.

Yours sincerely,

STEPHEN BREYER.

SUPREME COURT OF THE  
UNITED STATES,  
Washington, DC, July 31, 1995.

Hon. CHARLES E. GRASSLEY,  
Chairman, Subcommittee on Administrative Oversight and the Courts, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR GRASSLEY: Thank you for the invitation to appear at the hearing on "The Reauthorization of the Administrative Conference" scheduled for August 2. I will be unable to do so, but your staff has advised me that a letter would be appropriate.

I am not a good source of information concerning recent accomplishments of the Conference. I have not followed its activities closely since stepping down as its Chairman in 1974. I can testify, however, concerning the nature of the Conference, and its suitability for achieving its objectives.

The Conference seeks to combine the efforts of scholars, practitioners, and agency officials to improve the efficiency and fairness of the thousands of varieties of federal agency procedures. In my judgment, it is an effective mechanism for achieving that goal, which demands change and improvement in obscure areas where bureaucratic inertia and closed-mindedness often prevail. A few of the Conference's projects have had major, government-wide impact—for example, its recommendation leading to Congress's adoption of Public Law 94-574, which abolished the doctrine of sovereign immunity in suits seeking judicial review of agency action. For the most part, however, each of the Conference's projects is narrowly focused upon a particular agency program, and is unlikely to attract attention beyond the community affected by that program. This should be regarded, not as a sign of ineffectiveness, but evidence of solid hard work: for the most part, procedural regimes are unique and must be fixed one-by-one.

One way of judging the worth of the Conference without becoming expert in the complex and unexciting details of administrative procedure with which it deals, is to examine the roster of men and women who have thought it worthwhile to devote their time and talent to the enterprise. Over the years, the academics who have served as consultants to or members of the Conference have

been a virtual Who's Who of leading scholars in the field of administrative law; and the practitioners who have served as members have been, by and large, prominent and widely respected lawyers in the various areas of administrative practice.

I was the third Chairman of the Administrative Conference. Like the first two (Prof. Jerre Williams of the University of Texas Law School, and Prof. Roger Cramton of the University of Michigan Law School), and like my successor (Prof. Robert Anthony of Cornell Law School) I was an academic—on leave from the University of Virginia Law School. The Conference was then, and I believe remains, a unique combination of scholarship and practicality, of private-sector insights and career-government expertise.

I would not presume to provide the Subcommittee advice on the ultimate question of whether, in a time of budget constraints, the benefits provided by the Administrative Conference are within our Nation's means. But I can say that in my view those benefits are substantial: the Conference has been an effective means of opening up the process of government to needed improvement.

Sincerely,

ANTONIN SCALIA.

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

Madam Speaker, I rise in strong support of H.R. 3564. I would like to, first of all, thank the gentlewoman from California for her leadership on this issue. I appreciate working with her.

I am delighted that H.R. 3564, which would reauthorize the Administrative Conference of the United States, is being considered on the floor today. I urge support of this measure. I also urge the Appropriations Committee to appropriate funds to ACUS so that this organization can once again become a living, breathing reality.

Madam Speaker, I am a believer in the adage that the government that governs best governs least; but when the government does govern, it must govern as its best. ACUS is just the organization to help us achieve that goal. Before its funding ceased some years ago, it laid down a decades-long track record of productive activity that was remarkable, unmistakable, and probably unparalleled.

Over the course of its 28-year existence, the conference issued more than 200 recommendations, some of which were governmentwide and others that were agency specific. It issued a series of recommendations eliminating a variety of technical impediments to the judicial review of agency action and encouraging less costly consensual alternatives to litigation.

The fruits of these efforts include the enactment of the Administrative Dispute Resolution Act of 1990, which established a framework for the use of Alternative Dispute Resolution. In addition to this legislation, ACUS served as the key implementing agency for the Negotiated Rulemaking Act, the Equal Access to Justice Act, the Congressional Accountability Act, and the Magnusson-Moss Warranty-Federal Trade Commission Improvement Act. The Conference also made rec-

ommendations regarding implementation of the Congressional Accountability Act and played a key role in the Clinton administration's National Performance Review with respect to improving regulatory systems.

Madam Speaker, time and again, ACUS took the small amount of taxpayer funds that we appropriated and produced enormous savings in the costs incurred and imposed by Federal regulatory agencies. That record is so clear that I can say with absolute confidence that, if we were not to authorize ACUS, we would effectively authorize waste in the rest of the Federal Government. I can say with equal confidence that if the Appropriations Committee were not to appropriate funds to ACUS after the Congress passes this bill, it would effectively appropriate waste by the Federal Government to the tune of millions upon millions of dollars.

Many of you may know my enthusiasm for ACUS, and it will not surprise you that hordes of experts, officials and stakeholders outside of these walls, share that same enthusiasm as well, including Justices Scalia and Breyer, both of whom worked with ACUS in an earlier part of their careers.

To quote just one legal luminary, "If the conference didn't exist, it would have to be invented." Thankfully, we don't need to invent it. We did that long ago. We know it was a great invention. All we need to do is to reauthorize it today and to appropriate funds for it.

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

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, regulations play a critical role in virtually every aspect of our daily lives, yet there is no independent, nonpartisan entity that Congress can utilize to scrutinize and approve the regulatory process. Accordingly, it is critical that we reauthorize the Administrative Conference of the United States as soon as possible so that it can fill this serious void.

I realize that this may not be the sexiest issue on the docket today, but I urge my colleagues to support this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and pass the bill, H.R. 3564.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE 60TH ANNIVERSARY OF THE MENDEZ V. WESTMINSTER DECISION

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I move to suspend

the rules and agree to the resolution (H. Res. 721) recognizing the 60th anniversary of the Mendez v. Westminster decision which ended segregation of Mexican and Mexican American students in California schools, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 721

Whereas Mendez v. Westminster was a 1947 Federal court case that challenged racial segregation in California schools;

Whereas in its ruling, the United States Court of Appeals for the Ninth Circuit, in an en banc decision, held that the segregation of Mexican and Mexican American students into separate "Mexican schools" was unconstitutional;

Whereas on March 2, 1945, a group of Mexican-American fathers (Thomas Estrada, William Guzman, Frank Palomino, and Lorenzo Ramirez), led by Gonzalo Mendez on behalf of his daughter Sylvia, challenged the practice of school segregation in the U.S. District Court in Los Angeles;

Whereas the fathers claimed that their children, along with 5,000 other children of "Mexican and Latin descent", were victims of unconstitutional discrimination by being forced to attend separate "Mexican" schools in the Westminster, Garden Grove, Santa Ana, and El Modena school districts of Orange County;

Whereas Judge Paul J. McCormick ruled in favor of Mendez and his co-plaintiffs on February 18, 1946;

Whereas the Westminster school district appealed the decision of the district court;

Whereas when the district appealed Judge McCormick's decision, several organizations joined the appellate case as amicus curiae, including the NAACP, represented by Thurgood Marshall;

Whereas more than a year later, on April 14, 1947, the Ninth Circuit Court of Appeal affirmed the district court's ruling;

Whereas the Ninth Circuit ruled only on the narrow grounds that, although California law provided for segregation of students, it only did so for "children of Chinese, Japanese or Mongolian parentage" and did not provide for "the segregation of school children because of their Mexican blood," therefore it was unlawful to segregate the Mexican children;

Whereas later in 1947, California Governor and future Chief Justice of the United States Earl Warren signed into law a repeal of the last remaining school segregation statutes in the California Education Code and thus ended "separate but equal" in California schools and with it school segregation;

Whereas seven years later, Brown v. Board of Education held "separate but equal" schools to be unconstitutional, ending school segregation throughout the United States; and

Whereas on April 14, 2007, the Mendez family celebrated the 60th anniversary of the Mendez v. Westminster decision: Now, therefore, be it

*Resolved*, that the House of Representatives—

(1) recognizes the 60th anniversary of the Mendez v. Westminster decision which ended segregation of Mexican and Mexican American students in California schools;

(2) honors the Mendez family and congratulates Sylvia Mendez for her continued efforts to keep alive the importance of this case and the impact it had on her future; and

(3) encourages the continued fight against school segregation and the education of the

people of the United States of the civil right implications of the Mendez v. Westminster case.

The SPEAKER pro tempore (Mr. GORDON of Tennessee). Pursuant to the rule, the gentleman from California (Ms. LINDA T. SANCHEZ) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members be permitted to revise and extend their remarks and include extraneous materials for the RECORD.

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

There was no objection.

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 721 recognizes the 60th anniversary of the Mendez v. Westminster School District decision which ended segregation of Mexican and Mexican American students in California schools and honors the Mendez family. I want to commend the gentleman from Texas (Mr. GONZALEZ) for introducing this important resolution, which I am proud to co-sponsor.

As the daughter of Mexican immigrants, this decision has special meaning for me. Like the parents in the Mendez case, my parents understood the importance of education in the realization of the American Dream. Thanks to their efforts and encouragement, all seven of their children have excelled, earning college and advanced degrees.

The Mendez decision really marked a turning point in the effort to win full rights for all Californians of Mexican descent. While the court ruled on narrow grounds that California law did not authorize the school district to create separate so-called "Mexican schools," the importance and effect of that decision went much further.

The words of the U.S. Court of Appeals for the Ninth Circuit are worth repeating. "By enforcing the segregation of school children of Mexican descent against their will and contrary to the laws of California, the school district may have violated the Federal law as provided in the 14th amendment to the Federal Constitution by depriving them of liberty and property without due process of law and by denying to them the equal protection of the law."

Seven years later, the Supreme Court would finally put an end to the discredited doctrine which allowed school segregation based on the fiction of "separate but equal" schools in the landmark decision Brown v. Board of Education. The author of that decision, Chief Justice Earl Warren, had, as Governor of California, responded to the Mendez decision by signing into law a

repeal of the last remaining school segregation statutes in the California Education Code.

This resolution also honors the Mendez family and congratulates Sylvia Mendez for her continued efforts to keep alive the importance of this case and the impact it had on her future. It is important that we not forget the courage of this family. They took a stand against the prevailing system of segregation in the public schools and won a tremendous victory, not just for themselves, but for many others.

I am a beneficiary of their courage and their achievement. The story of the Mendez family struggle against segregation took place in Westminster, Orange County, just a few miles from where my siblings and I grew up, played soccer, and attended schools. If the Mendez family had not challenged the status quo, and if I had not grown up in a post-Mendez Orange County, it would have taken me many more years to reach the floor of this House, if I ever reached it at all.

School segregation in California was just one facet of the widespread discrimination that Americans of Mexican descent faced across the Southwest, from the Gulf coast to the Pacific coast. Hotels, restaurants, barbershops, public pools, movie theaters, and even maternity wards were segregated for those of Mexican heritage. It was very common to see signs that said "No Mexicans served," or "Mexicans and dogs not allowed."

The injustice of discrimination was most appalling in public education. In the 1930s, more than two-thirds of the Orange County students of Mexican descent were considered mentally retarded. When the Mendez children were turned away from the 17th Street white school in their hometown, they were sent to the Hoover Elementary School, which was the Mexican school, a rickety, wooden building on a dirt lot. Adding insult to injury, many of such Mexican schools operated half days during walnut picking season to accommodate local agribusiness demand for child labor.

□ 1630

Mr. Speaker, there are forces in our society today who believe that the causes of school integration, of diversity, no longer matter. Some believe that fighting segregation might even violate our Constitution. That is just plain wrong.

The Supreme Court in Brown correctly found that separate cannot be equal. As we reflect on this anniversary of the Mendez decision, we must renew our determination to fight injustice and the forces of intolerance. Our Nation will continue to benefit from our diversity.

I join the Members of this House in commemorating this important milestone in our Nation's history and honoring the Mendez family for their courage, their strength, and their contribution to the American Dream.

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

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

Mr. Speaker, I rise in support of H. Res. 721, which recognizes the 60th anniversary of Mendez v. Westminster decision, which ended the segregation of Mexican and Mexican American students in California schools.

I would like to take a moment to thank the gentlewoman and chairman of the Commercial and Administrative Law Subcommittee for her statement. She and her sister, who is also on the floor with us today, are remarkable people. They may have come to Congress under even different circumstances, but it is good for America that this impediment was removed from their lives and the lives of many other people of Mexican and Mexican American descent here in the United States.

All Americans should understand that, along with Brown v. Board of Education, many Federal court decisions signaled our country's shift away from the obnoxious principle of "separate but equal." One such decision was Mendez v. Westminster in which the United States Court of Appeals for the Ninth Circuit, in a decision by the full court, held that the segregation of Mexican and Mexican American students into separate so-called "Mexican schools" was unconstitutional.

That decision in 1945 vindicated the rights of a group of children of Mexican American fathers, Thomas Estrada, William Guzman, Frank Palomino, Lorenzo Ramirez, led by Gonzalo Mendez, who challenged the practice of school segregation in the U.S. District Court in Los Angeles and began a journey that led Mexican Americans nationwide to greater equality.

Those courageous and loving fathers stood for themselves and for some 5,000 others, all citizens of the United States of Mexican descent. As the court held: "By enforcing the segregation of school children of Mexican descent against their will and contrary to the laws of California, respondents have violated Federal law as provided in the 14th amendment to the Federal Constitution by depriving them of liberty and property without due process of law and by denying to them the equal protection of the laws."

Following that decision, in 1947 California Governor and future Chief Justice of the United States Earl Warren signed into law a repeal of the last remaining school segregation statutes in the California Education Code.

Before those loving fathers brought the case of Mendez v. Westminster, there was a crack in the American melting pot. Their courageous actions repaired that crack, brought all Americans closer, and brought America closer to her most cherished ideals.

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I would like to

thank the distinguished gentleman from Utah for his kind words, and at this time I would like to yield 5 minutes to the distinguished gentleman from Texas and the author of this bill, Mr. GONZALEZ.

Mr. GONZALEZ. Mr. Speaker, I want to thank my colleague.

Mr. Speaker, it is a momentous day. Sixty years ago, there was a brave young lawyer named David Marcus who took a very unpopular case to court that basically was the dress rehearsal for Brown v. Board of Education.

This whole situation was borne of discrimination which was sanctioned and promoted and recognized by the government. You would say, what does that all mean?

The family of the Munemitsu, Japanese Americans, owned a certain piece of property. They grew asparagus on about 40 acres in Westminster, California. They were absent from that property as a result of a government directive. They were Japanese Americans; and, of course, we had the Japanese American internment camps. They were shipped off, dispossessed. The Gonzalo and Felicitas Mendez family were given an opportunity to then lease the properties, a great opportunity, borne of a discriminatory act. Gonzalez had fled the Mexican Revolution in 1916, and like many of our grandparents, came to this country seeking a new life. Their daughter, Sylvia, as my colleague, Congresswoman LINDA SÁNCHEZ has already pointed out, wanted to go to a certain school but California law specifically prohibited Japanese Americans, Mongolian Americans, and Asian Americans from attending school with white children.

But it left out African American and Mexican American children; and believe it or not, that really is what the court did hang its hat on. So we have a Japanese American family and a Mexican American family, and Earl Warren comes into the picture because he is Governor of the great State of California. As Ms. SÁNCHEZ pointed out, a few years later he did away with those particular laws of separate but equal. Thurgood Marshall actually has a little-known role in this case because he filed a brief in support of Dave Marcus' brief seeking that this law would be held unconstitutional. But as I pointed out, it was held invalid for another reason, as far as it pertained to Sylvia and the other Mexican American children.

The lesson for all of us here is when you discriminate against one, you discriminate against all. Whether it is Japanese Americans, Mexican Americans, it does not matter. One country under God. And we hear this often enough when we pledge our allegiance. But really, truly, 60 years ago it took the Gonzalo and Felicitas Mendez family to give true meaning and breathe life into that dream. And because of them, I truly believe you see Members of Congress here today with the names of SANCHEZ and GONZALEZ.

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield 5 minutes to the gentlewoman and my sister, LORETTA SANCHEZ.

Ms. LORETTA SANCHEZ of California. I thank the chairwoman for the 5 minutes.

Mr. Speaker, this historic case took place in my hometown and I get to represent that area of central Orange County. The case is really about many families. The Mendez family was the first family in the brief. It was also about many areas of Orange County, not just Westminster. It covered the central portion because in those days, of course, there were the white schools and there were the Mexican schools.

Now the Mexican schools were interesting because it wasn't just Mexicans who went there. It was anybody who looked different. Japanese Americans went there. Native Americans went there. Black Americans went there.

And the case in point was that when the Japanese family was interned and was able to hold onto their property by having Gonzalo Mendez farm it, he began to make more money and so he was in a position to hire lawyers, a lawyer out of Texas and a lawyer out of Los Angeles, to come and fight the issue of why do some children go to the white school and some go to the Mexican school.

You see, when Sylvia's aunt took her children and Sylvia down to the school that day, now that they had moved to a new property where they could farm, when they went down the block to the local school, the children of the aunt were allowed to go to the school because they were lighter in skin. But Sylvia was darker in her complexion, and she was told that those children must go to the Mexican school across town. And having taken these children back with her and saying that was not fair, the discussion went on in the family. And Felicitas, I know, like any mother and any wife would do, sat up all night and shook her husband Gonzalo and said: You're making money now, this isn't fair, do something about it. And that is how they came together as families to put forward such an important decision. And Thurgood Marshall was part of that, representing the NAACP at the time. And, in turn, when we were able to change the law in California, that law was part of the basis for Brown v. Board of Education at the national level.

Why do we pass such a resolution today? Because we have to keep reminding ourselves of our history and of the importance of change and what that means. I will tell you why. Sylvia Mendez, the darker daughter who was not allowed in the school, the very case around her, she didn't even know that this had occurred. Sylvia read it in college in a history book. And as she was reading it, she said, Could that be me and could that be my parents? And why didn't they ever tell me about it?

This is the reason we remember, so that all children across our Nation will

understand that all of them will get the opportunity that is America.

Mr. CANNON. Mr. Speaker, I would like to associate myself with the remarks of Ms. LORETTA SANCHEZ as she spoke of the importance of this remembrance today. It is important as Americans that we look back and understand. Life was not always as it is now. It has been different. America is a better place, and this bill is one that commemorates why we are a much better place today. I urge support of the resolution.

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, in closing, I would like to say H. Res. 721 appropriately honors the courage of the Mendez family to challenge discrimination and help open the doors of opportunity to all nonwhites through education.

I want to thank the gentleman from Texas (Mr. GONZALEZ) and the gentleman from Utah (Mr. CANNON) for their work on this resolution recognizing the 60th anniversary of the historic Mendez v. Westminster decision, a decision that laid the groundwork for the Supreme Court ruling of Brown v. Board of Education. Again, I urge my colleagues to support this bill.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H. Res. 721. This resolution recognizes the 60th anniversary of the landmark Mendez v. Westminster decision.

I want to thank my friend, Congressman CHARLIE GONZALEZ, for sponsoring this bill and championing the continued fight for civil and equal rights for the Latino community.

The Mendez v. Westminster decision ended segregation of Mexican American students in the state of California, and set the precedent for the history making Brown v. Board of Education decision of 1954.

I stand here today, a Mexican American serving in Congress, because of the courage of people like Sylvia Mendez and her father, Gonzalo Mendez.

They, along with other brave individuals, stood up for the 5,000 Hispanic-American children who were victims of unconstitutional discrimination, by being forced to attend separate "Mexican" schools in the school districts of Orange County.

This resolution recognizes the significance of this anniversary, and honors Sylvia Mendez for her continued efforts to fight for equality. It also encourages our schools to teach students about the historical significance of the Mendez v. Westminster case, and the positive impact it had on the future of America.

I urge my colleagues to show their support in the continuing fight against school segregation, and to cast a vote in favor of H. Res. 721.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and agree to the resolution, H. Res. 721.

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.

#### ENERGY STORAGE TECHNOLOGY ADVANCEMENT ACT OF 2007

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3776) to provide for a research, development, and demonstration program by the Secretary of Energy to support the ability of the United States to remain globally competitive in energy storage systems for vehicles, stationary applications, and electricity transmission and distribution, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3776

*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 "Energy Storage Technology Advancement Act of 2007".*

#### SEC. 2. DEFINITIONS.

*For purposes of this Act—*

(1) the term "Department" means the Department of Energy;

(2) the term "electric drive vehicle" means—

(A) a vehicle that uses an electric motor for all or part of its motive power, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, and rail transportation vehicles; or

(B) mobile equipment that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment;

(3) the term "islanding" means a distributed generator or energy storage device continuing to power a location in the absence of electric power from the primary source;

(4) the term "microgrid" means an integrated energy system consisting of interconnected loads and distributed energy resources, including generators and energy storage devices, which as an integrated system can operate in parallel with the utility grid or in an intentional islanding mode;

(5) the term "Secretary" means the Secretary of Energy;

(6) the term "self-healing grid" means a grid that is capable of automatically anticipating and responding to power system disturbances, including the isolation of failed sections and components, while optimizing its own performance and service to customers; and

(7) the term "spinning reserve services" means an amount of electric generating capacity in excess of the amount needed to meet peak electric demand.

#### SEC. 3. BASIC RESEARCH PROGRAM.

(a) *IN GENERAL.*—The Secretary shall conduct a basic research program to support the development of energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution, including research on—

(1) materials design;

(2) materials synthesis and characterization;

(3) electrolytes;

(4) surface and interface dynamics;

(5) modeling and simulation; and

(6) thermal behavior and life degradation mechanisms.

(b) *FUNDING.*—For activities carried out under this section, in addition to funding activities at National Laboratories, the Secretary shall award funds to, and coordinate activities with, a range of stakeholders including the public, private, and academic sectors.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Secretary for carrying out this section \$50,000,000 for each of the fiscal years 2009 through 2014.

#### SEC. 4. APPLIED RESEARCH PROGRAM.

(a) *IN GENERAL.*—The Secretary shall conduct an applied research program on energy storage systems to support electric drive vehicle, stationary application, and electricity transmission and distribution technologies, including research on—

(1) ultracapacitors;

(2) flywheels;

(3) batteries and battery systems (including flow batteries);

(4) compressed air energy systems;

(5) power conditioning electronics;

(6) manufacturing technologies for energy storage systems;

(7) thermal management systems; and

(8) hydrogen as an energy storage medium.

(b) *FUNDING.*—For activities carried out under this section, in addition to funding activities at National Laboratories, the Secretary shall award funds to, and coordinate activities with, a range of stakeholders including the public, private, and academic sectors.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Secretary for carrying out this section \$80,000,000 for each of the fiscal years 2009 through 2014.

#### SEC. 5. ENERGY STORAGE SYSTEMS DEMONSTRATIONS.

(a) *IN GENERAL.*—The Secretary shall carry out a program of new demonstrations of advanced energy storage systems. These demonstrations shall be regionally diversified and shall expand on the Department's existing technology demonstration program. These demonstrations should include the participation of a range of stakeholders, such as rural electric cooperatives, investor owned utilities, municipally owned electric utilities, energy storage systems manufacturers, electric drive vehicle manufacturers, the renewable energy production industry, State or local energy offices, the fuel cell industry, and universities. Each of the demonstrations shall include one or more of the following objectives:

(1) Energy storage to improve the feasibility of "micro-grids" or "islanding", or the transmission and distribution capability to improve reliability in rural areas.

(2) Integration of an energy storage system with a self-healing grid.

(3) Use of energy storage to improve security to emergency response infrastructure.

(4) Integration with a renewable energy production source, either at the source or away from the source.

(5) Use of energy storage to provide ancillary services, such as spinning reserve services, for grid management.

(6) Advancement of power conversion systems to make them smarter, more efficient, able to communicate with other inverters, and able to control voltage.

(7) Use of energy storage to optimize transmission and distribution operation and power quality, which could address overloaded lines and maintenance of transformers and substations.

(8) Use of advanced energy storage for peak load management of homes, businesses, and the grid.

(9) Use of energy storage devices to fill up nonpeak generation periods for electricity demand to make better use of existing grid assets.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Secretary for carrying out this section \$30,000,000 for each of the fiscal years 2009 through 2014.

#### SEC. 6. VEHICLE ENERGY STORAGE DEMONSTRATION.

(a) *IN GENERAL.*—The Secretary shall carry out a program of electric drive vehicle energy

storage technology demonstrations. These technology demonstrations shall be conducted through consortia, which may include energy storage systems manufacturers and their suppliers, electric drive vehicle manufacturers, rural electric cooperatives, investor owned utilities, municipal and rural electric utilities, State and local governments, metropolitan transportation authorities, and universities. The program shall demonstrate one or more of the following:

(1) Novel, high capacity, high efficiency energy storage, charging, and control systems, along with the collection of data on performance characteristics such as battery life, energy storage capacity, and power delivery capacity.

(2) Advanced onboard energy management systems, and highly efficient battery cooling systems.

(3) Integration of such systems on a prototype vehicular platform, including with drivetrain systems for passenger, commercial, and nonroad electric drive vehicles.

(4) New technologies and processes that reduce manufacturing costs.

(5) Integration of advanced vehicle technologies with electricity distribution system and smart metering technology.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary for carrying out this section \$30,000,000 for each of the fiscal years 2009 through 2014.

**SEC. 7. SECONDARY APPLICATIONS AND DISPOSAL OF ELECTRIC DRIVE VEHICLE BATTERIES.**

(a) **IN GENERAL.**—The Secretary shall carry out a program of research, development, and demonstration of secondary applications of energy storage devices following service in electric drive vehicles, and of technologies and processes for final recycling and disposal of these devices.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary for carrying out this section \$5,000,000 for each of the fiscal years 2009 through 2014.

**SEC. 8. COORDINATION AND NONDUPLICATION.**

To the maximum extent practicable, the Secretary shall coordinate activities under this Act with other programs and laboratories of the Department and other Federal research programs.

**SEC. 9. COST SHARING.**

The Secretary shall carry out the programs under sections 6 and 7 in compliance with section 988 (a) through (d) and section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352(a) through (d) and 16353).

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Washington (Mr. REICHERT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

□ 1645

**GENERAL LEAVE**

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3776, the bill now under consideration.

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

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased that the House will consider today H.R. 3776,

the Energy Storage Technology Advancement Act. I would like to thank my colleagues on the Science and Technology Committee for their unanimous support in making this a good, bipartisan piece of legislation.

In particular, I would like to thank my good friend and ranking member, Mr. HALL, for his interest in this field of research. In crafting H.R. 3776, I adopted several provisions from a bill Mr. HALL introduced earlier this year, and he and his staff have worked hard to make this a good bill.

H.R. 3776 authorizes research, development and demonstration activities for energy storage technologies that offer a wide range of economic, environmental and security benefits.

Stationary energy storage systems will bring efficiencies to the electric delivery system, will improve grid reliability and security, and can even help to postpone the need for additional, costly electric generation facilities.

Energy storage technologies can also help to integrate renewable energy sources into the grid by making electricity from these intermittent resources more stable and reliable.

Furthermore, advanced battery systems can revolutionize our transportation sector by allowing for more electric-drive vehicles, thus reducing our reliance on conventional transportation fuels.

But unfortunately, we may be fast losing our ability to develop and manufacture these technologies at home. Through the collaborative public-private research, development and demonstration programs authorized in H.R. 3776, we can ensure that the United States establishes a robust domestic manufacturing base for these technologies.

To truly transform the way we manage our energy use, we must do more than make incremental improvements to current technologies. Our economic and environmental security lies in our ability to deploy the next generation energy technologies. Advances in energy storage are vital to diversifying our energy supplies and transforming our transportation sector.

Once again, I thank my colleagues on the Science and Technology Committee for working with me on this legislation, and I urge all Members to support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. REICHERT. Madam Speaker, I rise in support of H.R. 3776, the Energy Storage Technology Advancement Act, and I yield myself such time as I may consume.

Electricity is the lifeblood of our country. Without reliable electricity, our country would not be the world leader that it is today. Therefore, anything that can be done to improve and secure the reliability of the electric grid should be supported and encouraged. H.R. 3776 aims to do just that by focusing research and development on ways to store energy which would not

only assist in reliability, but also efficiency of fuel use and security of not only our grid but also, in a broader sense, of our country.

Energy storage would allow for the enhanced use of renewable energy such as wind and solar.

Currently, the ability of wind energy and solar energy to contribute electricity to the electric grid is tied to when the wind is blowing or when the sun is shining, therefore, making these sources not as reliable as conventional sources of energy such as coal, natural gas and nuclear. With energy storage, excess generation that is unable to be used at the time of generation can be stored for use at a later time. This allows for wind and solar energy to be potential sources of base load generation.

In addition to energy storage for stationary sources, there is also a promising field of energy storage for vehicles, the most recognizable example being batteries that would be used in plug-in hybrids. Plug-in hybrids would allow for a further decrease in transportation fuel consumption from conventional hybrids, thereby increasing our national security by decreasing our reliance on foreign sources of oil.

H.R. 3776 addresses the battery obstacle by including a research and development program into batteries and battery systems and a demonstration program to prove the viability of the R&D.

Madam Speaker, I'd like to thank the chairman of the Science and Technology Committee and sponsor of this bill for recognizing the importance of energy storage to our country's energy future and also for including portions of Ranking Member HALL's energy storage language that was included in H.R. 2483 and cosponsored by several members of the Science and Technology Committee.

Madam Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, let me say there's no question that Mr. HALL played a major role in this, and I'm glad that we could have this type of, again, bipartisan unanimous bill.

If my friend from Washington State has no other speakers, I have none.

Mr. REICHERT. I have no further speakers, and I yield back the balance of my time.

Mr. GORDON of Tennessee. 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 Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 3776, as amended.

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

The title was amended so as to read: "A bill to provide for research, development, and demonstration programs

in advanced energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution applications, to support the ability of the United States to remain globally competitive in this field, and to promote the efficient delivery and use of energy.”

A motion to reconsider was laid on the table.

#### SUPPORTING THE GOALS AND IDEALS OF NATIONAL CHEMISTRY WEEK

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 751) supporting the goals and ideals of National Chemistry Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 751

Whereas chemistry is a vitally important field of science and technology that has transformed the world and enhanced and improved the quality of life around the globe;

Whereas the power of the chemical sciences has created the enabling infrastructure that delivers the foods, fuels, medicines and materials that are the hallmarks of modern life;

Whereas the contributions of chemical scientists and engineers are central to technological progress and to the health of many industries, including the chemical, pharmaceutical, electronics, agricultural, automotive, and aerospace sectors, and these contributions boost economic growth, create new jobs, and improve our health and standard of living;

Whereas the American Chemical Society, the world's largest scientific society, founded National Chemistry Week in 1987 to educate the public, particularly school age children, about the important role of chemistry in society and to enhance the appreciation of the chemical sciences;

Whereas this year marks the 20th anniversary of National Chemistry Week;

Whereas the theme of National Chemistry Week in 2007, “The Many Faces of Chemistry”, was chosen to emphasize the extensive variety of careers available in the world of chemistry and to honor the tremendous diversity of people who have contributed and will contribute to the advancement of chemistry and all of its branches;

Whereas, in order to ensure our Nation's global competitiveness, our schools must cultivate the finest scientists, engineers, and technicians from every background and neighborhood in our society to create the innovations of tomorrow that will keep our Nation strong;

Whereas a disproportionately low number of minority, underprivileged female students are pursuing careers in science and technology, and it is crucial that we focus attention on increasing the participation of these under represented groups in science and technology fields; and

Whereas, during the week of October 22, which is National Chemistry Week, more than 10,000 National Chemistry Week volunteers from industry, government and academia reach and educate millions of children through hands-on science activities in local schools, libraries, and museums: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes that the important contributions of chemical scientists and engineers to technological progress and the health of many industries have created new jobs, boosted economic growth, and improved the Nation's health and standard of living;

(2) recognizes the need to increase the number of Americans from under represented groups participating in science and technology fields like chemistry;

(3) supports the goals of National Chemistry Week as founded by the American Chemical Society; and

(4) encourages the people of the United States to observe National Chemistry Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of chemistry to our everyday lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Washington (Mr. REICHERT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

##### GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 751, the resolution now under consideration.

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

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support, Madam Speaker, of H. Res. 751, a resolution recognizing the importance of chemistry and honoring National Chemistry Week. I want to congratulate the gentleman from Texas (Mr. REYES) for introducing this important resolution.

The importance of chemistry and chemical engineering in our lives cannot be overstated. These disciplines contribute to public health by helping to keep our water clean and our food pure. They contribute to advances in medicine through new biomaterials, drug design and drug delivery techniques. They help make cleaner and more efficient energy technologies possible, and they help keep toxins out of our home and our natural environment through the development of green chemicals and materials.

In short, chemistry and chemical engineering contribute in immeasurable ways to the economic strength, security and well-being of our Nation and all of its citizens.

This year marks the 20th anniversary of National Chemistry Week. National Chemistry Week was started as an annual event by the American Chemical Society in 1987 to make elementary and secondary school children and the general public more aware of what chemistry is and its importance to our everyday lives.

National Chemistry Week activities are carried out by local sections of the American Chemical Society located in

all parts of our Nation. They work with local industry, schools and museums to develop hands-on activities, provide demonstrations and develop exhibits. Through these activities, they help stimulate the interest of young people in science and in pursuing careers in science and technology.

This Congress recently passed into law the America COMPETES Act. That bill was an important bipartisan effort to keep America competitive in the 21st century by supporting innovative research at universities and in industry, and by ensuring that there is a sufficient pipeline of students pursuing studies and careers in science and technology fields well into the future.

The goals of the National Chemistry Week fit well with the goals outlined in the COMPETES Act.

The theme of this year's National Chemistry Week is, “The Many Faces of Chemistry.” This theme emphasizes the diversity of chemistry careers, from science teacher to laboratory researcher, as well as the diversity of people in chemistry professions.

While women and minorities continue to be underrepresented in chemical science fields, they have made important contributions to chemistry.

Women received about one-third of all chemistry Ph.D.s in 2003. Hispanics and African Americans combined represent only 7 percent of all chemistry Ph.D.s awarded in 2003, even though they make up more than 25 percent of the entire U.S. population.

We will need to make use of all the talent we have to stay competitive in the 21st century, but it isn't just a numbers game. The interaction and collaboration of diverse individuals with differing perspectives enriches the process of discovery and innovation and helps give the U.S. an edge over countries that easily beat us on numbers.

Madam Speaker, I congratulate the American Chemical Society for its efforts to establish and sustain National Chemistry Week, and once again, I commend Mr. REYES and his cosponsors for introducing this resolution and urge my colleagues to join me in recognizing the importance of chemistry in our daily lives and the positive impact of National Chemistry Week by voting in favor of H. Res. 751.

Madam Speaker, I reserve the balance of my time.

Mr. REICHERT. Madam Speaker, I rise in support of H. Res. 751, supporting the goals and ideals of National Chemistry Week, and I yield myself as much time as I may consume.

This year marks the 20th anniversary of National Chemistry Week, a concept that was first introduced in 1987 by the American Chemical Society to educate Americans about the contribution chemists and chemistry have made to our society. We first celebrated National Chemistry Day on November 6, 1987, with a parade in Washington, D.C. Because of the overwhelming enthusiasm for the day, 2 years later the

concept was expanded to celebrate National Chemistry Week.

The National Chemistry Week program is designed to reach out to the public, especially elementary and secondary school children, to foster an appreciation for chemistry. The theme of this year's celebration is, "The Many Faces of Chemistry," which is designed to educate the public on the many different types of careers in chemistry and the many different ways chemistry has contributed to our society.

As a part of the activities for this week, the American Chemical Society has chosen to honor chemists working in the fields of biosensors, cosmetics, food, nutrition, dye, materials, natural products, and environmental processes, as well as chemists who work as teachers. These varied fields contribute to our society on a daily basis.

For instance, biosensors may be used to test air quality, drinking water quality, help dentists find cavities, and test for biological and chemical weapons. Material chemists may work on ways to help make new products that are less harmful to the environment, such as making threads and plastic out of renewable biological materials. Nutritional chemists may develop products that contain more vitamins and minerals in an effort to make people healthier and fight malnutrition throughout the world.

National Chemistry Week is intended to honor all of these contributions, as well as encourage our Nation's schools to cultivate the finest scientists, engineers and technicians from every background to ensure we remain globally competitive.

This week, more than 10,000 National Chemistry Week volunteers from industry, government, and academia will reach out to educate millions of children across the country. I urge my colleagues to join me in honoring them and these activities through the passage of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, we have no further requests for time, and I ask my friend from Washington State if he has no further requests.

Mr. REICHERT. Madam Speaker, I have no further requests for time, and I yield back my time.

Mr. EHLERS. Madam Speaker, today I am pleased that we are considering this resolution recognizing the 20th anniversary of National Chemistry Week, which was established by the American Chemical Society to teach children about the chemical sciences. This year, the National Chemistry Week theme is "The Many Faces of Chemistry," emphasizing the diversity of chemistry careers and the diversity of the individuals working in chemistry professions.

Ensuring that our science and engineering workforce accurately reflects the diversity of our population is necessary for our country to succeed. But right now we are falling short. For example, Hispanic Americans constitute 12 percent of the population yet they rep-

resent less than three percent of the engineering and scientific community in the U.S.

Last week the Research and Science Education Subcommittee heard testimony from a number of witnesses on the topic of gender equity within science and engineering faculty. Freeman Hrabowski, the president of the University of Maryland, Baltimore Campus—a campus noted for recruiting and retaining both minority students and faculty—remarked, "Producing well-prepared scientists and engineers for our increasingly diverse workforce is perhaps our most important and lasting contribution to the Nation's economic development and national security." Furthermore, a 2004 survey of the "top 50" science engineering departments at U.S. universities revealed that there are few tenured and tenure-track women faculty in these departments in research universities, even though a growing number of women are completing their Ph.D.s, and that underrepresented minority women faculty are almost nonexistent.

Clearly, we have a problem. I have often said that we are throwing away more than 40 percent of our workforce if we do not actively encourage more women and underrepresented minorities to consider these fields. The American Chemical Society is helping to draw more attention to this issue with the choice of this year's National Chemistry Week theme. "The Many Faces of Chemistry" recognizes the important contributions of chemical educators, scientists and engineers to technological progress and the health of many industries.

I commend the American Chemical Society for stimulating the interest of ALL of our Nation's children in the chemical sciences so that they will consider careers in these fields and potentially discover the innovations of the future, and I urge my colleagues to support this resolution recognizing the goals and ideals of National Chemistry Week.

Mr. HOLT. Madam Speaker, I rise today in support of H. Res. 751, which recognizes National Chemistry Week. I am proud to support this resolution, as I have done in past years, which acknowledges the critical role chemistry plays in maintaining and improving our quality of life. I thank the gentleman from Texas, (Mr. SILVESTRE REYES) for sponsoring this resolution and I thank the leadership for providing Members of Congress with the opportunity to show our support for this bill on the floor.

This year marks the 20th anniversary of National Chemistry Week. Started by the American Chemical Society in 1987, this year's National Chemistry Week brings together businesses, schools, and nearly 200 ACS chapters to raise awareness of chemistry in our daily lives. Through aggressive outreach, hands-on demonstrations within local communities and laboratory open houses, National Chemistry Week engages millions of Americans, particularly elementary and secondary students, asking them to think about the how chemistry surrounds us all.

National Chemistry Week's theme for 2007, "The Many Faces of Chemistry," highlights the diverse roles chemistry professionals play in our society. From teaching in the classroom to conducting research in the laboratory, chemistry professionals provide countless services to society. "The Many Faces of Chemistry" is also a challenge to educators to promote diversity in chemistry and the sciences.

Madam Speaker, while ACS organizes National Chemistry Week to celebrate the con-

tributions of chemistry to the common good, as well as the progress in achieving diversity within the field, ACS is also issuing a challenge and a warning to Americans.

Issues such as climate change and infectious disease pose threats not only to the United States, but also to the entire world. In order to solve these problems, we must insist that science education be a priority in our elementary and secondary schools to cultivate the next generation of scientists.

Additionally, this year's National Chemistry Week reminds us that our work is not done promoting diversity within the sciences. While the number of women, African-Americans, and Hispanics earning advanced science and engineering degrees has increased, growth has stagnated recently, and these groups remain underrepresented, when compared to the general population. If the United States is to remain the locus of scientific research and innovation in an increasingly competitive global playing field, we must continue to broaden these groups.

Once again I commend the American Chemical Society for establishing National Chemistry Week in 1987 and thank the organization for two decades of promoting science education. I urge my colleagues to support this resolution recognizing the goals and ideals of National Chemistry Week.

Mr. GORDON of Tennessee. Madam Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 751.

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.

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#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 59 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

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□ 1831

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PERLMUTTER) at 6 o'clock and 31 minutes p.m.

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#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 189, by the yeas and nays;

H.R. 523, by the yeas and nays;

H. Res. 762, by the yeas and nays.

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

electronic votes will be as 5-minute votes.

**PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ACT OF 2007**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 189, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 189, as amended.

The vote was taken by electronic device, and there were—yeas 256, nays 122, not voting 54, as follows:

[Roll No. 983]

**YEAS—256**

Abercrombie	Ellsworth	Lofgren, Zoe
Ackerman	Emanuel	Lowey
Allen	English (PA)	Lungren, Daniel E.
Altmire	Eshoo	
Andrews	Etheridge	Lynch
Arcuri	Farr	Mahoney (FL)
Baca	Fattah	Maloney (NY)
Bachus	Ferguson	Markey
Baird	Filner	Marshall
Baker	Fossella	Matheson
Baldwin	Frank (MA)	Matsui
Barrow	Frelinghuysen	McCarthy (NY)
Bean	Garrett (NJ)	McCollum (MN)
Berkley	Gerlach	McDermott
Berman	Giffords	McGovern
Berry	Gilchrest	McHugh
Bishop (GA)	Gillibrand	McIntyre
Bishop (NY)	Gonzalez	McNerney
Blumenauer	Gordon	McNulty
Boren	Green, Al	Meek (FL)
Boswell	Green, Gene	Meeks (NY)
Boucher	Grijalva	Melancon
Boyd (FL)	Hall (NY)	Michaud
Boyd (KS)	Hall (TX)	Miller (NC)
Brady (PA)	Hare	Miller, George
Braley (IA)	Harman	Mitchell
Buchanan	Hastings (FL)	Mollohan
Butterfield	Hastings (WA)	Moore (KS)
Calvert	Hayes	Moore (WI)
Camp (MI)	Herseth Sandlin	Moran (VA)
Capito	Higgins	Murphy (CT)
Capps	Hill	Murphy, Patrick
Capuano	Hinches	Murphy, Tim
Cardoza	Hinojosa	Murtha
Carnahan	Hirono	Nadler
Carney	Hobson	Napolitano
Castle	Hodes	Oberstar
Castor	Holden	Obey
Chandler	Holt	Olver
Clarke	Honda	Ortiz
Cleaver	Hooley	Pallone
Clyburn	Hoyer	Pascarell
Cohen	Israel	Pastor
Cole (OK)	Jackson (IL)	Perlmutter
Conyers	Jackson-Lee	Peterson (MN)
Cooper	(TX)	Petri
Costello	Johnson (GA)	Platts
Courtney	Jones (NC)	Poe
Cramer	Jones (OH)	Pomeroy
Crowley	Kagen	Porter
Cuellar	Kanjorski	Price (NC)
Cummings	Kennedy	Rahall
Davis (AL)	Kildee	Ramstad
Davis (CA)	Kilpatrick	Rangel
Davis, Lincoln	Kirk	Regula
DeFazio	Klein (FL)	Reichert
DeGette	Lampson	Renzi
Delahunt	Langevin	Reynolds
DeLauro	Larsen (WA)	Richardson
Dent	Larson (CT)	Rodriguez
Diaz-Balart, M.	LaTourette	Rogers (AL)
Dicks	Lee	Ross
Dingell	Levin	Roybal-Allard
Doggett	Lewis (CA)	Ruppersberger
Donnelly	Lipinski	Rush
Doyle	LoBiondo	Ryan (OH)
Edwards	Loeb sack	Salazar

Sánchez, Linda T.	Smith (NJ)	Van Hollen
Sánchez, Loretta	Smith (WA)	Velázquez
Sarbanes	Solis	Visclosky
Saxton	Souder	Walsh (NY)
Schakowsky	Space	Walz (MN)
Schiff	Spratt	Wasserman
Schwartz	Stark	Schultz
Scott (GA)	Stupak	Waters
Scott (VA)	Sutton	Watson
Serrano	Tanner	Watt
Sestak	Tauscher	Waxman
Shays	Taylor	Weiner
Shea-Porter	Terry	Welch (VT)
Sherman	Thompson (CA)	Weller
Shuler	Thompson (MS)	Wexler
Shuster	Tiberi	Woolsey
Simpson	Tierney	Wu
Skelton	Tsongas	Wynn
Slaughter	Udall (CO)	Young (AK)
	Udall (NM)	

**NAYS—122**

Akin	Fortenberry	Neugebauer
Alexander	Fox	Nunes
Bachmann	Franks (AZ)	Paul
Barrett (SC)	Gallegly	Pearce
Bartlett (MD)	Gohmert	Pence
Barton (TX)	Goode	Pitts
Biggart	Goodlatte	Price (GA)
Bilbray	Granger	Reberg
Bilirakis	Graves	Rogers (KY)
Blackburn	Heller	Rogers (MI)
Blunt	Hensarling	Rohrabacher
Boehner	Herger	Roskam
Bono	Hulshof	Royce
Boozman	Inglis (SC)	Ryan (WI)
Boustany	Issa	Sali
Brady (TX)	Johnson, Sam	Schmidt
Broun (GA)	Jordan	Sensenbrenner
Brown (SC)	Keller	Sessions
Brown-Waite,	King (IA)	Shadegg
Ginny	Kingston	Shimkus
Burgess	Kline (MN)	Smith (NE)
Burton (IN)	Knollenberg	Smith (TX)
Campbell (CA)	Kuhl (NY)	Stearns
Cannon	Lamborn	Sullivan
Carter	Latham	Tancredo
Chabot	Lewis (KY)	Thornberry
Conaway	Linder	Tiahrt
Crenshaw	Lucas	Turner
Culberson	Mack	Upton
Davis (KY)	Manzullo	Walberg
Davis, David	McCarthy (CA)	Walden (OR)
Davis, Tom	McCotter	Wamp
Deal (GA)	McCrery	Weldon (FL)
Doollittle	McHenry	Westmoreland
Drake	McMorris	Whitfield
Dreier	Rodgers	Wicker
Duncan	Mica	Wilson (NM)
Ehlers	Miller (MI)	Wilson (SC)
Emerson	Miller, Gary	Wolf
Fallin	Moran (KS)	
Flake	Musgrave	
Forbes	Myrick	

**NOT VOTING—54**

Aderholt	Gingrey	McCaul (TX)
Becerra	Gutierrez	McKeon
Bishop (UT)	Hastert	Miller (FL)
Bonner	Hoeftstra	Neal (MA)
Brown, Corrine	Hunter	Payne
Buyer	Inslee	Peterson (PA)
Cantor	Jefferson	Pickering
Carson	Jindal	Pryce (OH)
Clay	Johnson (IL)	Putnam
Coble	Johnson, E. B.	Radanovich
Costa	Kaptur	Reyes
Cubin	Kind	Rothman
Davis (IL)	King (NY)	Sires
Diaz-Balart, L.	Kucinich	Snyder
Ellison	LaHood	Towns
Engel	Lantos	Wilson (OH)
Everett	Lewis (GA)	Yarmuth
Feeney	Marchant	Young (FL)

□ 1857

Messrs. WILSON of South Carolina, WALDEN of Oregon, BILIRAKIS and LINDER changed their vote from “yea” to “nay.”

Mr. POE, Mr. PETRI, Ms. ROYBAL-ALLARD, Mr. TERRY and Mr. ROGERS of Alabama changed their vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to establish the Paterson Great Falls National Historical Park in the State of New Jersey and for other purposes.”

A motion to reconsider was laid on the table.

**DOUGLAS COUNTY, WASHINGTON, PUD CONVEYANCE ACT**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 523, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 523, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 0, not voting 55, as follows:

[Roll No. 984]

**YEAS—377**

Abercrombie	Capito	Etheridge
Ackerman	Capps	Fallin
Aderholt	Capuano	Farr
Akin	Cardoza	Fattah
Alexander	Carnahan	Ferguson
Allen	Carney	Filner
Altmire	Carter	Flake
Andrews	Castle	Forbes
Arcuri	Chabot	Portenberry
Baca	Chandler	Fossella
Bachmann	Clarke	Fox
Bachus	Cleaver	Frank (MA)
Baird	Clyburn	Franks (AZ)
Baker	Cohen	Frelinghuysen
Baldwin	Cole (OK)	Gallegly
Barrett (SC)	Conaway	Garrett (NJ)
Barrow	Conyers	Gerlach
Bartlett (MD)	Cooper	Giffords
Barton (TX)	Costello	Gilchrest
Bean	Courtney	Gillibrand
Berkley	Cramer	Gohmert
Berman	Crenshaw	Gonzalez
Berry	Crowley	Goode
Biggart	Cuellar	Goodlatte
Bilbray	Culberson	Gordon
Bilirakis	Cummings	Granger
Bishop (GA)	Davis (AL)	Graves
Bishop (NY)	Davis (CA)	Green, Al
Blackburn	Davis (KY)	Green, Gene
Blumenauer	Davis, David	Grijalva
Blunt	Davis, Lincoln	Hall (NY)
Boehner	Davis, Tom	Hall (TX)
Bono	Deal (GA)	Hare
Boozman	DeFazio	Harman
Boren	DeGette	Hastings (FL)
Boswell	Delahunt	Hastings (WA)
Boucher	DeLauro	Hayes
Boustany	Dent	Heller
Boyd (FL)	Diaz-Balart, M.	Hensarling
Boyda (KS)	Dicks	Herger
Brady (PA)	Dingell	Herseth Sandlin
Brady (TX)	Doggett	Higgins
Braley (IA)	Donnelly	Hill
Broun (GA)	Doollittle	Hinches
Brown (SC)	Doyle	Hinojosa
Brown-Waite,	Drake	Hirono
Ginny	Dreier	Hobson
Buchanan	Duncan	Hodes
Burgess	Edwards	Holden
Burton (IN)	Ehlers	Holt
Butterfield	Ellsworth	Honda
Calvert	Emanuel	Hooley
Camp (MI)	Emerson	Hoyer
Campbell (CA)	English (PA)	Hulshof
Cannon	Eshoo	Inglis (SC)

Israel	Miller, George	Sensenbrenner
Issa	Mitchell	Serrano
Jackson (IL)	Mollohan	Sessions
Jackson-Lee	Moore (KS)	Sestak
(TX)	Moore (WI)	Shadegg
Johnson (GA)	Moran (KS)	Shays
Johnson, Sam	Moran (VA)	Shea-Porter
Jones (NC)	Murphy (CT)	Sherman
Jones (OH)	Murphy, Patrick	Shimkus
Jordan	Murphy, Tim	Shuler
Kagen	Murtha	Shuster
Kanjorski	Musgrave	Simpson
Keller	Myrick	Skelton
Kennedy	Nadler	Slaughter
Kildee	Napolitano	Smith (NE)
Kilpatrick	Neugebauer	Smith (NJ)
King (IA)	Nunes	Smith (TX)
Kingston	Oberstar	Smith (WA)
Kirk	Obey	Solis
Klein (FL)	Olver	Souder
Kline (MN)	Ortiz	Space
Knollenberg	Pallone	Spratt
Kuhl (NY)	Pascrell	Stark
Lamborn	Pastor	Stearns
Lampson	Paul	Stupak
Langevin	Pearce	Sullivan
Larsen (WA)	Pence	Sutton
Larson (CT)	Perlmutter	Tancredo
Latham	Peterson (MN)	Tanner
LaTourette	Petri	Tauscher
Lee	Pitts	Taylor
Levin	Platts	Terry
Lewis (CA)	Poe	Thompson (CA)
Lewis (KY)	Pomeroy	Thompson (MS)
Lipinski	Porter	Thornberry
LoBiondo	Price (GA)	Tiahrt
Loeback	Price (NC)	Tiberi
Lofgren, Zoe	Rahall	Tierney
Lowey	Ramstad	Tsongas
Lucas	Rangel	Turner
Lungren, Daniel	Regula	Udall (CO)
E.	Rehberg	Udall (NM)
Lynch	Reichert	Upton
Mack	Renzi	Van Hollen
Mahoney (FL)	Reynolds	Velázquez
Maloney (NY)	Richardson	Visclosky
Manzullo	Rodriguez	Walberg
Markey	Rogers (AL)	Walden (OR)
Marshall	Rogers (KY)	Walsh (NY)
Matheson	Rogers (MI)	Walz (MN)
Matsui	Rohrabacher	Wamp
McCarthy (CA)	Ros-Lehtinen	Wasserman
McCarthy (NY)	Roskam	Schultz
McCollum (MN)	Ross	Waters
McCotter	Roybal-Allard	Watson
McCrery	Royce	Watt
McDermott	Ruppersberger	Waxman
McGovern	Rush	Weiner
McHenry	Ryan (OH)	Welch (VT)
McHugh	Ryan (WI)	Weldon (FL)
McIntyre	Salazar	Weller
McMorris	Sali	Westmoreland
Rodgers	Sánchez, Linda	Wexler
McNerney	T.	Whitfield
McNulty	Sanchez, Loretta	Wicker
Meek (FL)	Sarbanes	Wilson (NM)
Meeeks (NY)	Saxton	Wilson (SC)
Melancon	Schakowsky	Wolf
Mica	Schiff	Woolsey
Michaud	Schmidt	Wu
Miller (MI)	Schwartz	Wynn
Miller (NC)	Scott (GA)	Young (AK)
Miller, Gary	Scott (VA)	

□ 1905

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE ROBERT YOUNG, FORMER MEMBER OF CONGRESS**

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

Mr. CARNAHAN. Mr. Speaker, I rise today to offer words of condolence to the family and friends and colleagues of former Missouri Congressman, Robert A. Young, III.

Well-known for his stalwart defense of working men and women, Congressman Young left St. Louis a better place today as a result of his work in this House. Here he founded the Blue Collar Caucus and served on the Public Works Committee.

After serving in the Missouri legislature, he was elected to Congress in 1976 with his Missouri classmates, Ike Skelton and Dick Gephardt. His devotion to public service never wavered, from the time of his early military service in World War II, where he took part in the landing on Utah Beach on D-Day and the Battle of the Bulge, earning the Bronze Star.

Bob Young inspired generations of St. Louisans to seek out the American Dream, personifying the importance of his family, his union, and his community. Congressman Young will be long remembered for his efforts to turn ideas into reality. He committed himself to making sure our Nation's roadways, railways, and airways were safe for all of us, insisting that our transportation system be state-of-the-art.

Like the proud pipefitter he was, everyone privileged enough to know him would agree the work we do here on behalf of our Nation today must be completed, leaving no job left undone. Rightfully we pause to thank him for his service to Missouri, this House and our Nation.

Mr. Speaker, I yield to the gentleman from Missouri from the Second Congressional District.

Mr. AKIN. Mr. Speaker, coming from the Second Congressional District, my memory is just long enough to recall some actual personal encounters with Bob Young. Bob was almost a caricature of politics in North County, St. Louis. Bob was a guy who was a pipefitter, he was a war hero, he was in the Third Army under Patton, came back, got into politics.

He served 20 years in the Missouri legislature, house and senate, and then came down here for about 10 years or so and was very plain spoken. He wasn't noted for sugar-coating things, but he had a wonderful sense of humor,

fiercely loyal to labor unions, but reasonably conservative in a lot of other regards, left a family that was involved in politics as well.

But somebody who had a real cheerful twinkle in his eye, a good sense of humor and somebody I know that the St. Louis area will long remember as a good leader and a good man. So we are sorry for his passing. On the other hand, we are thankful for the richness of his life.

Mr. CARNAHAN. I want to thank the gentleman and would ask the House to pause for a moment of silence.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

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

There was no objection.

**SUPPORTING THE GOALS OF NATIONAL BULLYING PREVENTION AWARENESS WEEK**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 762, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 762.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 0, answered "present" 1, not voting 56, as follows:

[Roll No. 985]  
YEAS—375

Abercrombie	Boucher	Conyers
Ackerman	Boustany	Cooper
Aderholt	Boyd (FL)	Costello
Akin	Boyd (KS)	Courtney
Alexander	Brady (PA)	Cramer
Allen	Brady (TX)	Crenshaw
Altmire	Braley (IA)	Crowley
Andrews	Broun (GA)	Cuellar
Arcuri	Brown (SC)	Culberson
Baca	Brown-Waite,	Cummings
Bachmann	Ginny	Davis (AL)
Bachus	Buchanan	Davis (CA)
Baird	Burgess	Davis (KY)
Baker	Burton (IN)	Davis, David
Baldwin	Butterfield	Davis, Lincoln
Barrett (SC)	Calvert	Davis, Tom
Barrow	Camp (MI)	Deal (GA)
Bartlett (MD)	Campbell (CA)	DeFazio
Barton (TX)	Cannon	DeGette
Bean	Capito	Delahunt
Berkley	Capps	DeLauro
Berman	Capuano	Dent
Berry	Cardoza	Diaz-Balart, M.
Biggart	Carnahan	Dicks
Billbray	Carney	Dingell
Bilirakis	Carter	Doggett
Bishop (GA)	Castle	Donnelly
Bishop (NY)	Castor	Doolittle
Blackburn	Chabot	Doyle
Blumenauer	Chandler	Drake
Blunt	Clarke	Dreier
Boehner	Cleaver	Duncan
Bono	Clyburn	Edwards
Boozman	Cohen	Ehlers
Boren	Cole (OK)	Ellsworth
Boswell	Conaway	Emanuel

**NOT VOTING—55**

Becerra	Gutierrez	McKeon
Bishop (UT)	Hastert	Miller (FL)
Bonner	Hoekstra	Neal (MA)
Brown, Corrine	Hunter	Payne
Buyer	Inslee	Peterson (PA)
Cantor	Jefferson	Pickering
Carson	Jindal	Pryce (OH)
Castor	Johnson (IL)	Putnam
Clay	Johnson, E. B.	Radanovich
Coble	Kaptur	Reyes
Costa	Kind	Rothman
Cubin	King (NY)	Sires
Davis (IL)	Kucinich	Snyder
Diaz-Balart, L.	LaHood	Towns
Ellison	Lantos	Wilson (OH)
Engel	Lewis (GA)	Yarmuth
Everett	Linder	Young (FL)
Feeney	Marchant	
Gingrey	McCaull (TX)	

Emerson	Lewis (KY)	Roskam
Engel	Linder	Ross
English (PA)	Lipinski	Roybal-Allard
Eshoo	LoBiondo	Royce
Etheridge	Loebsock	Ruppersberger
Fallin	Lofgren, Zoe	Rush
Farr	Lowey	Ryan (OH)
Fattah	Lucas	Ryan (WI)
Ferguson	Lungren, Daniel	Salazar
Flner	E.	Sali
Flake	Lynch	Sánchez, Linda
Forbes	Mack	T.
Fortenberry	Mahoney (FL)	Sanchez, Loretta
Fossella	Maloney (NY)	Sarbanes
Fox	Manzullo	Saxton
Frank (MA)	Markey	Schakowsky
Franks (AZ)	Marshall	Schiff
Frelinghuysen	Matheson	Schmidt
Galleghy	Matsui	Schwartz
Garrett (NJ)	McCarthy (CA)	Scott (GA)
Gerlach	McCarthy (NY)	Scott (VA)
Gilchrest	McCollum (MN)	Sensenbrenner
Gillibrand	McCotter	Serrano
Gohmert	McCreery	Sessions
Gonzalez	McDermott	Sestak
Goode	McGovern	Shadegg
Goodlatte	McHenry	Shays
Gordon	McHugh	Shea-Porter
Granger	McIntyre	Sherman
Graves	McMorris	Shimkus
Green, Al	Rodgers	Shuler
Green, Gene	McNerney	Shuster
Grijalva	McNulty	Simpson
Hall (NY)	Meek (FL)	Skelton
Hall (TX)	Meeks (NY)	Slaughter
Hare	Melancon	Smith (NE)
Harman	Mica	Smith (NJ)
Hastings (FL)	Michaud	Smith (TX)
Hastings (WA)	Miller (MI)	Smith (WA)
Hayes	Miller (NC)	Solis
Heller	Miller, Gary	Souder
Hensarling	Miller, George	Space
Herger	Mitchell	Spratt
Herseth Sandlin	Mollohan	Stark
Higgins	Moore (KS)	Stearns
Hill	Moore (WI)	Stupak
Hinche	Moran (KS)	Sullivan
Hinojosa	Moran (VA)	Sutton
Hirono	Murphy (CT)	Tanner
Hobson	Murphy, Patrick	Tauscher
Hodes	Murphy, Tim	Taylor
Holden	Murtha	Terry
Holt	Musgrave	Thompson (CA)
Honda	Myrick	Thompson (MS)
Hooley	Nadler	Thornberry
Hoyer	Napolitano	Tiahrt
Hulshof	Neugebauer	Tiberi
Inglis (SC)	Nunes	Tierney
Israel	Oberstar	Tsongas
Issa	Obey	Turner
Jackson (IL)	Olver	Udall (CO)
Jackson-Lee	Ortiz	Udall (NM)
(TX)	Pallone	Upton
Johnson (GA)	Pascrell	Van Hollen
Johnson, Sam	Pastor	Velázquez
Jones (NC)	Paul	Visclosky
Jones (OH)	Pearce	Walberg
Jordan	Pence	Walden (OR)
Kagen	Perlmutter	Walsh (NY)
Kanjorski	Peterson (MN)	Walz (MN)
Keller	Petri	Wamp
Kennedy	Pitts	Wasserman
Kildee	Platts	Schultz
Kilpatrick	Poe	Waters
King (IA)	Porter	Watson
Kingston	Price (GA)	Watt
Kirk	Price (NC)	Waxman
Klein (FL)	Ramstad	Weiner
Kline (MN)	Rangel	Welch (VT)
Knollenberg	Regula	Weldon (FL)
Kuhl (NY)	Rehberg	Weller
Lamborn	Reichert	Westmoreland
Lampson	Renzi	Wexler
Langevin	Reynolds	Whitfield
Larsen (WA)	Richardson	Wicker
Larson (CT)	Rodriguez	Wilson (NM)
Latham	Rogers (AL)	Wilson (SC)
LaTourette	Rogers (KY)	Wolf
Lee	Rogers (MI)	Wu
Levin	Rohrabacher	Wynn
Lewis (CA)	Ros-Lehtinen	Young (AK)

## ANSWERED "PRESENT"—1

Tancredo

## NOT VOTING—56

Becerra	Brown, Corrine	Carson
Bishop (UT)	Buyer	Clay
Bonner	Cantor	Coble

Costa	Johnson (IL)	Pickering
Cubin	Johnson, E. B.	Pomeroy
Davis (IL)	Kaptur	Pryce (OH)
Diaz-Balart, L.	Kind	Putnam
Ellison	King (NY)	Radanovich
Everett	Kucinich	Rahall
LaHood	LaHood	Reyes
Lantos	Lantos	Rothman
Lewis (GA)	Lewis (GA)	Sires
Marchant	Marchant	Snyder
McCaul (TX)	McCaul (TX)	Towns
McKeon	McKeon	Wilson (OH)
Miller (FL)	Miller (FL)	Woolsey
Neal (MA)	Neal (MA)	Yarmuth
Payne	Payne	Young (FL)
Peterson (PA)	Peterson (PA)	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1918

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GINGREY. Mr. Speaker, on rollcall No. 983 on H.R. 189, I am not recorded because I was absent due to flight delays returning to Washington. Had I been present, I would have voted "nay."

On rollcall No. 984 on H.R. 523, had I been present, I would have voted "yea."

On rollcall No. 985 on H. Res. 762, had I been present, I would have voted "yea."

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1011, VIRGINIA RIDGE AND VALLEY ACT OF 2007

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110-403) on the resolution (H. Res. 763) providing for consideration of the bill (H.R. 1011) to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 505, NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2007

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110-404) on the resolution (H. Res. 764) providing for consideration of the bill (H.R. 505) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of

the Native Hawaiian governing entity, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1483, CELEBRATING AMERICA'S HERITAGE ACT

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110-405) on the resolution (H. Res. 765) providing for consideration of the bill (H.R. 1483) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3898

Mr. FOSSELLA. Mr. Speaker, I ask unanimous consent that Congressman KUHLE be removed as a cosponsor to H.R. 3898.

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

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 228

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent that Representative MICHAEL T. MCCAUL be removed as a cosponsor of H. Con. Res. 228. Mr. MCCAUL was listed as a cosponsor due to a clerical error.

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

There was no objection.

## 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 the remaining motion 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.

Any record vote on the postponed question will be taken tomorrow.

## INDUSTRIAL ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT ACT OF 2007

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3775) to support research and development of new industrial processes and technologies that optimize energy efficiency and environmental performance, utilize diverse sources of energy, and increase economic competitiveness, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3775

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 "Industrial Energy Efficiency Research and Development Act of 2007".

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) According to the Energy Information Administration's 2006 Annual Energy Review, the industrial sector in 2006 accounted for more energy use (32 percent) than the residential (21 percent), commercial (18 percent), or transportation sector (29 percent).

(2) The primary energy intensive industries vital to maintaining our country's infrastructure and economic and national security include steel, chemicals, metal casting, forest products, glass, aluminum, petroleum refining, and mining, as well as other energy intensive manufacturers.

(3) The Department of Energy has demonstrated the success of public-private partnerships with these industries resulting in research, development, and deployment of new energy efficient technologies which reduce emissions and improve manufacturing competitiveness.

(4) Innovations in manufacturing processes within these industries may be translated into efficiency improvements in buildings, transportation, and other economic sectors that depend upon these industries.

(5) While past public-private partnerships have resulted in significant energy efficiency improvements in manufacturing processes, there is a need for new technologies to achieve continual energy efficiency improvements.

(6) Innovations made in the last few decades assisted the United States in remaining competitive in the global market. Continued innovation in the areas of energy efficiency and feedstock diversification are necessary to enable the United States to maintain a competitive edge.

(7) The Department of Energy should continue collaborative efforts with industry, particularly the manufacturing sector, to broaden and accelerate the high-risk research and development of new manufacturing processes that optimize energy efficiency and utilize diverse sources of energy.

(8) These partnerships support critical research and development capabilities at universities and other research institutions while training future generations of engineers in critical areas of energy systems and efficient industrial process technologies for our domestic industries.

**SEC. 3. INDUSTRIAL TECHNOLOGIES PROGRAM.**

(a) **IN GENERAL.**—The Secretary of Energy (in this Act referred to as the "Secretary") shall establish a program, in cooperation with energy-intensive industries, trade and industry research collaborations representing such industries, and institutions of higher education—

(1) to conduct energy research, development, demonstration, and commercial application activities with respect to new industrial and commercial processes, technologies, and methods to—

(A) achieve substantial improvements in energy efficiency; and

(B) enhance the economic competitiveness of the United States industrial sector; and

(2) to conduct environmental research and development with respect to new industrial and commercial processes, technologies, and methods to achieve environmental performance improvements such as waste reduction, emissions reductions, and more efficient water use.

(b) **PROGRAM ACTIVITIES.**—Research, development, demonstration, and commercial ap-

plication activities under this section may include—

(1) activities to support the development and use of technologies and processes that improve the quality and quantity of feedstocks recovered or recycled from process and waste streams;

(2) research to meet manufacturing feedstock requirements with alternative resources;

(3) research to develop and demonstrate technologies and processes that utilize alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries;

(4) research to achieve energy efficiency in steam, power, control system, and process heat technologies, and in other manufacturing processes; and

(5) a program to fund research, development, and demonstration relating to inventors' and small companies' technology proposals, based on energy savings potential, commercial viability, and technical merit.

(c) **COMPETITIVE AWARDS.**—All awards under this section shall be made on a competitive, merit-reviewed basis.

(d) **COORDINATION AND NONDUPLICATION.**—The Secretary shall, coordinate efforts under this section with other programs of the Department and other Federal agencies, to avoid duplication of effort.

(e) **ANNUAL REPORT.**—Not later than 1 year after the date of enactment of this Act, and once every 2 years thereafter, the Secretary shall submit to the Congress a report on the activities conducted pursuant to this Act, including—

(1) a description of the activities used to facilitate cooperation with energy-intensive industries, universities, and other participants in the program; and

(2) a description of ongoing projects and new projects initiated, and the anticipated energy savings associated with achievement of each project's goals.

**SEC. 4. UNIVERSITY-BASED INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.**

To strengthen the program under section 3, the Secretary shall provide funding to university-based industrial research and assessment centers, whose purpose shall be—

(1) to identify opportunities for optimizing energy efficiency and environmental performance;

(2) to promote application of emerging concepts and technologies in small and medium-sized manufacturers;

(3) to promote the research and development for usage of alternative energy sources to supply heat, power, and new feedstocks for energy intensive industries;

(4) to coordinate with appropriate State research offices, and provide a clearinghouse for industrial process and energy efficiency technical assistance resources; and

(5) to coordinate with State-accredited technical training centers and community colleges, while ensuring appropriate services to all regions of the United States.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary to carry out this Act \$150,000,000 for each of the fiscal years 2009 through 2013.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Washington (Mr. REICHERT) each will control 20 minutes. The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3775, the bill now under consideration.

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

There was no objection.

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

I'm pleased that the House will consider my bill today, H.R. 3775, the Industrial Energy Efficiency Research and Development Act. I first wish to thank my colleagues on the Science and Technology Committee for their support in crafting this legislation, especially Ranking Members INGLIS and HALL, who worked with me on this bill which highlights the critical need for research into technologies that improve industrial energy efficiency.

An expanding economy and growing population ensure that demand for energy will continue to grow, making energy conservation a key national goal. In the United States, industry is responsible for more than one-third of all energy consumed. Heavy industries such as chemical, glass and metals production, mining, petroleum, refining, and forest and paper products all require very large amounts of energy, making them particularly susceptible to high energy prices. Therefore, these and other energy-intensive U.S. industries are ideal candidates on which to focus Federal research and development efforts and apply new technologies to increase efficiency, raise productivity, reduce wastes, trim costs, and ultimately make them more competitive in a global market.

I'm very familiar with the difficulties these industries face. Texas has the highest percentage of large energy-intensive industries, 8 percent of the U.S. total. Over half the energy used in Texas is consumed by the industrial sector. There is significant pressure to reduce the emissions and energy use associated with their processes, while keeping costs low enough to maintain the region's attractiveness to industry. That's a tall order when costs for natural gas, one of the primary industrial feedstocks, are among the highest in the country.

The Industrial Technologies Program, ITP, at the Department of Energy, works to improve the energy intensity of U.S. industry through coordinated, cost-shared research and development. The ITP is considered one of the most effective Department of Energy programs, transferring over 170 technologies to the commercial market, improving an estimated 13,000 U.S. manufacturing plants, and saving nearly 5 quadrillion Btus of energy, or approximately \$23 billion in energy since its inception. That's significant.

The ITP also sponsors university-based Industrial Assessment Centers, which utilize engineering faculty and students to provide no-cost energy assessments, mostly to small and medium-sized manufacturers. These centers serve as valuable preparation for

the next generation of energy and industrial engineers, training almost 250 students per year.

The Industrial Technologies Program has suffered dramatic budget cuts in recent years, dropping to just one-third of the funding levels of 2001. And this reflects a dramatic and untimely shift in priorities away from industrial efficiency research and development.

So H.R. 3775 authorizes and expands the Department of Energy's Industrial Technology Program through better coordination of interdepartmental research, enhancement of the industrial assessment centers program at universities, and support of more research and development of new innovations and technologies that improve the energy efficiency and environmental performance of most energy-intensive manufacturing processes.

This legislation is needed to ensure continued gains in these areas through research and development that makes the U.S. industry more competitive and enhances the quality of life for American workers, their families and the communities that they serve.

Again, I want to thank Mr. INGLIS for working to make this a better bill. I encourage my colleagues to support H.R. 3775.

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

Mr. REICHERT. Mr. Speaker, I rise today in support of H.R. 3775, the Industrial Energy Efficiency Research and Development Act of 2007, and I yield myself such time as I may consume.

The industrial sector of our economy is currently the largest user of energy. According to the Department of Energy's Energy Information Administration, the industrial sector consumed 32 percent of the Nation's energy in 2006. While the industrial sector has made impressive efficiency gains since 1980, more is needed and more can be done.

The Department of Energy currently runs the Industrial Technology Programs, ITP, whose mission it is to improve the energy intensity of the United States industrial sector, whose industries include aluminum, chemicals, forest products, glass, metal casting, mining, petroleum refining and steel. The ITP program engages in partnerships with industry to conduct research and development into energy efficiency technologies, as well as demonstrating those technologies and transferring them to the marketplace. The program has been very successful in its efforts with over 140 projects reaching the commercial market.

The ITP also conducts energy assessments, to help industrial manufacturers of all sizes, through both its Save Energy Now and university-based Industrial Assessment Centers, IACs. The Save Energy Now program completed 265 assessments that identified energy savings of more than \$585 million per year.

The IACs serve a dual role, aiding small and medium-sized business to re-

duce their energy costs and the training of university students who will take the efficiency knowledge they have learned and apply it in the workforce.

The bill before us today will ensure that ITP's beneficial work will continue to help the industrial sector reduce its cost, which not only helps them remain globally competitive while allowing them to keep their operations in the United States of America. Further, the ITP aids our country's goal of reducing our dependence on foreign sources of energy by improving this critical sector's use of energy.

I reserve the balance of my time.

Mr. LAMPSON. Thank you for your words, Mr. REICHERT. Certainly this is important. It's something that can make a significant difference to what we're doing for the world and for industry in the United States of America, to make sure that we are kept competitive.

There's so many things, whether it is using waste to pelletize wood into new kinds of fuel, whether it is solar, water, any of the many things, wind, that we're doing and to encourage to make these things possible is something that is very important to me.

Mr. Speaker, I will insert the following letters into the RECORD.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC, October 22, 2007.*  
Hon. BART GORDON,  
*Chairman, Committee on Science and Technology, Washington, DC.*

DEAR MR. CHAIRMAN: I write with regard to H.R. 3775, the Industrial Energy Efficiency Research and Development Act of 2007. I know it is your wish for the bill to be considered on the House floor as soon as possible.

Some of the provisions in the bill are of jurisdictional interest to the Committee on Energy and Commerce. I am not, however, raising the issue with the Speaker because it is my understanding that you have agreed that the referral and consideration of the bill do not in any way serve as a jurisdictional precedent as to our two committees.

I request that you send to me a letter confirming our agreement and that our exchange of letters be included in your Committee's report on the bill and inserted in the Congressional Record as part of the consideration of the bill.

Please call me if you would like to discuss this matter further.

Sincerely,

JOHN D. DINGELL,  
*Chairman.*

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON SCIENCE AND TECH-  
NOLOGY,  
*Washington, DC, October 22, 2007.*

Hon. JOHN D. DINGELL,  
*Chairman, Committee on Energy and Commerce, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding the referral and consideration of H.R. 3775, the Industrial Energy Efficiency Research and Development Act of 2007. I appreciate your support of this important legislation.

I recognize your Committee's jurisdictional interest in this area, and I agree that the inaction of the Committee on Energy and Commerce with respect to the bill does not in any way serve as a jurisdictional

precedent as to our two committees. The exchange of letters between our two committees will be placed in the Committee's report on H.R. 3775 and in the Congressional Record during consideration of the bill.

Thank you for your attention to this matter.

Sincerely,

BART GORDON,  
*Chairman.*

Mr. Speaker, I don't have further comments to be made, and so if the gentleman is prepared to yield back his time, then I am ready to do so as well.

Mr. REICHERT. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. PERMUTTER). The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and pass the bill, H.R. 3775, as amended.

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

A motion to reconsider was laid on the table.

□ 1930

#### POLITICAL AND RELIGIOUS DISCOURSE

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

Mr. POE. Mr. Speaker, the first amendment protects the fundamental natural rights of free speech and free press.

These pillars of principle are listed first because they are the most important. These two freedoms ensure the protection of all the other rights that follow in the Bill of Rights.

Many years have passed since these values were chiseled into the Constitution, but they are still under attack by the elites who advocate Federal control of both. Why? Because these censors disagree with the content or claim it's inaccurate or it's not fair. Even former Supreme Court Justice Sandra Day O'Connor said last year that people should not harshly criticize the Supreme Court or its rulings.

The Constitution does not guarantee speech or press to be fair or even accurate. It guarantees it to be free. "Fair" is too subjective a term.

Our Framers were primarily concerned about protecting the political and religious discourse. Why? Because they are the most controversial and the most important.

Any action by the Federal Government to control speech or press should be met with loud, harsh words; fiery oratory; and a blazing pen.

And that's just the way it is.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous

order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### HOLDING THE ADMINISTRATION RESPONSIBLE FOR THE U.S. LEGACY IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it is past time to hold this administration accountable for its actions in Iraq and for its actions throughout the region.

Our standing in the world and throughout the Middle East is at an all-time low. And our standing in popularity has just about disappeared. The administration's policies have only brought instability and conflict. The strategy of preemptive war has, and we have seen it, been met with disbelief. It has been met with criticism from all corners of the world.

The administration keeps beating the drum of war with Iran, and its inaction in northern Iraq may lead to armed conflict with Turkey. A real leader, an effective Commander in Chief, knows that the use of force should be the very last possible option, not the first. The blame for this sits squarely in the Oval Office.

And what about the people the administration was supposed to be liberating? Many live now without the basic services they had for generations: electricity, clean water, basic health care, education. And at least 4 million Iraqis have fled their homes. Many are displaced within their own country, and millions more have escaped to neighboring Iran and Syria. Despite what the administration has claimed, the fault does not lie on the Iraqi people or the international community. Once again the blame belongs one place and one place only: that's with our administration.

Let's look at our international human rights record, Mr. Speaker. From Guantanamo to Abu Ghraib, a scandal, to the mercenary Blackwater security forces, the face of American policy emerges as goons, thugs, and cowboys.

Or what about torture? The administration says it doesn't promote torture. Yet day in and day out we read news media reports of an administration promoting rendition and "enhanced interrogation methods." These methods allow for everything short of death. The responsibility lies at the feet of one man. Not a general. Not the Justice Department. Not the men and women of the intelligence community.

And certainly not the brave men and women who are serving us in Iraq. One man.

And it does not get much better here, right here at home, where the administration is pushing for more ways to spy on American citizens. They are attacking their political adversaries by questioning their patriotism. They even outed a covert CIA operative. The President at that time said that anyone caught for such an action would be removed from his staff. Now it turns out that Karl Rove, Richard Armitage, Scooter Libby, and Ari Fleischer didn't count and the administration chose to put them above the law.

Once again, Mr. Speaker, we have to ask ourselves who's really to blame. I can only think of one person.

And, finally, most shameful of all, the legacy of this occupation of Iraq has left a generation of men and women with physical and mental wounds that may never heal. And how did the administration thank them for their bravery on behalf of our Nation? Walter Reed. Long waits for necessary medical treatment at local VA hospitals. And in some cases, extended deployments. What kind of Commander in Chief would do that?

Remember the good old days when past Presidents said, and meant it, that "the buck stops here," the buck stops with them? This administration seems to think the buck stops everywhere but 1600 Pennsylvania Avenue.

Mr. Speaker, it is time for the President to take the responsibility for his actions and turn the tide around, and he can do that by providing our men and women in uniform the equipment they need to come home safely; by funding the safe, responsible, and timely withdrawal of our troops; and by regaining, in turn, our place as a world leader promoting peace and stability.

Mr. Speaker, hold this administration accountable. Bring our troops home. End this senseless occupation.

#### NO PLACE LIKE HOME: ROCKSPRINGS, TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, in the vastness of west Texas, the sky is a brilliant brazen blue and a place where sparse live oak trees fight to even exist. In the stillness of these arid plains is the remote south Texas town of Rocksprings.

The people of this community of only 1,250 had a homecoming Saturday for their favorite son, Deputy Gilmer Hernandez. I was honored to be there. The ceremony, ironically, took place on the courthouse square under the pecan trees and in front of the old limestone courthouse. Ironic because, you see, Mr. Speaker, the town was celebrating the release of Gilmer Hernandez from the Federal penitentiary. He had been sent to prison for, as local sheriff,

Donnie Letsinger put it "just doing his job for the rest of us." The sheriff spoke the sentiments of most of the townspeople that I got to talk to.

The town was decorated with signs and flags and banners in windows of houses and in front of stores. Anyway, the ceremony started off with a lengthy prayer by the local Baptist preacher, and then there was a rousing pledge to the flag. There were tears and speeches by politicians. The mayor, Rachel Gallegos, presented Deputy Hernandez a proclamation from the city as Rocksprings' Favorite Son.

Most of the community turned out, many carrying signs of "Welcome Home, Gilmer." Gilmer's family was there, his wife, Ashley; and his wonderful young daughter. When Gilmer was shipped off to Federal prison, the people of this small town rallied around his family. The town paid the rent on his pickup truck, took his family into their homes, provided food, and took care of his mortgage on his house. They sent him letters while he was incarcerated; they prayed for him; and when he got home, he already had a job with the city and the local phone company.

Mr. Speaker, this is an interesting celebration considering Gilmer was a convicted felon. Gilmer Hernandez grew up in Rocksprings. His family is from there. He became a deputy sheriff for Edwards County. He always dreamed of being a lawman, even though he made a little bit over just \$20,000 a year patrolling a county the size of Delaware.

Here's what happened sometime ago: while this young deputy was on routine patrol late at night, he came in contact with an SUV that ran the red light in Rocksprings, Texas. He pulled the vehicle over; and as he approached it, the truck sped off and swerved to run over the deputy. Gilmer pulled his weapon and shot out two tires in self-defense. The vehicle stopped, and numerous illegals, including the coyote smuggling the illegals into America, took off running. But one of Gilmer's bullets ricocheted in the SUV and hit a passenger as Gilmer fired at the fleeing vehicle. This was the first time Gilmer Hernandez had ever fired his pistol.

The sheriff and the Texas Rangers investigated the incident; and after investigating it thoroughly, they cleared Hernandez.

But upon the assistance of the arrogant Mexican Government one year after the incident, our almighty Federal Government prosecuted Gilmer for a civil rights violation, saying he should not have continued firing at the vehicle after it drove past him. So Gilmer Hernandez was sent off to prison at the behest of Mexico with the United States being the puppet. By the way, all of the illegals got to stay in the United States.

Many of the townspeople told me Saturday they thought Gilmer was right to defend himself. One old crusty Texas rancher called Gilmer a political prisoner.

I and others of this House have asked the President to pardon Gilmer Hernandez, and we hope eventually the President does pardon him. He has, after all, served his time.

But Saturday, as the magnificent sun began to set, the town of Rocksprings came out to cheer and honor and praise and totally support its favorite native son. After all the hoopla, the town went down the road to the fairgrounds for barbecue and homemade desserts. And, by the way, the sheriff gave Gilmer back his badge, hoping some day he will be able to wear it again.

Deputy Gilmer Hernandez is a remarkable person, and the town of Rocksprings is a uniquely remarkable place to be from.

And that's just the way it is.

□ 1945

#### THE IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, today President Bush requested an additional \$46 billion war request. This request is on top of an existing \$142 billion request pending from earlier this year.

The President told reporters that the funding was simply for day-to-day military operations in Afghanistan and Iraq. He said that the bill provides for basic needs like bullets and body armor, protection against IEDs, and mine-resistant, ambush-protected vehicles.

The President would lead us to believe that there are only two options in Iraq; Congress must either continue to fund the war indefinitely, or we must choose to pull the rug out from under the troops and strand them in the field without body armor and bullets. This, of course, is a ridiculous characterization of our position. We feel that continuing to referee a civil war in Iraq runs counter to our national security interests.

There is no military solution to the war in Iraq no matter how many soldiers, weapons and dollars you dump into the country. Bombs and bullets have not and will not bring us peace in Iraq. I believe there is only one answer to the war in Iraq: a fully funded redeployment of our troops and military contractors.

I think a reasonable Member of Congress would welcome a plan from the President on how we're going to safely leave Iraq, and we would be happy to fund it. But asking us to continue funding, providing funds for the occupation of Iraq until President Bush decides to change course is tantamount to asking us to just continue to support the war.

The choice is clear; it is time to face the facts: We either provide funds to continue the war or we provide funds to end the war.

Mr. Speaker and Members, I'm bothered by this request. I'm bothered by it

because the President is playing politics with the issue. The President of the United States is saying, "I want this \$46 billion and I want it now, and I want to use it for very necessary armor and equipment," because he knows that the Members of Congress do not like to be seen in a bad light, having folks believe that somehow they're not providing support for the soldiers. And he keeps testing the will of this Congress with these kinds of antics.

We know that the American public wants us out of Iraq. We also know the American public wants to indicate its support for the soldiers who are not there because they've decided that we would go to war, but rather, they answered the President's call because they are patriotic, many of them needed jobs, they needed resources, they needed money, so they're there.

Everybody supports the soldiers, but the President is trying to set us up. He is trying to set us up so that if we don't immediately vote on this \$46 billion it will look as if we are not giving the soldiers the necessary equipment in order to wage the war. This is absolutely ridiculous.

And I don't know how long this President thinks he can get along with mismanaging this war in the way that he's doing. We have 101 questions we ought to be forcing on him. First of all, where are the 190,000 weapons that have been lost? Where is the money we were supposed to have been getting from the oil wells in Iraq? Where are the billions of dollars that they sent over in cash in the beginning of this war? What happened to all of that money?

We can go on and on and on with questions about Blackwater and the contractors and the mercenaries. We can go on and on about this government that they put together that does not function and will not function. We can ask them, whose side are you on, the Sunnis, the Shias? And now you're trying to manage what Turkey does with the Kurds. The Kurds killed Turkish soldiers. The Turks threatened to go over and invade the Kurdish territory, and now we're over there trying to manage that. It is complicated. We have no business there.

This occupation is draining us, not only the lives of young men and women who are there trying to answer the President's call, but the dollars that should be going into comprehensive universal health care, truly supporting Leave No Child Behind, truly supporting moderate and low-income housing, truly being used to rebuild the infrastructure that's falling apart all over America.

Come on, Mr. President, don't challenge us this way. There are some of us who know what we're going to do, and others are going to get wise very soon.

#### MILITARY DEATH GRATUITIES TO TAX FAVORED ACCOUNTS

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I would like to thank Chairman CHARLIE RANGEL and the House Ways and Means Committee for their work in putting together a package of legislation called the Heroes Earning Assistance and Relief Tax Act of 2007, which is designed to help members of the United States Armed Forces and their families. I'm especially grateful, Mr. Speaker, that the committee has indicated plans to include in this legislation a bill that I first introduced in 2005.

H.R. 418 would permit military families to receive the death gratuity to invest the full amount into certain tax-favored accounts. A death gratuity is a \$100,000 payment paid to survivors of servicemembers whose death resulted from combat-related circumstances.

Current tax law limits the amount that recipients of the death gratuity can place in tax-preferred accounts, such as a Roth IRA or Coverdell Education Savings Account. This legislation would change that to allow recipients to contribute up to the full amount of the gratuity payment to these accounts.

Mr. Speaker, as the families of our fallen heroes try to put their lives back together, they need all the help they can get. The families should not have to worry about saving the death gratuity to pay for health care, college or other expenses and then have the government come in and tax the interest on that savings. This bill would help ensure that does not happen.

Mr. Speaker, the need for this legislation was brought to my attention by Captain Michael Ceres, a constituent stationed at Marine Corps Air Station New River. Captain Ceres, who just returned from serving in Iraq, contacted my office and suggested that Congress should institute this change to ease the burden on grieving military families.

Mr. Speaker, the Joint Committee on Taxation has scored this legislation at no cost, meaning that the actual cost of this proposal is less than \$500,000 over 9 years. Our men and women in uniform serve this Nation with great honor and distinction; many give their lives for this country. We owe it to our fallen military heroes to expand this option of families who receive the death gratuity, families who have paid the ultimate cost with the loss of their loved one.

H.R. 418 has also received the endorsement of The Military Coalition, a group of prominent national military and veterans organizations that represent more than 5.5 million members plus their families.

Mr. Speaker, of the 35 organizations that have voiced their support for H.R. 418, let me name just a few: the Air Force association, AMVETS, Fleet Reserve Association, Gold Star Wives of America, Military Officers Association of America, Marine Corps League, Navy League of the United States, and there are many others.

I call upon my colleagues to support the inclusion of H.R. 418 in the Heroes Earning Assistance and Tax Relief Act of 2007 in order to expand the options of military families whose loved ones have given their lives in the name of freedom and in defense of this Nation.

Mr. Speaker, I close by asking God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. And also, I will ask God to continue to bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JONES of Ohio. Mr. Speaker, over the past 9 months, the Congressional Black Caucus has been at the forefront of many major issues here in Congress, from raising the minimum wage, to the Don Imus debacle, to the upcoming Southwick nomination vote that will be taken up in the Senate this week. We have been at the forefront of raising the issue about the need to cover 10 million children under SCHIP. And we've been at the forefront as well raising issues with regard to the war in Iraq and the number of people who have been killed, as well as the recent Jena Six situation.

Tonight, however, we will be focusing in on the Southwick nomination. And as we focus in on that nomination, we always remember that for people of color the court has been the place of last resort. Many of the opportunities that we've had to raise issues with regard to school desegregation, civil rights, economic opportunities, equal employment opportunity, have come through the courts. And it is that reason that we are particularly raising our voices with regard to this nomination.

I am joined this evening by my colleague and good friend, the Chair of the Homeland Security Committee, Mr. BENNIE THOMPSON. And Judge Southwick, the nominee, actually is a resident of Mississippi and being considered for that seat which oversees Mississippi and several other States

where the population of people of color is significant.

I yield such time as he may consume to my colleague and good friend, the Chair of the Homeland Security Committee, BENNIE THOMPSON.

Mr. THOMPSON of Mississippi. Thank you very much.

Mr. Speaker, I join members of the Congressional Black Caucus, who have unanimously opposed the nomination of Leslie Southwick to the Fifth Circuit Court of Appeals.

For the record, Mr. Speaker, the Fifth Circuit is composed of Mississippi, Louisiana and Texas. This circuit historically was one of those circuits that moved civil rights and voting rights issues in a manner that allowed all people representation. So what we've seen under the President's administration, we've seen this court move in the opposite direction.

As a resident of Mississippi and a representative for the Second Congressional District, we have yet to have a member of the Fifth Circuit Court of Appeals who is an African American. We have the highest population of any circuit in the State in the circuit; yet we are completely void of representation.

I don't have to go through the litany of problems we've had in Mississippi with respect to civil rights. As you know, and as so many know, Mr. Speaker, had it not been for the Federal court system, many of us would not be in elected office. Many of us would not hold positions of higher responsibility because our State denied African Americans, for a number of years, equal representation under law and denied that representation because of color.

And so what we have in the Southwick nomination, Mr. Speaker, is a continuing pattern of nominating people who have demonstrated racial insensitivity toward people of color. In the *Richmond v. Mississippi Department of Human Services*, a white employee was fired for using the phrase "good ole nigger" toward an African American coworker. When the white employee was fired, a hearing officer reinstated the employee.

In upholding the reinstatement, the majority, Mr. Speaker, which Judge Southwick joined, concluded that using the phrase "good ole nigger" was equivalent to calling the other employee her "teacher's pet". This opinion, I'm happy to say, Mr. Speaker, was unanimously reversed by the Mississippi Supreme Court. And this is our President's number one nominee for the Fifth Circuit, who says that it's all right to use the "N" word when referring to people of color because it's equivalent to being called the "teacher's pet," or as he said in later words, "a term of endearment." That's an insult. But it goes to the crux of the issue of whether or not the temperament of this gentleman, Leslie Southwick, fits promotion to the Fifth Circuit Court of Appeals.

In addition to that, on another case, *McWilliams v. Mississippi*, when a prosecutor cites nonracial readiness for strikes, *Davis v. Mississippi* is another case. Judge Southwick denied the defense's warranted attempts to strike white jurors, even when the defense used the same nonracial reasons for strikes. *Webb v. Mississippi*. In other words, it's all right to strike black people from juries for nonracial reasons, but you can't strike white people from juries for nonracial reasons.

So, Mr. Speaker, we have a problem. This is the person under consideration this week by the United States Senate. I'm happy to say that the Congressional Black Caucus has taken up a number of issues this session, but the Southwick nomination really goes to the heart of why we are all here. We cannot put people on the bench for a lifetime job who demonstrate this kind of insensitivity.

□ 2000

So, Mr. Speaker, I am happy to join my colleagues with the Congressional Black Caucus in unanimously opposing the elevation of Judge Southwick to the Fifth Circuit Court of Appeals. His nomination is not just an affront to people of color, but it is an affront to people of good will. That someone who demonstrated a lack of judicial temperament can actually be nominated and be given serious consideration by the United States Senate is beyond me.

But, again, I want to express my sincere opposition to the nomination of Leslie Southwick to the Mississippi Fifth Circuit Court of Appeals. Mississippi needs a nominee who will not look to discourage or impede its growth, but instead support and empower Mississippi's legacy. I appreciate my colleague from Ohio yielding me the time.

Mrs. JONES of Ohio. Mr. Chairman, just for a moment, I recall only a few months ago that you and the Chair of our Congressional Black Caucus, CAROLYN CHEEKS KILPATRICK, were actually over at the Senate side when this was in committee.

Mr. THOMPSON of Mississippi. That's correct.

Mrs. JONES of Ohio. Can you recount for us briefly what you encountered in that hearing?

Mr. THOMPSON of Mississippi. Well, the record will reflect, Mrs. TUBBS JONES, that at that hearing significant evidence was introduced as to the statistical probability of African Americans being nominated to the court. It was also introduced that the population of African Americans was the greatest in the State of Mississippi, that Mississippi had fewer individuals on the Fifth Circuit Court of Appeals and has never had an African American on a court in its entire history from the State of Mississippi. So this is a golden opportunity, it was a golden opportunity for President Bush to do the right thing. But this was his third nominee for this one judgeship. Each of

the other individuals who he has nominated also had that judicial temperament and their qualifications questioned to the point that they were denied.

So what we have here is a third bite at an apple that really deserves reconsideration by the President. But since he did not choose to do so, I am committed, like the other members of the Congressional Black Caucus, to make our voices heard this week on the floor of the United States Senate with its colleagues there to say that this is not the America that we all want to be known for.

And so that issue, Mrs. TUBBS JONES, was thoroughly aired. I am disappointed that a letter from Judge Southwick swayed one member of the Judiciary Committee to change their vote. You know, we can all write letters. But in the record, we have opposing views from the Magnolia Bar, which is the African American Bar Association in the State of Mississippi, the Mississippi NAACP, a whole host of elected officials and others saying that this is not in the best interests going forth with this nomination.

So we believe that the record was complete and that a thorough airing of what is before that Judiciary Committee would have basically provided significant opposition to Judge Southwick. But, you know, this is politics. That letter changed the position of one member on the judiciary who did not talk to anybody from Mississippi, did not talk to anybody from California, did not talk to anybody who had an interest diametrically opposed to the person under consideration. They took a letter, read it into the RECORD, and made a decision as to a person saying, I will do better now that I understand that it is not proper to use the N word or that it is not proper to deny African Americans positions on juries just because they happen to be black.

Well, that is not enough in my book, nor the Congressional Black Caucus's book, to warrant a person being elevated to the Fifth Circuit Court of Appeals. Now, the reason I say that, to be honest with you, is that the majority of the voting rights and civil rights legislation that comes before the court generally comes from that circuit. So if you have someone who demonstrates time and time again that they lack the temperament, that they lack the judicial restraint to deal with cases relating to people of color, then that person should not be promoted to that position for which they are not made. So for that reason, I am happy to be here on behalf of those Members who serve the Fifth Circuit Court of Appeals in the United States House of Representatives.

We have, as you know, gone on record many times in writing opposing the nomination. We reiterated that opposition today in a letter when we found out that it would be considered sometime this week. So there is no question that people who represent in-

dividuals, more than 700,000 American citizens, in the Fifth Circuit Court of Appeals district are in opposition to it. And how one can take a letter from the person that is nominated and say that that one letter rises above those hundreds of thousands of people who have sent individuals to represent them here in Washington gets beyond me. But, again, we will continue to press the case. As you know, we are prepared to speak to the leadership before the issue is considered and do other things, because this is too big an issue for us not to give it our maximum effort.

Mrs. JONES of Ohio. I want to thank you, Chairman THOMPSON, for your leadership not only in the State of Mississippi but also here in the Congress. Recently, I had a chance to be in Greenville, Mississippi, with you with an elementary school friend of mine, Jaribu Hill. I am just so happy to see the kind of leadership you are showing, and I thank you for joining me this evening for this Special Order.

Mr. THOMPSON of Mississippi. Thank you very much.

Mrs. JONES of Ohio. It gives me great pleasure at this time to call upon my sister, my good friend, the gentlewoman from California, and she happens to be from the State of the Senator who voted this, whose vote was determining in voting this nomination out of the committee. But I will leave for her the discussion on that issue. I give you the great gentlewoman from California, Congresswoman BARBARA LEE, who has been a leader on so many, many issues that I can't even recount them all at this time. And I will yield her such time as she may consume.

Ms. LEE. First, let me thank the gentlewoman from Ohio for her leadership and for her kind words, but also for her commitment to equal justice under the law.

As a former prosecutor, as a judge, your leadership and your clarity on these issues is deeply appreciated, and also for making sure that each week the Congressional Black Caucus has a voice on all of the issues that we are addressing in our country. This evening, yes, I would like to talk very briefly about the unfinished business of America as it relates to equal justice under the law.

Before I do that, let me just reflect for a minute on the contributions of my colleagues in the Congressional Black Caucus. Any reflection on Congressional Black Caucus members' accomplishments in this Congress must begin with the recognition of the incredible leadership role members of the Congressional Black Caucus are playing. In addition to our great Democratic whip, Mr. CLYBURN, from South Carolina, who is only the second African American to hold this position, more than half of our caucus members, 22 in all, are now serving as Chairs of committees and subcommittees. I have to salute and acknowledge, again, Madam Chair of the Ethics Committee tonight and her leadership, also, the

first African American woman appointed to the Ways and Means Committee. It makes a difference to have, again, STEPHANIE TUBBS JONES's voice on both of those committees and also as a leader on both of those committees.

Also, in addition to the significant achievements in both legislation and oversight, the Congressional Black Caucus members have also continued to play a major role in so many issues. The CBC has been long referred to as the conscience of the Congress for our members' steadfast refusal to turn our backs on injustice and for our commitment to shining the spotlight of truth on issues of injustice and racial prejudice wherever they may arise. I am proud to say that in the 110th Congress, the Congressional Black Caucus has continued with this proud tradition. When Don Imus, once again, crossed the line and denigrated the women of the Rutgers women's basketball team, members of the Congressional Black Caucus were there to call him out, to document his long history of racially offensive remarks, and to help see to it that sponsors understood that supporting such behavior is just bad business.

More recently, we were part of the national call for justice for the six young people from Jena, Louisiana, whose case represents an example of racially biased justice, or injustice, that is too familiar for people of color around this Nation.

Let me address another issue which my colleague, our chairman of the Homeland Security Subcommittee, Mr. THOMPSON, just mentioned. Tomorrow, the Senate will hold a cloture vote on the confirmation of Judge Leslie Southwick to the Fifth Circuit Court of Appeals. In August, when the Senate Judiciary Committee voted to send his nomination on the floor, I joined with my colleagues in the Congressional Black Caucus in speaking out against his nomination. I also expressed my profound, and I mean my very profound, disappointment as a Californian, first of all, and as an African American and as a woman, that a Senator from my home State, Senator FEINSTEIN, would vote with the Republicans to bring the Southwick nomination to the Senate floor.

Numerous concerns had been raised about Judge Southwick's commitment to equal justice, which Congressman THOMPSON just enunciated. I have profound concerns about the commitment to equal justice and dignity of anyone who thinks that it is ever acceptable for someone to refer to someone else using the N word. The idea of elevating a person to the Fifth Circuit Court of Appeals is, quite frankly, unacceptable. The fact is that the Fifth Circuit has the highest percentage of minority residents of any other circuit; yet all of the nominees over the last 22 years have been white. In fact, there is only one African American member of the court, and he is only the second since the court was created in 1869.

The recent case in Jena, Louisiana, shows the racism in the criminal justice system within the jurisdiction of the Fifth Circuit. The case in Jena makes it clear why we cannot afford to send anyone less than a civil rights champion to serve on this court, let alone someone with a record of hostility towards civil rights, someone who thinks that it is ever acceptable for someone to refer to someone else using the N word. We have come too far from the days of Jim Crow to tolerate the type of racist miscarriage of justice that we have seen in Jena and in the record of Judge Southwick.

If we are ever to overcome the legacy of racism in this Nation, we have a duty to our young people to see to it that the principle of equal justice is upheld. If we truly believe in our Nation's principle of equality before the law, then we have to make sure that everyone, regardless of race, is held equal before the law. So we are looking to our colleagues in the other body to take a stand for civil rights, to take a stand against racism, and to take a stand for justice and to block the nomination of Judge Leslie Southwick.

In so doing, we will take another step in completing this unfinished business in our country that so many people fought and died for. So I want to thank the gentlewoman from Ohio for once again stepping up to the plate, using her voice and her leadership to call for justice in our country and to help defeat the nomination of this individual, Judge Southwick.

Mrs. JONES of Ohio. Before you leave, Congresswoman LEE, how many African American members are there in the California delegation?

Ms. LEE. In the California delegation, there are four African American Members of Congress: Congresswoman MAXINE WATERS, Congresswoman DIANE WATSON, Congresswoman LAURA RICHARDSON, and myself.

Mrs. JONES of Ohio. To your knowledge, did Senator FEINSTEIN even bother to contact you, any of you, with regard to this particular nomination and her vote?

Ms. LEE. Well, I know we attempted, on many occasions, to reach many Members of the Senate, including Senator FEINSTEIN. We were not able to have a discussion at all about this nomination, which was really unfortunate, because I believe that people in California, all people in California, people of conscience, people of color, people on both sides of the aisle do not want to see a judge from the Fifth Circuit confirmed with this record, as Judge Southwick. We are very disappointed that we did not have the opportunity to have those conversations.

Mrs. JONES of Ohio. In addition to the four African American members of the California delegation, how many Hispanic members of the delegation are there?

Ms. LEE. We have a very large Hispanic congressional delegation. I would believe there are probably, let's see, we

have Congressman XAVIER BECERRA, Congresswoman LUCILLE ROYBAL-ALLARD, and Congresswoman GRACE NAPOLITANO. We have Congresswoman LORETTA SANCHEZ and Congresswoman LINDA SANCHEZ. We have DENNIS CARDOZA. We have a very, very strong, very active and very committed delegation from our Latino communities.

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Mrs. JONES of Ohio. In fact, a significant number of the issues that the African American community raises around civil rights are some of the very issues that the Hispanic community raises around civil rights issues as well.

Ms. LEE. They are the exact same issues that our Hispanic community raises. Also, the same issues that our Asian Pacific American community raises. In fact, to the extent that we decided several years ago to form what we called the Tri-Caucus, where I believe there are at least 73 votes that really do count and make a difference in this body, and so, yes, we are all on the same page as it relates to equal justice under the law.

Mrs. JONES of Ohio. I thank you very much for your time and your attention and your leadership around so many issues, Congresswoman Barbara Lee.

Once again, I have an opportunity to invite another one of my wonderful colleagues to join me this evening for the CBC Message Hour under the leadership of our Chair, Congresswoman CAROLYN C. KILPATRICK. The next colleague that I call upon is a former judge. She has been serving on the Judiciary Committee for the past 13 years. She has shown leadership around so many issues. I want to compliment you this evening, Congresswoman SHEILA JACKSON-LEE, on your presentation and the work you did during the Judiciary Committee hearing last week around the Jena Six. Unfortunately, I couldn't be at the hearing, but over the weekend I watched the replay of the C-SPAN presentation.

Mr. Speaker, I want to commend the Chair, our good friend from Detroit, Michigan (Mr. CONYERS), but I also want to commend you on the work that you do in and around that area. I will yield you such time as you will consume.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from Ohio. I must say that she is representative of the talent and the commitment of members of the Congressional Black Caucus.

Let me say, Mr. Speaker, that we are very proud of this Congress. We are proud of all of our colleagues. We may agree or disagree with our friends across the aisle, but we know that they bring to bear great talent. We are proud of the Democratic Caucus, with our leadership, Speaker PELOSI; Majority Leader HOYER; Majority Whip Mr. CLYBURN; and, of course, our chairman, RAHM EMANUEL; Vice Chairman JOHN

LARSON; and, of course, the distinguished gentleman who chairs the DCCC, for his leadership.

When we speak of the Congressional Black Caucus, we really speak of them in the framework of providing conscious and pointed leadership in many areas. I must say that the distinguished gentlewoman from Ohio has always reminded us that you can be a benevolent prosecutor. You can have the spirited forcefulness that is necessary to ensure that people understand that they must follow the law, and that if you do the crime, you must do the time. But, at the same time, you can have a sense of fairness. I am so proud that she has brought her leadership to this place. I will quickly speak of some issues and then move to this question of why this is such a crucial special hour.

Mr. Speaker, as I mentioned, the gentlewoman from Ohio is not only a prosecutor and former judge herself, but she likewise now brings that to bear on several issues. I am going to speak very briefly about our members who engage in criminal justice and homeland security, but she is now the chairperson of the Ethics Committee. What a wonderful balance, recognizing that we must self-regulate, but yet she is firm and fair.

So, with the 17 cochairs that we have who are members of the Congressional Black Caucus, we are able to spread out and have a visible impact, from Transportation, Homeland Security, Education, to a number of issues that these subcommittee Chairs are engaged in, and working with JOHN CONYERS, the chairman of Judiciary; the chairman of the Ways and Means, CHARLIE RANGEL; and the chairman of Homeland Security.

But let me tell you why I think that we are most relevant to be speaking of this, if you will, confirmation hearing tomorrow, because members of the Congressional Black Caucus have worked on issues. In fact, tomorrow, Madam Chairwoman, we will be holding a hearing on selective prosecution, held by Chairman CONYERS, because that is something that has plagued our judicial system. That is why I am going to lead into this circumstance with Judge Southwick.

Then, of course, there is legislation that we filed, No More Tullias. That was a place where the prosecution relied on one police officer, a rogue cop, by the way, and I love my law enforcement, I work very well with them, who, unfortunately, pointed the finger at 50 African Americans or more, who were ultimately prosecuted and went to jail because of one officer's testimony, no other witnesses. And this is the issue that we face, the politicizing of U.S. Attorneys. JOHN CONYERS focused on it.

But my good friends Congresswoman STEPHANIE TUBBS JONES and DANNY DAVIS, and so many of us who were co-sponsors, led on the Second Chance bill. So she balanced prosecution with recognizing that people should have a

second chance. This came out of the bowels, if you will, of the Congressional Black Caucus, the criminal justice system being fair.

Then, of course, she mentioned the Jena Six. I want to just frame this not by the Congressional Black Caucus affirming bad behavior. We have sons. We have daughters. We have children. We have children that go to schools, public schools. But the question that we just can't get over is how three young people that hung nooses that triggered the bad feelings then get a pass. Fine. Someone administratively decided we want these young people to stay in school. That is their decision. But then you take young people of color and you decide that they should be in the adult criminal justice system.

So the African American community looked to the Congressional Black Caucus to make a stand. I am delighted that, with the leadership of Chairwoman CAROLYN KILPATRICK, we have worked with the lawyers, we have worked with civil rights activists to keep this before us. The good time early release bill, because in the federal system there is no parole. Members of the Congressional Black Caucus have focused on nonviolent criminals who have been in prison for a period of time getting considered for good time early release. We have spent \$100,000 a year, almost, for the 2.4 million people that are in the federal system.

The SCHIP bill was led by convening leadership of Majority Whip CLYBURN, working with CHARLIE RANGEL. But we stood fast to say: No backing down on the SCHIP bill. Of course BENNIE THOMPSON, my chairperson, was able to pass for the first time the 9/11 bill.

That leads me to why we are here talking about Judge Southwick, and a personal story. I am a voting rights baby. This district that I represent, represented first by Barbara Jordan and then by Mickey Leland, would not have existed but for the 1965 Voting Rights Act that then provided the representation not at large, but by district.

Many people don't know that Barbara Jordan ran over and over again in Houston, Texas, and lost, because she had to run countywide, citywide. It was only when they carved out or were able to get a senatorial district that concentrated diverse people, that concentrated African Americans, that she was elevated to the State Senate. So the Fifth Circuit was the place of first Federal response, beyond the district courts, to save us from the discriminatory practices that were going on in the South, and Texas is the South.

So when Judge Southwick has cavalierly used the "N" word, and, by the way, the NAACP buried that word, and most of us know it is an offensive word, despite the first amendment, then I can't imagine that the Senate tomorrow is even going to think about affirming this individual. Because he ruled that a white employee who had been fired for calling an African Amer-

ican coworker a good old "N," he thought that that certainly was equivalent to calling somebody a teacher's pet.

But go back to the Jena Six. That is the same response the Department of Justice under Bush gave us, that we didn't think it was important to chastise, to admonish, to prosecute three young people who hung a noose, and the noose epidemic is going around America.

So here you want to elevate someone to the Fifth Circuit who believes that the "N" word is equal to, that it is like "teacher's pet." The Mississippi Supreme Court, by the way, unanimously reversed Southwick.

He has also rejected defense claims that prosecutors struck African American jurors based on race. I know it firsthand as a lawyer. We see it every day in the Harris County courthouse when the prosecution in down-south Houston, Texas, repeatedly rejects African American jurors. So that is not the temperament for being on the Fifth Circuit, because we appeal those cases to you.

His expressed views also raised doubts about his ability to rule fairly in cases involving the civil rights of gays and lesbians. We have gotten past that in the United States Congress. In fact, we understand you have employee rights not to be discriminated against in the workplace or anywhere in America. What will that do for us to be able to have a judge on the Fifth Circuit that has no understanding that we are diverse?

Then, of course, one other point that I am going to make before I close, one of the most important privileges is the privilege of being in the workplace safe and secure without discrimination, and it has been proven that Judge Southwick is not one that supports the rights of workers and the victims who suffer personal injury.

What it means is that you come before his court, obviously on appeal, and whether it be a malpractice case or whether it be a huge personal injury case, then he has not been warmly received or well received, these cases.

So I would simply ask, when you talk about judicial temperament, for those of us who are heavily dependent on the equality and balance of the judiciary, I reminded my colleagues and others in the hearing last week that the Federal Government is the "rainy day umbrella." That is why we were so frustrated with Hurricane Katrina and the response by this administration, because we looked to the Federal Government as that last stopgap.

So those of us in the South look to the Federal Government, whether it was John F. Kennedy calling down when Martin Luther King was in jail or Eisenhower sent the troops into Little Rock, we look to the Federal Government. All of us do.

So you are going to put on the bench someone who is predisposed that the "N" word is just a "funny word," and

then those of us who go to the Fifth Circuit on redistricting cases, short of the law that already exists, can't expect any relief because why do you "N" people need to have districts that you are able to vote on someone from communities of interest, in essence, or someone who is representative of your perspective or your view? That is what we get with the affirmation of Judge Southwick.

So I am going to make a personal plea to Senators who might have voted in the committee and whoever wants to take this plea to recognize the pain that would be generated from the affirmation of Judge Southwick. It is untenable. For those of us who want to hold up this flag that I am looking at right now as representative of all of America, the Stars and Stripes, that we would allow him to be affirmed. Letting him stay where he is, fine. I welcome his continued service. But the Fifth Circuit, the next court subject to appeal down from the Supreme Court, we cannot afford someone who would be so intolerable that they would disrespect workers, disrespect those who would be the victims of using the "N" word, those who are gay and lesbian who deserve the privileges of every citizen, and certainly does not respect the right of everyone to serve as a juror in order for someone to be tried by a jury of their peers.

Congresswoman, I am more than appalled that we would be here tonight to have to entreat, to encourage, to demand, to cajole, if you will, to express outrage, that we have to defend our position for someone who is certainly both untenable and certainly seemingly without the temperament to judge on behalf of the United States of America. I ask my good friends in the Senate, I ask the other body to consider the words of those of us who are here on behalf of the Congressional Black Caucus and this conscience that America deserves.

I thank the distinguished gentlewoman, and I hope these words are not in vain. Frankly, I hope that we will have a good day tomorrow so that we can make America a better place to live.

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Another interesting thing, because the Supreme Court only takes cases that they choose, and in the law we use the term certiorari which means certification, that the Supreme Court certifies it is an issue that they want to take up, the Fifth Circuit Court and all the circuit courts become like the Supreme Court for almost every other case that will never reach the Supreme Court, and that is what makes a nomination to the circuit court even that much more important.

Ms. JACKSON-LEE of Texas. The gentlewoman has made an excellent point, and let me emphasize the word "supreme." It is the top Court, nine justices. They selectively select cases they will review. There are 11 circuits.

The circuits obviously are more plentiful than the Supreme Court. And sometimes that circuit court, in this instance the Fifth Circuit Court, will often be the court of last resort for many.

Also, before the court was split between the fifth and the 11th, the Fifth Circuit Court was the bountiful court of all civil rights cases. It covered at that time from Mississippi to Alabama, to both Carolinas, Georgia, down through Louisiana and back over to Texas. We were all under the Fifth Circuit. It might have even included Arkansas; I am not sure of that.

But all of the civil rights cases, all of these cases that ultimately were pursued, some of the cases, some of the old murder cases that were not taken up by the State systems ultimately went to the district courts and then might have made their way to the circuit court.

This court is a court of first impression on many civil rights cases. When I say that, making the cases end at the Fifth Circuit on many of them. In the old days, might I say, the Fifth Circuit of LBJ and Carter, those judges understood the pain of civil rights cases. They understood the redistricting cases and they understood the Voting Rights Act. They understood that they were not making law. They understood affirmative action cases.

You're right, these circuit courts now become courts that are the last refuge for many petitioners and litigants.

And on the jury selection case if you were to take it up on appeal, this attitude that African American jurors can be stricken and it is not a race question would be devastating. Might I say, the Jena Six case was a white judge, was a white prosecutor and an all-white jury for Michael Bell. And as I understand it, let me say this on the floor so I can correct it if I am wrong, they said that they noticed African American jurors. The African American jurors said they didn't get the notice, and some who came got there too late and so the jury pool was not diverse. If something had occurred that ultimately would be taken up on appeal to a Federal court, look who we would have to assess the case, Judge Southwick.

Mrs. JONES of Ohio. I thank Ms. JACKSON-LEE for her leadership on these issues and for joining me during the Congressional Black Caucus hour.

Let me talk about Judge Southwick for just a few minutes, and then I would like to review some of the progress that has been made under the leadership of our Chair, Ms. KILPATRICK, in the 110th Congress.

As we were talking about Judge Southwick, you have to understand this will be the first controversial judicial nomination considered by the Senate since Democrats took the majority. It has been 10 months since the Senate changed hands, and the people expect a difference in the way judicial nomina-

tions are handled. We don't want to go back to the way they were handled under the Republican leadership.

The Congressional Black Caucus and the civil rights groups warned the Senate about Roberts and Alito, yet they were both confirmed. The first full Supreme Court term of the Roberts court showed that we are able to predict how judges will act or respond on civil rights cases once confirmed.

To confirm a lower court judge in the face of a bad record on civil rights will simply be too much to bear. Let me step aside for a moment, and I heard my colleague Ms. SHEILA JACKSON-LEE talk about there being a white judge and an all-white jury and a white prosecutor. I served as a judge for 10 years in the Common Pleas Court, a general jurisdiction court, in Cuyahoga County, Ohio. I served for 3 years as an assistant county prosecutor and 8 years as an elected prosecutor. I have been in courtrooms where there have been all-white juries, and I will not say that an all-white jury cannot be fair. But what the law says is you should have a jury of your peers. And the law also says that people should not be excluded from a jury just because of their race. I have seen an attempt for that to happen in other cases.

It is so very, very important that if we expect people to follow the law and be a part of the law and be a part of the judicial system, that they have a belief that the judicial system will be fair. Once you have that perception and belief, then you can succumb to the rule of law. In this country, so often we see instances where young men and women have come before the court and they have not had fairness, and that is when it is important to have a circuit court where you can appeal your decision in a trial level court to the circuit court for relief.

The fight in the Fifth Circuit is a fight worth having. It has the highest percentage of minority residents, black and brown, of any circuit. At the same time, the civil rights jurisprudence is far to the right. We have already talked about the Jena Six.

There is a history with this seat. President Bush is intent on placing someone who has a history adverse to civil rights in Mississippi sit on this court. Charles Pickering and Michael Wallace were nominated, but couldn't get confirmed because of their civil rights records. This is the third try by the administration, and the pattern is very clear. We believe that the President, if he was really paying attention to the people of America, what he would in fact do is withdraw this nomination and go on and allow us to have someone who would be fair and honest.

We may not win this battle on a sound bite or our debate on the floor of the House of Representatives, but we believe that the Senate, we believe that this Senate under the majority, Democratic majority, is going to step up to the plate and make the right decision. We expect that they will take a

look at his background and experience and make that decision.

So I am pleased, as I said, having been a judge, and it is a difficult job being a judge. You have to have the right temperament. You have to give people the opportunity to present their evidence, and you make decisions and rulings on evidence and admissibility and whether it is probative, whether it can be prejudicial. And if it is prejudicial, is it outweighed by the probative value. And be familiar with the rules of evidence such that when you sit in the chair as the judge making a decision, and the reason, and it is symbolic, under the law, the reason judges wear robes, the robe is supposed to cover the human frailty of a judge and allow the judge to step up and be fair and set aside any of their background or experience that would be adverse.

So we are concerned about this judge, Judge Leslie Southwick, and we implore the U.S. Senate to not confirm his nomination.

I am going to close on a few of the accomplishments that the Congressional Black Caucus has been involved with over the first 9 months. We are pleased to have an opportunity to be in the leadership role. We fought for minimum wage. Nearly 13 million people will enjoy the benefit of an increase in the minimum wage.

We fought for stem cell research which provides Federal funding for research that has the potential to treat sickle cell anemia, diabetes, paralysis, Alzheimer's and Parkinson's. And many of these diseases are prevalent in the African American community, and we have been fighting for them.

We fought about student loans. I heard on the news today that George Washington University will be the first university to publish that their tuition and room and board is \$55,000, and that the largest increase in tuition is actually going to be in public universities, not private universities. And we all know that most working-class folks send their children to public universities, so we are happy to be in the forefront of fighting for student loans.

We have also been pushing for disadvantaged businesses, disaster eligibility in light of what happened with Hurricane Katrina. We fought for the Katrina Housing Tax Relief Act of 2007.

We fought for United States Troop Readiness, Veterans Health and Iraq Accountability Act because we understand that there are young men and women of all colors fighting over in Iraq and Afghanistan. It is very, very important that they have the ability to have the kind of health care they need and that this government be held accountable for their conduct.

We have fought for the Gulf Coast Hurricane Housing Recovery Act because so many people were left out as a result of Hurricane Katrina and Hurricane Rita.

We fought for accountability in contracting because all of us have learned that many of the dollars that have

been squandered over these past few years under this administration have come as a result of contractors not being held accountable.

We fought for the Hate Crimes Act which provides legal protection for churches, synagogues, and mosques against hate crimes.

We fought for the Farm Nutrition and Bioenergy Act addressing the issues around that.

We stood up on behalf of the Children's Health Insurance and Medicare Protection Act, CHAMP. It was defeated in the Senate, and so it really didn't get anywhere; and that brought us back to SCHIP, which recently was vetoed by the President.

We want everyone to know that Democrats are going to continue to fight to be assured that 10 million children in the United States of America have health care coverage.

We fought on behalf of the Darfur Accountability and Divestment Act, and the list goes on. I am so proud to be in the U.S. Congress. I often tell people the story that my father was a skycap for 38 years for United Airlines and my mother was a factory worker. And for them to have the opportunity in a generation to see their daughter serve as a judge, a prosecutor, and then have an opportunity and the ability to be in the U.S. Congress is just something wonderful.

I always tell people if I am judged, and we always talk about honor thy father and thy mother, that if I am judged on honoring thy father and thy mother, I am probably going to get to heaven. Now some of the other conduct I've engaged in may keep me out of heaven, but I want to say I am pleased and proud to be the daughter of Andrew and Mary Tubbs and to represent the Congressional Black Caucus and represent the country in the U.S. Congress.

Lastly, I will say, the first time I had the opportunity to sit in that chair where you are, Mr. Speaker, I looked up to my mom and dad and said: "Mom and Dad, look at me now, I am in charge of Congress and I'm swinging the gavel."

Mr. Speaker, I thank you on behalf of the Congressional Black Caucus.

#### FREEDOM OF EXPRESSION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Oregon (Mr. WALDEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. WALDEN of Oregon. Mr. Speaker, my greetings to my colleagues, especially my friend from Ohio and her remarks. I look forward tonight to talking about another civil right, and that is freedom of expression, guaranteeing that we have the ability to have freedom of expression of even controversial political and religious topics on America's airwaves. That's right, to make sure when issues are debated on

talk radio or talk TV, that somehow there aren't government censors down the street at the FCC trying to silence those who are having these discussions about today's most vibrant issues.

It really goes to the heart of our democracy, I believe, to have an informed democracy which comes about because we have a vigorous discussion, intellectual discussion, a vibrant discussion about the issues of our day. Certainly, whether you are a conservative Member of the House or a liberal Member of the House or somewhere in between, we all debate these issues here; and some of what we say here actually ends up on the airwaves of our broadcast radio and television stations. That is a healthy thing for our country, for our democracy and for an informed electorate.

In 1949, the Federal Communications Commission promulgated a regulation that said every time you have a discussion about a controversial issue, you have to have an opposite viewpoint presented on the public airwaves. On its face, that certainly sounds fair, and that is why they called it the fairness doctrine and the whole premise was in 1949 that there weren't many radio stations. I think there were 2,800, and this was all designed to try and spur communication, to spur this debate on the airwaves, to have opposing viewpoints come forward. This was the government's viewpoint. This is what the Federal Government said this is how we will get this discussion going on the public airwaves. There aren't too many radio stations and very few television stations, no Internet, no iPods. That was it.

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So they said, well, pass this regulation that will cause all this great discussion to occur. Well, guess what? That was 1949. Talk radio really didn't come about until about 1988 when, after a series of court decisions found that the so-called fairness doctrine really wasn't fair at all but, moreover, didn't spur the kind of debate on the public airwaves, and in fact, the courts have held, and I'll get into this in detail in a few minutes, but this Federal regulation actually had a very chilling effect on free speech, very chilling effect, actually discouraged discussion of public policy issues on the airwaves. That's right, discouraged discussion of public policy on the airwaves, had a chilling effect, chilling effect on free speech in America. And as a result, the Federal Communications Commission in 1987, I believe it was, decided to repeal the so-called fairness doctrine.

What happened after that? Well, what happened after that was all of the sudden talk radio came to life in America. Now you may like certain hosts and you may despise certain hosts. You may be a conservative Member of this House and think everything Rush Limbaugh says is gospel and the same thing with Sean Hannity. You may be a liberal Member of this House and like

the words of Al Franken or Alan Colmes or someone.

None of those hosts would be at the level they are today if the fairness doctrine were still in place. So why am I down here talking about the fairness doctrine, a regulation that was repealed in 1987, 20 years ago? What's the issue?

Well, the issue is this, that there are Members of this body and the one across the Capitol, there are the powerful elite in this city who don't like what happens on talk radio, makes their lives uncomfortable, gives them great discomfort. The most recent example of which was when the Senate was debating the immigration legislation and moving quite rapidly forward on that flawed legislation, and talk radio got a hold of it on the conservative side or on the liberal side and began to go into it in detail with the audiences they reached, the millions and millions of average Americans out there who are listening to talk radio. The more they educated the public, the more they debated and engaged their audiences in this debate, the more pressure got turned up on this issue.

It's just one example. You know, the issue ended up being defeated in the Senate, and some of them who are on the other side said talk radio is to blame and we need to do something about talk radio, that's not fair, we need to bring back the fairness doctrine. That's why I'm here tonight and why the Republican leadership has asked me to speak on this issue, because there is a very real threat at very high levels in the government, the Congress, that is, to bring back the fairness doctrine, which would be one of the worst things I think could happen.

Now, why did they ask me? Well, I serve on the Energy and Commerce Committee and the Telecommunications Subcommittee, but that's not why. They asked me because I grew up in a radio family. My father started in radio in the 1930s in rural Oregon, helped put stations on the air. He was an engineer and an announcer and a sportscaster and eventually, in 1967, was able to scrape together with a partner enough money to buy his first radio station and added another one he put on the air in 1978. And in 1986, my wife and I bought them from my parents and added three more. So I've been a small market broadcaster for 21½ years, and so I've seen this evolution of pre-fairness doctrine, post-fairness doctrine.

Indeed, one of our radio stations carries Rush Limbaugh and Sean Hannity and Michael Reagan and others on the conservative side, and there's great audience response. There are other radio stations, Portland and around, that have great audience response from Air America and the liberal viewpoints, and that's fine. That's what America's about is this debate of free speech.

I think that even liberals and conservatives should be able to agree that

having somebody down at the Federal Communications put in regulation the so-called chilling fairness doctrine would be the worst thing that could happen to a debate about public policy in America, the worst thing.

So recently, knowing that this was gurgling up in our Nation's capital, I wrote to the chairman of the Federal Communications Commission, and I'll put this letter in the official CONGRESSIONAL RECORD, but let me read you some excerpts, because I asked the thoughts of the chairman, Kevin Martin, about the appropriateness of the fairness doctrine, and he writes back:

"As you are undoubtedly aware, the fairness doctrine obliged broadcasters to provide an opportunity for the presentation of contrasting viewpoints on those controversial issues of public importance that they covered," and he goes on to cite some court cases.

"In 1987, based on its 1985 Report on the fairness doctrine . . . and an extensive subsequent administrative record, the Commission concluded that enforcement of the fairness doctrine was not in the public interest and thus decided to abandon it.

"Among other things, the Commission found that the doctrine 'chilled speech' by 'providing broadcasters with a powerful incentive not to air controversial programming above a minimal amount' in order to avoid burdensome litigation over whether it had complied with its obligation to provide contrasting viewpoints . . . Based on its examination of the record, the Commission concluded the fairness doctrine had created 'a climate of timidity and fear, which deterred the coverage of controversial issue programming.' . . . Indeed, the record" compiled "by the Commission at the time included over 60 reported instances in which the fairness doctrine had inhibited broadcasters' coverage of controversial issues."

Sixty instances where the fairness doctrine had inhibited the coverage of controversial issues.

Now, you say why would that be? All they've got to get is somebody with an opposing viewpoint to come on. Well, what happens is if you air a controversial issue, which opposing viewpoint do you have to give access to the airwaves to? And there are a multiplicity of groups out there who demand that access, and if they didn't get it, they would threaten the very license of the broadcast station. They'd threaten them at the FCC, the Federal Communications Commission.

If you go back, there are examples in the 1960s of the Nixon White House and the Kennedy White House using the fairness doctrine to try to intimidate and silence their critics. Nixon, Kennedy, misusing the fairness doctrine. It's wrong. It's chilling. It was intimidating. These are the words of the current chairman of the Federal Communications Commission. I will put his letter back to me in the RECORD.

So, if the current chairman and the makeup of this commission doesn't be-

lieve in the fairness doctrine, why are we worried? Because the next administration will appoint new commissioners to the Federal Communications Commission, and that next administration could appoint commissioners who could write a rule to restore this government censorship into their rules.

Now you say, but you've said, Congressman WALDEN, that this is chilling and the courts have said this chills free speech. Yes, but they've never overturned it, and if it were put in rule, it would have a gagging effect on talk radio and talk television, including religious broadcasters by the way, immediately, I believe.

And so while it might take years to work its way through the court system, it was chilling effect on free speech in America, a guarantee of the first amendment of our Constitution. That effect would be immediate and devastating.

And so here on my left, well, here's Rush Limbaugh and Al Franken, Hannity and Colmes, duct tape over their mouth. That was a nice little Photoshop thing we did, but the point is clear. Restoration of this government regulation would silence them, but it's more than just them.

It's here starting on the far right over here. Lars Larson from KXL in Portland, has a national talk show as well. Garth and Rosemary Harrington out of KCMX in Medford, Oregon, or Bill Myers out of KMED, local in my district talk show hosts, in my State and national talk show hosts. People that we listen to, don't always agree with. You can always turn the dial and find a different topic on a different station. People we listen to. The threat's real.

So what are we doing about this threat? Well, Congressman MIKE PENCE, my colleague and former TV journalist from Indiana, and I have co-sponsored H.R. 2905. That's the Broadcaster Freedom Act, and the Broadcaster Freedom Act, we tried to get hearings on, and the new majority doesn't want to give us a hearing on the bill. At least they haven't. It just says it takes an act of Congress, FCC, to restore the fairness doctrine. You can't just go do it on your own. You can't be five commissioners down the street who want to put the fairness doctrine back in rule and silence talk radio. No, you can't do it that way. In fact, we're not going to let you. Let's have the people's elected representatives be the ones to make that decision.

It doesn't sound so bad. It's a rule that's repealed today, not on the books. This commission says they have no interest in putting it in, or opponents of this effort even say, well, what are you worried about? My question is, if there's nothing to worry about, what are you worried about bringing this up for a vote? We ought to do it. Can't do it.

So the only alternative left to my colleague MIKE PENCE and I, both Re-

publicans, but this doesn't have to be a partisan issue at all because I think all of us in this Chamber are for free speech and public debate, our only alternative left is something arcane known as a discharge petition. You all know that.

My colleagues know what a discharge petition is, but for those who may be new here and don't know, it's simply a petition you sign right over here at the front desk. And if a majority of the House, 218 Members, sign that petition, we'll get an open rule on the floor. We'll debate this issue in full and open and public display of our colleagues and citizens of this great country about freedom of speech.

And I predict we'd pass H.R. 2905 in a landslide, because the last time we voted on this issue was to deny funding to the Commission to reinstitute the fairness regulation and the censorship regulation, and more than 300 of the 435 Members of this great House voted with us, my colleague MIKE PENCE and with me, to prevent any funding being spent by the FCC.

So we know from that vote there are more than 300 of you here in the House who would support what we believe in, that you, too, support free speech over America's airwaves, that you support it.

So, it's simple. We just need 218 of 435 to sign the discharge petition. Just sign the petition. If you're for free speech over the public's airwaves, sign the petition. If you're for gagging people on the left, the right, the middle, religious broadcasters, then don't sign the petition. If you're for free speech, you sign the petition.

Now, I want to share with you some correspondence I've gotten back since we've started down this path and, the station vice president/general manager of the CBS affiliate in Portland, Oregon, KINK and KLTH, wrote back to me, said:

"Greetings from Portland!

"Thank you for your efforts in opposing the re-introduction of the fairness doctrine. I appreciate getting copied on your inquiry to the FCC Chairman Kevin Martin regarding his views on the subject.

"The fairness doctrine is a classic example of an initiative that yields the opposite effect to its intended objective. A less-regulated forum for thoughts and ideas remains the best guardian for the well-being of our democracy.

"With warm regards,

"Stan Mak,"

"VP/GM, KINK & KLTH."

A less-regulated forum for thoughts and ideas remains the best guardian for the well-being of our democracy.

Some other e-mails that we've gotten: Thank you for fighting to rid the U.S.A. of the fairness doctrine, which to me is nothing less than an attack on our freedom of speech. This insidious attack must be stopped. Please keep fighting, and don't let up until it's forever gone. Thank you. Mr. Graham Salisbury of Portland, Oregon.

Dear Congressman WALDEN, I was heartened to learn of your effort to force a vote on the BFA, possibly spurred by the current Limbaugh smear, because I find the fairness doctrine to be truly frightening. Mr. Dylan Greenhoe of Portland.

Mr. Robert Barrie of Grants Pass, Oregon, writes: I have just received your e-mail newsletter and I would like to tell you that you have my full backing on H.R. 2905. I must share your frustration that certain Members of Congress could be blatantly blind to the fact that the grassroots American public was able to see through the faulty Senate-proposed immigration bill, primarily due to the freedom of talk radio. If it had not been for American talk radio, most of us would not have had the slightest idea what was really in this legislation.

We must do everything in our power to see that the fairness doctrine is never brought back to American radio airwaves. Please keep me posted on this very important bill.

Mr. Robert Barrie, Grants Pass, Oregon.

Sign the petition. Sign the petition. Bring H.R. 2905 to the floor and keep America's airwaves open to debate on the right, the left, the religious center.

□ 2100

Can you imagine if you are a religious broadcaster and the regulators down the street put this gag back in place, and you are preaching a Christian message, let's say, do you have to bring on an atheist then to preach the opposite? Is that the kind of fairness some regulator here in Washington might demand in order for your station to get relicensed? I don't know. Clearly, though, in this day and this litigious society that we are living in, there are plenty of organized and certainly well-funded organizations out there who would love to silence their critics on either side.

This isn't about whether you are a Republican or a Democrat. This isn't about whether you are liberal in your viewpoints or conservative in your viewpoints. This cuts to the very foundation of free speech, which, obviously, underlies our entire country and our foundation for democracy. Without free speech, you do not have an informed democracy. Without that, you know, we don't have much of anything; we don't have much of anything.

So when you look at these issues, according to the FCC itself, the coverage of this old fairness doctrine was you had to have these issues covered, controversial issues covered to be fair. According to the FCC itself, this meant that each time a broadcaster presented an arguably controversial issue of public importance, they ran the risk of a complaint being filed, potentially resulting in litigation and penalties.

I want you, my colleagues, to tell me in today's environment how you would define arguably controversial issues of public importance. Is there anything

that we debate here somebody might not say is arguably controversial?

The penalties that could emanate if this were put back in place included government sanction, administrative and legal expenses, or even revocation of broadcast licenses, clearly underscoring the need to pass H.R. 2905, the Broadcaster Freedom Act. There is one bill number or one term you need to leave here tonight remembering, it's pass H.R. 2905, the Broadcaster Freedom Act, unless you are for gagging those talk show hosts, like Bill Myers, who has spoken up aggressively about protecting American sovereignty, getting control of our borders, making sure that our taxpayer dollars are spent helping Americans, and those who are here legally, not the other way around, Garth and Rosemary Harrington, who are always talking about freedom in America and supporting our troops and standing up for our natural resource-based economy. Of course, Lars Larson who has been out there as well on all of these issues.

There are those in this Congress, and in this city, who seeks to put duct tape over their mouths, as we have done photographically here for display purposes only. That is what they want to do. They want to gag them. They want to shut them down because they don't like what they are saying, because they say things that aren't on the script.

Now I know, I don't always agree with all these folks. I mean, who does? Sometimes they engage in a little over-the-top discussion. I think, frankly, they are trying to get people to think. They are trying to jab them a little bit, get them outside of the box and look at issues differently.

If people didn't like what they heard, these people would be off the air because, especially in commercial broadcasting, it is all about ratings. Ratings are all about who is listening. Nobody is listening, nobody is buying advertising. They are packing up their microphones and their headphones, and they are headed out the back door. No, see, people are listening. They like to be challenged. You may not listen all the time, every day, every show. You may disagree, as I do, from time to time, with all these folks. But we should never disagree on the fact that we are better served with free speech in America.

You know, Congressman PENCE and I last week, along with Congressman BOUCHER and a whole host of folks, Congressman BOUCHER and Congressman PENCE really led the effort, passed legislation overwhelmingly in this House to protect journalists from government intervention and trying to figure out who their sources are.

Government always wants to kind of get in there and shut down people they don't want to hear from. They want to hide things sometimes when there are mistakes made. Nobody wants to be embarrassed; but without an active and vibrant press, and I was trained as a

journalist at the University of Oregon, did a little bit of reporting in my background, without that, without sources that you can protect, we would not have the balance that we need in an informed democracy.

Let me talk a little bit about the Supreme Court cases related to the fairness doctrine. Again, remember, sign the petition, help us bring H.R. 2905 to the floor and prevent these things from happening.

But in 1969, we saw the first Supreme Court test of the fairness doctrine in *Red Lion Broadcasting v. The FCC*. Although the court ruled then, remember, this was 1969, that the fairness doctrine didn't violate a broadcaster's first amendment rights, it did caution that if the doctrine ever began to restrain speech, then the constitutionality of the regulation should be reconsidered.

In 1974, the U.S. Supreme Court concluded that the fairness doctrine inescapably dampens the vigor and limits the variety of public debate. That was in the *Miami Herald Publishing Company v. Torino* lawsuit. Twenty-three years ago, 1984, the year Ronald Reagan was reelected, in *FCC v. League of Women Voters*, the Court went further and concluded that the fairness doctrine was limiting the breadth of debate. This ruling set the stage then in 1999 for the Federal Communications Commission to repeal the fairness doctrine.

So the Supreme Court of the United States, over many, many years, almost 15 years, the Supreme Court provided all of us in the Congress good enough reason in underpinnings to get rid of the fairness doctrine to make sure it never comes back. The commission got the message, 1987, said, we are going to repeal it.

But, you know, our memories sometimes in this body are a little short, and some people get a little tired of what they hear and the criticism they take, and, believe me, we all get it, but silencing our critics is fundamentally, and I will be careful how I use this word, but silencing our critics is un-American. Free speech is American. This is un-American to say we are going to gag people because we don't like what they say.

I don't think any of us here stand for that. I really don't. I honestly believe we want vigorous, open debate of issues, and we are better off for it. How many times do the Members of both sides of the aisle complain when legislation is rushed to the floor without a hearing, without the benefit of Members who bring various expertise, have them weigh in with amendments? We are seeing this rash, unprecedented rash of closed rules, no amendments, no hearings on major legislation because some powerful folks say we just want to get this done. We know what's right. We don't need your help. We don't want to listen to your critics; we don't want to listen to your complaints. We are just going to do it, and get over it.

Well, some of those same people may be the ones who say we don't like this talk radio thing; we don't like the fact they are bringing up different view points; we don't like the fact that Rush Limbaugh or Sean Hannity or Alan Colmes, Garth and Rosemary, Bill Myers or Lars Larson are talking about issues that, gosh, if people only knew the details of it would make our jobs uncomfortable. Well, tough, this is a democracy, and the voters decide whether they like what we do or not.

But if they are not informed, how do they know what we do here? How do they know? How do they know that we couldn't get a hearing on H.R. 2905? How do they know?

Well, I will tell you how they know, and how they know, how Americans know that this is an issue is because of talk radio, because we have told them. Some of us said, help us protect free speech on America's airwaves. Here we are today talking about a regulation overturned 20 years ago, one that we don't ever want to come back, one that the Bush administration doesn't want to come back, one that the FCC says we have no interest in bringing back. But we know there are those with a change of control, the administration, in just, you know, a couple of months, might put in place people who want to bring it back.

I am here tonight to say to my colleagues, and I know Dr. BURGESS, who is going to speak after me, I believe, has already signed the discharge petition, as have nearly 140 of my colleagues, or perhaps more by the end of tonight, we just need 218, 218 people to sign the petition to prevent talk radio and talk TV and religious broadcasters from being gagged in what they do. We just need 218.

I am joined by my friend and colleague from Dallas, Texas, the Honorable PETE SESSIONS, who has signed the petition so that we can bring H.R. 2905 to the floor.

I know Congressman SESSIONS, who serves on the Rules Committee, has been very frustrated with the lack of free speech coming to this floor through legislation, because he is up there trying to fight for the rights of the minority to be able to have their views heard in this House and to be able to have their amendments debated in this House. I know he doesn't support silencing talk radio and talk TV as restoration of the fairness doctrine would do, but rather thinks like I do that we ought to pass H.R. 2905 and protect the first amendment rights of those on the public's airwaves.

Perhaps my colleague from Texas would like to make a comment.

Mr. SESSIONS. I thank you for not only taking time, the gentleman from Oregon (Mr. WALDEN) for taking time to lead in this Congress the debate and the discussion on not only the fairness doctrine, which we oppose in this United States House of Representatives, perhaps, more importantly, a vision about what we are trying to have

in this country, for not only free speech, but also the ability to speak fairly and freely about the things which we hold dear, not only in our hearts and in our minds, but also in this country and in America.

The gentleman from Oregon has already outlined previously that what happened is that prior to about 1987 we did have something that was called the fairness doctrine. The fairness doctrine essentially says this, that if you are on talk radio in this country that you would have to give the same time, the fair time, equal time to an opponent, someone who had an opinion different than your own.

As a result of the fairness doctrine, which I believe and others believe, and perhaps the Supreme Court believes, would be illegal, what has happened is that talk radio and the ability for the American people to speak freely, openly, without fear that what they are saying would be, they would be taken to task for. What has happened is that talk radio has flourished all around the country. Talk radio has flourished not only about thoughts and ideas, but about the greatness of this country.

I do believe that what the gentleman is talking about is the right thing to do. That is why I signed on as a cosponsor of H.R. 2905.

The gentleman from Oregon also talked rather freely and openly about my service and the service of three of my other colleagues who are Republicans on the Rules Committee. The Rules Committee is that body that is interested in making sure that the debate that comes to the floor of the House of Representatives has a chance, first of all, to be heard and all thoughts and ideas are debated.

We have rather openly, and the gentleman from Oregon knows this, whoever is in the majority, whoever is in the majority has a very difficult time as a result of the rules of the House with germaneness of amendments and the things which we do of trying to have a balance about hearing good thoughts and ideas, making in order amendments, without killing the general intent of what legislation is for. I think that that is part of what this fairness doctrine might be about from their perspective and where we disagree with the fairness doctrine, but being able to openly talk about things.

The fact of the matter is that the Rules Committee yesterday, or today, heard a discussion, and I think it was last week that the Democratic Party has a new record of closed rules, today a new record on closed rules to where they don't want any debate.

Mr. WALDEN of Oregon. I think there may be some newer Members here who don't understand the significance of what a closed rule means. What that means is no Member of the House has an opportunity to have an amendment heard on that issue, right?

Mr. SESSIONS. I thank the gentleman, my friend from Oregon, the distinguished gentleman from Oregon

for trying to get more information out of it. That's right, a closed rule says that the committee, the Rules Committee, would make a determination about what would be made, what we call in order, which means what would be debatable and anything outside of that order, even if you had a good idea sitting on the floor of the House of Representatives, you could not engage in the debate. You could not put an amendment forward.

Mr. WALDEN of Oregon. I am a little troubled by that because I thought that the Speaker of the House, when she took over, announced that the House would be run differently and that there wouldn't be closed rules.

□ 2115

Mr. SESSIONS. In fact, reclaiming my time, the gentleman would be correct. Mrs. PELOSI has stated, it is on her Web site tonight, has been, that this new Democrat majority would be the most open, honest majority in the history of Congress, and yet, they lead already a new record in terms of closed rules.

Mr. WALDEN of Oregon. Which means shutting down debate, shutting down amendments, limiting all of us.

Mr. SESSIONS. Shutting down debate and amendments and making those in order. And so it's interesting that what has tried to be done here, with the fairness doctrine is actually, in this Member's opinion, a silencing. The fairness doctrine would silence talk radio, would put those that might be like Sean Hannity or might be like Rush Limbaugh or back home in Dallas, Texas, Mark Davis of a local radio station that we have in Dallas, it would mean that they would be required, if they're going to talk about a subject, that they would be required to have an opposing side to come and speak about that also. And I think that puts a chilling effect not only on free speech, one which I think is unconstitutional, but perhaps, more importantly, it is an intrusion upon the free thought processes of America and Americans.

And so tonight, what the gentleman is doing is correctly saying that we, in this body, the House of Representatives, believe that signing on to H.R. 2905 says that we're not going to go and step backwards in this country. We want free speech to continue and to flourish, and for talk radio and thought processes to be alive and well.

Now, I know, and I assume the gentleman from Oregon knows this too, that what's happened, what would happen as a result of this, or what is happening as a result of this is that Mrs. PELOSI and others recognize that talk radio talks about the Democratic agenda, the Democratic Party's agenda, raising taxes, more rules and regulations, more rules and regulations to where, on a regular basis, I feel compelled to tell the truth about the Rules Committee, that the Rules Committee seems to be a wholly owned subsidiary

of the AFL-CIO, that it appears as though the Rules Committee receives their instructions directly from union central, John Sweeney, telling them exactly which bills will be made in order. We've had so many bills which are under the construct of trying to say it's about worker safety or it's about making things fairness in the workplace, but in fact it is about further unionizing and empowering unions in this country against consumers and against the working people of this country with powerful unions.

And lastly, that the Republican Party will speak very openly about how dangerous we believe single-payer system to health care would be to this country. And so, there are, the Democratic Party in this country does not want those debates to take place. They want us to, talk radio and Republicans, if we're going to be heard, to allow the other side to have a chance to dispute everything we say. And I would say let the Democratic Party have their talk shows and let them speak freely about raising taxes, more rules and regulations, and empowering the unions in this country to become, once again, more powerful, and to talk about how the free enterprise system is something that they don't support, that they believe that raising taxes is the right thing to do. Let them have their own talk radio show. But I would say, equally, that they need to make sure that they are not intruding on the Constitution and people in this country who choose to stand up and speak about the things which we believe are important.

I thank the gentleman for allowing me time.

Mr. WALDEN of Oregon. I appreciate the gentleman coming, speaking this evening on the floor of the House. The gentleman from Texas has done fine work in the Rules Committee and stood up in a valiant fight. But you're outnumbered there two to one by the Democrats, correct?

Mr. SESSIONS. Actually a little bit more than two to one. It's 9 to 4, so it is a bit more.

Mr. WALDEN of Oregon. It's pretty hard to get bipartisanship there if it's always a 9-4 vote, isn't it?

Mr. SESSIONS. And I thank the gentleman for asking about that. What's interesting is that in the Rules Committee, January, February and March, we heard our new colleagues, who are brand new freshman on the Rules Committee, in lockstep with Speaker PELOSI and lockstep with the chairman of the Rules Committee, the gentleman from New York (Ms. SLAUGHTER). And they attempted to justify everything they did by saying when we really get outside of our six for '06, which was their political agenda, you're going to start seeing lots of open rules. You will see lots of debate.

Mr. WALDEN of Oregon. And has the gentleman seen lots of open rules on major policy issues?

Mr. SESSIONS. You know, we have not. And I thank the gentleman for

asking that question. Have we seen this change from January, February, March, April or May? And the answer is no, we have not.

Mr. WALDEN of Oregon. Does the gentleman believe that that brings disrespect on this House for—

Mr. SESSIONS. I think that the question that you raise is, do I believe that someone who said that they were going to not do that, that they sold to this House and their membership that that was the wrong way to run the railroad and that they would think of better ways, yes, I think that they did say that. And I think it's interesting, as the gentleman may remember, just 2 weeks ago, we had a bill that came from the Financial Services Committee, one in which the gentleman from Massachusetts, the gentleman, Mr. FRANK, as the chairman, had worked very closely with his members about talking about what they would make in order, and then working, can I say that word "bipartisanship" down here? They worked in a bipartisan fashion in the committee, only to come to the Rules Committee and the chairman of the committee to ask and to say, it's okay. We've worked these through. As a matter of fact, the gentleman from Massachusetts said, I feel comfortable enough as chairman of the committee that you could make, Rules Committee Chairman SLAUGHTER, you could make any amendment that you choose to in order, and I believe I have the ability and our committee has the ability to work forth to where we could prevail on any issue. Whereupon we found out no, that's not the way it's going to be.

Mr. WALDEN of Oregon. So even the chairman of the committee said bring forth whatever amendments to the floor you want on the bill I have, and his chairman of the Rules Committee makes the decision what amendments come forward said uh-uh.

Mr. SESSIONS. I'm not doing that.

Mr. WALDEN of Oregon. And that's one of the those closed rules.

Mr. SESSIONS. Yeah, it was another closed rule. And I think the gentleman makes a point. So I think the people on the committee have now figured out time after time after time after time when they're voting for a record number of closed rules that, in fact, I wonder what it was they meant when they said we were going to do that? I think they're questioning what was the intent they said one thing but they're doing something else.

Mr. WALDEN of Oregon. And you said that's still up on the Speaker's Web site?

Mr. SESSIONS. Still up on the Speaker's Web site. And once again, new record. I think we'll have a new record virtually every time another rule comes out, a new record in this House that I think we have said openly, and the gentleman from Oregon is aware of this, that the Republican party has said we do recognize that there are times that you need to have closed rules. We support that. But if

you're going to sell that you're about openness, then at least live up to what you say.

Mr. WALDEN of Oregon. Do what you said.

Mr. SESSIONS. At least live up to what you said. And it's our job to try and point those factors out. I would also say that there's been a lot of frustration because what's happened is, in this process, Republicans, and I believe the number is 17, perhaps 18 now, motions to recommit that we have been accused of coming down and sabotaging their political agenda.

Mr. WALDEN of Oregon. But wait. Haven't those passed in a big bipartisan majority? So when one of these ideas comes to the floor, what you're saying is, the Republicans and Democrats actually do what Americans elected us to do, which was come together on issues, right?

Mr. SESSIONS. In fact, the gentleman is correct. While there may not be any procedure with an open rule, there generally have been, and it's what Republicans always allowed, a motion to recommit. And that means that we were able to, or whoever's in the minority is able to say I'm going to take a, just a piece part of this bill and try and include our ideas to better the bill.

Mr. WALDEN of Oregon. Try and make it better, right?

Mr. SESSIONS. An example of one of these might be, let's just think back to a bill that might be about homeland security. And in homeland security, we know that there was a fight that took place that said, and the Democratic Party was very open about it, that they did not want to have Amtrak passengers to have to go through what is called Customs and Border Protection Database that looked at what would be like the TSA no fly list; in other words, someone that might be considered a terrorist or have terrorist ties, they would not allow any matching of a database against potential terrorists for anybody that used Amtrak. And so we said we believe that what should happen is that every single person, we're not talking about going in New York City, riding the subway. We're talking about Amtrak, that Amtrak would be allowed to have that database.

Mr. WALDEN of Oregon. To look for terrorists on a terrorist watch list.

Mr. SESSIONS. We were accused of sabotaging the privacy of millions of Americans, accused of sabotaging their political agenda.

Mr. WALDEN of Oregon. Sounds to me like we were most interested in trying to protect the security of Amtrak passengers.

Mr. SESSIONS. Well, the gentleman is correct. In fact, it is the Republican Party position, and continues today with FISA, that we're trying to gain as much information as we can to avoid a next attack, not just be attacked and then figure it out.

Mr. WALDEN of Oregon. And do the blaming.

Mr. SESSIONS. It appears to me as though that is really the Democrat Party's position. The Democratic Party leadership in this House is trying on take away the ability that people have to be able to know to thwart an attack. Now, that's off the subject that we are trying to get into tonight, but it's germane in that these are the things that we're trying to do to have with motions to recommit better ideas.

Mr. WALDEN of Oregon. Well, it really isn't off the subject because what we're talking about is freedom to speak. We're talking about free expression. We're talking about a fundamental right under the Constitution of the ability of Americans to have their elected officials debate issues as we're doing tonight, or to have those in the fourth estate, the press, be able to inform the electorate, inform Americans about the issues of the day and debate them vigorously. This is about a fundamental right in America, about free speech.

Now, I want to share with you, because some people may be saying, well, where is this coming from, this fairness doctrine thing? Who's saying you're going to put that up? Well, a candidate for President, Democrat side, Representative KUCINICH, Ohio, in January, according to a publication, said that he announced that he was going to pursue the fairness doctrine through his Government Reform Subcommittee. That announcement was greeted with silence, but now Speaker PELOSI has moved things to the front burner.

Now let me get to a quote here in the American Spectator, a newspaper I guess, May 14. According to two members of the House Democrat Caucus, Reps NANCY PELOSI and STENY HOYER have informed them they will "aggressively pursue reinstatement of the so-called fairness doctrine over the next six months." That was back in May. And then there's a quote in something called the Liberty Papers, May 15, "First, Democrats failed on the radio airwaves with America. No one wanted to listen," says the senior advisor to PELOSI. "Conservative radio is a huge threat and political advantage for Republicans, and we have to find a way to limit it." This is an advisor quoted in Liberty Papers about that.

Our colleague from New York, MAURICE HINCHEY, NPR National Public Radio, June 22, Representative MAURICE HINCHEY tells the Washington Times that the Democrat is planning to reintroduce a bill that calls for a return to the doctrine saying the American people should have a wide array of news sources available to them. Well, this isn't about news sources. This is about political and free speech on the airwaves. Senator FEINSTEIN, California, says she's looking at reviving the fairness doctrine. That was in June in The Hill. Senator DURBIN says it's time to reinstitute the fairness doctrine. He's the majority whip in the U.S. Senate. I have this old-fashioned attitude when Americans hear both

sides of the story they're in a better position to make a decision. Well, yeah, that's true. But we're in a lot better position when you don't have government bureaucrats deciding whether or not you've aired all the positions.

□ 2130

And as you said, it's one thing to say you and I may disagree; so you get to come on and I come on. But what about our colleague from Texas, Dr. BURGESS? He may have a little different opinion from yours and he still may disagree with me and there may be three or four other Members. As the broadcaster, you have got 30 minutes or an hour on your show. How many opposing viewpoints do you have to have on in order to satisfy the government regulators that you've the right opposing viewpoint? We don't need government nannies, hall monitors trying to figure out if we are having debate and discussion on the airwaves.

Mr. BURGESS. Mr. Speaker, will the gentleman yield?

Mr. WALDEN of Oregon. I would be happy to yield.

Mr. BURGESS. I have certainly enjoyed listening to the discussion tonight. And I just wanted to be sure I had my facts straight in regards to the discharge petition. You have how many signatures on the discharge petition now?

Mr. WALDEN of Oregon. The last time I checked, we were at about 140. We only need 218. It has only been out there for a few days.

Mr. BURGESS. And if the gentleman would further yield, as I recall, when we voted on an amendment not too long ago on one of the appropriations bills, essentially this concept passed overwhelmingly by the House of Representatives; is that not correct?

Mr. WALDEN of Oregon. Reclaiming my time, more than 300 of our colleagues, Republicans and Democrats, said no to the funding of the reinstatement of the fairness doctrine.

Mr. BURGESS. If the gentleman will further yield, is there anything that has happened between the passage of that amendment and the initiation of the discharge petition that would cause people to change their minds? If it was worthwhile to vote for the amendment a few weeks ago, wouldn't it be similarly worthwhile to go ahead and sign that discharge petition so we can get on with working on this very important legislation?

Mr. WALDEN of Oregon. The only thing that has happened in between is nothing has happened in between, including that provision is stuck in an appropriations bill that has never gone to the President. So there is no protection today; but in terms of the issue itself, nothing has changed. That's why we should bring this to an up-or-down vote on the floor. That is all we are asking is Members of the Congress of the House just sign the discharge petition. Just go right over there tomorrow

and sign the discharge petition. That's all it is. If you get 218 of 435 on this bill, under an open rule, by the way, it will come to the House floor and we will have a full and vigorous debate.

Mr. BURGESS. If the gentleman will further yield, I, for the life of me, cannot understand why someone who would have voted in favor of the amendment would not follow through now and sign the discharge petition.

Mr. Speaker, I will just have to admit I am baffled that my colleagues who have showed such resolution on this just a few weeks now be peeled off for whatever reason and not have this solid bipartisan legislation brought to the House floor.

Mr. WALDEN of Oregon. Mr. Speaker, I thank my colleague for weighing in because it's part of why I am down here tonight to talk about the importance of this because, again, I think underlying everything we do in the country is our ability to have free speech.

This isn't Russia. This isn't China. This isn't name your country with leaders that crack down when they don't like what somebody says out there. Look at the oppression of the free press and debate in some of those countries. The silencing of government critics, the fairness doctrine is just an inch toward that. You just keep moving toward that, and you get the government deciding whether you get to keep your broadcast license or not. I mean, this stuff is real. Leaders, frankly, those in the majority now on the Democrat side have said we think we ought to put this back in place. The majority whip of the Senate said that. The staff to the Speaker indicated that. A Presidential candidate on the Democrat side has indicated that this needs to be done. And I just think you don't go down that path.

Now, this, again, is not a conservative or liberal fight. Free speech should never be a Republican issue or a Democrat issue. Protecting free speech should never be a Republican or Democrat issue. That's why signing the petition to bring this protection to the floor should not be a Republican or Democrat issue. We should be doing this in a bipartisan way, and 300 Members of this House voted for it already in effect. So I don't know what the hang-up would be. Perhaps they are not aware the petition is available. Perhaps if Members don't happen to be down here tonight and there is not a full House tonight but they may be watching, maybe others are, we can encourage them to sign the petition tomorrow.

I want to tell you too in this context that it is liberal viewpoints and conservative that believe that we should pass H.R. 2905 and are opposed to the fairness doctrine. In a 2003 interview on Public Broadcasting's "NewsHour with Jim Lehrer," well-known liberal talk show host Alan Colmes said: "Modern-day talk radio would not thrive if there

were a fairness doctrine and the bureaucratic nightmare that's involved in the kind of paperwork you need to do that. The free market should be the arbiter of what flies on talk radio . . . that's where I want to make it, and not because I have government help to do so." Alan Colmes, not necessarily a conservative on talk radio and TV. A liberal, and that's fine.

In 2007, on his own program, "Hannity and Colmes," Mr. Colmes wholeheartedly agreed with a guest's comment that radio hosts simply chose not to talk about controversial issues on the air when the fairness doctrine was in place.

As managing editor and anchor of CBS News, a man well known across America, Dan Rather, said: "I can recall newsroom conversations about what the FCC implications of broadcasting a particular report would be. Once a newperson has to stop and consider what a government agency will think of something he or she wants to put on the air, an invaluable element of freedom has been lost." Dan Rather.

Former FCC Chairman Dennis Patrick, who served on the commission between 1987 and 1989, his remarks on the fairness doctrine appeared in the Wall Street Journal's opinion page this summer, and he said: "Reimposing 'fairness regulation' would be a colossal mistake. The world without the fairness doctrine features exponentially more discussion of public issues from contrasting perspectives. The robust diversity of the blogosphere and the ideological rivalry among competing cable news channels all speak to the advantage of permitting the marketplace of ideas to make its own editorials FCC-free."

These are reasons, colleagues, that you should go over here tomorrow morning when the House reconvenes and sign the discharge petition. It's a real simple thing to do. You sign twice. You initial once, sign once. When 218 Members sign that under an open rule, we will bring to the House floor for an up-or-down vote this bill, H.R. 2905, which would prevent the government regulators on their own, without an act of Congress, from reinstating censorship of the public's airwaves. This bill will stop that. And my friend Congressman MIKE PENCE from Indiana, and I both, who have spent time in the broadcast industry, encourage you to do this.

Again, more than 300 Members of the U.S. House voted to prohibit the FCC from using funds to reinstate the fairness doctrine; and 113 of the 309 that stood up for freedom during a vote on the Pence amendment were Democrats. So we know that there are 113 Members on this side of the aisle who have already voted against reinstating the fairness doctrine, in fact, voted to make sure no money was spent by the agency to reinstate the fairness doctrine. So just one of you, 2, 3, 4, 5, 20, we will take 20 Members, sign it, and this will come to the floor.

Only one Democrat has cosponsored this bill. Every single Republican is a cosponsor of this legislation. One Democrat has, and we appreciate that and we welcome more Members from the Democrat side, the party that often speaks on this floor about protecting civil rights and speech. Help us protect free speech over the public's airwaves by both cosponsoring H.R. 2905 and by signing the discharge petition. A petition, that's all it is, just the petition to bring it to the floor. Even if you don't happen to support the bill, H.R. 2905, the Broadcaster Freedom Act, sign the discharge petition. We are bringing this issue up under an open rule. You can offer up an alternative. You can offer up several alternatives. That's what America should be about is the ability to offer up alternatives on this floor among Members of Congress who are elected by the people to get the people's work done. Not to take away their rights, not to take away their free speech rights, not to be the nanny that tunes their radio for them, but rather to protect these fundamental constitutional rights that men and women who have worn our Nation's uniform have shed blood and died to protect and preserve so that we, this generation, would have the ability to continue to debate issues. And as annoying as that can be to some, depending upon your viewpoint on the issue, it should never be annoying that we protect this right. This is a fundamental right of America and Americans to be able to debate, discuss, without government interference, the political issues of the day.

And by their nature, if they are interesting, they are probably controversial. And if they are controversial, they probably do need to be debated, and out of that debate we will have a better outcome. We will all learn from listening to the opposing viewpoints. But we won't hear any of it if the fairness doctrine is back in place because we saw what happened between 1949 and 1987. There was no talk radio to speak of, certainly not vigorous talk radio.

And I am not saying you have to agree with Alan Colmes. I'm not saying you have to agree with Lars Larson or Rush Limbaugh or Sean Hannity. In fact, you can pick what you want. But do you really want to leave in place the opportunity for Federal regulators, without a vote of this Chamber, to put back in place a flawed regulation that we know chills free speech, that reduces speech on political issues at all? Do you want to leave that opening there for the next administration to have three commissioners of the five make that decision for you, three unelected commissioners? And I respect them all, believe me, but that is not how government should work on an issue as critical as free speech and protecting free speech rights.

So I encourage you tonight to think about it. Think about it. Think about those who have come before us, about those who have worn America's uni-

form to protect our free speech rights, and ask yourself how hard is it to walk right over here and sign the petition to allow an up-or-down vote on protecting free speech rights on America's radio and television broadcast stations?

With that, Mr. Speaker, I thank you for the opportunity to address our colleagues in the United States House of Representatives. I encourage them once again to sign the petition, bring H.R. 2905 to the floor, the Broadcaster Freedom Act. Protect the free speech rights of even those talk show hosts you vehemently disagree with because silencing those hosts is the worst thing the government could do.

The material I previously referred to follows:

FEDERAL COMMUNICATIONS COMMISSION, OFFICE OF THE CHAIRMAN,

Washington, DC.

Hon. GREG WALDEN,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN WALDEN: Thank you for your letter asking for my thoughts on the present-day appropriateness of the Fairness Doctrine. As you are undoubtedly aware, the Fairness Doctrine obliged broadcasters to provide an opportunity for the presentation of contrasting viewpoints on those controversial issues of public importance that they covered. See In re Complaint of Syracuse Peace Council, 2 FCC Rcd 5043 (1987).

In 1987, based on its 1985 Report on the Fairness Doctrine, Inquiry into Section 73.1910 of the Commission's Rules and Regulations Concerning Alternatives to the General Fairness Doctrine Obligations of Broadcast Licensees, 102 FCC 2d 145 (1985), and an extensive subsequent administrative record, the Commission concluded that enforcement of the Fairness Doctrine was not in the public interest and thus decided to abandon it.

Among other things, the Commission found that the doctrine "'chill[ed]' speech" by "provid[ing] broadcasters with a powerful incentive not to air controversial programming above [a] minimal amount" in order to avoid burdensome litigation over whether it had complied with its obligation to provide contrasting viewpoints. 2 FCC Rcd at 5049 ¶¶42, 43. Based on its examination of the record, the Commission concluded that the Fairness Doctrine had created "a climate of timidity and fear, which deter[red] the coverage of controversial issue programming." Id. at ¶47. Indeed, the record compiled by the Commission at the time included over 60 reported instances in which the Fairness Doctrine had inhibited broadcasters' coverage of controversial issues. Id. at ¶43.

Furthermore, the Commission determined that the doctrine "inherently provide[d] incentives that are more favorable to the expression of orthodox and well-established opinion with respect to controversial issues than to less established viewpoints." Id. at ¶45. Because broadcasters espousing provocative opinions were more likely to be subject to a Fairness Doctrine challenge, the Commission concluded that the doctrine, in operation, inhibited the goal of ensuring that the public had access to innovative and less popular viewpoints. Indeed, the Commission expressed concern that the doctrine "provide[d] a dangerous vehicle—which has been exercised in the past—for the intimidation of broadcasters who criticize government policy." Id. at ¶54. Finally, the Commission concluded that government regulation was not necessary to ensure that the public had access to a wide range of opinion

on controversial issues of the day in light of the multiplicity of information sources available to the public, such as television stations, radio stations, daily newspapers, and cable television services. See *id.* at ¶¶ 55–56.

In reviewing the Commission's decision to abandon the Fairness Doctrine, the United States Court of Appeals for the District of Columbia Circuit determined that the Commission's findings were supported by the record, and upheld the Commission's determination that the fairness doctrine no longer served the public interest. See *Syracuse Peace Council v. FCC*, 867 F.2d 654 (D.C. Cir. 1989), cert. denied, 493 U.S. 1019 (1990).

In my judgment, the events of the last two decades have confirmed the wisdom of the Commission's decision to abolish the Fairness Doctrine. Discussion of controversial issues over the airwaves has flourished absent regulatory constraints, and the public now enjoys access to an ever-expanding range of views and opinions. Indeed, with the continued proliferation of additional sources of information and programming, including satellite broadcasting and the Internet, the need for the Fairness Doctrine has lessened ever further since 1987. In short, I see no compelling reason to reinstate the Fairness Doctrine in today's broadcast environment, and believe that such a step would inhibit the robust discussion of issues of public concern over the nation's airwaves.

I appreciate your interest in this important matter. Please do not hesitate to contact me if I can provide further information.

Sincerely,

KEVIN J. MARTIN,  
*Chairman.*

#### HEALTH CARE IN AMERICA

The SPEAKER pro tempore (Mr. SPACE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I come to the floor of the House tonight, as I often do, to talk a little bit about health care, the status of health care here in America.

Tonight, if we could, I would like to talk a little bit about the past, talk some about the present, and maybe just look a little bit into the future.

Mr. Speaker, as I see it, over the last 70 years there have been three transformational times in American medicine: one in the 1940s, one in the 1960s, and I believe we are on the threshold or the beginning of another transformational time here early in the 21st century.

Mr. Speaker, medicine itself, the science of medicine, is pretty highly ordered, highly structured. It's very scientific. The scientific method is always employed in medicine. And when you get to government politics, government policy in regards to health care, in regards to medicine you would expect it to also rest on a firm foundation of science. But I have to tell you, Mr. Speaker, after being here for less than 5 years, you oftentimes see where that intersection of health care policy and health care reality sometimes creates more confusion than shedding light on the subject. And the thing is, Mr. Speaker, when we create these

policies in Congress, we affect things not just today, not just for the time the bill-signing occurs, but we affect things for decades into the future. And that is the responsibility that we hold in our hands here in this House of Representatives when we talk about changes in the health care system.

□ 2145

Now, Mr. Speaker, I referred to the 1940s as a transformational time in medicine. Obviously there were a lot of things going on in the world in the 1940s. But just prior to the 1940s, Mr. Alexander Flemming, an Englishman, made a startling discovery. He made a discovery that a mold, the penicillin mold, created a substance that was diffusible across an auger plate that would inhibit the growth of bacteria. He further found that this substance apparently was not harmful to humans. So we have the concept of selective toxicity, something that will attack a microbe and not hurt the host; the first time that science had delivered that type of hope, that type of promise to the world.

Now, Sir Alexander Flemming, receiving all the accolades he did for discovering penicillin, really created, at that point, something that was in such short supply, was so difficult to produce and so expensive that it really had no practical utility. It was almost like a medical trick or parlor game, but it was not something that could be generally used by the public, who was ill and needed access to the medicine. But American scientists, working in this country, created a system whereby they could grow large quantities of this mold, remove the substance from the vats that surrounded it, and purify it in large quantities. This occurred in 1942. We were in the middle of World War II. What a phenomenal discovery. Now this wonder drug that had only recently been discovered but was so rare, so scarce and so expensive that it had no practical utility, now it was cheap, readily available and, in fact, probably made a significant difference in the recovery of some of our soldiers who were wounded in the landing in Normandy. Battlefield infections were notoriously bad for causing loss of life and limb, and now we had an agent that was capable of treating those.

Now, another discovery that occurred in the 1940s, cortisone had been discovered before the 1940s, but again, a laborious process for actually extracting this anti-inflammatory medicine. In fact, Mr. Speaker, they extracted it from the adrenal glands of oxen. So you can imagine how labor intensive that process was. And so only small amounts of this compound were available to treat injured individuals.

But in the 1940s, an individual, Dr. Percy Julian, a Ph.D. biochemist, in fact we honored Percy Julian on the floor of this House as one of the outstanding African American scientists of the last century. I think we did that during the last Congress. And I was

very happy to vote for that because Dr. Julian's contribution to American medicine was nothing short of astounding. He was able to use a precursor of a soybean and create cortisone in a laboratory and mass produce it. Once again we had a wonder drug that previously was available only in such small supply as to only be of benefit to a handful of people; now, suddenly, it was readily available, and available to large numbers of people at a reasonable price.

So the 1940s ushered in the era of anti-infective antibiotic agents and anti-inflammatory agents, two true wonder drugs that, again, American medicine had not had available prior to that time.

Now, Mr. Speaker, today we get sick, we go see the doc, he or she writes out a script, tears it off, sends you on the way to the pharmacy, you get it filled and you never give it a second thought. But prior to 1940, that wasn't an option; it didn't happen. Again, our soldiers landing in Normandy who were injured had available for the first time an anti-infective agent that was of such caliber that it provided many of those wounded men to gain back the use of limbs that otherwise would have been placed in peril by battlefield injuries.

The discovery of cortisone really revolutionized at that time the treatment of illnesses such as Lupus and rheumatoid arthritis. There are other medications that are available now. Cortisone, of course, has some side effects and some problems, but still, cortisone is in widespread use in a number of areas in medicine today. So still, these are concepts that we benefit from.

When you also think of the 1940s, what else was going on? Well, of course, the Second World War. We were in the middle of a two-front war. The American workforce was severely contracted because of the number of men and women who were fighting for our country, so employers back in this country who wanted to produce the material for the war, who wanted to continue to operate their businesses, were pretty hard pressed to find employees to work there.

One of the things that was happening during the war, because of this shortage of workforce, was that compensation for workers started going up pretty fast. President Roosevelt saw that and felt that he needed to put some brakes on the rapid growth of wages; otherwise, the economy would get out of control and inflation would spiral out of control. So he put in place wage and price controls, and he did so because, again, the country was at war and the severe contraction of the workforce caused disruption of the labor market, and the President sought to correct that.

Now, employers said we want to do things for our employees that make them want to work for us and make them not look for other employment in other locations, so if we can't offer

wages, can we offer benefits? Could we, perhaps, offer retirement benefits? Could we, perhaps, offer health benefits? And the United States Supreme Court ruled in 1944 that, indeed, those benefits could be offered and they would not violate the spirit of the wage and price controls. And furthermore, they should be available to the individuals as a pretax expense. And hence, the era of employer-derived health insurance as a pretax expense was born and survives to this day. And many people are very satisfied with that as a method of having insurance for their health care. And it has its roots back in 1940. Again, a truly transformational time in American medicine. We've got new medicines to treat infections and inflammatory conditions, and we've got a new way of paying for health care for Americans in employer-derived health insurance.

The 1960s; what do we see then? We see the introduction of new generations of antibiotics, antibiotics that were more potent. Some bugs had developed resistances to the old antibiotics; we had new antibiotics that were less prone for bacteria developing resistance. We had new antipsychotic medications. We had new antidepressant medications, medications to treat conditions that heretofore had not been treatable. There had not been a rational or a viable treatment available to those patients.

What else did we see in the 1960s? We saw in this House, in 1965, the enactment of a law that we now know as Medicare for protection of United States seniors. For the first time the United States Government was in a position to finance a large portion of health care in this country. In fact, since 1965, over the last 42 years, the portion of health care that is paid for by the Federal Government, about 50 cents out of every health care dollar, begins right here in Washington, D.C. You've got Medicare/Medicaid, the VA System, the Indian Health Service, TRICARE, Department of Defense, as well as the Federal prison system. A lot of health care is paid for and it originates here in the United States Congress.

The other 50 percent, commercial insurance to be sure, some self-pay. And I would actually include the newer health savings accounts in that part that I would designate as self-pay. And then of course there is some care that is just simply not paid for, and some that is given as charity by the hospital or the doctor who provides the care and does not expect compensation.

And now, early in the 21st century, I believe, again, is a transformational time in American medicine. And I think it extends before us really as far as the eye can see. Mr. Speaker, I think this transformation will occur whether we want it to or not. Whether we lead it or not, the transformation will happen. Changes in information technology, concepts like rapid learning, changes in the practice of medicine re-

garding genomics, protein science. A new era of personalized medicine extends before us. And as we usher in this new era in medicine, how can we facilitate or at least not obstruct the scientific discoveries and allow this important process to go forward? And nowhere will this be more starkly apparent than in our ability to provide this new care at an affordable price to the majority of Americans and ensure that there are the doctors involved who will deliver that care.

Now, as I see it, the problem right now is that most health care is administered through some type of third-party arrangement so the patient and, quite honestly, the physician is generally aware of the cost of care that they receive. This arrangement has created an environment that permits the rapid growth, the rapid escalation of prices in all sectors of health care. So how do we improve the model of this current hybrid system, this public/private partnership that we have right now? How do we improve the current hybrid system that involves both public and private payment for health care but at the same time anesthetizes most of us to the true cost of that care?

Now, Mr. Speaker, we hear it all the time here on the floor of this House that we're just entering into the first retirees of the baby boom, and this is all we can see demographically for years and years to come. There will be more demand for medical services. Medical procedures and techniques and pharmaceuticals will tend to cost more because there is the advancing complexity of what we're able to do. Medicine is going to continue to evolve as it always has.

Now, Mr. Speaker, Alan Greenspan, former Chairman of the Federal Reserve, right around the time that he was retiring spoke to a group of us one morning, and the inevitable question came up to Mr. Greenspan, "How in the world are we ever going to pay for the liability that we have in Medicare in the future?" And Mr. Greenspan was quite circumspect about it, but eventually he offered the opinion that, when the time came, the Congress would find the courage and the resources to do what was necessary, and he thought that Medicare would be solvent into the future. He then stopped and went on to add, "What concerns me more is will there be anyone there to deliver the service at the time you need it?"

Now, Mr. Speaker, I will tell you that those words have stuck with me these last 2 years and caused me to devote a great deal of time and study to the concept of the physician workforce in the United States. Let me just share with you, Mr. Speaker, the Texas Medical Association, back in my home State of Texas, puts out a magazine every month called "Texas Medicine," and this was their March issue of this year, and the title story was, "Running Out of Doctors." My State is far below the national average when it comes to physicians. The national average is 230

per 100,000 residents; Texas' ratio is 186 to 100,000 residents. The American Academy of Family Physicians predicts serious shortages of primary care doctors in five States, including Texas. And further, they go on to say that "all States will have some level of family physician shortage by the year 2020." That's 13 years from now, three Presidential elections from now.

The Council on Graduate Medical Education, a congressionally authorized entity, estimates that after 2010, growth in the physician workforce will slow substantially, and that after 2015, the rate of population growth will exceed the rate of growth in the number of physicians.

Now, what do we do? My opinion, I think there is a three-part approach, a three-part solution to mitigate this shortage in the future.

First and foremost, and it seems so simple that I cannot believe that it doesn't occur to more people, we need to construct a payment system, particularly on the governmental side, that pays doctors fairly to keep them in practice longer. Additionally, improved assistance to medical students, to encourage college students and medical students to go into medicine and practice in high-need specialties in medically underserved areas. And then finally, to increase the number of residency programs, especially in rural or suburban areas, to keep the physician pipeline open.

And the real crux of this article, Mr. Speaker, in "Running Out of Doctors," was the observation that doctors tend to have a lot of inertia. We don't tend to go very far from where we're hatched. And doctors who go through a residency program tend to practice within 50 to 100 miles of the location of that residency. That's why, if we can encourage the development of more residency programs in underserved areas, we will encourage the growth of the physician workforce in that area.

So, before we go completely into the three-point solution aimed at mitigating the possibility of an even greater solution in the future, let's talk about some of the basic principles that I had in mind as I developed this concept of physician workforce reform.

Now, Mr. Speaker, I believe that Congress must develop physician workforce initiatives that ensure future patient access and sustain a robust physician workforce, and this must be both separate, but complimentary, to Medicaid physician payment reform. Why do I say that? Well, Mr. Speaker, as you know and many in Congress know and many across America know, in Medicare we have different payment systems for part B as opposed to part A, part C and part D. In A, part C and part D, there is sort of a cost of living adjustment every year for hospitals, for HMOs, for drug companies. There is a cost of living adjustment that occurs every year so that these institutions, these entities are reimbursed based upon the cost of inputs.

□ 2200

But part B, the physician part, is under an entirely different formula that is coupled to the gross domestic product. Furthermore, it is a finite, a finite, number of dollars that are available to pay physicians who participate in the Medicare program. What happens over time, since that doesn't grow, what happens over time, the individual payments to physicians are scheduled to shrink 5 to 10 percent a year over the next 9- to 10-year budgetary cycle.

This program is so unfair that it causes physicians to retire early, stop seeing Medicare patients and leave the physician workforce. The solution is very, very simple, and it is one that is so simple that, quite frankly, it often-times gets lost in all of the other talk and debate. The solution to this problem is stop the cuts, repeal the formula, and then replace it with the Medicare economic index, the cost-of-living formula that hospitals, HMOs and drug companies are paid with.

Now, the current Medicare payment system exacerbates negative physician workforce trends. That is why I feel that the sustainable growth rate formula must be eliminated. Let me just show you a little graph of that. Mr. Speaker, I think this graph accurately represents what I am talking about. Again, we talk about the physician payment as compared to HMOs, hospitals and, in this bar graph, nursing homes. You can see over the years 2002 to 2007 increases in HMOs, hospitals, and nursing homes and very flat increases for a few years for physician payment after an initial decline, and actually this was projected for 2007. We actually held physician payment at a zero percent update, which anywhere else other than in Washington, D.C. let's be honest, that would be a cut but we call it a zero percent update because we like to be euphemistic when we talk to our physician friends. Again, I submit, stop the cuts, repeal the formula.

Now, any new system that we create has to be able to adjust for growth in services, but it has to be agile enough to determine what constitutes appropriate care in service and service volume when growth results in better patient outcomes. Any new coverage decisions by law or regulation must be accompanied by additional financial sources relative to their value for the services.

Now, Mr. Speaker, we spent a lot of time in my committee, Committee on Energy and Commerce, last year having hearings about physician payments. And one of the things that is obvious when you look at recent trends in Medicare outlays is that in fact the trustees report that came out last June talking about the year 2005; 600,000 fewer hospital beds were filled that year. Why? Because the physician component is doing things better, more timely treatment of disease. I will submit that perhaps some of the new Medicare prescription drug program is

playing a role in that as well; doctors are doing more procedures in their offices in ambulatory surgery centers.

The net effect of that, Mr. Speaker, is to keep down the costs for part A, but then that expense occurs in part B. So how could we get the savings that we are managing for part A, how could we get that back for part B? That is really the challenge that is before us.

Now, the Congressional Budget Office and all of the budgetary people who work up here on Capitol Hill will tell you that you can't prospectively go out and say, since you are going to save so much money, you saved so much money last year, and you are going to save so much money next year and the year thereafter, but you can't get credit for that until it actually happens. My belief is that savings will occur. It will accrue.

So what if we pay it forward, so to speak, we don't repeal the SGR in 2008 or 2009, we will repeal it in 2010. But in the meantime, 2008 and 2009 whatever savings occur because the physicians in part B are doing things better, cheaper and safer and saving money for part A, part C and part D, that those savings be sequestered and they be walled off. Remember the famous lockbox for 2000 everybody talked about for Social Security? Let's drag up that lockbox and put the savings in the lockbox, and we will open it up in 2010 and reduce the cost of repealing the SGR formula.

That has been the obstacle, Mr. Speaker. The Congressional Budget Office estimates the cost of repealing the SGR today right now at \$268 billion. Last year when I tried a different approach to this same problem, the cost for repeal was the \$218 billion. It goes up every year. One of the reasons it goes up every year is that every year we come swooping in at the last minute with some sort of last-minute fix. But all that money that we used to come in for that last-minute fix gets added on to the budgetary out-years. So we compound the problem. Every year that we don't fix it, we compound it. That is why it is so critical to fix that date that we repeal the formula.

Now, in the bill 2585 that I have introduced, we actually do that. We actually capture and sequester those savings and use that paying it forward to bring the cost of repealing the SGR down.

Now, just a couple of other points in general about physician workforce, preserving the physician workforce. You know, I said the SGR formula, the sustainable growth rate formula, is linked to the growth in the gross domestic product. There is a reason for that. That needs to be delinked. Quality reporting. What about quality reporting? We hear a lot about that. We hear a lot about pay for performance here on the floor of this House. Well, Mr. Speaker, I would submit to you, pay for performance is keeping the mature physician involved in the practice of medicine. If we drive all of our talented and experienced doctors out of

the practice of medicine because of what we are doing with the Medicare formulas, it is going to be pretty tough to pay for performance.

Now, I do think some type of performance indicators need to be included in whatever process is going forward. We don't need to reinvent the wheel every time we sit down to talk about this. Many of the specialty organizations have already developed their own criteria. We have the QIOs. The quality improvement organizations have been in existence really I think for 20 years since the latter part of the second Reagan term. So these measures are all available to us.

What I would submit is that if a doctor or a physician group would voluntarily report to one of these quality measures, that there be some positive adjustment, in whatever formula we give them, that there be some positive adjustment for participating in that quality activity.

Similarly, I talked a little bit about this in the beginning. We are in a transformational time. What is one of the things that is going to drive that transformation? It is going to be changes in health information technology, whether we want it to or not. We struggled with the health information technology bill last year. We talked a little bit about one this year. The fact remains, it is happening whether Congress is involved or not. As a consequence, I think we ought to do what we can to encourage physicians' offices and individual physicians to begin to embrace this, to begin to investigate this and an additional positive update would be available to physicians who voluntarily participated in improvements in health information technology and their individual practices.

You know, Mr. Speaker, one of the things that I think would make a lot of sense and I don't know why we haven't done it, we ought to share with our Medicare beneficiaries what did your care cost last year. I get a statement from the Social Security Administration about what my Social Security contributions have been year over year since I first started paying that FICA tax. We could do the same thing with our Medicare patients: What did you contribute over your working lifetime? And now what are expenses attributable to you that are incurred to the system? That information should be confidential. You obviously don't publish that, but give back to the patient that information on what the cost of their care was over the past year because otherwise they have no benchmark. They have no way to know are they, in fact, getting value for their dollar or not.

So there are three bills that I've introduced to help tackle these problems and get at the essentials of what is creating the near havoc situation in the physician workforce. I think these bills are essential to ensuring that America will always have a good supply of

qualified, satisfied doctors to address the growing health care needs of an ever-growing population.

Now, we have already talked a little bit about the sustainable growth rate formula. Getting Medicare payment policy right is the first point to make in any type of reform that is going to affect the physician workforce. Paying physicians fairly will extend the careers of many doctors who otherwise would just simply opt out of Medicare or opt out of the practice of medicine entirely. Paying physicians fairly also has the effect of ensuring an adequate network of doctors. That adequate network of doctors is available to treat some of those complex patients we have in this country, and that is the elderly patient on Medicare and as this country makes a transition to the workforce of the future.

Now, the bill I introduced, 2585, Ensuring the Physician Workforce Act of 2007, modifies the Medicare physician reimbursement policies. It is important because you do have to pay doctors fairly for their services so that they will want to go into medicine, they will want to continue to practice medicine, and maybe even practice medicine to a later point in their life. So we extend the effective practice life of physicians who are already out there practicing.

Now, the fundamentals of 2585 we have covered already a little bit. But I like to think of it as a workforce solution for the mature physician. It provides sustainable Medicare reimbursement now and in the future by getting out of the chasm created by the sustainable growth rate formula and completely eliminating the sustainable growth rate formula by the year 2010. It includes truly transformational incentives to further the development and implementation of quality measures and health information technology in a way that makes sense to the business aspect of the practice of medicine.

Furthermore, in 2008 and 2009, physicians could opt to take advantage of those bonuses, return value back to their practices, and, in fact, return value back to the taxpayer by participating in those measures. Quality measures would be built around high-cost conditions and strive to improve the quality of care for those conditions and ultimately drive down the cost of delivering the care in the Medicare program. The bill would also include a Federal incentive to implement health information technology along with provisions providing safe harbors for the sharing of software, technical assistance and hardware as well as the creation of a health information technology consortium.

That last point is important because there are laws and regulations that Congress has passed in the past that prevent hospitals and doctors working together to develop the type of health information technology network that is really going to be necessary to man-

age this sea change that we are going to see in medicine in the coming years.

I will confess, Mr. Speaker, let me put another chart up here. Mr. Speaker, I will readily acknowledge that I have not always been a firm believer in things like health information technology and electronic medical records. In fact, right before I left practice, my practice in medicine, we were given a charge to beta test an electronic e-prescribing sort of format and there was certainly no financial outlay on our part. We were simply to use these little hand-held devices and report back as to their utility. There were obviously some plus sides. You knew right away if there was a drug interaction or a patient had an allergy that wasn't apparent on their chart. The computer knew and it would flag that for you. But it slowed you down. It slowed you down in that it took about a minute or 1½ minutes to add this information in for the patient.

Mr. Speaker, when I first went into private practice after I completed my residency at Parkland Hospital, went into private practice in 1981, reimbursement rates were such that if you saw 15 to 17 patients a day, you pay your overhead and have a nice amount to take home at the end of the month. With everything that has happened with HMO declining reimbursement rates, from private insurance declining reimbursement rates from the government-funded sector of health care to be sure and a growing government sector of health care that historically underfunds their component and undercompensates their component, what has happened over time in order to maintain that similar amount of money that is needed to pay for overhead and have something to take home at the end of the month, physicians are now finding that instead of seeing three patients an hour, they have to see five. Instead of working 7 hours in the office, they now need to work 8 or 9.

So if you are not seeing 35 or 40 patients a day, you may not be measuring up as far as covering that overhead and having something to take back to your family. After all, they put up with the sacrifice and aggravation of having you, their husband or father as a physician, meaning you are frequently gone from home, you go and leave in the middle of the night to attend to problems. And we always do that willingly and lovingly; but at the same time, it does create wear and tear on families, and certainly any doctor's family can tell you that. Doctors, over time, have tended to be fairly well compensated. As a consequence, families have been ready and willing to accept that. But in order to maintain that same level, we have gone from a time where we were seeing 15 to 17 patients in a day to 35 to 40 patients in a day.

Let me go back to the e-prescribing. If it is taking you 1½ minutes to enter in the patient data and hit the send

key to send the e-mail to the pharmacy to provide that prescription for that patient, that is another hour you have added on to that physician's day.

□ 2215

How are you going to pay the doctor for that? None of this has ever been worked out. If you go even further and say we're going to go with a full-on electronic record, there's a learning curve there. It's going to take some time, and it's going to slow that doctor down. Not only will it slow him down so he is able to see fewer patients, it slows him down so that there's less face time, if you will, with the patient, less time to listen to what the patient is saying, to look the patient in the eye and make sure you're getting the straight story so that you come to the correct diagnosis.

Mr. Speaker, I was late to come to the table as far as electronic medical records. I will tell you the sentinel moment that changed my mind, that shifted me on this issue, and said, you know, it is going to take more time; there has to be a way to compensate doctors for the time involved in doing that e-prescribing and creating those electronic medical records.

Well, 2 years ago, of course, we were suffering in the aftermath of Hurricane Katrina. Two years ago next January our Committee on Energy and Commerce had a field hearing down in New Orleans, and one of the places we went on that field hearing was to Charity Hospital, one of the venerable old teaching institutions in this country. Many of my professors at Parkland Hospital had been trained by professors at Charity Hospital. It was truly an icon in American medicine. It was absolutely devastated in the flooding that followed Hurricane Katrina in New Orleans.

Mr. Speaker, we went into Charity Hospital. We went down to the basement where the records room typically is in a hospital. And here, Mr. Speaker, is the medical records department of Charity Hospital. Now, this isn't fire or smoke damage on these charts. It's black mold. You really can't send someone down there to retrieve medical data without putting the medical records transcriptionist at risk.

These records are essentially lost forever, if the ink hasn't washed off all the pages. Remember, this was all completely underwater, because this was in the basement. You remember how much water was standing in the streets of New Orleans. So completely underwater. We don't even know if these are readable. But who is going to get in there and risk disturbing all the black mold and getting the health consequences that would result from it?

So all of this medical data is lost. Who's to know? Maybe there is a kidney transplant there, some important data. Maybe someone being treated for non-Hodgkin's lymphoma here, and important clinical data lost. Maybe there was a child with a rare illness that,

again, no one would be able to retrieve those medical records. This is the reason why I have now become a believer in the electronic medical records system.

Furthermore, when a large number of persons who were evacuated from New Orleans and brought to the Metroplex in the north Texas area, north Texas physicians turned out in great numbers to receive people who had been in the domed stadium in New Orleans, the Superdome I guess it's called, as well as other individuals who were evacuated from the Convention Center, and they were brought in buses to downtown Dallas and doctors met them as they were coming off the bus.

One of the large pharmaceutical chains set up there with their computer system, and if that patient had gotten their prescription at that chain drug store, they were able to recreate not their entire medical record, but at least their prescription history, which a lot of times will give you a great deal of insight into what a patient's conditions are and what they are being treated for.

So the availability of that, albeit very limited pharmaceutical data, provided a great deal of service to the doctors who were on the ground receiving these individuals who had to be evacuated out of the city of New Orleans. Again, it really made a believer out of me that that data needs to be retrievable wherever you are, wherever you go.

Mr. Speaker, all too often we run into in medicine the fact that, yes, the patient went down somewhere and had a CT scan, and now they're seeing a different doctor and that CT is not available because it's only a written, typed report and it's locked up in some other office and they are now closed. So we either go on a hunch without the information, or you repeat the test and spend another \$1,000. It is so critical to have that information where it is readily retrievable by any doctor involved in taking care of the patients.

Mr. Speaker, I have digressed just a little bit from the physician workforce issues, but I do think this is such an important issue, and that is why I included in H.R. 2585 bonus payments for doctors who are willing to begin to make that change into improved health information technology and perhaps consider electronic medical records, perhaps consider e-prescribing.

There is no question that our handwriting as physicians is generally abominable. I will tell you, Mr. Speaker, it doesn't improve with age. Medication errors that are because of poor handwriting or illegible handwriting on the prescription pad, we have all encountered it during our practices.

It is so critical to be able to have that information in a legible, reproducible form and have it available when a patient goes from city to city, as these individuals were because of a crisis in their hometown, where they had to leave and go to another town. But even

just for someone on vacation who develops a problem, if you have the availability of accessing their medical records online or through some service, that is going to make a tremendous difference.

Now, Mr. Speaker, one of the things we talked about, too, when I first began this discussion on the workforce issue is how do we help the physician who's through with medical school and pondering a residency, or in fact in a residency. Could we develop a program that would permit hospitals that do not now currently have a residency program to begin a training program where none has existed previously.

So the second bill, H.R. 2583, would create a loan fund available to hospitals to create a residency training program where none has operated in the past. These programs, of course, would require full accreditation by the appropriate agencies and would be focused in typically medically underserved areas, rural, suburban, frontier community hospitals.

Mr. Speaker, on average it costs about \$100,000 a year to train a resident. For a lot of small hospitals, that is a barrier to entry that they just cannot meet.

Two, the Balanced Budget Act passed by this Congress long before my service here, back in 1997, 10 years ago, placed the cap on residency slots Medicare would fund, making it very difficult for some programs to expand and hospitals to create residency programs. So, especially for smaller hospitals that are interested in creating a residency training program, federal regulations, federal regulations stop them cold, dead in their tracks, from creating that residency program.

Again, these are some of the things that were done in the Balanced Budget Act, but these regulations need to be streamlined. We need to have a second pathway for these hospitals to follow to establish a residency training program. It is a major financial investment for small hospitals to undertake, and frequently they just simply have to forego, because they can't afford it, even though their community might very well benefit from having such a training program.

Now, in the bill before the Congress, H.R. 2583, loan amounts would not exceed \$1 million and the loan would constitute startup funding for new residency programs. The start-up money is critical here. Since Medicare graduate medical education funding can be obtained only once a residency program is firmly established, the cost to start a training program for a smaller, more rural or suburban hospital is cost prohibitive. The barrier to entry is just too high, because these hospitals operate on much narrower cost margins.

H.R. 2583 is a bill that has been introduced as part of the physician workforce package of bills. It will allow smaller hospitals to establish residency training programs.

As I said earlier, Mr. Speaker, doctors tend to have a lot of inertia. We

don't fall far from the tree when it comes time to start up practice. We tend to go into practice within 100 miles of where we did our residency. That would be the reason to move the residency programs into the areas of States, into the areas of the communities where doctors are most needed.

Two, this program could be a recruiting tool for small communities to recruit essential professionals to consider a residency program in their town and then hopefully stay around once the training program is finished, because, after all, you know all the referring doctors, you know the personnel in the hospital, and that arduous task of setting up a practice becomes perhaps just a little less daunting because you are working with known entities.

The third point of assuring availability of an adequate future workforce is providing medical students or college students who are considering a career in health professions, to provide them with assistance and incentives to practice in shortage areas in shortage specialties.

The third bill, H.R. 2584, would establish a mix of scholarships, loan repayments and tax incentives to encourage more students into medical school and beyond. It also creates incentives for those students and newly-minted doctors to become family docs, general surgeons, geriatric doctors, OB-GYNs, and practice in shortage areas such as rural and frontier areas.

H.R. 2584, the High Need Physician Workforce Initiative Act of 2007, amends the Public Health Service Act to alleviate critical shortages of physicians in the fields of family practice, internal medicine, pediatrics, emergency medicine, general surgery and OB-GYN. H.R. 2584 would establish additional loan and scholarship programs and would assist underserved communities to build a pipeline for the medical professionals of tomorrow.

Mr. Speaker, I spoke already about the medical records situation in New Orleans. Also as an outgrowth of actually several trips I made to the New Orleans area in the fall of 2005 and the early part of 2006, you really began to see the attenuation of the physician workforce in that area and you really saw the arduous task of rebuilding the physician workforce in that area.

Mr. Speaker, it is almost as if a physician or his spouse, if they weren't from the area, they likely weren't staying. They had to have significant family ties to make them consider staying in the area. That is so unfortunate, Mr. Speaker. But not only do we have the unspeakable horror of the hurricane itself, but then we had the slow response in getting aid through State and Federal and local agencies to physicians in private practice and they were left to fend for themselves. They ended up spending their own savings to keep their practice open and they reached a point where they simply could not sustain that any longer. It will be hard to entice people back.

So the reality is the physician workforce of tomorrow, especially in an underserved area like the City of New Orleans, is going to require growing your own. And part of growing your own is this mix of scholarships, loan forgiveness and tax incentives to encourage physicians to go into the health professions, and as part of the loan payback, they agree to serve in a medically underserved area in a high-need specialty. This bill provides targeted incentives to develop medical students and encourages the growth of specialties that will be in high demand in underserved or emerging communities.

So, Mr. Speaker, those are the three bills, H.R. 2583, H.R. 2584 and H.R. 2585, that deal with the problems that I see as emerging with the physician workforce. Remember, we are in a transformational time. We are in a time that is just as transformational as 1940, 1965, or even some of the earlier transitional times that we didn't have time to talk about tonight. We are in a transitional time that is going to require us, require us as legislators, to be at the top of our game so we don't obstruct this process and, dare I say, we enhance this process, we further this transformation, we make the transformation proceed in an orderly fashion, in a fashion that is beneficial.

But, Mr. Speaker, I can hardly, hardly, talk about physician workforce issues and not address the number one issue that is so pernicious to physician practice and drives more doctors into early retirement, and that is the state of the medical justice system in this country.

□ 2230

Texas in 2003, September of 2003, a little over 4 years ago, passed what I considered a very reasonable bill to put some caps on noneconomic damages in medical liability cases.

Texas was in crisis. When I was running for Congress in 2002, we had really hit rock bottom as far as medical liability issues were concerned. We had gone from 17 medical liability insurance companies down to two. They were leaving the State in droves. If you only have two companies, it is difficult to have competition. Premiums were going through the roof. Every year I was seeing premium increases of 20, 25 or 30 percent. And the reality was that reimbursement rates were not keeping up and doctors couldn't keep up.

I remember when I was campaigning in 2002 at an event I ran into a young woman who was a radiologist. I say young woman, she had been through medical school and residency. She said, I hope you can get something done about the liability situation because as a radiologist, I lost my insurance because my company left the State and I can't get insurance with the two remaining companies. As a consequence, I cannot practice interventional radiology without liability insurance. I can't accept that kind of risk, taking care of high-risk patients without some type of liability coverage.

So the State of Texas paid to educate this woman. The woman went to a State-supported school, so taxpayers partially paid for her education because she went to a residency program at one of the State universities, and she was lost as a provider to the State of Texas because of the liability situation.

Texas, fortunately, stepped up to the plate and recognized they had a serious problem. Across the board in Texas, everyone was talking about the crisis in medical liability. So they passed a bill in 2003 that put a limit on noneconomic damages in medical liability suits. It was patterned after the Medical Injury Compensation Reform Act of 1975 which affects the State of California and has done a good job in California as far as keeping doctors involved in practice and keeping medical liability rates low.

Well, in California, the Medical Injury Compensation Reform Act of 1975 put a cap on noneconomic damages at \$250,000. That was a tall order in Texas. They were not able to achieve the same level of cap on noneconomic damages, but they went about in a way so that a \$250,000 cap on noneconomic damages exists for the doctor, for the hospital or nursing home or a second hospital. So each provider named is going to be capped at \$250,000, and a maximum of \$750,000 that could be awarded to a plaintiff in noneconomic damages. Actual damages, punitive damages, are not affected by this law. So average compensation for patients is still going to be very, very high, but it removes a lot of the uncertainty that was present in the medical liability market. And as a consequence, it provides fair compensation for injured patients and their families. It has been a success in Texas. Liability premiums have dropped. Competition has invigorated the insurance market, and patients once again have access to the doctors they need. Remember, we dropped from 17 down to two insurers. The next year we were back up to 15, and I believe the number is substantially higher today.

The best news is they came back to the State without asking for an increase of premiums. Texas Medical Liability Trust, my old insurer, has provided a 22 percent reduction in premium expenses for physicians since 2003. Remember, we were going up by 20, 25, 30 percent a year every year prior to 2003, so this has been a dramatic turnaround in Texas.

Remember, I talked about Texas as being one of the States that is medically underserved. Remember that figure of 186 doctors per 100,000 population. But since this law took effect, things are on the upswing as far as physician workforce in Texas. Over 10,000 new physicians have been licensed, including a record 3,300 doctors licensed in fiscal year 2007. The Texas State Board of Medical Examiners can scarcely keep up with the demand. Several have asked what is taking the Texas State Board of Medical Exam-

iners so long, and there is a lot of demand. When you have to ask how big are you winning, that is a good thing, and Texas is winning big with this legislation.

Doctors are moving back to areas that were underserved and critical specialties are moving back into the State. Doctors who practice a specialty called perinatal medicine where you take care of the most complicated pregnancies and the sickest babies, these doctors could not get insurance at any price in 2002. And I remember talking to a young doctor at a hospital who said, I am going to have to stop practicing. I have all of these loans to pay back, and I can't practice because I can't afford the liability premiums.

Our whole trauma network in north Texas was put at risk because 50 percent of the neurosurgeons, that is one out of two who were available, said he got his six-figure premium notice, and he said, That's it, I can't do this any more. With him leaving, leaving only one neurosurgeon in the trauma network, it put north Texas in a serious position for how they were going to be able to handle trauma cases in north Texas.

Since the passage of this law in Texas, that perinatologist has gone back into practice. He went to work for a computer firm, believe it or not, and now he is back in practice and probably saving babies today that wouldn't have been saved without his care and expertise. I am sure he did a good job taking care of computers, but babies are more important than computers.

New neurosurgeons are attracted to the north Texas area, preserving the trauma network we have in the north Texas area. It was very much put at risk by the crisis in medical liability.

One of the unexpected beneficiaries of this law in Texas has been the smaller, not-for-profit hospital that is self-insured. They were having to put so much money away to protect against future losses because the upper limit was unknown. Now they are able to take some of that capital and reinvest it in capital equipment, nurses' salaries and outreach and education, the very things you want your hospital to be doing. They are able to do those things because of sensible reform that happened in the State of Texas.

Claims and lawsuits have declined, and the current situation that exists in some States only drives up the cost of health care and forces doctors to treat every patient as a potential lawsuit.

Mr. Speaker, the Founding Fathers suggested that the States could function as laboratories for the rest of the country, and I think this is one of those instances where we have seen the function of the laboratory, that is Texas in medical liability, function in every way as we would want it to. In fact, when we were going through the budget process last March, I provided the ranking member, our ranking member of the Budget Committee, the legislative language that would be the

Texas law if it were written by legislative counsel here in the House of Representatives.

And they took the bill and did a back-of-the-envelope score and came up with a \$3.8 billion savings over 5 years that would be available to the budgeteers had they chosen to accept that. In other words, do medical liability reform like we did in Texas across the country, and you are going to save some money.

It is not a huge amount of money. I know in Washington-speak \$3.8 billion doesn't resonate like some other figures, but it is real money and it is available to us. All we have to do is enact some type of sensible medical liability reform across the country like we did in my home State of Texas.

So I took that language that ran through legislative counsel on the Texas liability law and actually introduced the Texas medical liability law. It is H.R. 3509, the Medical Justice Act of 2007. It is now available. Members may cosponsor it. I recognize in the current climate in the United States House of Representatives it is going to be very difficult to get any type of medical liability reform passed, but at the same time, this is important work and we shouldn't shy away from it. We should at least have the discussion and the debate. Let's clash in the marketplace of ideas here. Here is a system in Texas that is delivering real value to the patients of Texas and to the doctors of Texas.

Mr. Speaker, we can't rise to the transformational challenge that stretches before us without keeping the best doctors involved and recruiting and training the best and brightest doctors who are coming behind them, recruiting and training those doctors for tomorrow. This is going to require a near-term, a mid-term and a long-term strategy. Mr. Speaker, we have to work together, both sides of the aisle. This is not a partisan issue. This is going to face every single one of us in our district as we go through this next several years. And we are not going to be able to master the transformational challenge that extends ahead of us without America's best and brightest staying involved and providing care for patients in this country. The best and brightest men and women of medicine, we need to keep them on the front lines. I stress, this is a true bipartisan issue. There is not a single party label attached to this concept.

So let's sit down, both sides of the aisle, and work together to insure a healthy future for all Americans. The bottom line is we have to make certain that doctors are continuing to practice, they are satisfied with their compensation and satisfied with their ability to deliver services to the patients.

You hear the phrase in Washington, "well, we will cross that bridge when we come to it"; in other words, we won't act until we absolutely have to act.

Mr. Speaker, this is a transformational time. I think this calls for a different type of thinking. We are going to have to build a bridge while we are crossing it, not wait until we get there. We are going to have to build that bridge ahead of time, and I think we can.

I visited a group of scientists at the National Institutes of Health and they talked about the challenge of working through the genetic sequence of the human genome and sequencing the base pairs in the human genome. And they started this project in the 1990s, a very labor-intensive project, and they didn't have the Internet. They didn't know that they needed the Internet. Fortunately, the Internet came along while they were in the process of cracking the genetic code. But if it hadn't been the Internet, they wouldn't have been able to share information with other scientists around the world on a real-time basis. And I don't know if by today we would have cracked the genetic code, so an example of building the bridge while you are crossing, and certainly those scientists at the National Institutes of Health really did take that to health.

Why wait any longer? Why should we keep doctors and patients waiting? Sensible legislation is before us now. Again, I repeat, I urge my colleagues to look at this, talk to me if you have questions about it. It is extremely important for those students who are looking to go into health care as a profession, those in medical school now, those doctors in residency, and again, what I would refer to as the mature physician. It is important to the whole continuum of the timeline of the physician workforce.

We don't want to end up in that day that Alan Greenspan looked into the future and saw a couple of years ago. We don't want to arrive at that day where there is no one there to take care of America's seniors because we didn't pay attention, we took our eye off the ball back here in the year 2007.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today on account of official business in the district.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today and October 23 on account of a death in the family.

Mr. KIND (at the request of Mr. HOYER) for today.

Mr. WILSON of Ohio (at the request of Mr. HOYER) for today and the balance of the week on account of medical reasons.

Mr. YARMUTH (at the request of Mr. HOYER) for today.

Mr. GINGREY (at the request of Mr. BOEHNER) for today on account of flight delays.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of illness in the family.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and October 23, 24, and 25.

Mr. POE, for 5 minutes, October 29.

Mr. ENGLISH of Pennsylvania, for 5 minutes, October 24.

Mr. JONES of North Carolina, for 5 minutes, October 29.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2206. An act to provide technical corrections to Public Law 109-116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes; to the Committee on House Administration.

S. Con. Res. 51. Concurrent resolution supporting "Lights On Afterschool!", a national celebration of after school programs; to the Committee on Education and Labor.

#### ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 23, 2007, at 9 a.m., for morning-hour debate.

#### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the second and third quarters of 2007, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 5 AND SEPT. 8, 2007

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Nancy Pelosi	9/7	9/8	Germany		730.00		(3)				730.00
Hon. Wilson Livingood	9/7	9/8	Germany		730.00		(3)				730.00
Dr. John Eisold	9/7	9/8	Germany		730.00		(3)				730.00
John Lawrence	9/7	9/8	Germany		730.00		(3)				730.00
Michael Sheehy	9/7	9/8	Germany		730.00		(3)				730.00
Andrew Hammill	9/7	9/8	Germany		730.00		(3)				730.00
Steve Rusnak	9/7	9/8	Germany		730.00		(3)				730.00
Micaela Fernandez	9/7	9/8	Germany		1,023.34			3,258.31			4,281.65
<b>Committee totals</b>											9,391.65

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.  
<sup>3</sup> Military air transportation.

NANCY PELOSI, Oct. 8, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN M. SPRATT, Jr., Oct. 11, 2007.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2007

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Brian Baird	5/21	5/27	Jordan						13,277.15		13,277.15
Hon. Chris Shays	5/21	5/27	Jordan								
Hon. Carolyn Maloney	5/21	5/27	Jordan								
Nan Gibson	5/21	5/27	Jordan								
Lisa Austin	5/21	5/27	Jordan								
Dr. Nicholas Palarino	5/21	5/27	Jordan								
<b>Committee total</b>									13,277.15		13,277.15

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BART GORDON, Sept. 28, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Bart Gordon	7/20	7/22	Greenland		793.00		(3)				793.00
								42,428.00			42,428.00
Hon. Todd Akin	7/20	7/22	Greenland		857.00		(3)		4,573.00		4,573.00
Hon. Roscoe Bartlett	7/20	7/22	Greenland		857.00		(3)				857.00
Hon. Phil Gingery	7/20	7/22	Greenland		857.00		(3)				857.00
Hon. Baron Hill	7/20	7/22	Greenland		857.00		(3)				857.00
Hon. Bob Inglis	7/20	7/22	Greenland		857.00		(3)				857.00
Hon. Daniel Lipinski	7/20	7/22	Greenland		857.00		(3)				857.00
Hon. Jerry McNerney	7/20	7/22	Greenland		798.00		(3)				798.00
Hon. Brad Miller	7/20	7/22	Greenland		628.25.00		(3)				628.25.00
Hon. Lynn Woolsey	7/20	7/22	Greenland		797.00		(3)				797.00
LeighAnn Brown	7/20	7/22	Greenland		793.00		(3)				793.00
Louis Finkel	7/20	7/22	Greenland		793.00		(3)				793.00
Jean Fruci	7/20	7/22	Greenland		793.00		(3)				793.00
Dick Obermann	7/20	7/22	Greenland		400.00		(3)				400.00
Elizabeth Stack	7/20	7/22	Greenland		400.00		(3)				400.00
Mele Williams	7/20	7/22	Greenland		808.00		(3)				808.00
Hon. Ralph Hall	8/10	8/11	Jordan		289.00		(3)				289.00
	8/11	8/12	Iraq		0			4,528.05			4,528.05
	8/12	8/13	Jordan		289.00		(3)				289.00
Kyle Oliver	8/10	8/11	Jordan		289.00		(3)				289.00
	8/11	8/12	Iraq		0			4,458.05			4,458.05
	8/12	8/13	Jordan		289.00		(3)				289.00
Hon. Phil Gingery	8/19	8/21	Iceland		1,128.00		(3)				1,128.00
	8/21	8/23	Ukraine		692.00		(3)				692.00
	8/23	8/26	Netherlands		1,251.00		(3)				1,251.00
Hon. Mario Diaz-Balart	8/27	8/29	Czech Rep.		740.00		(3)				740.00
	8/29	8/30	Hungary		284.00			7,917.93			9,117.93
	8/29	9/1	Poland		710.00		(3)				710.00
<b>Total</b>					18,106.25			61,242.03	4,753.00		84,101

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.  
<sup>3</sup> Military air transportation.  
<sup>4</sup> U.S. Commercial and military air transportation.  
<sup>5</sup> By State Department for entire CODEL in Greenland (16).  
<sup>6</sup> With CODEL Pastor.  
<sup>7</sup> Commercial (w/CODEL Sires).

BART GORDON, Oct. 5, 2007.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3804. A letter from the Staff Director, Commission on Civil Rights, transmitting a report of a violation of the Antideficiency Act by the Commission on Civil Rights, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

3805. 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-7727] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3806. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3807. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3808. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3809. A letter from the Chairman, Securities and Exchange Commission, transmitting the annual report of the Securities Investor Protection Corporation for the year 2006, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Financial Services.

3810. A letter from the Under Secretary Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule — Afterschool Snacks in the Child and Adult Care Food Program [FNS-2007-0004] (RIN: 0584-AD27) received August 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3811. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes," pursuant to Public Law 103-236, section 527(f); to the Committee on Foreign Affairs.

3812. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-149-FOR] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3813. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Framework Adjustment 1 [Docket No. 070827327-7327-01; I.D. 020907E] (RIN: 0648-AT62) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3814. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC43) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3815. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC48) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3816. A letter from the 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; Reallocation of Pollock in the Bering Sea and Aleutian Islands [Docket No. 070213033-7033-01] (RIN: 0648-XC54) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3817. A letter from the National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC52) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3818. 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; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC46) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3819. 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 Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Connecticut [Docket No. 061020273-7001-03] (RIN: 0648-XC21) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3820. 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 Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested in Management Area 1A [Docket No. 061228342-7068-02] (RIN: 0648-XC24) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3821. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a report on the project for navigation and dredged material disposal entitled the Eastward Expansion of the Craney Island Dredged Material Management Facility, Norfolk Harbor and Channels, Hampton Roads, Virginia; to the Committee on Transportation and Infrastructure.

3822. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on the administration of the Surface Transportation Project Delivery Pilot Program, pursuant to 23 U.S.C. 327(h); jointly to the Committees on Transportation and Infrastructure and the Judiciary.

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. RAHALL: Committee on Natural Resources. H.R. 2197. A bill to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes (Rept. 110-391). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2094. A bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes; with an amendment (Rept. 110-392). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1462. A bill to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir; with an amendment (Rept. 110-393). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1205. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; with an amendment (Rept. 110-394, Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 830. A bill to authorize the exchange of certain lands in Denali National Park in the State of Alaska; with amendments (Rept. 110-395). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 783. A bill to modify the boundary of Mesa Verde National Park, and for other purposes; with an amendment (Rept. 110-396). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 767. A bill to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful non-native species, and for other purposes; with an amendment (Rept. 110-397). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 523. A bill to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district; with an amendment (Rept. 110-398). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 53. A bill to authorize the Secretary of the Interior to enter into a long-

term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes; with an amendment (Rept. 110-399). Referred to the Committee of the Whole House on the State of the Union.

Ms. VELAZQUEZ: Committee on Small Business. H.R. 3867. A bill to update and expand the procurement programs of the Small Business Administration, and for other purposes (Rept. 110-400). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3775. A bill to support research and development of new industrial processes and technologies that optimize energy efficiency and environmental performance, utilize diverse sources of energy, and increase economic competitiveness; with an amendment (Rept. 110-401). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3776. A bill to provide for a research, development, and demonstration program by the Secretary of Energy to support the ability of the United States to remain globally competitive in energy storage systems for vehicles, stationary applications, and electricity transmission and distribution; with amendments (Rept. 110-402). Referred to the Committee of the Whole House on the State of the Union.

Mr. CARDOZA: Committee on Rules. House Resolution 763. Resolution providing for consideration of the bill (H.R. 1011) to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes (Rept. 110-403). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 764. Resolution providing for consideration of the bill (H.R. 505) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing body (Rept. 110-404). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 765. Resolution providing for consideration of the bill (H.R. 1483) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes (Rept. 110-405). Referred to the House Calendar.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3685. A bill to prohibit employment discrimination on the basis of sexual orientation (Rept. 110-406 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Science and Technology discharged from further consideration. H.R. 1205 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII, the Committees on House Administration, Oversight and Government Reform, and Judiciary discharged from further consideration. H.R. 3685 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

*[The following action occurred on October 19, 2007]*

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than November 2, 2007.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CARNEY:

H.R. 3911. A bill to designate the facility of the United States Postal Service located at 95 Church Street in Jessup, Pennsylvania, as the "Lance Corporal Dennis James Veater Post Office"; to the Committee on Oversight and Government Reform.

By Mr. LANTOS (for himself and Ms. ROS-LEHTINEN):

H.R. 3912. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN:

H.R. 3913. A bill to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met; to the Committee on Transportation and Infrastructure.

By Mr. DINGELL (for himself, Mr. MARKEY, Mr. DOYLE, Ms. ESHOO, Mr. BOUCHER, Ms. SOLIS, and Mr. GORDON):

H.R. 3914. A bill to amend the Communications Act of 1934 to prevent the granting of regulatory forbearance by default; to the Committee on Energy and Commerce.

By Mr. MILLER of North Carolina (for himself, Mr. WATT, Mr. FRANK of Massachusetts, Ms. WATERS, Mrs. MALONEY of New York, Mr. GUTIERREZ, Ms. CARSON, Mr. MEEKS of New York, Mr. CAPUANO, Mr. CLAY, Mr. AL GREEN of Texas, Mr. CLEAVER, Ms. BEAN, Ms. MOORE of Wisconsin, Mr. HODES, Mr. ELLISON, and Mr. MURPHY of Connecticut):

H.R. 3915. A bill to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes; to the Committee on Financial Services.

By Mr. HALL of Texas (for himself, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mr. BROUN of Georgia, Mr. BURGESS, Mr. CONAWAY, Mr. FEENEY, Mr. GINGREY, Mr. GORDON, Mr. INGLIS of South Carolina, Mr. SAM JOHNSON of Texas, Mr. McCAUL of Texas, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. SEN-SENRENNER, Mr. SESSIONS, Mr. SMITH of Nebraska, Mr. WU, Mrs. BIGGERT, and Mr. LAMPSON):

H.R. 3916. A bill to provide for the next generation of border and maritime security technologies; to the Committee on Homeland Security, 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. SPACE:

H.R. 3917. A bill to suspend the effectiveness of certain regulations relating to the

penny, and the authority to prescribe such regulations, and for other purposes; to the Committee on Financial Services.

By Mr. RUPPERSBERGER (for himself and Mr. CUMMINGS):

H.R. 3918. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mr. DINGELL, Mrs. WILSON of New Mexico, Ms. ESHOO, Mr. DOYLE, Mr. GORDON, Mrs. CAPPS, Mr. SPACE, Mr. HILL, Ms. SOLIS, Mr. GONZALEZ, Mr. GENE GREEN of Texas, and Mr. ALLEN):

H.R. 3919. A bill to provide for a comprehensive nationwide inventory of existing broadband service, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself, Mr. LEVIN, Mr. McDERMOTT, Mr. GEORGE MILLER of California, Mr. SMITH of Washington, Mr. STARK, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. McNULTY, Mr. BECERRA, Mr. POMEROY, Mrs. JONES of Ohio, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mrs. TAUSCHER, Mr. BAIRD, Mr. BISHOP of New York, Mr. MICHAUD, Ms. WASSERMAN SCHULTZ, Mr. COURTNEY, Mr. HARE, and Mr. SESTAK):

H.R. 3920. A bill to amend the Trade Act of 1974 to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers and firms, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, and Energy and Commerce, 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. BISHOP of New York (for himself, Mr. HALL of New York, Mr. KING of New York, Mr. WEINER, Mr. NADLER, Mr. EMANUEL, Mr. MARKEY, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, and Mr. FEENEY):

H.R. 3921. A bill to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001; to the Committee on the Judiciary.

By Mr. BUCHANAN (for himself and Mr. KELLER):

H.R. 3922. A bill to expand and improve Federal gang prevention programs; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL (for himself, Mr. BLUMENAUER, and Mr. DOGGETT):

H.R. 3923. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain foreign nonqualified deferred compensation; to the Committee on Ways and Means.

By Mr. FEENEY:

H.R. 3924. A bill to designate the information center at Canaveral National Seashore as the "T.C. Wilder, Jr., Canaveral National Seashore Information Center"; to the Committee on Natural Resources.

By Mr. ISRAEL:

H.R. 3925. A bill to direct the Administrator of the Federal Aviation Administration to issue an order regarding secondary cockpit barriers; to the Committee on Transportation and Infrastructure.

By Ms. MATSUI (for herself, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. NAPOLITANO, Mr. CRENSHAW, Mr. BLUMENAUER, Mr. BISHOP of New York, Mr. THOMPSON of California, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3926. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance existing programs providing mitigation assistance by encouraging States to adopt and actively enforce State building codes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. McCARTHY of New York:

H. Res. 762. A resolution supporting the goals of National Bullying Prevention Awareness Week; to the Committee on Education and Labor, considered and agreed to.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 138: Mr. ROYCE.  
 H.R. 275: Mr. LANTOS.  
 H.R. 281: Ms. HIRONO.  
 H.R. 303: Mr. TIM MURPHY of Pennsylvania, Ms. SCHAKOWSKY, and Mr. WALDEN of Oregon.  
 H.R. 371: Mrs. NAPOLITANO.  
 H.R. 524: Mr. SESTAK and Mr. BARROW.  
 H.R. 538: Mr. PASTOR.  
 H.R. 648: Mr. JACKSON of Illinois.  
 H.R. 690: Mr. WALDEN of Oregon and Ms. NORTON.  
 H.R. 741: Mr. BERMAN and Mrs. DAVIS of California.  
 H.R. 758: Mr. RUSH and Mr. HONDA.  
 H.R. 784: Mr. WALDEN of Oregon and Mr. COURTNEY.  
 H.R. 843: Mr. WALDEN of Oregon.  
 H.R. 997: Mr. BACHUS and Mr. MCCAUL of Texas.  
 H.R. 1022: Mr. HASTINGS of Florida.  
 H.R. 1091: Mr. WU and Mr. DELAHUNT.  
 H.R. 1118: Mr. BUCHANAN.  
 H.R. 1188: Mr. CALVERT.  
 H.R. 1205: Mr. KLEIN of Florida and Mr. FORTUÑO.  
 H.R. 1280: Mr. BARTLETT of Maryland.  
 H.R. 1293: Mr. CUMMINGS.  
 H.R. 1322: Ms. LINDA T. SÁNCHEZ of California and Mr. HALL of New York.  
 H.R. 1416: Mr. WATT.  
 H.R. 1436: Mr. WALDEN of Oregon.  
 H.R. 1456: Mr. SHERMAN.  
 H.R. 1473: Mr. BOYD of Florida, Mr. MELANCON, Mr. LINCOLN DAVIS of Tennessee, Mr. SHULER, Mr. KINGSTON, Mr. MATHESON, Mr. DOYLE, Mr. PALLONE, Mr. SCOTT of Georgia, Mr. ELLSWORTH, Mr. HILL, Mr. WALZ of Minnesota, Mr. GORDON, Ms. MATSUI, Mr. KIND, Mr. INSLEE, Mr. SPACE, Ms. BEAN, Mrs. TAUSCHER, Mr. WILSON of South Carolina, Mr. MARSHALL, Ms. SHEA-PORTER, Ms. WASSERMAN Schultz, and Ms. GIFFORDS.  
 H.R. 1497: Mr. EHLERS, Mr. GILCHREST, and Ms. NORTON.  
 H.R. 1524: Mr. PAYNE, Mr. HINCHEY, Mr. HOLT, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. GRIJALVA, and Mrs. MALONEY of New York.  
 H.R. 1532: Ms. SCHAKOWSKY.  
 H.R. 1540: Mr. LINCOLN DIAZ-BALART of Florida and Mr. SHAYS.  
 H.R. 1553: Mr. TURNER and Ms. DEGETTE.  
 H.R. 1589: Mr. WALDEN of Oregon.  
 H.R. 1619: Mr. BRALEY of Iowa, Mr. HIGGINS, and Mr. KUCINICH.  
 H.R. 1650: Mr. PETERSON of Minnesota.  
 H.R. 1671: Mr. HIGGINS.  
 H.R. 1746: Mr. INSLEE.  
 H.R. 1792: Mrs. MUSGRAVE.

H.R. 1843: Mr. CLAY and Mr. SNYDER.  
 H.R. 1869: Mr. MORAN of Kansas.  
 H.R. 1921: Mr. JOHNSON of Georgia.  
 H.R. 1927: Ms. LORETTA SANCHEZ of California and Mr. WALDEN of Oregon.  
 H.R. 1937: Mr. BROUN of Georgia.  
 H.R. 1959: Mr. PAUL and Mr. LOBIONDO.  
 H.R. 1964: Ms. CARSON.  
 H.R. 1992: Mr. ABERCROMBIE, Mr. COURTNEY, and Mr. CUMMINGS.  
 H.R. 2027: Mr. WALDEN of Oregon.  
 H.R. 2136: Mr. HIGGINS.  
 H.R. 2183: Mr. BACHUS.  
 H.R. 2210: Mr. BLUMENAUER and Mr. PASCARELL.  
 H.R. 2214: Mr. SERRANO.  
 H.R. 2215: Mr. KUCINICH.  
 H.R. 2216: Mr. TIERNEY.  
 H.R. 2244: Mr. SESTAK.  
 H.R. 2262: Mr. GORDON.  
 H.R. 2332: Mr. SENSENBRENNER, Mr. KUHL of New York, Mr. LAHOOD, Ms. PRYCE of Ohio, Mr. PORTER, Mr. WAMP, Mr. KELLER, Mr. BUCHANAN, Mr. HASTINGS of Washington, Mr. BILIRAKIS, and Mr. JORDAN.  
 H.R. 2406: Mr. CARNAHAN, Mr. WU, Mr. MATHESON, Ms. BORDALLO, Mr. COHEN, Mr. CHANDLER, Mr. WILSON of Ohio, Mr. COSTELLO, Ms. HOOLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RICHARDSON, Mr. HILL, Mr. MCNERNEY, and Mr. MITCHELL.  
 H.R. 2578: Mr. HASTINGS of Washington.  
 H.R. 2601: Mr. KIRK.  
 H.R. 2605: Mr. DAVIS of Illinois.  
 H.R. 2611: Mr. CAPUANO.  
 H.R. 2631: Mr. MCCAUL of Texas.  
 H.R. 2634: Mr. LOEBESACK, Mr. SNYDER, Mr. DEFazio, Mr. FARR, Mr. WALDEN of Oregon, and Ms. HOOLEY.  
 H.R. 2651: Mr. HONDA and Mr. TOWNS.  
 H.R. 2668: Mr. BRALEY of Iowa.  
 H.R. 2677: Mr. BRALEY of Iowa and Mr. ALLEN.  
 H.R. 2702: Mrs. LOWEY, Mr. HINCHEY, and Mr. ETHERIDGE.  
 H.R. 2762: Mr. SNYDER, Ms. LINDA T. SÁNCHEZ of California, Mr. COURTNEY, Mr. LARSEN of Washington, Mr. GERLACH, Mr. ENGEL, Mr. ISRAEL, Mr. LANTOS, Mr. HINCHEY, Mr. CARTER, Mr. BUTTERFIELD, Mr. HASTINGS of Florida, Mr. OBERSTAR, Ms. ROYBAL-ALLARD, Mr. HOLT, Mr. ROTHMAN, Mr. SALAZAR, Mr. RYAN of Ohio, Mr. BOYD of Florida, Mr. FARR, Ms. MATSUI, and Mrs. DRAKE.  
 H.R. 2772: Mr. SMITH of Texas.  
 H.R. 2840: Mr. HASTINGS of Florida.  
 H.R. 2852: Mr. LEVIN.  
 H.R. 2915: Ms. MATSUI.  
 H.R. 2928: Mr. FERGUSON and Mr. JACKSON of Illinois.  
 H.R. 2933: Mr. WAXMAN, Mr. BLUMENAUER, and Mrs. NAPOLITANO.  
 H.R. 2943: Ms. BORDALLO.  
 H.R. 3010: Mr. CLEAVER, Mr. TIERNEY, and Mr. GENE GREEN of Texas.  
 H.R. 3025: Mr. SERRANO.  
 H.R. 3028: Mr. TERRY.  
 H.R. 3036: Mr. CLAY, Mr. ALLEN, Mr. LEWIS of Georgia, Ms. BALDWIN, and Mr. ROTHMAN.  
 H.R. 3061: Mr. BLUMENAUER.  
 H.R. 3065: Mr. ALLEN.  
 H.R. 3085: Mr. HONDA.  
 H.R. 3099: Mr. HINCHEY.  
 H.R. 3119: Mr. OLVER.  
 H.R. 3132: Mr. SESTAK.  
 H.R. 3156: Mr. McCARTHY of California.  
 H.R. 3175: Mr. CAPUANO and Mr. MICHAUD.  
 H.R. 3191: Mr. BRADY of Pennsylvania, Mrs. TAUSCHER, and Ms. SCHAKOWSKY.  
 H.R. 3232: Mr. WU, Mr. TIERNEY, Mr. RAHALL, Mr. MILLER of Florida, Mr. PRICE of Georgia, Ms. FOX, Mr. CARNEY, Mr. WHITFIELD, Mr. HAYES, Mr. COBLE, Mr. MEEK of Florida, Ms. BALDWIN, Mr. CLAY, Mr. JONES of North Carolina, Mr. BLUMENAUER, and Mr. LARSEN of Washington.  
 H.R. 3251: Ms. DEGETTE.

H.R. 3256: Mr. COHEN and Ms. SCHAKOWSKY.  
 H.R. 3289: Mr. HASTINGS of Florida.  
 H.R. 3298: Mr. REYES, Mr. EMANUEL, Mr. VAN HOLLEN, and Ms. WASSERMAN SCHULTZ.  
 H.R. 3309: Mr. COHEN.  
 H.R. 3326: Ms. WATERS, Mr. FARR, Mr. MCNULTY, and Ms. MCCOLLUM of Minnesota.  
 H.R. 3327: Mr. BUCHANAN and Mr. MILLER of North Carolina.  
 H.R. 3339: Mr. KLEIN of Florida.  
 H.R. 3369: Mr. JACKSON of Illinois.  
 H.R. 3374: Mr. BLUMENAUER and Ms. SCHAKOWSKY.  
 H.R. 3397: Mr. CUMMINGS and Mr. SERRANO.  
 H.R. 3409: Mr. WEXLER, Ms. SHEA-PORTER, and Mr. YARMUTH.  
 H.R. 3412: Mr. BARRETT of South Carolina.  
 H.R. 3453: Mr. CAPUANO and Ms. CASTOR.  
 H.R. 3480: Mr. BARROW.  
 H.R. 3495: Ms. WOOLSEY, Mr. GENE GREEN of Texas, Mr. COSTELLO, and Mr. KUCINICH.  
 H.R. 3498: Mr. KANJORSKI.  
 H.R. 3512: Mr. HASTINGS of Florida.  
 H.R. 3533: Mr. HILL, Mr. MORAN of Kansas, Mr. OBERSTAR, Mr. ADERHOLT, Mr. BRALEY of Iowa, Mr. SCOTT of Virginia, Mr. PASCARELL, Mr. WU, Mr. JOHNSON of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PICKERING, Mr. SALAZAR, and Mr. MILLER of North Carolina.  
 H.R. 3544: Mr. SESTAK.  
 H.R. 3547: Mrs. MCMORRIS RODGERS.  
 H.R. 3548: Ms. GIFFORDS.  
 H.R. 3561: Ms. JACKSON-LEE of Texas.  
 H.R. 3577: Mr. MICHAUD and Mr. PAYNE.  
 H.R. 3585: Ms. HIRONO.  
 H.R. 3586: Mr. HARE.  
 H.R. 3630: Mr. COHEN.  
 H.R. 3637: Mr. HONDA.  
 H.R. 3681: Mr. SOUDER.  
 H.R. 3689: Mr. COHEN and Mr. PRICE of North Carolina.  
 H.R. 3691: Mr. THOMPSON of Mississippi, Mr. UDALL of Colorado, Mr. WU, Mr. WYNN, Mr. SHAYS, Mr. CLYBURN, Mr. BACA, Mr. DAVIS of Alabama, Mr. BISHOP of Georgia, Mr. FILNER, Mr. CLEAVER, Ms. ESHOO, Mr. CLAY, Mrs. DAVIS of California, Ms. JACKSON-LEE of Texas, Mr. SARBANES, Mr. GEORGE MILLER of California, Mr. RANGEL, and Mr. AL GREEN of Texas.  
 H.R. 3700: Ms. SCHAKOWSKY and Mr. WELCH of Vermont.  
 H.R. 3706: Mr. FARR, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, and Mr. DINGELL.  
 H.R. 3750: Ms. SCHAKOWSKY, Mr. CUMMINGS, Mr. GORDON, and Mr. HINCHEY.  
 H.R. 3757: Mr. PATRICK MURPHY of Pennsylvania.  
 H.R. 3779: Mr. ROGERS of Alabama and Mr. BOREN.  
 H.R. 3797: Ms. MATSUI and Mr. BUTTERFIELD.  
 H.R. 3807: Mr. WU, Mr. KIND, Mr. KLEIN of Florida, and Mr. HONDA.  
 H.R. 3808: Mr. MILLER of Florida, Ms. SHEA-PORTER, and Mr. PETERSON of Minnesota.  
 H.R. 3812: Mr. LEWIS of Georgia.  
 H.R. 3822: Mr. OBERSTAR.  
 H.R. 3824: Mr. CROWLEY and Mr. NADLER.  
 H.R. 3836: Mr. AL GREEN of Texas, Mr. HONDA, Mr. MATHESON, Mrs. NAPOLITANO, and Ms. SOLIS.  
 H.R. 3837: Mr. GUTIERREZ.  
 H.R. 3846: Mrs. CHRISTENSEN, Mr. ELLISON, Mr. WYNN, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. AL GREEN of Texas, Mr. MCGOVERN, Mr. TOWNS, and Ms. KILPATRICK.  
 H.R. 3860: Mr. GOODE.  
 H.R. 3873: Mr. HINOJOSA.  
 H.R. 3876: Mr. FILNER and Mr. STARK.  
 H.R. 3881: Mr. RAMSTAD.  
 H.R. 3882: Mr. BOOZMAN.  
 H.R. 3888: Mr. BONNER and Mr. MANZULLO.  
 H.R. 3908: Mr. BROUN of Georgia, Mr. BURTON of Texas, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. SMITH of Texas, and Mr. FRANKS of Arizona.

H. Con. Res. 122: Mr. MILLER of North Carolina and Mr. COHEN.

H. Con. Res. 125: Mr. MCINTYRE.

H. Con. Res. 154: Mr. GOHMERT and Mr. SHIMKUS.

H. Con. Res. 230: Ms. SCHAKOWSKY, Mr. HOEKSTRA, Mr. DAVIS of Illinois, Mr. SKELTON, Mr. BOOZMAN, Mr. LINCOLN DAVIS of Tennessee, Mr. KNOLLENBERG, Mr. DOYLE, Mr. MORAN of Kansas, Mr. GOODLATTE, Mr. SCOTT of Georgia, Mr. MEEK of Florida, Mrs. MALONEY of New York, Mr. FRANKS of Arizona, Mr. HASTERT, Mr. MICA, Mrs. BONO, Mr. CARTER, Mr. ISRAEL, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PITTS, Mr. SMITH of Washington, Mr. ROTHMAN, Ms. SHEA-PORTER, Mr. TIAHRT, Mr. BRALEY of Iowa, Mr. BARTON of Texas, Mrs. CUBIN, Mr. CUMMINGS, Mr. RAMSTAD, Mr. LAHOOD, Mr. HOLT, Mr. ROSS, Mr. OLVER, Mr. COBLE, and Mr. ROGERS of Michigan.

H. Con. Res. 234: Mr. WILSON of South Carolina, Mr. BERMAN, Mr. SESSIONS, Mr. POMEROY, Mr. WELLER, Mr. FRANKS of Arizona, Mr. TOWNS, Mr. PAYNE, Mr. BOOZMAN, Mr. GALLEGLY, Mr. PENCE, Mr. LEVIN, Mr. MARIO DIAZ-BALART of Florida, and Mr. MANZULLO.

H. Con. Res. 236: Mr. SESSIONS, Mr. ROSKAM, Mr. WELLER, Mr. MILLER of Florida, Mrs. CAPPS, Mr. CONAWAY, Mr. GARY G. MILLER of California, Mr. RAMSTAD, Mr. LANTOS, Mrs. BIGGERT, Mr. MANZULLO, Mr. REICHERT, Mr. JOHNSON of Illinois, Mr. PENCE, Mr. ROYCE, Mr. BILIRAKIS, Mr. BOOZMAN, Ms. ROYBAL-ALLARD, and Mr. FORTUÑO.

H. Res. 163: Mr. MORAN of Virginia and Ms. NORTON.

H. Res. 237: Mr. LAMBORN and Mr. ALTMIRE.

H. Res. 241: Mr. ENGEL.

H. Res. 245: Mr. MATHESON.

H. Res. 282: Mr. ALEXANDER.

H. Res. 338: Mrs. TAUSCHER.

H. Res. 365: Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Mr. CARDOZA, Ms. SOLIS, Mr. THOMPSON of California, Ms. HARMAN, Mr. LANTOS, Mrs. NAPOLITANO, and Mr. STARK.

H. Res. 415: Mr. COHEN.

H. Res. 573: Mr. HASTINGS of Florida.

H. Res. 617: Mr. FOSSELLA.

H. Res. 618: Mr. CAPUANO, Mr. WU, and Mr. SCOTT of Georgia.

H. Res. 620: Mr. KNOLLENBERG, Mr. FATTAH, Mrs. LOWEY, and Ms. LEE.

H. Res. 652: Mr. SCHIFF.

H. Res. 684: Mr. MELANCON, Mr. HARE, Mr. COOPER, Ms. SUTTON, Mr. SPACE, Ms. CASTOR, Mr. EMANUEL, Mr. ACKERMAN, Mr. COHEN, and Mr. GRIJALVA.

H. Res. 700: Mr. POE, Mr. TERRY, and Ms. CASTOR.

H. Res. 707: Mrs. CHRISTENSEN.

H. Res. 709: Mr. SESSIONS, Mr. GENE GREEN of Texas, Mr. CONAWAY, Mr. REYES, Mr. RODRIGUEZ, Mr. CARTER, Mr. BRADY of Texas, and Mr. HENSARLING.

H. Res. 713: Mr. GERLACH.

H. Res. 715: Ms. BORDALLO, Mr. KIRK, Mr. LATHAM, and Mr. BARTLETT of Maryland.

H. Res. 726: Mr. RANGEL, Mr. BERMAN, Mr. JACKSON of Illinois, Mr. TIERNEY, Mrs. LOWEY, Ms. WATERS, Ms. ZOE LOFGREN of California, Mr. SIREN, and Ms. WASSERMAN SCHULTZ.

H. Res. 728: Mr. SHAYS, Mr. MCHENRY, Mr. WESTMORELAND, Mr. WALZ of Minnesota, Mr. PLATTS, Mr. ISSA, Ms. MCCOLLUM of Minnesota, Ms. FOX, Mr. SALI, Mr. ELLSWORTH, Mr. CANNON, Mr. SOUDER, Mr. MICA, Mr. BURTON of Indiana, Mr. WALBERG, Mr. DAVID DAVIS of Tennessee, Mr. ROSKAM, Mr. MCCARTHY of California, Mr. STUPAK, Mrs. MCMORRIS RODGERS, Mr. SHULER, Mr. PITTS, Mr. GALLEGLY, Mr. FORTENBERRY, Mr. BARRETT of South Carolina, Mr. CONAWAY, Mr. CARTER, Ms. GINNY BROWN-WAITE of Florida, Mr. CAMPBELL of California, Mr. MARIO DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Ms. FALLIN, Mr. KING of Iowa, Mr. BROUN of Georgia, and Mr. REHBERG.

H. Res. 730: Mr. TANCREDO and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 740: Mr. ROTHMAN, Ms. SCHAKOWSKY, Mr. BURTON of Indiana, Mr. DANIEL E. LUNGREN of California, Mr. CUMMINGS, Mr. GRIJALVA, Ms. GIFFORDS, and Mr. WILSON of South Carolina.

H. Res. 744: Mr. HINCHEY, Mr. UDALL of New Mexico, Ms. BORDALLO, and Mr. WU.

H. Res. 747: Mr. MATHESON.

H. Res. 751: Mrs. BOYDA of Kansas and Mr. SMITH of Nebraska.

H. Res. 759: Mr. FRANK of Massachusetts, Mr. SARBANES, Mr. HOLT, Mr. BURTON of Indi-

ana, Mr. KIRK, Ms. HARMAN, Mr. DAVIS of Illinois, Mr. LINDER, Ms. MATSUI, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Ms. GIFFORDS, Mr. LANTOS, Mr. PALLONE, Mr. HIGGINS, Mr. PAYNE, Mr. PORTER, Ms. NORTON, Ms. BERKLEY, Ms. WASSERMAN SCHULTZ, Ms. LINDA T. SAÑCHEZ of California, Mr. EMANUEL, Mr. McNULTY, Mr. WEINER, Mr. ISRAEL, Mr. MARKEY, Mr. HOYER, Mr. YARMUTH, Ms. SCHAKOWSKY, Mr. CLAY, Mr. SHERMAN, Mr. SAXTON, Mr. VAN HOLLEN, Mr. COHEN, Mr. KLEIN of Florida, Mr. CUMMINGS, Mr. GERLACH, and Mr. HODES.

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#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Goodlatte or a designee to H.R. 1011—Virginia Ridge and Valley Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

The amendment to be offered by Representative Velázquez or a designee to H.R. 3867, the Small Business Contracting Program Improvements Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

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#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3898: Mr. KUHL of New York.

H. Con. Res. 228: Mr. McCAUL of Texas.