United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, APRIL 30, 2008 No. 70

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 30, 2008.

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Nathan Meador, Zion Lutheran Church, Staunton, Illinois, offered the following prayer:

Almighty Father, Wisdom Incarnate and Eternal Spirit of Truth and Life, You bid Your people seek Your will, Your wisdom and Your gifts. At this time in history, our Nation is faced with many challenges and presented with many great opportunities for serving You and our neighbors. Grant the Members of this House Your strength, wisdom and guidance as they seek to serve You in leading this great Nation in the way of Truth and Life. Bestow Your blessing upon all the people of this great Nation whom this august assembly serves. Strengthen us as we face those challenges and encourage us as we seize the divinely given opportunities to make this world a better place. At Your direction and in Your peace, may we dwell in safety and live for You and the service of our neighbors. We pray in the risen name of our Lord Jesus Christ. 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 Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 4040. An act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4040) ''An Act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. PRYOR, Mrs. BOXER, Ms. KLOBUCHAR, Mr. STEVENS, Mrs. HUTCHISON, and Mr. SUNUNU, to be the conferees on the part of the Senate.

WELCOMING REV. NATHAN MEADOR

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

There was no objection.

Mr. SHIMKUS. Thank you, Mr. Speaker.

I want to welcome Rev. Nathan Meador to the Chamber today. Pastor Meador is the pastor of Zion Lutheran Church in Staunton, Illinois. He has served in this capacity since August of 2003. He currently serves as a vicarage supervisor and resident field education adviser to several students from Concordia Seminary, St. Louis. Elected in 2006, he is also a member of the Southern Illinois District of the Lutheran Church Missouri Synod's Board for Congregational Support.

In Staunton, Rev. Meador is proud to serve as the chaplain for the Staunton Volunteer Fire Department, treasurer of the Staunton Area Clergy Association and chairman of the Board of Trustees for the Staunton Education Foundation.

Born January 29, 1970, in Highland, Illinois, Rev. Meador spent his entire childhood as a resident of Edwardsville, Illinois. He is a 1988 graduate of Metro-East Lutheran High School in Edwardsville, Illinois, and my former student. He continued his education at Concordia University Wisconsin, earning a bachelor of arts with a double major in pre-seminary studies and theological languages. A master of divinity degree was earned from Concordia Seminary, St. Louis, Missouri, in 1996.

His first call was to serve a dual parish in Sheldon and Gilman, Wisconsin. There he served Trinity and Zion as pastor for 2 years. In 1998 he accepted the call to serve as pastor of Zion Lutheran Church in rural Wausau, Wisconsin. He served in this capacity until August 2003 when he accepted the call to serve in Staunton, Illinois.

Rev. Meador is married to Jill Jaeger and has been married for 15 years. They have three children: Joseph, 11; Beth, 8; and Andrew, 4.

Printed on recycled paper.

When not being a parish pastor, Rev. Meador enjoys officiating high school and youth athletics and playing golf.

Welcome, Nathan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet in joint meeting to hear an address by His Excellency Bertie Ahern, Prime Minister of Ireland, only the doors immediately opposite the Speaker and those immediately to her left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, April 24, 2008, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1053

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY BERTIE AHERN, THE PRIME MINISTER OF IRELAND

The Speaker of the House presided.

The Majority Floor Services Chief, Barry Sullivan, announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Bertie Ahern, the Taoiseach, Prime Minister of Ireland, into the Chamber:

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Illinois (Mr. EMANUEL);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from Wisconsin (Mr. OBEY);

The gentleman from Massachusetts (Mr. MARKEY);

The gentleman from Massachusetts (Mr. NEAL);

The gentlewoman from New York (Mrs. MALONEY);

The gentleman from Rhode Island (Mr. KENNEDY);

The gentleman from New York (Mr. CROWLEY);

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Missouri (Mr. BLUNT);

The gentleman from Florida (Mr. PUTNAM);

The gentleman from Michigan (Mr. MCCOTTER);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from Louisiana (Mr. MCCRERY);

The gentleman from New York (Mr. WALSH);

The gentleman from New York (Mr. KING);

The gentleman from New York (Mr. MCHUGH); and

The gentleman from New Jersey (Mr. FERGUSON).

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Bertie Ahern, the Prime Minister of Ireland, into the House Chamber:

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from Massachusetts (Mr. KENNEDY);

The Senator from Vermont (Mr. LEAHY);

The Senator from Connecticut (Mr. DODD);

The Senator from Massachusetts (Mr. KERRY);

The Senator from Pennsylvania (Mr. CASEY);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Texas (Mr. CORNYN);

The Senator from Mississippi (Mr. COCHRAN); and

The Senator from Maine (Ms. COLLINS).

The Majority Floor Services Chief announced the Acting Dean of the Diplomatic Corps, His Excellency Jerome Mendouga, Ambassador of Cameroon.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Majority Floor Services Chief announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 8 minutes a.m., the Majority Floor Services Chief announced His Excellency Bertie Ahern, the Prime Minister of Ireland.

The Prime Minister of Ireland, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor of presenting to you His Excellency Bertie Ahern, the Taoiseach, Prime Minister of Ireland.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY BERTIE AHERN, THE PRIME MINISTER OF IRELAND

Prime Minister AHERN. Madam Speaker, Senator BYRD, Members of Congress, Senator KENNEDY, Chairman and Past Chairman of the Friends of Ireland, Mr. NEAL and Mr. WALSH, my distinguished predecessor as Taoiseach, Ambassador Bruton, distinguished guests:

Thank you for your kind introduction. Your invitation to address this joint meeting this morning honors my country and honors me also. It reaffirms the enduring bonds of friendship and esteem between our two peoples and between our two republics. Those bonds have been built and nurtured and refreshed over the centuries. America and Ireland have something that goes beyond a friendship between countries. To be an Irishman among Americans is to be at home.

So, Madam Speaker, I stand here before you as a proud son of Ireland. And I stand with you as a steadfast friend of the United States of America.

I know, Madam Speaker, like so many others assembled here, you share many links with Ireland and with County Wicklow in particular. A famous son of Wicklow, the son also of an American mother, Charles Stewart Parnell, stood in this place 128 years ago, the first Irish leader to do so. Parnell turned to the United States, as have many Irish leaders since, as we strove to emulate the achievements of America and to vindicate the principles that inspired your Founding Fathers: the principles of liberty, of equality and of justice.

In the early part of the last century, Eamon De Valera came here seeking help as Ireland struggled for her independence. In more recent times, many Irish leaders have come here in the quest for peace in Northern Ireland. Whenever we have asked for help, America has always been there for us—a friend in good times and in bad. From the very outset, Ireland gave to America Presidents, patriots and productive citizens of a new nation. Beginning with the Irish-Scots in the 17th and 18th centuries, they came from all corners of our island and from all creeds. The Irish helped to build America. The very bricks and stones in this unique building were quarried and carried by the hands of Irish immigrant laborers.

A sculptor of Scots-Irish descent, Thomas Crawford, created the figure of Freedom, the statue later raised to the top of this famous dome here on Capitol Hill. It reminds us all of the shared values of democracy and freedom which inspired both our journeys towards independence—the values that shine as a beacon of light and that stand strong as a city upon the hill among all the nations of the earth. That statue also tells our Irish immigrant story—a story which is an indelible part of America's own story of immigration, of struggle and of success.

The great waves of Irish immigration in the 19th century carried millions to your shores in flight from famine and despair. They carried little with them as they arrived on these shores, except a determination to work hard and to succeed. In the words of the poet Eavan Boland, that eloquent voice of America and Ireland, they had:

Their hardships parceled in them.
Patience. Fortitude.
Long suffering in the bruise-colored dusk of the New World.
And all the old songs.
And nothing to lose.

To them, and the legions of others who came before and after, America was more than a destination. It was a destiny. We see the same spirit in the New Irish at home today—the many people from beyond our shores who are now making new lives in Ireland. They too had the courage to come to a foreign place, to find their way and to provide for themselves, for their children and, in many cases, for their families far away.

The New Ireland—once a place so many left—is now a place to which so many come. These newcomers to our society have enriched the texture of our land and of our lives. We are working, as are you, to welcome those who contribute to our society as they lift up their own lives, while we also address the inevitable implications for our society, our culture, our community and our way of life.

So we are profoundly aware of those challenges as we ask you to consider the case of our undocumented Irish immigrant community in the United States today. We hope you will be able to find a solution to their plight that would enable them to regularize their status and open to them a path to permanent residency.

There is, of course, a wider issue for Congress to address. And it is your definitive right to address it in line with the interests of the American people. I welcome the wise words of your President when he addressed you on the State of the Union earlier this year and said he hoped to find a sensible and humane way to deal with people here illegally, to resolve a complicated issue in a way that upholds both America's laws and her highest ideals. On this great issue of immigration to both our shores, let us resolve to make the fair and rational choices, the practical and decent decisions, so that in the future people will look back and say: They chose well. They did what was right for their country.

Madam Speaker, for millions across the globe, the great symbol of the freedom and the welcome of America is the Statue of Liberty and the New York City skyline. The promise inscribed there says so much about this country:

Give me your tired, your poor, your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me,
I lift my lamp beside the golden door.

Annie Moore was one of those who heard that promise. She was a young Irish girl, aged only 15, from County Cork. She was the first immigrant to pass through the Ellis Island immigration station when it was officially opened in 1892. She came here with her brothers to make a new life in America. Her story is one among millions. The Irish are to be found in the police departments and the firehouses, in the hospitals, the schools and the universities, in the board rooms and on the construction sites, in the churches and on the sports fields of America. Their contribution is seen in much of the great literature, film, art and music that America has given to the world. Each of them is a green strand woven into the American Dream. In all of America, there is Irish America.

My friends, on September 11, 2001, some of the most terrible, evil events in world history occurred. Close to Ellis Island, near this very building, and in the skies and fields of Pennsylvania. It is a day that is etched into the memory of all humanity. On that day, Father Mychal Judge, the chaplain of the New York Fire Department and the son of Irish immigrants from County Leitrim, rushed to the World Trade Center to help those who were in danger and to minister to the injured and the dying. Along with so many other good, innocent people, Father Mike died inside the Twin Towers that day. He was officially designated Victim No. 1. Of course he was no more important than any other victim. He was just a simple man of faith and of courage trying to help others.

In recognition of the bravery of all who died on that terrible day, I am deeply honored to be joined here today by some of Father Mike's comrades from the New York Fire Department and the New York Police Department. I want to thank Officer Steven McDonald of the New York Police Department and Chief Robert Sweeney of the New York Fire Department for being with us. I honor them and all of their fallen comrades—those who fell on that day and all who have fallen during their duty to serve the people.

There was a national day of mourning in Ireland after 9/11. Every city, town and village fell silent in remembrance of the dead. The names on the casualty list of the terrorist attack included Boyle, Crotty, Collins, Murphy, McSweeney, and O'Neill—our names, the names of our families and our friends, the names of our nation. There are many other names, too, from many other nations. Those attacks were an attack on the free nations of the world and on humanity itself. No words of mine then or now can adequately address such an immense tragedy. But I could not come to this place today without pausing to reflect and to remember and honor those who died on that day. Our hearts and prayers remain with their families. Ar Dheis De go raibh a n-anam dilis go leir.

Madam Speaker, the relationship between Ireland and the United States continues to grow from strength to strength. It proceeds from all that has gone before, but it also thrives on the changes and new challenges which we must face together. In Ireland, we firmly believe our experience of hardship and of forced emigration is at an end. For that achievement, too, we owe so much to America. Our two countries are reaping the rewards together. We are investing in each other's economies, bringing together our entrepreneurial energy and creating employment across Ireland and across the 50 States of America. That is the true measure of our economic achievements together. It points to a friendship every bit as strong in the future as it is today. Our relationship is also part of a broader relationship between Europe and America. The Atlantic Ocean will always bring Europe and America together. I do not see the Atlantic as something that keeps America and Europe apart. Ireland, as Europe's most westerly state with so many ties to the United States, is a bridge between Europe and America.

I ask you to consider what has been achieved in Europe in the past 50 years. We have put aside hostilities that led to countless wars over the centuries and to two world wars in the last century alone. We have created a European Union of 27 democratic states, committed to democracy, peace and freedom. We are committed to an open market and to a single currency that benefits hundreds of millions of European citizens. We all recall two great Irish Americans—President Kennedy in 1963 and President Reagan in 1987—standing at the Berlin Wall during the Cold War and calling out for freedom in Germany and in Europe. That call was heard, as freedom's call always will be. Berlin is now at the heart of a united, democratic Germany.

On the 1st of May, 2004, in my native city in Dublin, 10 new members formally joined the European Union. Many of them were emerging from behind the Iron Curtain after decades of oppression. I remember the intensity of the emotions. For many of these countries, this was a moment that was unthinkable only a few years before. Along with Berlin, the great cities of Prague, Budapest and Warsaw have joined Dublin, London, Paris, Rome, Madrid and Vienna as capital cities within a free and democratic European

Union. The Union now stretches from the beautiful west coast of Ireland, where the locals say that the next parish is America, to countries with a land frontier with Russia and Ukraine. I passionately believe in Europe and I passionately believe in the European Union as a force for good in the world. It is profoundly encouraging that we are seeing the members of the European Union continuing to rise together as a force for development, for stability, for peace in the world. Soon, the Irish people will vote on a new reform treaty that aims to make the European Union work even more effectively, both internally and in the wider world. I trust in their wisdom to support and to believe in Europe, as they always have.

My friends, between America and Europe, there is contrast, but not contradiction. Energized by a common framework of values and imbued by democratic principles, together we can and we shall be a beacon for economic progress, individual liberty, and the dignity of all mankind. Acting in partnership, there are few limits to the good we can do. We are all citizens of the world. We must, therefore, develop a true spirit of global citizenship. This cannot and should not be an alternative to national pride and patriotism, but rather a complement to it. We should care for our planet as much as we care for our country. We should champion peace, justice and human rights across the globe as well as at home. It is an affront to our civilization that there are children, anywhere in the world, who will die of hunger or of a curable disease.

In this year of the 60th anniversary of the Universal Declaration of Human Rights, it angers us that some corners of the world remain hidden from the light of the universal principles expressed so eloquently in that document. Although a small country, Ireland has always sought to play a full part on the international stage. We have consistently advocated acting in accordance with the principles of democracy, the rule of law, human rights and human dignity. Ireland believes in multilateral institutions. We believe in the United Nations. We believe in the European Union. And we believe in multilateral action. For over half a century, Irish men and women have served the cause of peace under the United Nations flag. They have served in the Congo and in Lebanon, on the borders between Israel and Syria, and between Iraq and Iran, in Cyprus, in Eritrea, in Liberia, in East Timor, in Bosnia, in Kosovo and, of course, in Afghanistan today. Tragically, some have paid the ultimate price and they have given their lives in that noble service.

Madam Speaker, never has the expression ''the global village'' been more appropriate. The great challenges that we face in the 21st century are truly global. Falling financial markets, rising food and energy prices and climate change are global phenomena. Eradicating poverty, starvation and disease, countering international terrorism and containing nuclear proliferation are not national but international issues. They cannot be overcome except by countries working together. In many ways, the modern world is a much better place, but it remains a dangerous place. The values we share are our strength and our protection.

Forty years ago, the threat of nuclear war hung over the world. Not least through the wisdom of America's leaders at crucial moments, we no longer live every day under that shadow. Ireland was at the forefront of efforts at the time to agree to the nuclear nonproliferation treaty. Today, there are new possibilities for mass devastation. The need for concerted international action to prevent the proliferation of nuclear weapons technology is no less urgent now than it has been in the past.

Madam Speaker, in Ireland today, we are looking out from our own shores more than ever before—no longer with thoughts of exile but to be part of the world. Connected to it, contributing to it, learning from it. The long and proud tradition of Irish missionaries, of teachers, of nurses and of doctors working around the globe to combat poverty, hunger and disease continues today. For us, famine and oppression are not tragedies that could only happen elsewhere. They happened to us at a sad time in our history. They happened to those who fled here and helped build America and to the many who did not survive that fateful journey across the ocean. For that more than any other reason, we recognize our obligation to share what we have with the poor of the world. That is why Ireland is committed to reach the United Nations aid target by 2012. Today, we are the sixth largest per capita donor of development assistance in the world. The strength of our efforts to tackle poverty, to cure disease and to feed the hungry in the developing world is a measure of our common humanity.

At this moment in our history, that common humanity is being tested in parts of the continent of Africa—in countries like Sudan and Chad, where lives have been lost on a terrible scale, where countless families have been driven from their homes, where conflict threatens a whole region with chaos and destruction.

Today, Irish soldiers are in Chad as part of a United Nations-mandated force, led by an Irish officer, protecting hundreds of thousands of refugees fleeing from conflict in that country and in neighboring Darfur.

America has shown the way in its commitment to healing the conflict in Sudan and to Africa as a whole. You have shown the way also in your enormous investment in the fight against HIV, AIDS and malaria. And you have given huge support and leadership to the peace process in the Middle East. That terrible conflict has been a central challenge to the world, and a cause of pain and suffering to the Israeli and the Palestinian people for far too long. We must succeed in our collective international efforts to secure a peaceful future for the people of Israel and of Palestine.

Madam Speaker, this year, in Ireland, we are celebrating the 10th anniversary of the Good Friday Agreement. It was a defining moment in Ireland's history. In the years since then, some doubted that the agreement would endure. I never did. I knew it would last because it is built on the highest ideals of democracy—the ideals of liberty, of equality, of justice, of friendship and of respect for our fellow men and women. Above all, the settlement of 1998 will flourish because of one simple and unalterable fact. It represents the will, democratically expressed, north and south, of all of the people of Ireland to live together in peace and harmony. That is far more powerful than any words of hatred or any weapon of terror.

In 1981, in much darker days for my country, the Friends of Ireland in the United States Congress were founded. Their simple purpose was to seek a peaceful settlement in Northern Ireland. The statement, placed in the CONGRESSIONAL RECORD during a session chaired by Speaker Tip O'Neill, read: ''We look forward to a future St. Patrick's Day, one that we can foresee, when true peace can finally come and Irish men and women everywhere, from Dublin to Derry, from Boston and New York to Chicago and San Francisco shall hail that peace and welcome the dawn of a new Ireland.''

On St. Patrick's Day 2008, a few short weeks ago, I came here to Washington. I came with a simple and an extraordinary message. That great day of hope has dawned. Our prayer has been answered. Our faith has been rewarded. After so many decades of conflict, I am so proud, Madam Speaker, to be the first Irish leader to inform the United States Congress: Ireland is at peace.

Madam Speaker, our dream, and the dream of all the friends of Ireland in America and across the world, has come true. To you, to your predecessors and to all of the American leaders from both sides of the aisle who have traveled with us, we offer our heartfelt gratitude. We also recognize the steadfast support of President Bush, of President Clinton, their administrations, their envoys and of their predecessors. And, of course, for us, the great Senator George Mitchell.

Beyond Washington, there are so many others, whether amongst the dedicated leaders of Irish America, or in the smallest towns and communities across this great Nation, who have supported us, and who never gave up hope that a solution would be found and that peace would come. We have all shared that journey together. When we needed true champions of peace, when we needed true friends, when we needed inspiration, we found them here. We found them among you. Many of us

found inspiration in the words of Dr. Martin Luther King, whose live we recall this year on the 40th anniversary of his death. We believed, to borrow Dr. King's immortal phrase, that we would be able to transform the jangling discords into a beautiful symphony of brotherhood. His dream, born of America but heard by the whole world, inspired us through its unanswerable commitment to justice and to nonviolence. We discovered that peace can be found without suspending your moral judgment, without sacrificing your identity and without surrendering your most deeply held political aspirations.

Today, as I stand before you in this great democratic assembly, I struggle to convey the enormous good that was done by so many people in my country, with your help. Do not underestimate the good that you have done. Do not forget the legacy that you have forged. And if ever you doubt America's place in the world, or hesitate about your power to influence events for the better, look to Ireland. Look to the good you have done. Look at the richness of so many individual futures that now stretch out before us for generations, no longer subject to conflict and violence. Look to the hope and confidence that we now feel on our island. The healing of history. Look and be glad.

Madam Speaker, there is, of course, no ending to history. We will always have new problems, new challenges and new opportunities. We are seeing an ever-increasing range of new technological and scientific developments, which are created and diffused at ever-greater speeds. Our societies are increasingly diverse. Side by side with great wealth and prosperity, we still see social exclusion and poverty. We endeavor to help families and communities ravaged by a minority who engage in crime or deal in drugs. We strive to deliver quality, affordable health care to all our people. We want the best education for our children. We seek to provide social protection and security for our older people, to recognize what they have given to help create our successful societies.

These are the challenges for modern Ireland, just as they are throughout America and across the developed world. These are the very essence of politics. That is why, with all our faults as human beings, we seek the honor of representing the people. We believe that diversity does not have to mean fragmentation or discord. We believe that wealth and prosperity does not have to be accompanied by poverty and inequality. We believe that evil or injustice need not—and will not—triumph. We believe—we insist—that all that is good and just is also possible. We believe in our republics and our forms of government, in which the sovereign power resides in the whole body of the people, and is exercised by representatives elected by the people.

An American President once said: ''The supreme purpose of history is a better world.'' Making a better world is also the supreme purpose of representative politics in our two democratic republics.

Madam Speaker, I will shortly step down from the office of Taoiseach after almost 11 years. I am honored to have been elected by the Irish people to serve them in that great office. Tomorrow, as I journey home to Ireland for the last time as Taoiseach, I will travel to the great city of Boston, Massachusetts. There, I will join my great friend, Senator Edward Kennedy, and pay tribute to President Kennedy and to Robert Kennedy—great Irishmen, great Americans and great leaders. In doing so, I will pay fitting tribute to all the Irish in America.

On the 6th of May, Madam Speaker, I will go to that famous field on the banks of the River Boyne in Ireland where, over three centuries ago, fierce and awful battle was waged between the Protestant King William and the Catholic King James. It was not just an Irish battle. It was part of a wider European struggle of power, of politics and of religion. For centuries after, the two sides on that field remained apart and remained divided. Today, both sides, proud of their history and confident of their identity, can come together in peace and part in harmony. They can offer each other the open hand of friendship. They will reaffirm again what Ireland has achieved and what we know in our hearts to be true. Centuries of war, of strife and of struggle are over, and over for good. The field of slaughter is now a meeting place of mutual understanding. Our children will live in peace. And their children will enjoy the fruits of their inheritance. This is the triumph of people and of politics. This is the achievement of democracy. The great achievement of Ireland and the great blessing of peace.

On that same day, I will go to the President of Ireland, Mary McAleese—a woman who rose from the conflict-torn streets of Belfast to be elected our head of state and our first citizen. I will offer her my resignation as Taoiseach. I will humbly hand over the seal of office which I have so proudly held. Finally, on the morning after, in the hours before my worthy successor steps forward to stand in my stead, I will stand silently at the simple graves of the patriot dead who proclaimed Ireland's republic and who fought for Ireland's freedom at Easter 1916. There I will discharge my last duty as Taoiseach and pay the homage that Ireland owes to those men and those women. And I will recall the words of the 1916 Proclamation, so resonant of the United States Declaration of Independence and so relevant to humanity around the world:

The Republic guarantees religious and civil liberty, equal rights and equal opportunities to all its citizens, and declares its resolve to pursue the happiness and prosperity of the whole nation and of all its parts, cherishing all the children of the nation equally.

These are the values on which Ireland stands. These are the values by which I strive to live. The vindication of these universal values is the highest tribute we can pay to those who have gone before and the greatest legacy that we can bequeath for those who are yet to come. There are no finer words with which to finish and upon which to say:

In history, in politics and in life, there are no ends, only new beginnings.

So let us begin.

Go raibh mile maith agaibh.

Thank you for the opportunity.

[Applause, the Members rising.]

At 11 o'clock and 40 minutes a.m., His Excellency Bertie Ahern, the Prime Minister of Ireland, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Majority Floor Services Chief escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 41 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess subject to the call of the Chair.

□ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PASTOR) at 12 o'clock and 15 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. CARNAHAN. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 one-minutes on each side.

NO MORE SUBSIDIES FOR OIL COMPANIES

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

Mr. COHEN. Mr. Speaker, the price of gasoline has reached another record high, nearly $4 a gallon. And yet when the Democrats, along with Speaker PELOSI and the Democratic majority, have asked the President to stop filling the Strategic Petroleum Reserve, which is 97 percent full and which experts say could lower the price of gasoline by 5 to 24 cents a gallon, the President says he doesn't believe the cost benefit analysis of immediate action for consumers persuaded him.

Well, Mr. Speaker, I would suggest that the President consider how Americans are suffering with the price of gasoline at the pump, how that's limiting their other choices in expenditures, and how it will reduce their opportunity for summer vacations.

Yesterday, Mr. Speaker, I signed on to a bill for a windfall profits tax on oil companies. Oil companies presently have subsidies given to them in the past, which this Congress tried to repeal but we didn't have bipartisan support to repeal those subsidies. So these companies making more money than ever have subsidies rather than windfall profit taxes.

Mr. Speaker, we need to look out for the motoring public.

THE AMAZING BORDER SHERIFFS

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

Mr. POE. Mr. Speaker, the United States is intending to send $1.4 billion in taxpayer money to Mexico to fight the cartel drug criminals on the border. This may sound good on the surface, but there are problems with sending money south of the border. It's an unfortunate reality that border corruption exists between Mexican law enforcement and the drug cartels. America has no assurance that some of that money or equipment won't end up in the very hands of the people we're trying to stop.

This $1.4 billion would be better spent if it stayed in America. It should go to the Border Sheriffs Coalition. These are hard-nosed lawmen from Brownsville, Texas, to San Diego, California, that operate on a shoestring budget, and they know better how to stop the drug smugglers and coyotes from entering their counties. I have met with them numerous times along our southern border. These border lawmen are amazing crime fighters and protectors of America.

The 18 Texas border sheriffs unanimously believe that, ''the culture of corruption and smuggling both in narcotics and humans and the threat of terrorism on the border will increase'' if this money is sent to Mexico.

Mr. Speaker, let's help out our first responders and give them the tools to fight crime on the border and keep the money in America.

And that's just the way it is.

IT IS UP TO THE DEMOCRATS TO TAKE US OUT OF THE ECONOMIC MESS PRESIDENT BUSH CREATED

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

Mr. LEWIS of Georgia. Mr. Speaker, the President wants to blame the Democrats for the economic mess he's made. He is the one who wants to sweep our problems under the rug. He should be ashamed of himself.

When he came into office, the previous administration had created more than 22 million new jobs. The economy was booming. People had the chance to live the American dream. Now gasoline is too high, food is too high, the rent is too high, and nobody can get a raise.

Bush had his hand on the wheel for 7 years. He has been in charge. But he wants to blame the Democrats for the economic mess he made. Well, as they say in the South, that dog won't hunt.

The Republicans got us into the mess, and now it's going to take the Democrats to get us out.

GENERAL ELECTRIC

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

Mr. INGLIS of South Carolina. Mr. Speaker, there's plenty of bad economic news around, and we've shared in some of that in the upstate of South Carolina. But there are also some real bright spots. One of them is on Garlington Road in Greenville, South Carolina, where General Electric is currently looking for 200 more engineers. That would add to the 3,000 employees they have at that plant. Half are engineers, roughly the other half are manufacturing staff.

One of the most exciting things they're doing there is wind turbines. In fact, General Electric is now the number two installer of wind turbine units in the whole world, and they're made, in significant part, in Greenville, South Carolina.

If the renewable production tax credit is extended, and that's an important ''if'' for us here in the House, we need to do that; if we do extend that credit, General Electric expects that the United States will surpass Germany as the number one producer of wind energy in the world.

Mr. Speaker, it's an exciting thing when we see new technology create jobs, especially when that new technology moves us away from dependence on oil and helps us break this addiction.

CONGRATULATING DEERE AND COMPANY FOR RANKING FOURTH IN ''100 BEST CORPORATE CITIZENS''

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

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to congratulate Deere and Company for placing 4th among more than 1,000 companies in the annual ''100 Best Corporate Citizens'' list, compiled by CRO magazine. I'm proud to represent John Deere facilities located in Waterloo, Dubuque, and the Quad Cities in my district.

John Deere has a long history in Iowa. Iowa farmers were using John Deere plows to break the prairie in 1837 before Iowa even became a State. In 1918, John Deere purchased the Waterloo Gasoline Engine Company which transformed the company into a national leader for farm machine production. In fact, the ''Waterloo Boy'' tractor is displayed at the Smithsonian. In the 1940s, Deere expanded by building an industrial equipment factory in Dubuque.

John Deere is the world's leading manufacturer of agricultural and forestry equipment and today employs around 47,000 people worldwide, and nearly 10,000 of them are in my district. I'm proud to have such a John Deere presence in my district, and I'm pleased that the company scored high in the areas of climate change, human rights, and philanthropy. I commend Deere and Company for all it has done in Iowa and the country.

Go green or go home.

IRAQ: PAY FOR ITS SECURITY

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

Mr. STEARNS. Mr. Speaker, Iraq's oil revenue is projected to be a record $70 billion this year, according to a report set to be released today from the Special Inspector General for Iraq Reconstruction. The cost of Iraqi oil has skyrocketed in recent years up 250 percent since 2003. With these soaring oil revenues, the time is now for the Iraqi government to take greater responsibility for the security and reconstruction of their country and begin the process of weaning themselves off the largesse of the United States of America.

Recently, Secretary of Defense, Robert Gates, announced that he was cutting $171 million in Pentagon funding for a police station construction in Iraq. This is a good first step towards ensuring that the Iraqi government understands that they need to show a real and sustained commitment to taking control of their country's destiny. By spending some of their record oil revenues, the Iraqis can send a definitive statement that they are serious about investing in their own future.

BUSH CONTINUES TO OPPOSE EFFORTS TO PROVIDE COVERAGE FOR THE UNINSURED

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

Mr. CARNAHAN. Mr. Speaker, this is National Cover the Uninsured Week. This recognition is particularly important this year as our economy continues to dip into recession. The Kaiser Family Foundation recently released a study that shows each time the unemployment rate increases by one percentage point, an additional 600,000 children lose their insurance.

Congress has worked hard to ensure that our children have access to health care coverage through the CHIP program. In strong bipartisan votes, this Congress has repeatedly sent President Bush legislation that would provide 10 million children quality health care coverage, but repeatedly, he vetoed the legislation and prevented us from reaching more children.

This legislation is even more important today as more Americans are losing their jobs and their health care, and yet President Bush and most Republicans in this Chamber refuse to ensure that 10 million children have access to quality health care.

Mr. Speaker, as we recognize the uninsured this week, I once again urge President Bush to reconsider his veto of the CHIP bill.

REAUTHORIZE THE COUNTY PAYMENTS PROGRAM

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

Mr. WALDEN of Oregon. Mr. Speaker, this Congress continues to break the Federal Government's promise to America's timbered counties, including Klamath County in southern Oregon, by not reauthorizing the county payments program. Klamath County usually receives upwards of $19 million annually from county payments. The lapse of this program obviously has created a major budget shortfall for that rural county. It's been forced to deplete its operational reserves. It's cut over 10 jobs in areas like the sheriff's office, juvenile justice, administration, and planning.

If revenues fail to meet projections and with the operational reserves depleted, the next rounds of cuts could easily result in more than 25 people in the sheriff's department alone losing their jobs. Klamath County is known for running a tight ship so each new cut carries serious consequences to public services.

Since January of this year, the Democrat majority in this House has sat on H.R. 3058, a bipartisan 4-year reauthorization bill for county payments. Nothing's happened. No vote.

I, again, call on the Democratic leadership: Do the right thing. Keep the commitment to the timbered communities of this country and pass the reauthorization or put it in the farm bill or put it in the supplemental. Don't strip it out. Restore faith with rural counties all across America. Keep the Federal commitment to these timbered counties.

SOARING PRICES, SILENCE AND SECRECY

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

Mr. McDERMOTT. Mr. Speaker, the President announced that he's open to ideas to lower soaring gasoline prices. That's good news because I noticed gasoline prices began to rise not long after Vice President CHENEY held secret meetings with the energy companies. So the first thing the President ought to do is have the Vice President release the transcripts from those secret meetings. The American people still don't know what the Vice President's energy cabal cooked up. The gasoline prices have skyrocketed ever since.

The President's solution is to allow his oil pals to drill in the Arctic National Wildlife Refuge. That keeps us addicted to oil, risks environmental catastrophe but feeds the profits of oil companies. Two of the oil companies, BP and Shell, reported almost $19 billion in profits from the first quarter, and their surrogates in the White House can only meet soaring gas prices with silence and secrecy.

The President claimed he's looking for new ideas. How about an old reliable one: open government. Tell the people what happened in those secret meetings. Maybe then we will find out why I paid $3.75 for a gallon of gas last night. It was $1.90 when the President came in.

RECORD HIGH GAS PRICES REQUIRE ACTION, NOT BLAME

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

Mr. SIRES. Mr. Speaker, skyrocketing gas prices continue to squeeze Americans who are now paying more than double the price for gasoline than they did when President Bush first took office. Families and businesses are paying a heavy price for the Bush administration's failure to enact a comprehensive energy plan.

In December, the Democratic Congress passed a historic Energy Independence and Security Act which is expected to lower gas prices for the average family anywhere between $700 and $1,000 a year. In addition to this landmark legislation, the Democratic Congress has passed six other bills that put us on a path towards energy independence and crack down on price gouging. However, President Bush and his Republican allies in Congress strongly opposed every single one of these bills.

Mr. Speaker, for years, the President promised to end the addiction to foreign oil, but this administration's energy policies favor massive subsidies for the oil industry. As gas prices hit record highs, President Bush should reconsider his opposition to these bills.

□ 1230

MORTGAGE CRISIS

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

Mr. CARSON of Indiana. Mr. Speaker, I rise today to bring attention to an issue of great concern to the people of my district. When I was home in Indianapolis this weekend I heard from countless homeowners who are concerned about losing their homes and the mortgage crisis. These are good, hardworking people, not speculators or investors, who find themselves on the brink of foreclosure. And the Hoosiers I met aren't alone. Some estimate that nearly 50,000 homes in Indiana will be lost to this crisis if we fail to act.

Indiana families are counting on Congress, and we are taking action. I am proud to serve on the Financial Services Committee, where we are continuing to work on a plan that will provide real relief to homeowners who are struggling. Our plan will help ease the mortgage crisis and help more homeowners stay in their homes.

And I am proud that the legislation includes an amendment I have offered to ensure organizations that serve minority communities have the resources they need to counsel and support homeowners in trouble. Many of these communities have been hit especially hard by this crisis, and it's essential that organizations who serve these neighborhoods can step in and help prevent more foreclosures.

Mr. Speaker, the economic downturn is taking its toll on families in Indianapolis, and we know we can't get our economy back on track unless we address the housing crisis. It is my sincere hope that Members on both sides of the aisle and the President will work together to ensure homeowners stay in their homes and end this crisis.

I–376 TECHNICAL CORRECTION

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

Mr. ALTMIRE. Mr. Speaker, today the House will complete work on the technical corrections bill for the Federal Highway Transportation Act. This bill includes a project that is critical to my district, the future I–376 corridor.

Pittsburgh International Airport is the only major airport not currently on a Federal interstate. This has hurt the region's ability to compete and limited business development along the highways that lead to it. The redesignation of Pennsylvania Routes 22, 30

and 60 as Federal Interstate 376 is critical to future economic development and the marketability of western Pennsylvania. Completion of the project is also contingent on safety upgrades at two separate interchanges.

With today's passage of the technical corrections bill, we are taking one more step in advancing the I–376 designation and in making the regional priority a reality. I thank the chairman, Mr. OBERSTAR.

REPUBLICAN PRESIDENTIAL CANDIDATE OUT OF TOUCH ON THE ECONOMY

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

Ms. SUTTON. Mr. Speaker, Senator JOHN MCCAIN admitted months ago that he wasn't an expert on the economy. And that certainly explained his comments earlier this month when he declared, ''You can make the argument that there's been great progress economically'' over the last 7 years. Great economic progress?

Clearly, Senator MCCAIN has not been talking with the middle class families across America who overwhelmingly believe they are worse off today than they were when President Bush took office in January of 2001. And there is a good reason they're feeling that way. Since January of 2001, health care premiums have increased by more than $5,000 per year for the average middle class family, while college costs for their children have shot up $2,500 a year for a public university.

Middle class families are finding it increasingly difficult to find the money for these skyrocketing costs, considering the average median income has actually fallen by more than $900 over the last 7 years. And Senator MCCAIN calls this economic progress?

Mr. Speaker, the American middle class cannot afford another 4 years of failed Republican leadership in the White House.

WHERE'S THE PLAN?

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

Mr. MICA. Mr. Speaker and my colleagues, talking to folks in the district last night in a telephone town hall conference and visiting with folks in my district, they want to know what Congress is doing about gas prices and energy prices. People are struggling as they try to fill up their gas tank. They're struggling when they go to the store and see inflated food costs. And so far, we haven't seen any results from Congress.

Now the other side of the aisle, the Democrats, are in charge, they've been in charge. They said they were going to take over and they would have a plan. The Speaker, the then leader on the other side, said they would have a plan. Where is the plan? Gasoline prices when the Democrats took control were just a little over $2. Now they're reaching $4 in some areas. Where is the plan?

The only plan I've seen is the $870,000 plan to replace the light in the dome of the Capitol, a 200-year payout. Where is the plan? People in America want to know where the plan is and how we're going to reduce gas prices for them and food prices for them.

GAS PRICES

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

Mr. COURTNEY. Mr. Speaker, last night, gas prices in New London, Connecticut reached $3.77 a gallon. When George Bush took office, they were $1.52 a gallon. Those prices are 72 cents higher than last year in New London County, 42 cents higher than just last month. Commercial fishermen on Long Island Sound have seen their fuel costs double, truck drivers have seen their diesel prices more than double in the last year.

Dozens of Members of Congress have written to President Bush asking him, with one stroke of the pen, to change the delivery schedule for the Strategic Petroleum Oil Reserve, which is a tried and true practice that he himself exercised in 2005 after Hurricane Katrina which brought down the price of gas by 40 cents at a time when the price per barrel was $75. Today, at $120 per barrel, it is time for President Bush to listen to the people of this country, Members of Congress, who are asking him to exercise his power to bring down the price of gas. And our Congress, the Democratic-led Congress, is going to keep the pressure on the President until he listens to the people of this country and avoids smothering our attempts to bring this country out of recession with the economic stimulus package.

SOLVING THE OIL CRISIS BEGINS AT HOME

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

Mr. YOUNG of Alaska. Thank God for George Bush. He's created the hurricanes, the earthquakes and the high price of gas.

There is only one group responsible for the high price of gas for the consumers of America and that's the United States Congress. They have done nothing, nothing since 1973 to increase the productivity of fossil fuels in the United States, and they still are doing nothing, Mr. and Mrs. America. They talk about it. They blame Mr. Bush. That's it. The best thing you can do is blame the other guy. The truth of the matter is that until we start drilling and until we start liquefying coal, until we use the offshore oil we have available, until we use the ANWR in Alaska, we're going to pay a lot more.

The prediction we have now, by the first of next year a barrel of oil will be, get this, $180 a barrel, because the consumers abroad in other countries are consuming oil at a greater rate than we are. But we sit here and say we're going to solve it by putting $800,000 on the dome of the Capitol to save, in 200 years, 10 bucks.

What's wrong with this Congress? And remember, I said ''this Congress.'' You haven't done the job. You're not doing the job. Until we wake up, Mr. and Mrs. America, and start drilling as we should drill, you're going to pay a lot more at that tank. You think about it, $200 a barrel 2 years from now, you'd better get a bicycle.

PORTLAND, OREGON PROMOTES CYCLING

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

Mr. BLUMENAUER. Following up on my good friend, I'm glad he mentioned bicycles, because there are some people in America that are doing something to provide more choices to Americans, to burn calories instead of fossil fuels. I am pleased that my community, Portland, Oregon, was just designated a ''platinum level bicycle-friendly city,'' the highest rating granted by the League of American Bicyclists.

Portland celebrates three decades of consistently applying policies that promote cycling, and the third consecutive year of double digit growth in bicycle ridership. This makes a big difference for real life people. It's why Portlanders are nine times more likely to ride a bicycle that the average American, and part of the rich choice menu for Portlanders with cars and transit and bicycles that ends up having them drive 20 percent less than the average American family. That translates into a savings of $2,500 a year per family that they can spend on education, on housing, on entertainment, on investing back into the community.

I would suggest that it's time to celebrate choices, and I'm proud that Portland, Oregon, has decided to give cyclists the choices they deserve and is being honored for that effort.

CONGRESS HAS TO END EMBARGO ON AMERICAN OIL

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

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, recently I met with a number of independent truckers in my district who said that many of their businesses cannot survive the current cost of diesel fuel. And many of my constituents have also said they cannot continue to pay these rising prices of gasoline, the rising prices of food.

What much of this comes down to is: Congress has to end its embargo on American oil. To say we cannot drill in the gulf coast, the Atlantic coast, the

Pacific coast, in the Colorado area with the shale oil, or Alaska, has reached a point where OPEC has continued to grab us by the throat and continues to fund both sides of the war on terror.

Americans understand that whoever controls the supply can demand whatever price they want. And now with gasoline being over 70 percent of the cost of oil, isn't it time that America took control of its own economy and began to use its own resources in an environmentally responsible way?

Let's end the embargo on American oil. Let's take back control of our economy. Let's take action on this.

DEMOCRATS WANT TO WORK WITH WASHINGTON REPUBLICANS ON STIMULATING THE ECONOMY

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

Mr. ELLISON. Mr. Speaker, congressional Democrats know that middle class families are struggling to make ends meet in an economy that is simply leaving too many of them behind. That is why we worked in a bipartisan way to pass an economic stimulus plan earlier this year. And starting this week, more than 130 million Americans will receive some much-needed relief in the form of recovery rebate checks.

This is a good start, but more needs to be done. Once again, this Democratic-led Congress is reaching out in a bipartisan way to develop consensus for a second round of economic recovery legislation. We believe that a second economic stimulus plan is needed as the bleak news around the economy continues to mount and Americans everywhere are feeling the negative impact of President Bush's economic policies. Unfortunately, the President has said that a second economic stimulus package is not necessary.

Mr. Speaker, the President is incorrect. The congressional Democrats hope the President will reconsider so that we can work in a bipartisan fashion to get this economy back on track, create jobs, and speed up assistance to middle class families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

SAFETEA–LU TECHNICAL CORRECTIONS ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

H.R. 1195

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''SAFETEA–LU Technical Corrections Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—HIGHWAY PROVISIONS

Sec. 101. Surface transportation technical corrections.
Sec. 102. MAGLEV.
Sec. 103. Projects of national and regional significance and national corridor infrastructure improvement projects.
Sec. 104. Idling reduction facilities.
Sec. 105. Project authorizations.
Sec. 106. Nonmotorized transportation pilot program.
Sec. 107. Correction of Interstate and National Highway System designations.
Sec. 108. Budget justification; buy America.
Sec. 109. Transportation improvements.
Sec. 110. I–95/Contee Road interchange design.
Sec. 111. Highway research funding.
Sec. 112. Rescission.
Sec. 113. TEA–21 technical corrections.
Sec. 114. High priority corridor and innovative project technical corrections.
Sec. 115. Definition of repeat intoxicated driver law.
Sec. 116. Research technical correction.
Sec. 117. Buy America waiver notification and annual reports.
Sec. 118. Efficient use of existing highway capacity.
Sec. 119. Future interstate designation.
Sec. 120. Project flexibility.
Sec. 121. Effective date.

TITLE II—TRANSIT PROVISIONS

Sec. 201. Transit technical corrections.

TITLE III—OTHER SURFACE TRANSPORTATION PROVISIONS

Sec. 301. Technical amendments relating to motor carrier safety.
Sec. 302. Technical amendments relating to hazardous materials transportation.
Sec. 303. Highway safety.
Sec. 304. Correction of study requirement regarding on-scene motor vehicle collision causation.
Sec. 305. Motor carrier transportation registration.
Sec. 306. Applicability of Fair Labor Standards Act requirements and limitation on liability.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Conveyance of GSA Fleet Management Center to Alaska Railroad Corporation.
Sec. 402. Conveyance of retained interest in St. Joseph Memorial Hall.

TITLE V—OTHER PROVISIONS

Sec. 501. De Soto County, Mississippi.
Sec. 502. Department of Justice review.

TITLE I—HIGHWAY PROVISIONS

SEC. 101. SURFACE TRANSPORTATION TECHNICAL CORRECTIONS.

(a) CORRECTION OF INTERNAL REFERENCES IN DISADVANTAGED BUSINESS ENTERPRISES.—Paragraphs (3)(A) and (5) of section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1156) are amended by striking ''paragraph (1)'' each place it appears and inserting ''paragraph (2)''.

(b) CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY.—Section 1102(c)(5) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1158) is amended by striking ''among the States''.

(c) CORRECTION OF FEDERAL LANDS HIGHWAYS.—Section 1119 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1190) is amended by striking subsection (m) and inserting the following:

''(m) FOREST HIGHWAYS.—Of the amounts made available for public lands highways under section 1101—

''(1) not more than $20,000,000 for each fiscal year may be used for the maintenance of forest highways;

''(2) not more than $1,000,000 for each fiscal year may be used for signage identifying public hunting and fishing access; and

''(3) not more than $10,000,000 for each fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath forest roads (as defined in section 101(a) of title 23, United States Code), including the costs of constructing, maintaining, replacing, and removing culverts and bridges, as appropriate.''.

(d) CORRECTION OF DESCRIPTION OF NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—Item number 1 of the table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in the State column by inserting ''LA,'' after ''TX,''.

(e) CORRECTION OF HIGH PRIORITY DESIGNATIONS.—

(1) KENTUCKY HIGH PRIORITY CORRIDOR DESIGNATION.—Section 1105(c)(18)(E) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 112 Stat. 189; 115 Stat. 872) is amended by inserting before the period at the end the following: '', follow Interstate Route 24 to the Wendell H. Ford Western Kentucky Parkway, then utilize the existing Wendell H. Ford Western Kentucky Parkway and Edward T. Breathitt (Pennyrile) Parkway to Henderson''.

(2) INTERSTATE ROUTE 376 HIGH PRIORITY DESIGNATION.—

(A) IN GENERAL.—Section 1105(c)(79) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1213) is amended by striking ''and on United States Route 422''.

(B) CONFORMING AMENDMENT.—Section 1105(e)(5)(B)(i)(I) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) is amended by striking ''and United States Route 422''.

(f) CORRECTION OF INFRASTRUCTURE FINANCE SECTION.—Section 1602(d)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1247) is amended by striking ''through 189 as sections 601 through 609, respectively'' and inserting ''through 190 as sections 601 through 610, respectively''.

(g) CORRECTION OF PROJECT FEDERAL SHARE.—Section 1964(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1519) is amended—

(1) by striking ''only for the States of Alaska, Montana, Nevada, North Dakota, Oregon, and South Dakota,''; and

(2) by striking ''section 120(b)'' and inserting ''section 120''.

(h) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS DEFINED.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following:

''(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

''(A) IN GENERAL.—The term 'transportation systems management and operations' means an

integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

''(B) INCLUSIONS.—The term 'transportation systems management and operations' includes—

''(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

''(ii) improvements to the transportation system, such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.''.

(i) CORRECTION OF REFERENCE IN APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Effective October 1, 2007, section 104(b)(5)(A)(iii) of title 23, United States Code, is amended by striking ''the Federal-aid system'' each place it appears and inserting ''Federal-aid highways''.

(j) CORRECTION OF AMENDMENT TO ADVANCE CONSTRUCTION.—Section 115 of title 23, United States Code, is amended by redesignating subsection (d) as subsection (c).

(k) CORRECTION OF HIGH PRIORITY PROJECTS.—Section 117 of title 23, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

(2) by redesignating the second subsection (c) (relating to Federal share) as subsection (d);

(3) in subsection (a)(2)(A) by inserting ''(112 Stat. 257)'' after ''21st Century''; and

(4) in subsection (a)(2)(B)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(B) by striking ''SAFETEA–LU'' and inserting ''Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256)''.

(l) CORRECTION OF TRANSFER OF UNUSED PROTECTIVE-DEVICE FUNDS TO OTHER HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECTS.—Section 130(e)(2) of title 23, United States Code, is amended by striking ''purposes under this subsection'' and inserting ''highway safety improvement program purposes''.

(m) CORRECTION OF HIGHWAY BRIDGE PROGRAM.—

(1) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

*(A) in the section heading by striking ''**REPLACEMENT AND REHABILITATION**'';*

(B) in subsections (b), (c)(1), and (e) by striking ''Federal-aid system'' each place it appears and inserting ''Federal-aid highway'';

(C) in subsections (c)(2) and (o) by striking ''the Federal-aid system'' each place it appears and inserting ''Federal-aid highways'';

(D) in the heading to paragraph (4) of subsection (d) by inserting ''SYSTEMATIC'' before ''PREVENTIVE'';

(E) in subsection (e) by striking ''off-system bridges'' each place it appears and inserting ''bridges not on Federal-aid highways'';

(F) by striking subsection (f);

(G) by redesignating subsections (g) through (s) as subsections (f) through (r), respectively;

(H) in paragraph (1)(A)(vi) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by inserting ''and the removal of the Missisquoi Bay causeway'' after ''Bridge'';

(I) in paragraph (2) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by striking the paragraph heading and inserting ''BRIDGES NOT ON FEDERAL-AID HIGHWAYS'';

(J) in subsection (m) (as redesignated by subparagraph (G) of this paragraph) by striking the subsection heading and inserting ''PROGRAM FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS''; and

(K) in subsection (n)(4)(B) (as redesignated by subparagraph (G) of this paragraph) by striking ''State highway agency'' and inserting ''State transportation department''.

(2) SPECIAL CONDITIONS.—Section 1114 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1172) is amended by adding at the end the following:

''(h) SPECIAL CONDITIONS.—Any unobligated or unexpended funds remaining on completion of the project carried out under section 144(f)(1)(A)(vi) of title 23, United States Code, shall be made available to carry out the project described in section 144(f)(1)(A)(vii) of that title after the date on which the Vermont Agency of Transportation certifies to the Federal Highway Administration the final determination of the agency regarding the removal of the Missisquoi Bay causeway.''.

(3) CONFORMING AMENDMENTS.—

(A) METROPOLITAN PLANNING.—Section 104(f)(1) of title 23, United States Code, is amended by striking ''replacement and rehabilitation''.

(B) EQUITY BONUS PROGRAM.—Subsections (a)(2)(C) and (b)(2)(C) of section 105 of such title are amended by striking ''replacement and rehabilitation'' each place it appears.

(C) ANALYSIS.—The analysis for chapter 1 of such title is amended in the item relating to section 144 by striking ''replacement and rehabilitation''.

(n) METROPOLITAN TRANSPORTATION PLANNING.—Section 134 of title 23, United States Code, is amended—

(1) in subsection (f)(3)(C)(ii) by striking subclause (II) and inserting the following:

''(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this title and chapter 53 of title 49, prior to any allocation under section 202 of this title and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96–551 (94 Stat. 3233) and this paragraph.'';

(2) in subsection (j)(3)(D) by inserting ''or the identified phase'' after ''the project'' each place it appears; and

(3) in subsection (k)(2) by striking ''a metropolitan planning area serving''.

(o) CORRECTION OF NATIONAL SCENIC BYWAYS PROGRAM COVERAGE.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(3)(B) by striking ''a National Scenic Byway under subparagraph (A)'' and inserting ''a National Scenic Byway, an All-American Road, or one of America's Byways under paragraph (1)''; and

(2) in subsection (c)(3) by striking ''or All-American Road'' each place it appears and inserting ''All-American Road, or one of America's Byways''.

(p) CORRECTION OF REFERENCE IN TOLL PROVISION.—Section 166(b)(5)(C) of title 23, United States Code, is amended by striking ''paragraph (3)'' and inserting ''paragraph (4)''.

(q) CORRECTION OF RECREATIONAL TRAILS PROGRAM APPORTIONMENT EXCEPTIONS.—Section 206(d)(3)(A) of title 23, United States Code, is amended by striking ''(B), (C), and (D)'' and inserting ''(B) and (C)''.

(r) CORRECTION OF INFRASTRUCTURE FINANCE.—Section 601(a)(3) of title 23, United States Code, is amended by inserting ''bbb minus, BBB (low),'' after ''Baa3,''.

(s) CORRECTION OF MISCELLANEOUS TYPOGRAPHICAL ERRORS.—

(1) Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1226) is amended by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) Section 1404(e) of such Act (119 Stat. 1229) is amended by inserting ''tribal,'' after ''local,''.

(3) Section 10211(b)(2) of such Act (119 Stat. 1937) is amended by striking ''plan administer'' and inserting ''plan and administer''.

(4) Section 10212(a) of such Act (119 Stat. 1937) is amended—

(A) by inserting ''equity bonus,'' after ''minimum guarantee,'';

(B) by striking ''freight intermodal connectors'' and inserting ''railway-highway crossings'';

(C) by striking ''high risk rural road,''; and

(D) by inserting after ''highway safety improvement programs'' the following: ''(and separately the set aside for the high risk rural road program)''.

SEC. 102. MAGLEV.

(a) FUNDING.—Section 1101(a)(18) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1155) is amended by striking ''Act—'' and all that follows through the end of the paragraph and inserting ''Act, $45,000,000 for each of fiscal years 2008 and 2009.''.

(b) CONTRACT AUTHORITY.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by adding at the end the following:

''(e) CONTRACT AUTHORITY.—Funds authorized under section 1101(a)(18) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project to be carried out with such funds shall be 80 percent.''.

(c) ALLOCATION.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by striking subsection (d) and inserting the following:

''(d) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, the Secretary shall allocate—

''(1) 50 percent to the Nevada department of transportation who shall cooperate with the California-Nevada Super Speed Train Commission for the MAGLEV project between Las Vegas and Primm, Nevada, as a segment of the high-speed MAGLEV system between Las Vegas, Nevada, and Anaheim, California; and

''(2) 50 percent for existing MAGLEV projects located east of the Mississippi River using such criteria as the Secretary deems appropriate.''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

SEC. 103. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECTS.

(a) PROJECT OF NATIONAL AND REGIONAL SIGNIFICANCE.—The table contained in section 1301(m) of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1203) is amended—

(1) in item number 4 by striking the project description and inserting ''$7,400,000 for planning, design, and construction of a new American border plaza at the Blue Water Bridge in or near Port Huron; $12,600,000 for integrated highway realignment and grade separations at Port Huron to eliminate road blockages from NAFTA rail traffic'';

(2) in item number 19 by striking the project description and inserting ''For purposes of construction and other related transportation improvements associated with the rail yard relocation in the vicinity of Santa Teresa''; and

(3) in item number 22 by striking the project description and inserting ''Redesign and reconstruction of interchanges 298 and 299 of I–80 and accompanying improvements to any other public roads in the vicinity, Monroe County''.

(b) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—The table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in item number 23 by striking the project description and inserting ''Improvements to State Road 312, Hammond''.

SEC. 104. IDLING REDUCTION FACILITIES.

Section 111(d) of title 23, United States Code, is repealed.

SEC. 105. PROJECT AUTHORIZATIONS.

(a) PROJECT MODIFICATIONS.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(1) in item number 34 by striking the project description and inserting ''Removal and Reconfiguration of Interstate ramps, I–40, Memphis'';

(2) by striking item number 61;

(3) in item number 87 by striking the project description and inserting ''M–291 highway outer road improvement project'';

(4) in item number 128 by striking ''$2,400,000'' and inserting ''$4,800,000'';

(5) in item number 154 by striking ''Virginia'' and inserting ''Eveleth'';

(6) in item number 193 by striking the project description and inserting ''Improvements to or access to Route 108 to enhance access to the business park near Rumford'';

(7) in item number 240 by striking ''$800,000'' and inserting ''$2,400,000'';

(8) by striking item number 248;

(9) in item number 274 by striking the project description and inserting ''Intersection improvements at Belleville and Ecorse Roads and approach roadways, and widen Belleville Road from Ecorse to Tyler, Van Buren Township, Michigan'';

(10) in item number 277 by striking the project description and inserting ''Construct connector road from Rushing Drive North to Grand Ave., Williamson County'';

(11) in item number 395 by striking the project description and inserting ''Plan and construct interchange at I–65, from existing SR–109 to I–65'';

(12) in item number 463 by striking ''Cookeville'' and inserting ''Putnam County'';

(13) in item number 576 by striking the project description and inserting ''Design, right-of-way acquisition, and construction of Nebraska Highway 35 between Norfolk and South Sioux City, including an interchange at Milepost 1 on I–129'';

(14) in item number 595 by striking ''Street Closure at'' and inserting ''Transportation improvement project near'';

(15) in item number 649 by striking the project description and inserting ''Construction and enhancement of the Fillmore Avenue Corridor, Buffalo'';

(16) in item number 655 by inserting '', safety improvement construction,'' after ''Environmental studies'';

(17) in item number 676 by striking the project description and inserting ''St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County'';

(18) in item number 770 by striking the project description and inserting ''Improve existing Horns Hill Road in North Newark, Ohio, from Waterworks Road to Licking Springs Road'';

(19) in item number 777 by striking the project description and inserting ''Akutan Airport access'';

(20) in item number 829 by striking the project description and inserting ''$400,000 to conduct New Bedford/Fairhaven Bridge modernization study; $1,000,000 to design and build New Bedford Business Park access road'';

(21) in item number 881 by striking the project description and inserting ''Pedestrian safety improvements near North Atlantic Boulevard, Monterey Park'';

(22) in item number 923 by striking the project description and inserting ''Improve safety of a horizontal curve on Clarksville St. 0.25 miles north of 275th Rd. in Grandview Township, Edgar County'';

(23) in item number 947 by striking the project description and inserting ''Third East/West River Crossing, St. Lucie River'';

(24) in item numbers 959 and 3327 by striking ''Northern Section,'' each place it appears;

(25) in item number 963 by striking the project description and inserting ''For engineering, right-of-way acquisition, and reconstruction of 2 existing lanes on Manhattan Road from Baseline Road to Route 53'';

(26) in item number 983 by striking the project description and inserting ''Land acquisition for highway mitigation in Cecil, Kent, Queen Annes, and Worcester Counties'';

(27) in item number 1039 by striking the project description and inserting ''Widen State Route 98, including storm drain developments, from D. Navarro Avenue to State Route 111'';

(28) in item number 1047 by striking the project description and inserting ''Bridge and road work at Little Susitna River Access road in Matanuska-Susitna Borough'';

(29) in item number 1124 by striking ''bridge over Stillwater River, Orono'' and inserting ''routes'';

(30) in item number 1206 by striking ''Pleasantville'' and inserting ''Briarcliff Manor'';

(31) in item number 1281 by striking the project description and inserting ''Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 2, and Ethel, Attala County'';

(32) in item number 1487 by striking ''$800,000'' and inserting ''$1,600,000'';

(33) in item number 1575 by striking the project description and inserting ''Highway and road signage, and traffic signal synchronization and upgrades, in Shippensburg Boro, Shippensburg Township, and surrounding municipalities'';

(34) in item number 1661 by striking the project description and inserting ''Sheldon West Extension in Matanuska-Susitna Borough'';

(35) in item number 1810 by striking the project description and inserting ''Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch'';

(36) in item number 1852 by striking ''Milepost 9.3'' and inserting ''Milepost 24.3'';

(37) in item numbers 1926 and 2893 by striking the project descriptions and inserting ''Grading, paving roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio'';

(38) in item number 1933 by striking the project description and inserting ''Enhance Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles, by improving streetscapes, including expanding concrete and paving'';

(39) in item number 1975 by striking the project description and inserting ''Point MacKenzie Access Road improvements in Matanuska-Susitna Borough'';

(40) in item number 2015 by striking the project description and amount and inserting ''Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements'' and ''$2,000,000'', respectively;

(41) in item number 2087 by striking the project description and inserting ''Railroad crossing improvement on Illinois Route 82 in Geneseo'';

(42) in item number 2211 by striking the project description and inserting ''Construct road projects and transportation enhancements as part of or connected to RiverScape Phase III, Montgomery County, Ohio'';

(43) in item number 2234 by striking the project description and amount and inserting ''North Atherton Signal Coordination Project in Centre County'' and ''$400,000'', respectively;

(44) in item number 2316 by striking the project description and inserting ''Construct a new bridge at Indian Street, Martin County'';

(45) in item number 2420 by striking the project description and inserting ''Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia'';

(46) in item number 2482 by striking ''Country'' and inserting ''County'';

(47) in item number 2663 by striking the project description and inserting ''Rosemead Boulevard safety enhancement and beautification, Temple City'';

(48) in item number 2671 by striking ''from 2 to 5 lanes and improve alignment within rights-of-way in St. George'' and inserting '', St. George'';

(49) in item number 2743 by striking the project description and inserting ''Improve safety of culvert replacement on 250th Rd. between 460th St. and Cty Hwy 20 in Grandview Township, Edgar County'';

(50) by striking item number 2800;

(51) in item number 2826 by striking ''State Street and Cajon Boulevard'' and inserting ''Palm Avenue'';

(52) in item number 2931 by striking ''Frazho Road'' and inserting ''Martin Road'';

(53) in item number 3047 by inserting ''and roadway improvements'' after ''safety project'';

(54) in item number 3078 by striking the project description and inserting ''U.S. 2/Sultan Basin Road improvements in Sultan'';

(55) in item number 3174 by striking the project description and inserting ''Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor'';

(56) in item number 3219 by striking ''Forest'' and inserting ''Warren'';

(57) in item number 3254 by striking the project description and inserting ''Reconstruct PA Route 274/34 Corridor, Perry County'';

(58) in item number 3260 by striking ''Lake Shore Drive'' and inserting ''Lakeshore Drive and parking facility/entrance improvements serving the Museum of Science and Industry'';

(59) in item number 3368 by striking the project description and inserting ''Plan, design, and engineering, Ludlam Trail, Miami'';

(60) in item number 3410 by striking the project description and inserting ''Design, purchase land, and construct sound walls along the west side of I–65 from approximately 950 feet south of the Harding Place interchange south to Hogan Road'';

(61) in item number 3537 by inserting ''and the study of alternatives along the North South Corridor,'' after ''Valley'';

(62) in item number 3582 by striking the project description and inserting ''Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor'';

(63) in item number 3604 by inserting ''/Kane Creek Boulevard'' after ''500 West'';

(64) in item number 3632 by striking the State, project description, and amount and inserting ''FL'', ''Pine Island Road pedestrian overpass, city of Tamarac'', and ''$610,000'', respectively;

(65) in item number 3634 by striking the matters in the State, project description, and amount columns and inserting ''FL'', ''West Avenue Bridge, city of Miami Beach'', and ''$620,000'', respectively;

(66) in item number 3673 by striking the project description and inserting ''Improve marine dry-dock and facilities in Ketchikan'';

(67) in item number 2942 by striking the project description and inserting ''Redesigning the intersection of Business U.S. 322/High Street and Rosedale Avenue and constructing a new East Campus Drive between High Street (U.S. 322) and Matlock Street at West Chester University, West Chester, Pennsylvania'';

(68) in item number 2781 by striking the project description and inserting ''Highway and road signage, road construction, and other transportation improvement and enhancement projects on or near Highway 26, in Riverton and surrounding areas'';

(69) in item number 2430 by striking ''200 South Interchange'' and inserting ''400 South Interchange'';

(70) by striking item number 20;

(71) in item number 424 by striking ''$264,000'' and inserting ''$644,000'';

(72) in item number 1210 by striking the project description and inserting ''Town of New Windsor—Riley Road, Shore Drive, and area road improvements'';

(73) by striking item numbers 68, 905, and 1742;

(74) in item number 1059 by striking ''$240,000'' and inserting ''$420,000'';

(75) in item number 2974 by striking ''$120,000'' and inserting ''$220,000'';

(76) by striking item numbers 841, 960, and 2030;

(77) in item number 1278 by striking ''$740,000'' and inserting ''$989,600'';

(78) in item number 207 by striking ''$13,600,000'' and inserting ''$13,200,000'';

(79) in item number 2656 by striking ''$12,228,000'' and inserting ''$8,970,000'';

(80) in item number 1983 by striking ''$1,600,000'' and inserting ''$1,000,000'';

(81) in item number 753 by striking ''$2,700,000'' and inserting ''$3,200,000'';

(82) in item number 64 by striking ''$6,560,000'' and inserting ''$8,480,000'';

(83) in item number 2338 by striking ''$1,600,000'' and inserting ''$1,800,000'';

(84) in item number 1533 by striking ''$392,000'' and inserting ''$490,000'';

(85) in item number 1354 by striking ''$40,000'' and inserting ''$50,000'';

(86) in item number 3106 by striking ''$400,000'' and inserting ''$500,000'';

(87) in item number 799 by striking ''$1,600,000'' and inserting ''$2,000,000'';

(88) in item number 159—

(A) by striking ''Construct interchange for 146th St. and I–69'' and inserting ''Upgrade 146th St. to I–69 Access''; and

(B) by striking ''$2,400,000'' and inserting ''$3,200,000'';

(89) by striking item number 2936;

(90) in item number 3138 by striking the project description and inserting ''Elimination of highway-railway crossing along the KO railroad from Salina to Osborne to increase safety and reduce congestion'';

(91) in item number 2274 by striking ''between Farmington and Merriman'' and inserting ''between Hines Drive and Inkster, Flamingo Street between Ann Arbor Trail and Joy Road, and the intersection of Warren Road and Newburgh Road'';

(92) in item number 52 by striking the project description and inserting ''Pontiac Trail between E. Liberty and McHattie Street'';

(93) in item number 1544 by striking ''connector'';

(94) in item number 2573 by striking the project description and inserting ''Rehabilitation of Sugar Hill Road in North Salem, NY'';

(95) in item number 1450 by striking ''III–VI'' and inserting ''III–VII'';

(96) in item number 2637 by striking the project description and inserting ''Construction, road and safety improvements in Geauga County, OH'';

(97) in item number 2342 by striking the project description and inserting ''Streetscaping, bicycle trails, and related improvements to the I–90/SR–615 interchange and adjacent area and Heisley Road in Mentor, including acquisition of necessary right-of-way within the Newell Creek development to build future bicycle trails and bicycle staging areas that will connect into the existing bicycle trail system at I–90/SR–615, widening the Garfield Road Bridge over I–90 to provide connectivity to the existing bicycle trail system between the I–90/SR–615 interchange and Lakeland Community College, and acquisition of additional land needed for the preservation of the Lake Metroparks Greenspace Corridor with the Newell Creek development adjacent to the I–90/SR–615 interchange'';

(98) in item number 161 by striking the project description and inserting ''Construct False Pass causeway and road to the terminus of the south arm breakwater project'';

(99) in item number 2002 by striking the project description and inserting ''Dowling Road extension/reconstruction west from Minnesota Drive to Old Seward Highway, Anchorage'';

(100) in item number 2023 by striking the project description and inserting ''Biking and pedestrian trail construction, Kentland'';

(101) in item number 2035 by striking ''Replace'' and inserting ''Repair'';

(102) in item number 2511 by striking ''Replace'' and inserting ''Rehabilitate'';

(103) in item number 2981 by striking the project description and inserting ''Roadway improvements on Highway 262 on the Navajo Nation in Aneth'';

(104) in item number 2068 by inserting ''and approaches'' after ''capacity'';

(105) in item number 98 by striking the project description and inserting ''Right-of-way acquisition and construction for the 77th Street reconstruction project, including the Lyndale Avenue Bridge over I–494, Richfield'';

(106) in item number 1783 by striking the project description and inserting ''Clark Road access improvements, Jacksonville'';

(107) in item number 2711 by striking the project description and inserting ''Main Street Road Improvements through Springfield, Jacksonville'';

(108) in item number 3485 by striking the project description and inserting ''Improve SR 105 (Hecksher Drive) from Drummond Point to August Road, including bridges across the Broward River and Dunns Creek, Jacksonville'';

(109) in item number 3486 by striking the project description and inserting ''Construct improvements to NE 19th Street/NE 19th Terrace from NE 3rd Avenue to NE 8th Avenue, Gainesville'';

(110) in item number 3487 by striking the project description and inserting ''Construct improvements to NE 25th Street from SR 26 (University Blvd.) to NE 8th Avenue, Gainesville'';

(111) in item number 803 by striking ''St. Clair County'' and inserting ''city of Madison'';

(112) in item number 615 by striking the project description and inserting ''Roadway improvements to Jackson Avenue between Jericho Turnpike and Teibrook Avenue'';

(113) by striking item number 889;

(114) in item number 324 by striking the project description and inserting ''Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River'';

(115) in item number 301 by striking the project description and inserting ''Improvements for St. Georges Avenue between East Baltimore Avenue on the southwest and Chandler Avenue on the northeast'';

(116) in item number 1519 by inserting ''at the intersection of Quincy/West Drinker/Electric Streets near the Dunmore School complex'' after ''roadway redesign'';

(117) in item number 2604 by inserting ''on Coolidge, Bridge (from Main to Monroe), Skytop (from Gedding to Skytop), Atwell (from Bear Creek Rd. to Pittston Township), Wood (to Bear Creek Rd.), Pine, Oak (from Penn Avenue to Lackawanna Avenue), McLean, Second, and Lolli Lane'' after ''roadway redesign'';

(118) in item number 1157 by inserting ''on Mill Street from Prince Street to Roberts Street, John Street from Roberts Street to end, Thomas Street from Roberts Street to end, Williams Street from Roberts Street to end, Charles Street from Roberts Street to end, Fair Street from Roberts Street to end, Newport Avenue from East Kirmar Avenue to end'' after ''roadway redesign'';

(119) in item number 805 by inserting ''on Oak Street from Stark Street to the township line at Mayock Street and on East Mountain Boulevard'' after ''roadway redesign'';

(120) in item number 2704 by inserting ''on West Cemetery Street and Frederick Courts'' after ''roadway redesign'';

(121) in item number 4599 by striking the project description and inserting ''Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South'';

(122) in item number 1363 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, handicap access ramps, parking, and roadway redesign on Bilbow Street from Church Street to Pugh Street, on Pugh Street from Swallow Street to Main Street, Jones Lane from Main Street to Hoblak Street, Cherry Street from Green Street to Church Street, Main Street from Jackson Street to end, Short Street from Cherry Street to Main Street, and Hillside Avenue in Edwardsville Borough, Luzerne County'';

(123) in item number 883 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, parking, roadway redesign, and safety improvements (including curbing, stop signs, crosswalks, and pedestrian sidewalks) at and around the 3-way intersection involving Susquehanna Avenue, Erie Street, and Second Street in West Pittston, Luzerne County'';

(124) in item number 625 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Sampson Street, Dunn Avenue, Powell Street, Josephine Street, Pittston Avenue, Railroad Street, McClure Avenue, and Baker Street in Old Forge Borough, Lackawanna County'';

(125) in item number 372 by inserting '', replacement of the Nesbitt Street Bridge, and placement of a guard rail adjacent to St. Vladimir's Cemetery on Mountain Road (S.R. 1007)'' after ''roadway redesign'';

(126) in item number 2308 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign, including a project to establish emergency access to Catherino Drive from South Valley Avenue in Throop Borough, Lackawanna County'';

(127) in item number 967 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and catch basin restoration and replacement on Cherry Street, Willow Street, Eno Street, Flat Road, Krispin Street, Parrish Street, Carver Street, Church Street, Franklin Street, Carolina Street, East Main Street, and Rear Shawnee Avenue in Plymouth Borough, Luzerne County'';

(128) in item number 989 by inserting ''on Old Ashley Road, Ashley Street, Phillips Street, First Street, Ferry Road, and Division Street'' after ''roadway redesign'';

(129) in item number 342 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and cross pipe and catch basin restoration and replacement on Northgate, Mandy Court, Vine Street, and 36th Street in Milnesville West, and on Hillside Drive (including the widening of the bridge on Hillside Drive), Club 40 Road, Sunburst and Venisa Drives, and Stockton #7 Road in Hazle Township, Luzerne County'';

(130) in item number 2332 by striking ''Monroe County'' and inserting ''Carbon, Monroe, Pike, and Wayne Counties'';

(131) in item number 4914 by striking the project description and inserting ''Roadway improvements on I–90 loop in Mitchell along Haven Street from near Burr Street to near Ohlman Street'';

(132) by striking item number 2723;

(133) in item number 61 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Grade crossing improvements along Wiregrass Central RR at Boll Weevil Bypass in Enterprise, AL'', and ''$250,000'', respectively;

(134) in item number 314 by striking the project description and amount and inserting ''Streetscape enhancements to the transit and pedestrian corridor, Fort Lauderdale, Downtown Development Authority'' and ''$610,000'', respectively;

(135) in item number 1639 by striking the project description and inserting ''Operational and highway safety improvements on Hwy 94 between the 20 mile marker post in Jamul and Hwy 188 in Tecate'';

(136) in item number 2860 by striking the project description and inserting ''Roadway improvements from Halchita to Mexican Hat on the Navajo Nation'';

(137) in item number 2549 by striking ''on Navy Pier'';

(138) in item number 2804 by striking ''on Navy Pier'';

(139) in item number 1328 by striking the project description and inserting ''Construct public access roadways and pedestrian safety improvements in and around Montclair State University in Clifton'';

(140) in item number 2559 by striking the project description and inserting ''Construct sound walls on Route 164 at and near the Maersk interchange'';

(141) in item number 1849 by striking the project description and inserting ''Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh'';

(142) in item number 697 by striking the project description and inserting ''Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh'';

(143) in item number 3597 by striking the project description and inserting ''Road Alignment from IL Route 159 to Sullivan Drive, Swansea'';

(144) in item number 2352 by striking the project description and inserting ''Streetscaping and transportation enhancements on 7th Street in Calexico, traffic signalization on Highway 78, construction of the Renewable Energy and Transportation Learning Center, improve and enlarge parking lot, and create bus stop, Brawley'';

(145) in item number 3482 by striking the project description and inserting ''Conduct a study to examine multi-modal improvements to the I–5 corridor between the Main Street Interchange and State Route 54'';

(146) in item number 1275 by striking the project description and inserting ''Scoping, permitting, engineering, construction management, and construction of Riverbank Park Bike Trail, Kearny'';

(147) in item number 726 by striking the project description and inserting ''Grade Separation at Vanowen and Clybourn, Burbank'';

(148) in item number 1579 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(149) in item number 2690 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(150) in item number 2811 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(151) in item number 259 by striking the project description and inserting ''Design and construction of the Clair Nelson Intermodal Center in Finland, Lake County'';

(152) in item number 3456 by striking the project description and inserting ''Completion of Phase II/Part I of a project on Elizabeth Avenue in Coleraine to west of Itasca County State Aid Highway 15 in Itasca County'';

(153) in item number 2329 by striking the project description and inserting ''Upgrade streets, undertake streetscaping, and implement traffic and pedestrian safety signalization improvements and highway-rail crossing safety improvements, Oak Lawn'';

(154) in item number 766 by striking the project description and inserting ''Design and construction of the walking path at Ellis Pond, Norwood'';

(155) in item number 3474 by striking the project description and inserting ''Yellow River Trail, Newton County'';

(156) in item number 3291 by striking the amount and inserting ''$200,000'';

(157) in item number 3635 by striking the matters in the State, project description, and amount columns and inserting ''GA'', ''Access Road in Montezuma'', and ''$200,000'', respectively;

(158) in item number 716 by striking the project description and inserting ''Conduct a project study report for new Highway 99 Interchange between SR 165 and Bradbury Road, and safety improvements/realignment of SR 165, serving Turlock/Hilmar region'';

(159) in item number 1386 by striking the project description and amount and inserting ''Pedestrian and bicycle facilities, and street lighting in Haddon Heights'' and ''$300,000'', respectively;

(160) in item number 2720 by striking the project description and amount and inserting ''Pedestrian and bicycle facilities and street lighting in Barrington and streetscape improvements to Clements Bridge Road from the circle at the White Horse Pike to NJ Turnpike overpass in Barrington'' and ''$700,000'', respectively;

(161) in item number 2523 by striking the project description and inserting ''Penobscot Riverfront Development for bicycle trails, amenities, traffic circulation improvements, and waterfront access or stabilization, Bangor and Brewer'';

(162) in item number 545 by striking the project description and inserting ''Planning, design, and construction of improvements to the highway systems connecting to Lewistown and Auburn downtowns'';

(163) by striking item number 2168;

(164) by striking item number 170;

(165) in item number 2366 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and paving of the parking lot at the Casey Plaza in Wilkes-Barre Township'';

(166) in item number 826 by striking ''and Interstate 81'' and inserting ''and exit 168 on Interstate 81 or the intersection of the connector road with Northampton St.'';

(167) in item number 2144 by striking the project description and inserting ''Design, engineering, right-of-way acquisition and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Third Street from Pittston Avenue to Packer Street; Swift Street from Packer Street to Railroad Street; Clark Street from Main Street to South Street; School Street from Main Street to South Street; Plane Street from Grove Street to William Street; John Street from 4 John Street to William Street; Grove Street from Plane Street to Duryea Borough line; Wood Street from Cherry Street to Hawthorne Street in Avoca Borough, Luzerne County'';

(168) in item number 1765 by striking the project description and amount and inserting ''Design, engineering, right-of-way acquisition, and construction of street improvements, streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign in Pittston, including right-of-way acquisition, structure demolition, and intersection safety improvements in the vicinity of and including Main, William, and Parsonage Streets in Pittston'' and ''$1,600,000'', respectively;

(169) in item number 2957 by striking the project description and amount and inserting ''Design, engineering, land acquisition, right-of-way acquisition, and construction of a parking garage, streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign in the city of Wilkes-Barre'' and ''$2,800,000'', respectively;

(170) in item number 3283 by striking the project description and amount and inserting ''Pedestrian access improvements, including installation of infrastructure and equipment for security and surveillance purposes at subway stations in Astoria, New York'' and ''$1,300,000'', respectively;

(171) in item number 3556 by striking the project description and amount and inserting ''Design and rehabilitate staircases used as streets due to the steep grade of terrain in Bronx County'' and ''$1,100,000'', respectively;

(172) by striking item number 203;

(173) by striking item number 552;

(174) by striking item number 590;

(175) by striking item number 759;

(176) by striking item number 879;

(177) by striking item number 1071;

(178) by striking item number 1382;

(179) by striking item number 1897;

(180) by striking item number 2553;

(181) in item number 3014 by striking the project description and amount and inserting ''Design and Construct school safety projects in New York City'' and ''$2,500,000'', respectively;

(182) in item number 2375 by striking the project description and amount and inserting ''Subsurface environmental study to measure presence of methane and benzene gasses in vicinity of Greenpoint, Brooklyn, and the Kosciusko Bridge, resulting from the Newtown Creek oil spill'' and ''$100,000'';

(183) in item number 221 by striking the project description and inserting ''Study and Implement transportation improvements on Flatbush Ave. between Avenue U and the Marine Park Bridge in front of Gateway National Park in Kings County, New York'';

(184) in item number 2732 striking the project description and inserting ''Pedestrian safety improvements in the vicinity of LIRR stations'';

(185) by striking item number 99;

(186) in item number 398 by striking the project description and inserting ''Construct a new 2-lane road extending north from University Park Drive and improvements to University Park Drive'';

(187) in item number 446 by striking the project description and inserting ''Transportation improvements for development of the Williamsport-Pile Bay Road corridor'';

(188) in item number 671 by striking ''and Pedestrian Trail Expansion'' and inserting '', including parking facilities and Pedestrian Trail Expansion'';

(189) in item number 674 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Grade crossing improvements along Conecuh Valley

RR at Henderson Highway (CR–21) in Troy, AL'', and ''$300,000'', respectively;

(190) in item number 739 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Grade crossing improvements along Luxapalila Valley RR in Lamar and Fayette Counties, AL (Crossings at CR–6, CR–20, SH–7, James Street, and College Drive)'', and ''$300,000'', respectively;

(191) in item number 746 by striking ''Planning and construction of a bicycle trail adjacent to the I–90 and SR 615 Interchange in'' and inserting ''Planning, construction, and extension of bicycle trails adjacent to the I–90 and SR 615 Interchange, along the Greenway Corridor and throughout'';

(192) in item number 749 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''UPMC Heliport in Bedford'', and ''$750,000'', respectively;

(193) in item number 813 by striking the project description and inserting ''Preliminary design and study of long-term roadway approach alternatives to TH 36/SH 64 St. Croix River Crossing Project'';

(194) in item number 816 by striking ''$800,000'' and inserting ''$880,000'';

(195) in item number 852 by striking ''Acquire Right-of-Way for Ludlam Trail, Miami, Florida'' and inserting ''Planning, design, and engineering, Ludlam Trail, Miami'';

(196) in item number 994 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Construct 2 flyover ramps and S. Linden Street exit for access to industrial sites in the cities of McKeesport and Duquesne'', and ''$500,000'', respectively;

(197) in item number 1015 by striking the project description and inserting ''Mississippi River Crossing connecting I–94 and US 10 between US 160 and TH 101, MN'';

(198) in item number 1101 by striking the project description and inserting ''I–285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs'';

(199) in item number 1211 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Road improvements and upgrades related to the Pennsylvania State Baseball Stadium'', and ''$500,000'', respectively;

(200) in item number 1345 by striking ''to Stony Creek Park, 25 Mile Road in Shelby Township'' and inserting ''south to the city of Utica'';

(201) in item number 1501 by striking the project description and inserting ''Construction and right-of-way acquisition of TH 241, CSAH 35 and associated streets in the city of St. Michael'';

(202) in item number 1525 by striking ''north of CSX RR Bridge'' and inserting ''US Highway 90'';

(203) in item number 1847 by striking the project description and inserting ''Improve roads, sidewalks, and road drainage, City of Seward'';

(204) in item number 2031 by striking the project description and inserting ''Construct and improve Westside Parkway in Fulton County'';

(205) in item number 2103 by striking ''$2,000,000'' and inserting ''$3,000,000'';

(206) in item number 2219 by striking ''SR 91 in City of Twinsburg, OH'' and inserting ''Center Valley Parkway in Twinsburg, OH'';

(207) in item number 2302 by inserting ''and other road improvements to Safford Street'' after ''crossings'';

(208) in item number 2560 by striking the project description and inserting ''I–285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs'';

(209) in item number 2563 by striking the project description and amount and inserting ''Construct hike and bike path as part of Bridgeview Bridge replacement in Macomb County'' and ''$486,400'', respectively;

(210) in item number 2698 by striking the project description and inserting ''Interchanges at I–95/Ellis Road and between Grant Road and Micco Road, Brevard County'';

(211) in item number 3141 by striking ''$2,800,000'' and inserting ''$1,800,000'';

(212) by striking item number 3160;

(213) in item number 3353 by inserting ''and construction'' after ''mitigation'';

(214) in item number 996 by striking ''$2,000,000'' and inserting ''$687,000'';

(215) in item number 2166 by striking the project description and inserting ''Design, right-of-way acquisition, and construction for I–35 and CSAH2 interchange and CSAH2 corridor to TH61 in Forest Lake'';

(216) in item number 3251 by striking the project description and inserting ''I–94 and Radio Drive Interchange and frontage road project, design, right-of-way acquisition, and construction, Woodbury'';

(217) in item number 1488 by striking the project description and inserting ''Construct a 4-lane highway between Maverick Junction and the Nebraska border'';

(218) in item number 3240 by striking the project description and inserting ''Railroad-highway crossings in Pierre'';

(219) in item number 1738 by striking ''Paving'' and inserting ''Planning, design, and construction'';

(220) in item number 3672 by striking the project description and inserting ''Pave remaining stretch of BIA Route 4 from the junction of the BIA Route 4 and N8031 in Pinon, AZ, to the Navajo and Hopi border'';

(221) in item number 2424 by striking ''Construction'' and inserting ''preconstruction (including survey and archeological clearances) and construction'';

(222) in item number 1216 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''For roadway construction improvements to Route 222 relocation, Lehigh County'', and ''$1,313,000'', respectively;

(223) in item number 2956 by striking ''$1,360,000'' and inserting ''$2,080,000'';

(224) in item number 1256 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Construction of a bridge over Brandywine Creek as part of the Boot Road extension project, Downingtown Borough'', and ''$700,000'', respectively;

(225) in item number 1291 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Enhance parking facilities in Chester Springs, Historic Yellow Springs'', and ''$20,000'', respectively;

(226) in item number 1304 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Improve the intersection at SR 100/SR 4003 (Kernsville Road), Lehigh County'', and ''$250,000'', respectively;

(227) in item number 1357 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Intersection signalization at SR 3020 (Newburg Road)/Country Club Road, Northampton County'', and ''$250,000'', respectively;

(228) in item number 1395 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Improve the intersection at SR 100/SR 29, Lehigh County'', and ''$220,000'', respectively;

(229) in item number 80 by striking ''$4,544,000'' and inserting ''$4,731,200'';

(230) in item number 2096 by striking ''$4,800,000'' and inserting ''$5,217,600'';

(231) in item number 1496 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Study future needs of East-West road infrastructure in Adams County'', and ''$115,200'', respectively;

(232) in item number 2193 by striking the project description and inserting ''710 Freeway Study to comprehensively evaluate the technical feasibility of a tunnel alternative to close the 710 Freeway gap, considering all practicable routes, in addition to any potential route previously considered, and with no funds to be used for preliminary engineering or environmental review except to the extent necessary to determine feasibility'';

(233) in item number 2445 by striking the project description and inserting ''$600,000 for road and pedestrian safety improvements on Main Street in the Village of Patchogue; $900,000 for road and pedestrian safety improvements on Montauk Highway, between NYS Route 112 and Suffolk County Road 101 in Suffolk County'';

(234) in item number 346 by striking the project description and inserting ''Hansen Dam Recreation Area access improvements, including hillside stabilization and parking lot rehabilitation along Osborne Street between Glenoaks Boulevard and Dronfield Avenue'';

(235) by striking item number 449;

(236) in item number 3688 by striking ''road'' and inserting ''trail'';

(237) in item number 3695 by striking ''in Soldotna'' and inserting ''in the Kenai River corridor'';

(238) in item number 3699 by striking ''to improve fish habitat'';

(239) in item number 3700 by inserting ''and ferry facilities'' after ''a ferry'';

(240) in item number 3703 by inserting ''or other roads'' after ''Cape Blossom Road'';

(241) in item number 3704 by striking ''Fairbanks'' and inserting ''Alaska Highway'';

(242) in item number 3705 by striking ''in Cook Inlet for the Westside development/Williamsport-Pile Bay Road'' and inserting ''for development of the Williamsport-Pile Bay Road corridor'';

(243) in item number 3829 by striking the amount and inserting ''$3,050,000'';

(244) by inserting after item number 3829 the following:

''3829A	*CO*	*U.S. 550, New Mexico State line to Durango.*	*$950,000'';*

(245) in item number 4788 by striking the project description and inserting ''Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements'';

(246) in item number 3861 by striking the project description and inserting ''Creation of a greenway path along the Naugatuck River in Waterbury'';

(247) in item number 3883 by striking the project description and inserting ''Wilmington Riverfront Access and Street Grid Redesign'';

(248) in item number 3892 by striking ''$5,000,000'' and inserting ''$8,800,000'';

(249) in item number 3894 by striking ''$5,000,000'' and inserting ''$1,200,000'';

(250) in item number 3909 by striking the project description and inserting ''S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 91'';

(251) in item number 3911 by striking the project description and inserting ''Construct a new bridge at Indian Street, Martin County'';

(252) in item number 3916 by striking the project description and inserting ''City of Hollywood for U.S. 1/Federal Highway, north of Young Circle'';

(253) in item number 3937 by striking the project description and inserting ''Kingsland bypass from CR 61 to I–95, Camden County'';

(254) in item number 3945 by striking ''CR 293 to CS 5231'' and inserting ''SR 371 to SR 400'';

(255) in item number 3965 by striking ''transportation projects'' and inserting ''and air quality projects'';

(256) in item number 3986 by striking the project description and inserting ''Extension of Sugarloaf Parkway, Gwinnett County'';

(257) in item number 3999 by striking ''Bridges'' and inserting ''Bridge and Corridor'';

(258) in item number 4003 by striking the project description and inserting ''City of Council Bluffs and Pottawattamie County East Beltway Roadway and Connectors Project'';

(259) in item number 4043 by striking ''MP 9.3, Segment I, II, and III'' and inserting ''Milepost 24.3'';

(260) in item number 4050 by striking the project description and inserting ''Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia'';

(261) in item number 4058 by striking the project description and inserting ''For improvements to the road between Brighton and Bunker Hill in Macoupin County'';

(262) in each of item numbers 4062 and 4084 by striking the project description and inserting ''Preconstruction, construction, and related research and studies of I–290 Cap the Ike project in the village of Oak Park'';

(263) in item number 4089 by inserting ''and parking facility/entrance improvements serving the Museum of Science and Industry'' after ''Lakeshore Drive'';

(264) in item number 4103 by inserting ''and adjacent to the'' before ''Shawnee'';

(265) in item number 4110 by striking the project description and inserting ''For improvements to the road between Brighton and Bunker Hill in Macoupin County'';

(266) in item number 4120 by striking the matters in the project description and amount columns and inserting ''Upgrade 146th Street to Improve I–69 Access'' and ''$800,000'', respectively;

(267) in item number 4125 by striking ''$250,000'' and inserting ''$1,650,000'';

(268) by striking item number 4170;

(269) by striking item number 4179;

(270) in item number 4185 by striking the project description and inserting ''Replace the Clinton Street Bridge spanning St. Mary's River in downtown Fort Wayne'';

(271) in item number 4299 by striking the project description and inserting ''Improve U.S. 40, MD 715 interchange and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth'';

(272) in item number 4313 by striking ''Maryland Avenue'' and all that follows through ''Rd. corridor'' and inserting ''intermodal access, streetscape, and pedestrian safety improvements'';

(273) in item number 4315 by striking ''stormwater mitigation project'' and inserting ''environmental preservation project'';

(274) in item number 4318 by striking the project description and inserting ''Planning, design, and construction of improvements to the highway systems connecting to Lewiston and Auburn downtowns'';

(275) in item number 4323 by striking the project description and inserting ''MaineDOT Acadia intermodal passenger and maintenance facility'';

(276) in item number 4338 by striking the project description and inserting ''Construct 1 or more grade-separated crossings of I–75, and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282'';

(277) in item number 4355 by striking the project description and inserting ''Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch'';

(278) in item number 4357 by striking the project description and inserting ''Design, construct, ROW, and expand TH 241 and CSAH 35 and associated streets in the city of St. Michael'';

(279) in item number 4360 by striking the project description and inserting ''Planning, design, and construction for Twin Cities Bioscience Corridor in St. Paul'';

(280) in item number 4362 by striking the project description and inserting ''I–494/U.S. 169 interchange reconstruction including U.S. 169/Valley View Road interchange, Twin Cities Metropolitan Area'';

(281) in item number 4365 by striking the project description and inserting ''34th Street realignment and 34th Street and I–94 interchange, including retention and reconstruction of the SE Main Avenue/CSAH 52 interchange ramps at I–94, and other transportation improvements for the city of Moorhead, including the SE Main Avenue GSI and Moorhead Comprehensive Rail Safety Program'';

(282) in item number 4369 by striking the project description and inserting ''Construction of 8th Street North, Stearns C.R. 120 to TH 15 in St. Cloud'';

(283) in item number 4371 by striking the project description and inserting ''Construction and ROW of TH 241, CSAH 35 and associated streets in the city of St. Michael'';

(284) in item number 4411 by striking ''Southaven'' and inserting ''DeSoto County'';

(285) in item number 4424 by striking the project description and inserting ''U.S. 93 Evaro to Polson transportation improvement projects'';

(286) in item number 4428 by striking the project description and inserting ''US 76 improvements'';

(287) in item number 4457 by striking the project description and inserting ''Construct an interchange at an existing grade separation at SR 1602 (Old Stantonsburg Rd.) and U.S. 264 Bypass in Wilson County'';

(288) in item number 4461 by striking the project description and inserting ''Transportation and related improvements at Queens University of Charlotte, including the Queens Science Center and the Marion Diehl Center, Charlotte'';

(289) in item number 4507 by striking the project description and inserting ''Design, right-of-way acquisition, and construction of Highway 35 between Norfolk and South Sioux City, including an interchange at milepost 1 on U.S. I–129'';

(290) in item number 4555 by inserting ''Canal Street and'' after ''Reconstruction of'';

(291) in item number 4565 by striking the project description and inserting ''Railroad Construction and Acquisition, Ely and White Pine County'';

(292) in item number 4588 by inserting ''Private Parking and'' before ''Transportation'';

(293) in item number 4596 by striking the project description and inserting ''Centerway Bridge and Bike Trail Project, Corning'';

(294) in item number 4610 by striking the project description and inserting ''Preparation, demolition, disposal, and site restoration of Alert Facility on Access Road to Plattsburgh International Airport'';

(295) in item number 4649 by striking the project description and inserting ''Fairfield County, OH U.S. 33 and old U.S. 33 safety improvements and related construction, city of Lancaster and surrounding areas'';

(296) in item number 4651 by striking ''for the transfer of rail to truck for the intermodal'' and inserting '', and construction of an intermodal freight'';

(297) in item number 4691 by striking the project description and inserting ''Transportation improvements to Idabel Industrial Park Rail Spur, Idabel'';

(298) in item number 4722 by striking the project description and inserting ''Highway, traffic, pedestrian, and riverfront improvements, Pittsburgh'';

(299) in item number 4749 by striking ''study'' and inserting ''improvements'';

(300) in item number 4821 by striking ''highway grade crossing project, Clearfield and Clinton Counties'' and inserting ''Project for highway grade crossings and other purposes relating to the Project in Cambria, Centre, Clearfield, Clinton, Indiana, and Jefferson Counties'';

(301) in item number 4838 by striking ''study'' and inserting ''improvements'';

(302) in item number 4839 by striking ''fuel-celled'' and inserting ''fueled'';

(303) in item number 4866 by striking ''$11,000,000'' and inserting ''$9,400,000'';

(304) by inserting after item number 4866 the following:

''4866A	*RI*	*Repair and restore railroad bridge in Westerly.*	*$1,600,000'';*

(305) in item number 4892 by striking the project description and inserting ''Construct a 4-lane highway between maverick Junction and the Nebraska border'';

(306) in item number 4916 by striking ''$1,000,000'' and inserting ''$328,000'';

(307) in item number 4924 by striking ''$3,450,000'' and inserting ''$4,122,000'';

(308) in item number 4960 by inserting ''of which $50,000 shall be used for a street paving project, Calhoun'' after ''County'';

(309) in item number 4974 by striking '', Sevier County'';

(310) in item number 5008 by inserting ''/Kane Creek Boulevard'' after ''500 West'';

(311) in each of item numbers 5011 and 5033 by striking ''200 South Interchange'' and inserting ''400 South Interchange'';

(312) in item number 5021 by striking ''Pine View Dam,'';

(313) in item number 5026 by striking the project description and inserting ''Roadway improvements on Washington Fields Road/300 East, Washington'';

(314) in item number 5027 by inserting ''and roadway improvements'' after ''safety project'';

(315) in item number 5028 by inserting ''and roadway improvements'' after ''lighting'';

(316) in item number 5029 by inserting ''and roadway improvements'' after ''lights'';

(317) in number 5032 by striking the project description and inserting ''Expand Redhills Parkway, St. George'';

(318) in item number 5132 by striking the project description and inserting ''St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County'';

(319) in item number 5161 by striking the project description and inserting ''Raleigh Street Extension Project in Martinsburg'';

(320) in item number 1824 by striking the project description and inserting ''U.S. Route 10 expansion in Wadena and Ottertail Counties'';

(321) in item number 1194 by striking the project description and inserting ''Roadway and pedestrian design and improvements for Pennsylvania Avenue, Brooklyn'';

(322) in item number 2286 by striking the project description and inserting ''Road improvements for Church Street between NY State Route 25A and Hilden Street in Kings Park'';

(323) in item number 1724 by striking the project description and amount and inserting ''For road resurfacing and upgrades to Old Nichols Road and road repairs in the Nissequogue River watershed in Smithtown'' and ''$1,500,000'', respectively;

(324) in item number 3636 by striking the matters in the State, project description, and amount columns and inserting ''NY'', ''Road repair and maintenance in the Town of Southampton'', and ''$500,000'', respectively;

(325) in item number 3638 by striking the matters in the State, project description, and amount columns and inserting ''NY'', ''Improve NY State Route 112 from Old Town Road to NY State Route 347'', and ''$6,000,000'', respectively;

(326) in item number 3479 by striking the project description and inserting ''Road improvements and utility relocations within the city of Jackson'';

(327) in item number 141 by striking ''construction of pedestrian and bicycle improvements'' and inserting ''transportation enhancement activities'';

(328) in item number 1204 by striking ''at SR 283'';

(329) in item number 2896 by striking the project description and inserting ''Improve streetscape and signage and pave roads in McMinn County, including $50,000 that may be used for paving local roads in the city of Calhoun'';

(330) in item number 3017 by striking '', Pine View Dam'';

(331) in item number 3188 insert after ''Reconstruction'' the following: ''including U.S. 169/Valley View Road Interchange,'';

(332) in item number 1772 by striking the project description and inserting ''Reconstruction of Historic Eastern Parkway'';

(333) in item number 2610 by striking the project description and inserting ''Reconstruction of Times and Duffy Squares in New York City'';

(334) in item number 2462—

(A) by striking ''of the New Jersey Turnpike, Carteret'' and inserting ''and the Tremley Point Connector Road of the New Jersey Turnpike''; and

(B) by striking ''$1,200,000'' and inserting ''$450,000'';

(335) in item number 2871 by striking the amount and inserting ''$2,430,000'';

(336) in item number 3381 by striking the project description and inserting ''Determine scope, design, engineering, and construction of Western Boulevard Extension from Northern Boulevard to Route 9 in Ocean County, New Jersey'';

(337) in item number 2703 by striking the project description and inserting ''Upgrading existing railroad crossings with installation of active signals and gates and to study the feasibility and necessity of rail grade separation'';

(338) in item number 1004 by inserting ''SR 71 near'' after ''turn lane on'';

(339) in item number 2824 by striking the project description and inserting the following: ''Sevier County, TN, SR 35 near SR 449 intersection'';

(340) in item number 373 by striking the project description and inserting ''Widening existing Highway 226, including a bypass of Cash and a new connection to Highway 49'';

(341) in item number 1486, by striking the project description and inserting ''Bridge reconstruction and road widening on Route 252 and Route 30 in Tredyffrin Township, PA, in conjunction with the Paoli Transportation Center Project'';

(342) in item number 4541 by striking ''of the New Jersey Turnpike, Carteret'' and inserting ''and the Tremley Point Connector Road of the New Jersey Turnpike'';

(343) in item number 4006 by striking the project description and inserting ''Improvement to Alice's Road/105th Street Corridor including bridge, interchange, roadway, right-of-way, and enhancements'';

(344) in item number 2901 by striking the project description and inserting ''Purchase of land and conservation easements within U.S. 24 study area in Lucas, Henry, and Fulton Counties, Ohio'';

(345) in item number 2619 by striking the project description and inserting ''Improve access to I–55 between Bayless Avenue and Loughborough Avenue, including bridge 230.06'';

(346) in item number 1687 by striking the project description and inserting ''Construct an interchange at I–675 and Warren Avenue near downtown Saginaw'';

(347) by striking item number 206;

(348) by striking item number 821;

(349) by striking item number 906;

(350) by striking item number 1144;

(351) in item number 1693 by striking the project description and amount and inserting ''Plan and implement truck route improvements in the Maspeth neighborhood of Queens County'' and ''$500,000'', respectively;

(352) in item number 3039 by striking the project description and inserting ''Pittsfield greenways construction to connect Pittsfield to the Ann Arbor greenway system, Pittsfield Township'';

(353) in item number 2922 by striking the project description and amount and inserting ''Detroit River International Wildlife Refuge for land acquisition adjacent to I–75 in Monroe County for wetland mitigation and habitat restoration, Fish and Wildlife Service'' and ''$1,800,000'', respectively;

(354) in item number 3641 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''River Raisin Battlefield for acquisition of historic battlefield land in Monroe County, Port of Monroe'', and ''$1,200,000''; respectively;

(355) in item number 3643 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''Phase 1 of Monroe County greenway system construction, Monroe County'', and ''$940,000'', respectively;

(356) in item number 3645 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''East County fueling operations consolidation at the Monroe County Road Commission and enhancement of facilities to accommodate biodiesel fuel pumps, Monroe County'', and ''$1,000,000'', respectively;

(357) in item number 3646 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''Greenway trail construction from City of Monroe to Sterling State Park, City of Monroe'', and ''$100,000''; respectively;

(358) in item number 1883 by striking the project description and inserting ''Planning for the Orangeline High Speed MAGLEV from Los Angeles County to Orange County'';

(359) in item number 3757 by inserting '', including Van Asche Drive'' after ''Corridor'';

(360) in item number 4347 by striking the project description and inserting ''Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River'';

(361) in item number 4335 by striking the project description and inserting ''Construct an interchange at I–675 and Warren Avenue near downtown Saginaw'';

(362) in item number 4891 by striking the project description and inserting ''Widening U.S. 17 in Charleston County from the Isle of Palms Connector to a point at or near Darrell Creek Trail'';

(363) in item number 3647 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Drainage and infrastructure improvements on U.S. 11 in front of Springville Middle School in Springville'', and ''$1,000,000'', respectively;

(364) in item number 3648 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Transportation enhancement projects for sidewalks and streetscaping along Cahaba Road between the Botanical Gardens and the Birmingham Zoo in the City of Birmingham'', and ''$1,075,000'', respectively;

(365) in item number 3651 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Engineering and right-of-way acquisition for the McWrights Ferry Road extension between Rice Mine Road and New Watermelon Road in Tuscaloosa County'', and ''$1,075,000'', respectively;

(366) in item number 562 by striking ''a designated truck route through'' and inserting ''roadway and sidewalk improvements in'';

(367) in item number 2836 by striking the project description and inserting ''Traffic calming and safety improvements to Lido Boulevard, Town of Hampstead, Nassau County'';

(368) in item number 1353 by striking the project description and inserting ''Improve the flow of truck traffic in Orrville'';

(369) in item number 1975 by striking the project description and inserting ''Hatcher Pass Ski Development Road in Matanuska-Susitna Borough'';

(370) in item number 1661 by striking the project description and inserting ''Hatcher Pass Ski Development Road in Matanuska-Susitna Borough'';

(371) in item number 1574 by striking the project description and inserting ''Construct commuter parking structure in the central business district in the vicinity of La Grange Road, and for projects identified by the Village of La Grange as its highest priorities'';

(372) in item number 3461 by striking the project description and inserting ''Construct Leon Pass overpass, and for projects identified by the Village of Hodgkins as its highest priorities'';

(373) in item numbers 1310 and 2265 by striking the project descriptions and inserting ''To construct up to 2 interchanges on U.S. Alternate Highway 72/Alabama Highway 20 from Interstate 65 to U.S. Highway 31 in Decatur, Alabama, with additional lanes as necessary'';

(374) in item number 4934 by striking ''connection with Hermitage Avenue'' and inserting ''Hermitage Avenue and pedestrian connection'';

(375) in item number 1227 by striking the project description and inserting ''Construct road improvements near industrial park near SR 209 and CR 345 that improve access to the industrial park'';

(376) in item number 2507 by striking the project description and inserting ''Texas Department of Transportation: for those projects the Department has identified as its highest priorities'';

(377) in item number 3903 by striking the project description and inserting ''Planning, design, and engineering study to widen (4 lanes) SR 87 from the intersection of US 90 and SR 87 South to the Alabama State line'';

(378) in item number 56 by striking the project description and inserting ''Bicycle and pedestrian improvements, Oregon'';

(379) in item number 604 by striking the amount and inserting ''$11,800,000'';

(380) in item number 1299 by striking the amount and inserting ''$9,800,000'';

(381) in item number 1506 by striking the amount and inserting ''$5,100,000'';

(382) in item number 1904 by striking the project description and inserting ''Study and construct access to intermodal facility in Azusa'';

(383) in item number 3653 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''Bicycle and pedestrian trails in Harrison Township'', and ''$2,900,000'', respectively;

(384) in item number 3447 by striking the project description and inserting ''Carlton, 4th Street Railroad Crossing Improvement Project: Construct a safe, at grade crossing of the railroad and necessary bridge, connecting the community's educational and athletic facilities'';

(385) in item number 2321 by striking the project description and inserting ''Design and construct roadway and traffic signal improvements on Stella Street and Front Street, Wormleysburg, PA''; and

(386) in item number 370 by striking the project description and inserting ''Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South''.

(b) UNUSED OBLIGATION AUTHORITY.—Notwithstanding any other provision of law, unused obligation authority made available for an item in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) that is repealed, or authorized funding for such an item that is reduced, by this section shall be made available—

(1) for an item in section 1702 of that Act that is added or increased by this section and that is in the same State as the item for which obligation authority or funding is repealed or reduced;

(2) in an amount proportional to the amount of obligation authority or funding that is so repealed or reduced; and

(3) individually for projects numbered 1 through 3676 pursuant to section 1102(c)(4)(A) of that Act (119 Stat. 1158).

(c) TRANSFER OF PROJECT FUNDS.—The Secretary of Transportation shall transfer to the Commandant of the Coast Guard amounts made available to carry out the project described in item number 4985 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1447) to carry out that project, in accordance with the Act of June 21, 1940, commonly known as the ''Truman-Hobbs Act'', (33 U.S.C. 511 et seq.).

(d) ADDITIONAL DISCRETIONARY USE OF SURFACE TRANSPORTATION PROGRAM FUNDS.—Of the funds apportioned to each State under section 104(b)(3) of title 23, United States Code, a State may expend for each of fiscal years 2008 and 2009 not more than $1,000,000 for the following activities:

(1) Participation in the Joint Operation Center for Fuel Compliance established under section 143(b)(4)(H) of title 23, United States Code, within the Department of the Treasury, including the funding of additional positions for motor fuel tax enforcement officers and other staff dedicated on a full-time basis to participation in the activities of the Center.

(2) Development, operation, and maintenance of electronic filing systems to coordinate data exchange with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(3) Development, operation, and maintenance of electronic single point of filing in conjunction with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(4) Development, operation, and maintenance of a certification system by a State of any fuel sold to a State or local government (as defined in section 4221(d)(4) of the Internal Revenue Code of 1986) for the exclusive use of the State or local government or sold to a qualified volunteer fire department (as defined in section 150(e)(2) of such Code) for its exclusive use.

(5) Development, operation, and maintenance of a certification system by a State of any fuel sold to a nonprofit educational organization (as defined in section 4221(d)(5) of such Code) that includes verification of the good standing of the organization in the State in which the organization is providing educational services.

(e) PROJECT FEDERAL SHARE.—Section 1964 of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1519) is amended by adding at the end the following:

''(c) SPECIAL RULE.—Notwithstanding any other provision of law, the Federal share of the cost of the projects described in item numbers 1284 and 3093 in the table contained in section 1702 of this Act shall be 100 percent.''.

SEC. 106. NONMOTORIZED TRANSPORTATION PILOT PROGRAM.

Section 1807(a)(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1460) is amended by striking ''Minneapolis-St. Paul, Minnesota'' and inserting ''Minneapolis, Minnesota''.

SEC. 107. CORRECTION OF INTERSTATE AND NATIONAL HIGHWAY SYSTEM DESIGNATIONS.

(a) TREATMENT.—Section 1908(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1469) is amended by striking paragraph (3).

(b) NATIONAL HIGHWAY SYSTEM.—Section 1908(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1470) is amended by striking ''from the Arkansas State line'' and inserting ''from Interstate Route 540''.

SEC. 108. BUDGET JUSTIFICATION; BUY AMERICA.

(a) BUDGET JUSTIFICATION.—Section 1926 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1483) is amended by striking ''The Department'' and inserting ''Notwithstanding any other provision of law, the Department''.

(b) BUY AMERICA.—Section 1928 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1484) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) the current application by the Federal Highway Administration of the Buy America test, that is only applied to components or parts of a bridge project and not the entire bridge project, is inconsistent with this sense of Congress;''.

SEC. 109. TRANSPORTATION IMPROVEMENTS.

The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1486) is amended—

(1) in item number 436 by inserting '', Saole,'' after ''Sua'';

(2) in item number 448 by inserting ''by removing asphalt and concrete and reinstalling blue cobblestones'' after ''streets'';

(3) by striking item number 451;

(4) in item number 452 by striking ''$2,000,000'' and inserting ''$3,000,000'';

(5) in item number 12 by striking ''Yukon River'' and inserting ''Kuskokwim River'';

(6) in item number 18 by striking ''Engineering and Construction in Merced County'' and inserting ''and safety improvements/realignment of SR 165 project study report and environmental studies in Merced and Stanislaus Counties'';

(7) in item number 38 by striking the project description and inserting ''Relocation of the Newark Train Station'';

(8) in item number 57 by striking the project description and inserting ''Kingsland bypass from CR 61 to I–95, Camden County'';

(9) in item number 114 by striking ''IA–32'' and inserting ''SW'' after ''Construct'';

(10) in item number 122 by striking the project description and inserting ''Design, right-of-way acquisition, and construction of the SW Arterial and connections to U.S. 20, Dubuque County'';

(11) in item number 130 by striking the project description and inserting ''Improvements and rehabilitation to rail and bridges on the Appanoose County Community Railroad'';

(12) in item number 133 by striking ''IA–32'';

(13) in item number 138 by striking the project description and inserting ''West Spencer Beltway Project'';

(14) in item number 142 by striking ''MP 9.3, Segment I, II, and III'' and inserting ''Milepost 24.3'';

(15) in item number 161 by striking ''Bridge replacement on Johnson Drive and Nall Ave.'' and inserting ''Construction improvements'';

(16) in item number 182 by striking the project description and inserting ''Improve U.S. 40, M.D. 715 interchange, and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth'';

(17) in item number 198 by striking the project description and inserting ''Construct 1 or more grade separated crossings of I–75 and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282'';

(18) in item number 201 by striking the project description and inserting ''Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River'';

(19) in item number 238 by striking the project description and inserting ''Develop and construct the St. Mary water project road and bridge infrastructure, including a new bridge and approaches across St. Mary River, stabilization and improvements to United States Route 89, and road/canal from Siphon Bridge to Spider Lake, on the condition that $2,500,000 of the amount made available to carry out this item may be made available to the Bureau of Reclamation for use for the Swift Current Creek and Boulder Creek bank and bed stabilization project in the Lower St. Mary Lake drainage'';

(20) in item number 329 by inserting '', Tulsa'' after ''technology'';

(21) in item number 358 by striking ''fuel-celled'' and inserting ''fueled'';

(22) in item number 374 by striking the project description and inserting ''Construct a 4-lane highway between Maverick Junction and the Nebraska border'';

(23) in item number 402 by striking ''from 2 to 5 lanes and improve alignment within rights-of-way in St. George'' and inserting '', St. George'';

(24) in item number 309 by striking the project description and inserting ''Streetscape, roadway, pedestrian, and parking improvements at the intersection of Meadow Lane, Chestnut Lane, Willow Drive, and Liberty Avenue for the College of New Rochelle campus in New Rochelle''; and

(25) in item number 462 by striking the project description and inserting ''I–75 widening and improvements in Collier and Lee Counties, Florida''.

SEC. 110. I–95/CONTEE ROAD INTERCHANGE DESIGN.

Section 1961 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1518) is amended—

*(1) in the section heading by striking ''**STUDY**'' and inserting ''**DESIGN**'';*

(2) by striking subsections (a), (b), and (c) and inserting the following:

''(a) DESIGN.—The Secretary shall make available the funds authorized to be appropriated by this section for the design of the I–95/Contee Road interchange in Prince George's County, Maryland.''; and

(3) by redesignating subsection (d) as subsection (b).

SEC. 111. HIGHWAY RESEARCH FUNDING.

(a) F–SHRP FUNDING.—Notwithstanding any other provision of law, for each of fiscal years 2008 and 2009, at any time at which an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, or the highway safety improvement program, the Secretary of Transportation shall—

(1) deduct from each apportionment an amount not to exceed 0.205 percent of the apportionment; and

(2) transfer or otherwise make that amount available to carry out section 510 of title 23, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) FUNDING.—Section 5101 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779) is amended—

(A) in subsection (a)(1) by striking ''509, and 510'' and inserting ''and 509'';

(B) in subsection (a)(4) by striking ''$69,700,000'' and all that follows through ''2009'' and inserting ''$40,400,000 for fiscal year 2005, $69,700,000 for fiscal year 2006, $76,400,000 for each of fiscal years 2007 and 2008, and $78,900,000 for fiscal year 2009''; and

(C) in subsection (b) by inserting after ''50 percent'' the following ''or, in the case of funds appropriated by subsection (a) to carry out section 5201, 5202, or 5203 of this Act, 80 percent''.

(2) FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—Section 5210 of such Act (119 Stat. 1804) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(c) CONTRACT AUTHORITY.—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined under section 510(f) of that title.

(d) APPLICABILITY OF OBLIGATION LIMITATION.—Funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs under section 1102 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; 119 Stat. 1157) or any other Act.

(e) EQUITY BONUS FORMULA.—Notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for each of fiscal years 2008 and 2009, the Secretary of Transportation shall make the required calculations under that section as if this section had not been enacted.

(f) FUNDING FOR RESEARCH ACTIVITIES.—Of the amount made available by section 5101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779)—

(1) at least $1,000,000 shall be made available for each of fiscal years 2008 and 2009 to carry out section 502(h) of title 23, United States Code; and

(2) at least $4,900,000 shall be made available for each of fiscal years 2008 and 2009 to carry out section 502(i) of that title.

(g) TECHNICAL AMENDMENTS.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 502 of title 23, United States Code, is amended by striking the first subsection (h), relating to infrastructure investment needs reports beginning with the report for January 31, 1999.

(2) ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.—Section 5512(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1829) is amended by striking ''PROGRAM APPRECIATION.—'' and inserting ''PROGRAM APPLICATION.—''.

(3) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5506 of title 49, United States Code, is amended—

(A) in subsection (c)(2)(B) by striking ''tier'' and inserting ''Tier'';

(B) in subsection (i)—

(i) by striking ''In order to'' and inserting the following:

''(1) IN GENERAL.—In order to''; and

(ii) by adding at the end the following:

''(2) SPECIAL RULE.—Nothing in paragraph (1) requires a nonprofit institution of higher learning designated as a Tier II university transportation center to maintain total expenditures as described in paragraph (1) in excess of the amount of the grant awarded to the institution.''; and

(C) in subsection (k)(3) by striking ''The Secretary'' and all that follows through ''to carry out this section'' and inserting ''For each of fiscal years 2008 and 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section''.

SEC. 112. RESCISSION.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as amended by section 1302 of the Pension Protection Act of 2006 (Public Law 109–280)) (119 Stat. 1937; 120 Stat. 780) is amended by striking ''$8,593,000,000'' each place it appears and inserting ''$8,708,000,000''.

SEC. 113. TEA–21 TECHNICAL CORRECTIONS.

(a) SURFACE TRANSPORTATION PROGRAM.—Section 1108(f)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 133 note; 112 Stat. 141) is amended by striking ''2003'' and inserting ''2009''.

(b) PROJECT AUTHORIZATIONS.—The table contained in section 1602 of such Act (112 Stat. 257) is amended—

(1) in item number 1096 (as amended by section 1703(a)(11) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1454)) by inserting '', and planning and construction to Heisley Road,'' before ''in Mentor, Ohio'';

(2) in item number 1646 by striking ''and construction'' and inserting ''construction, reconstruction, resurfacing, restoration, rehabilitation, and repaving''; and

(3) in item number 614 by inserting ''and for NJ Carteret, NJ Ferry Service Terminal'' after ''east''.

SEC. 114. HIGH PRIORITY CORRIDOR AND INNOVATIVE PROJECT TECHNICAL CORRECTIONS.

(a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1212) is amended—

(1) in paragraph (63) by striking ''and United States Routes 1, 3, 9, 17, and 46,'' and inserting ''United States Routes 1, 9, and 46, and State Routes 3 and 17,''; and

(2) in paragraph (64)—

(A) by striking ''United States Route 42'' and inserting ''State Route 42''; and

(B) by striking ''Interstate Route 676'' and inserting ''Interstate Routes 76 and 676''.

(b) INNOVATIVE PROJECTS.—Item number 89 of the table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2052) is amended in the matter under the column with the heading ''INNOVATIVE PROJECTS'' by inserting ''and contiguous counties'' after ''Michigan''.

SEC. 115. DEFINITION OF REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(5) of title 23, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) receive—

''(i) a driver's license suspension for not less than 1 year; or

''(ii) a combination of suspension of all driving privileges for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;

''(B) be subject to the impoundment or immobilization of, or the installation of an ignition interlock system on, each motor vehicle owned or operated, or both, by the individual;''.

SEC. 116. RESEARCH TECHNICAL CORRECTION.

Section 5506(e)(5)(C) of title 49, United States Code, is amended by striking ''$2,225,000''and inserting ''$2,250,000''.

SEC. 117. BUY AMERICA WAIVER NOTIFICATION AND ANNUAL REPORTS.

(a) WAIVER NOTIFICATION.—

(1) IN GENERAL.—If the Secretary of Transportation makes a finding under section 313(b) of title 23, United States Code, with respect to a project, the Secretary shall—

(A) publish in the Federal Register, before the date on which such finding takes effect, a detailed written justification as to the reasons that such finding is needed; and

(B) provide notice of such finding and an opportunity for public comment on such finding for a period of not to exceed 60 days.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in paragraph (1) shall be construed to require the effective date of a finding referred to in paragraph (1) to be delayed until after the close of the public comment period referred to in paragraph (1)(B).

(b) ANNUAL REPORTS.—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects for which the Secretary made findings under section 313(b) of title 23, United States Code, during the preceding calendar year and the justifications for such findings.

SEC. 118. EFFICIENT USE OF EXISTING HIGHWAY CAPACITY.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the impacts of converting left and right highway safety shoulders to travel lanes.

(b) CONTENTS.—In conducting the study, the Secretary shall—

(1) analyze instances in which safety shoulders are used for general purpose vehicle traffic, high occupancy vehicles, and public transportation vehicles;

(2) analyze instances in which safety shoulders are not part of the roadway design;

(3) evaluate whether or not conversion of safety shoulders or the lack of a safety shoulder in the original roadway design has a significant impact on the number of accidents or has any other impact on highway safety; and

(4) compile relevant statistics.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 119. FUTURE INTERSTATE DESIGNATION.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation shall designate, as a future Interstate Route 69 Spur, the Audubon Parkway and, as a future Interstate Route 66 Spur, the Natcher Parkway in Owensboro, Kentucky. Any segment of such routes shall become part of the Interstate System (as defined in section 101 of title 23, United States Code) at such time as the Secretary determines that the segment—

(1) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

(2) connects to an existing Interstate System segment.

(b) SIGNS.—Section 103(c)(4)(B)(iv) of title 23, United States Code, shall apply to the designations under subsection (a); except that a State may install signs on the 2 parkways that are to be designated under subsection (a) indicating the approximate location of each of the future Interstate System highways.

(c) REMOVAL OF DESIGNATION.—The Secretary shall remove designation of a highway referred to in subsection (a) as a future Interstate System route if the Secretary, as of the last day of the 25-year period beginning on the date of enactment of this Act, has not made the determinations under paragraphs (1) and (2) of subsection (a) with respect to such highway.

SEC. 120. PROJECT FLEXIBILITY.

Section 1935(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1510) is amended by inserting ''the project numbered 1322 and'' before ''the projects''.

SEC. 121. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act (including subsection (b)), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) EXCEPTION.—

(1) IN GENERAL.—The amendments made by this Act (other than the amendments made by sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o)) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) shall—

(A) take effect as of the date of enactment of that Act; and

(B) be treated as being included in that Act as of that date.

(2) EFFECT OF AMENDMENTS.—Each provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

(Public Law 109–59; 119 Stat. 1144) (including the amendments made by that Act) (as in effect on the day before the date of enactment of this Act) that is amended by this Act (other than sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o)) shall be treated as not being enacted.

(c) CONFORMING AMENDMENT TO HIGHWAY TRUST FUND.—Subsections (c)(1) and (e)(3) of section 9503 of the Internal Revenue Code of 1986 are each amended by striking ''Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users'' and inserting ''SAFETEA–LU Technical Corrections Act of 2008''.

TITLE II—TRANSIT PROVISIONS

SEC. 201. TRANSIT TECHNICAL CORRECTIONS.

(a) SECTION 5302.—Section 5302(a)(10) of title 49, United States Code, is amended by striking ''charter,'' and inserting ''charter, sightseeing,''.

(b) SECTION 5303.—

(1) Section 5303(f)(3)(C)(ii) of such title is amended by striking subclause (II) and inserting the following:

''(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this chapter and title 23, prior to any allocation under section 202 of title 23, and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 of title 23, and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96–551 (94 Stat. 3233) and this paragraph.''.

(2) Section 5303(j)(3)(D) of such title is amended—

(A) by inserting ''or the identified phase'' before ''within the time''; and

(B) by inserting ''or the identified phase'' before the period at the end.

(3) Section 5303(k)(2) of such title is amended by striking ''a metropolitan planning area serving''.

(c) SECTION 5307.—Section 5307(b) of such title is amended—

(1) in the heading for paragraph (2) by striking ''2007'' and inserting ''2009'';

(2) in paragraph (2)(A)—

(A) by striking ''2007'' and inserting ''2009''; and

(B) by striking ''mass'' and inserting ''public'';

(3) by adding at the end of paragraph (2) the following:

''(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

''(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

''(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

''(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.''; and

(4) in paragraph (3) by striking ''section 5305(a)'' and inserting ''section 5303(k)''.

(d) SECTION 5309.—Section 5309 of such title is amended—

(1) in subsection (d)(5)(B) by striking ''regulation.'' and inserting ''this subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.'';

(2) in subsection (e)(6)(B) by striking ''subsection.'' and inserting ''subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.'';

(3) in the heading for paragraph (2)(A) of subsection (m) by striking ''MAJOR CAPITAL'' and inserting ''CAPITAL''; and

(4) in subsection (m)(7)(B) by striking ''section 3039'' and inserting ''section 3045''.

(e) SECTION 5311.—Section 5311 of such title is amended—

(1) in subsection (g)(1)(A) by striking ''for any purpose other than operating assistance'' and inserting ''for a capital project or project administrative expenses'';

(2) in subsections (g)(1)(A) and (g)(1)(B) by striking ''capital'' after ''net''; and

(3) in subsection (i)(1) by striking ''Sections 5323(a)(1)(D) and 5333(b) of this title apply'' and inserting ''Section 5333(b) applies''.

(f) SECTION 5312.—The heading for section 5312(c) of such title is amended by striking ''MASS TRANSPORTATION'' and inserting ''PUBLIC TRANSPORTATION''.

(g) SECTION 5314.—Section 5314(a)(3) is amended by striking ''section 5323(a)(1)(D)'' and inserting ''section 5333(b)''.

(h) SECTION 5319.—Section 5319 of such title is amended by striking ''section 5307(k)'' and inserting ''section 5307(d)(1)(K)''.

(i) SECTION 5320.—Section 5320 of such title is amended—

(1) in subsection (a)(1)(A) by striking ''intra—agency'' and inserting ''intraagency'';

(2) in subsection (b)(5)(A) by striking ''5302(a)(1)(A)'' and inserting ''5302(a)(1)'';

(3) in subsection (d)(1) by inserting ''to administer this section and'' after ''5338(b)(2)(J)'';

(4) by adding at the end of subsection (d) the following:

''(4) TRANSFERS TO LAND MANAGEMENT AGENCIES.—The Secretary may transfer amounts available under paragraph (1) to the appropriate Federal land management agency to pay necessary costs of the agency for such activities described in paragraph (1) in connection with activities being carried out under this section.'';

(5) in subsection (k)(3) by striking ''subsection (d)(1)'' and inserting ''subsection (e)(1)'';

(6) by redesignating subsections (a) through (m) as subsections (b) through (n), respectively; and

(7) by inserting before subsection (b) (as so redesignated) the following:

''(a) PROGRAM NAME.—The program authorized by this section shall be known as the Paul S. Sarbanes Transit in Parks Program.''.

(j) SECTION 5323.—Section 5323(n) of such title is amended by striking ''section 5336(e)(2)'' and inserting ''section 5336(d)(2)''.

(k) SECTION 5325.—Section 5325(b) of such title is amended—

(1) in paragraph (1) by inserting before the period at the end ''adopted before August 10, 2005'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(l) SECTION 5336.—

(1) APPORTIONMENTS OF FORMULA GRANTS.—Section 5336 of such title is amended—

(A) in subsection (a) by striking ''Of the amount'' and all that follows before paragraph (1) and inserting ''Of the amount apportioned under subsection (i)(2) to carry out section 5307—'';

(B) in subsection (d)(1) by striking ''subsections (a) and (h)(2) of section 5338'' and inserting ''subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338''; and

(C) by redesignating subsection (c), as added by section 3034(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1628), as subsection (k).

(2) TECHNICAL AMENDMENTS.—Section 3034(d)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1629), is amended by striking ''paragraph (2)'' and inserting ''subsection (a)(2)''.

(m) SECTION 5337.—Section 5337(a) of title 49, United States Code, is amended by striking ''for each of fiscal years 1998 through 2003'' and inserting ''for each of fiscal years 2005 through 2009''.

(n) SECTION 5338.—Section 5338(d)(1)(B) of such title is amended by striking ''section 5315(a)(16)'' and inserting ''section 5315(b)(2)(P)''.

(o) SAFETEA–LU.—

(1) SECTION 3011.—Section 3011(f) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1589) is amended by adding to the end the following:

''(5) Central Florida Commuter Rail Transit Project.''.

(2) SECTION 3037.—Section 3037(c) of such Act (119 Stat. 1636) is amended—

(A) in paragraph (3) by striking ''Phase II''; and

(B) by striking paragraph (10).

(3) SECTION 3040.—Section 3040(4) of such Act (119 Stat. 1639) is amended by striking ''$7,871,895,000'' and inserting ''$7,872,893,000''.

(4) SECTION 3043.—

(A) PORTLAND, OREGON.—Section 3043(b)(27) of such Act (119 Stat. 1642) is amended by inserting ''/Milwaukie'' after ''Mall''.

(B) LOS ANGELES.—

(i) PHASE 1.—Section 3043(b)(13) of such Act (119 Stat. 1642) is amended to read as follows:

''(13) Los Angeles—Exposition LRT (Phase 1).''.

(ii) PHASE 2.—Section 3043(c) of such Act (119 Stat. 1645) is amended by inserting after paragraph (104) the following:

''(104A) Los Angeles—Exposition LRT (Phase 2).''.

(C) SAN DIEGO.—Section 3043(c)(105) of such Act (119 Stat. 1645) is amended by striking ''LOSSAN Del Mar-San Diego—Rail Corridor Improvements'' and inserting ''LOSSAN Rail Corridor Improvements''.

(D) SAN DIEGO.—Section 3043(c)(217) of such Act (119 Stat. 1648) is amended by striking ''San Diego'' and inserting ''San Diego Transit''.

(E) SACRAMENTO.—Section 3043(c)(204) of such Act (119 Stat. 647) is amended by striking ''Downtown''.

(F) BOSTON.—Section 3043(d)(6) of such Act (119 Stat. 1649) is amended to read as follows:

''(6) Boston-Silver Line Phase III, $20,000,000.''.

(G) PROJECT CONSTRUCTION GRANTS.—Section 3043(e) of such Act (119 Stat. 1651) is amended by adding at the end the following:

''(4) PROJECT CONSTRUCTION GRANTS.—Projects recommended by the Secretary for a project construction grant agreement under section 5309(e) of title 49, United States Code, or for funding under section 5309(m)(2)(A)(i) of such title during fiscal year 2008 and fiscal year 2009 are authorized for preliminary engineering, final design, and construction for fiscal years 2007 through 2009 upon the completion of the notification process for each such project under section 5309(g)(5).''.

(H) LOS ANGELES AND SAN GABRIEL VALLEY.—Section 3043 of such Act (119 Stat. 1640) is amended by adding at the end the following:

''(k) LOS ANGELES EXTENSION.—In evaluating the local share of the project authorized by subsection (c)(104A) in the new starts rating process, the Secretary shall give consideration to project elements of the project authorized by subsection (b)(13) advanced with 100 percent non-Federal funds.

''(l) SAN GABRIEL VALLEY—GOLD LINE FOOTHILL EXTENSION PHASE II.—In evaluating the local share of the San Gabriel Valley—Gold Line Foothill Extension Phase II project authorized by subsection (b)(33) in the new starts rating process, the Secretary shall give consideration to project elements of the San Gabriel Valley—Gold Line Foothill Extension Phase I project advanced with 100 percent non-Federal funds.''.

(5) SECTION 3044.—

(A) PROJECTS.—The table contained in section 3044(a) of such Act (119 Stat. 1652) is amended—

(i) in item 25—

(I) by striking ''$217,360'' and inserting ''$167,360''; and

(II) by striking ''$225,720'' and inserting ''$175,720'';

(ii) in item number 36 by striking the project description and inserting ''Los Angeles County Metropolitan Transportation Authority (LACMTA) for bus and bus-related facilities in the LACMTA's service area'';

(iii) in item number 71 by inserting ''Metropolitan Bus Authority'' after ''Puerto Rico'';

(iv) in item number 84 by striking the project description and inserting ''Improvements to the existing Sacramento Intermodal Facility (Sacramento Valley Station)'';

(v) in item number 94 by striking the project description and inserting ''Pacific Transit, WA Vehicle Replacement'';

(vi) in item number 120 by striking ''Dayton Airport Intermodal Rail Feasibility Study'' and inserting ''Greater Dayton Regional Transit Authority buses and bus facilities'';

(vii) in item number 152 by inserting ''Metropolitan Bus Authority'' after ''Puerto Rico'';

(viii) in item number 416 by striking ''Improve marine intermodal'' and inserting ''Improve marine dry-dock and'';

(ix) in item number 457—

(I) by striking ''$65,000'' and inserting ''$0''; and

(II) by striking ''$67,500'' and inserting ''$0''; and

(x) in item number 458—

(I) by striking ''$65,000'' and inserting ''$130,000'';

(II) by striking ''$67,500'' and inserting ''$135,000''; and

(xi) in item number 57 by striking the project description and inserting ''Wilmington, NC, maintenance and operations facilities and administration and transfer facilities'';

(xii) in item number 460 by striking the matters in the project description, FY08 column, and FY09 column and inserting ''460. Mid-Region Council of Governments, New Mexico, public transportation buses, bus-related equipment and facilities, and intermodal terminals in Albuquerque and Santa Fe'', ''$500,000'', and ''$500,000'', respectively.

(xiii) in item number 138 by striking ''Design'' and inserting ''Determine scope, engineering, design,'';

(xiv) in item number 23 by striking ''Construct'' and inserting ''Design, engineering, right-of-way acquisition, and construction'';

(xv) in item number 439 by inserting before ''Central'' the following: ''Design, engineering, right-of-way acquisition, and construction'';

(xvi) in item number 453 by inserting before ''Central'' the following: ''Design, engineering, right-of-way acquisition, and construction'';

(xvii) in item number 371 by striking the project description and inserting ''Regional Transportation Commission of Southern Nevada, Sunset Bus Maintenance Facility'';

(xviii) in item number 487 by striking ''Central Arkansas Transit Authority Facility Upgrades'' and inserting ''Central Arkansas Transit Authority Bus Acquisition'';

(xix) in item number 491 by striking the project description and inserting ''Pace, IL, Cermak Road, Bus Rapid Transit, and related bus projects, and alternatives analysis'';

(xx) in item number 512 by striking ''Corning, NY, Phase II Corning Preserve Transportation Enhancement Project'' and inserting ''Transportation Center Enhancements, Corning, NY'';

(xxi) in item number 534 by striking ''Community Buses'' and inserting ''Bus and Bus Facilities'';

(xxii) in item number 570 by striking ''Maine Department of Transportation-Acadia Intermodal Facility'' and inserting ''MaineDOT Acadia Intermodal Passenger and Maintenance Facility'';

(xxiii) in item number 80 by striking the project description and amounts and inserting ''Flagler County, Florida–buses and bus facility'', ''$57,684'', ''$60,192'', ''$65,208'', and ''$67,716'' respectively;

(xxiv) in item number 135 by striking the project description and inserting ''Pace Suburban Bus, IL–Purchase Vehicles'';

(xxv) in item number 276 by striking the project description and amounts and inserting ''Long Beach Transit, Long Beach, California, for the purchase of transit vehicles and enhancement of para-transit and senior transportation services'', ''$128,180'', ''$133,760'', ''$144,906'', and ''$150,480'', respectively; and

(xxvi) by adding at the end—

(I)(aa) in the project description column ''666. New York City, NY, rehabilitation of subway stations to include passenger access improvements including escalators or installation of infrastructure for security and surveillance purposes''; and

(bb) in the FY08 column and the FY09 column ''$50,000'';

(II)(aa) in the project description column ''667. St. Johns County Council on Aging buses and bus facilities, Florida''; and

(bb) in the FY06, FY07, FY08, and FY09 columns ''$57,684'', ''$60,192'', ''$65,208'', and ''$67,716'', respectively;

(III)(aa) in the project description column ''668. The City of Compton, California, for the replacement of buses and paratransit vehicles''; and

(bb) in the FY06, FY07, FY08, and FY09 columns ''$128,180'', ''$133,760'', ''$144,906'', and ''$150,480'', respectively; and

(IV)(aa) in the project description column ''669. City of Los Angeles, California, for the purchase of transit vehicles in Watts and enhancement of paratransit and senior transportation services''; and

(bb) in the FY06, FY07, FY08, and FY09 columns ''$128,200'', ''$133,760'', ''$144,908'', and ''$150,480'', respectively.

(B) SPECIAL RULE.—Section 3044(c) of such Act (119 Stat. 1705) is amended—

(i) by inserting '', or other entity,'' after ''State or local governmental authority''; and

(ii) by striking ''projects numbered 258 and 347'' and inserting ''projects numbered 258, 347, and 411''; and

(iii) by striking the period at the end and inserting: '', and funds made available for fiscal year 2006 for the bus and bus-related facilities projects numbered 176 and 652 under subsection (a) shall remain available until September 30, 2009.''.

(6) SECTION 3046.—Section 3046(a)(7) of such Act (119 Stat. 1708) is amended—

(A) by striking ''hydrogen fuel cell vehicles'' and inserting ''hydrogen fueled vehicles'';

(B) by striking ''hydrogen fuel cell employee shuttle vans'' and inserting ''hydrogen fueled employee shuttle vans''; and

(C) by striking ''in Allentown, Pennsylvania'' and inserting ''to the DaVinci Center in Allentown, Pennsylvania''.

(7) SECTION 3050.—Section 3050(b) of such Act (119 Stat. 1713) is amended by inserting ''by negotiating the extension of the existing agreement between mile post 191.13 and mile post 185.1 to mile post 165.9 in Rhode Island'' before the period at the end.

(p) TRANSIT TUNNELS.—In carrying out section 5309(d)(3)(D) of title 49, United States Code, the Secretary of Transportation shall specifically analyze, evaluate, and consider—

(1) the congestion relief, improved mobility, and other benefits of transit tunnels in those projects which include a transit tunnel; and

(2) the associated ancillary and mitigation costs necessary to relieve congestion, improve mobility, and decrease air and noise pollution in those projects which do not include a transit tunnel, but where a transit tunnel was one of the alternatives analyzed.

(q) KNOXVILLE, TENNESSEE, PROPERTY ACQUISITION.—The acquisition of property for the city of Knoxville, Tennessee, for the Knoxville, Tennessee, Central Station project shall be deemed to qualify as an acquisition of land for protective purposes pursuant to section 622.101 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act. The Secretary of Transportation may allow the costs of such acquisition to be credited toward the non-Federal share for the project.

(r) CALIFORNIA TRANSIT SERVICES.—The Secretary of Transportation shall use not more than $3,000,000 of the funds made available for use at the discretion of the Secretary for fiscal year 2007 for Federal Transit Administration Discretionary Programs, Bus and Bus Facilities to reimburse the California State department of transportation for actual and necessary costs of maintenance and operation, less the amount of fares earned, for additional public transportation services that were provided by the department of transportation as a temporary substitute for highway traffic service following the freeway collapse at the interchange connecting Interstate Routes 80, 580, and 880 near the San Francisco-Oakland Bay Bridge, on April 29, 2007, until the reopening of that facility on June 29, 2007. The Federal share of the cost of activities reimbursed under this subsection shall be 100 percent.

TITLE III—OTHER SURFACE TRANSPORTATION PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO MOTOR CARRIER SAFETY.

(a) CONFORMING AMENDMENT RELATING TO HIGH-PRIORITY ACTIVITIES.—Section 31104(f) of title 49, United States Code, is amended by striking the designation and heading for paragraph (1) and by striking paragraph (2).

(b) NEW ENTRANT AUDITS.—

(1) CORRECTIONS OF REFERENCES.—Section 4107(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1720) is amended—

(A) by striking ''Section 31104'' and inserting ''Section 31144''; and

(B) in paragraph (1) by inserting ''(c)'' after ''the second subsection''.

(2) CONFORMING AMENDMENT.—Section 7112 of such Act (119 Stat. 1899) is amended by striking subsection (c).

(c) PROHIBITED TRANSPORTATION.—Section 4114(c)(1) of the such Act (119 Stat. 1726) is amended by striking ''the second subsection (c)'' and inserting ''(f)''.

(d) EFFECTIVE DATE RELATING TO MEDICAL EXAMINERS.—Section 4116(f) of such Act (119 Stat. 1728) is amended by striking ''amendment made by subsection (a)'' and inserting ''amendments made by subsections (a) and (b)''.

(e) ROADABILITY TECHNICAL CORRECTION.—Section 31151(a)(3)(E)(ii) of title 49, United States Code, is amended by striking ''Act'' and inserting ''section''.

(f) CORRECTION OF SUBSECTION REFERENCE.—Section 4121 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1734) is amended by striking ''31139(f)(5)'' and inserting ''31139(g)(5)''.

(g) CDL LEARNER'S PERMIT PROGRAM TECHNICAL CORRECTION.—Section 4122(2)(A) of such Act (119 Stat. 1734) is amended by striking ''license'' and inserting ''licenses''.

(h) CDL INFORMATION SYSTEM FUNDING REFERENCE.—Section 31309(f) of title 49, United States Code, is amended by striking ''31318'' and inserting ''31313''.

(i) CLARIFICATION OF REFERENCE.—Section 229(a)(1) of the Federal Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note; 119 Stat. 1743) is amended by inserting ''of title 49, United States Code,'' after ''31502''.

(j) REDESIGNATION OF SECTION.—The second section 39 of chapter 2 of title 18, United States Code, relating to commercial motor vehicles required to stop for inspections, and the item relating to such section in the analysis for such chapter, are redesignated as section 40.

(k) OFFICE OF INTERMODALISM.—Section 5503 of title 49, United States Code, is amended—

(1) in subsection (f)(2) by striking ''Surface Transportation Safety Improvement Act of 2005'', and inserting ''Motor Carrier Safety Reauthorization Act of 2005''; and

(2) by redesignating the first subsection (h), relating to authorization of appropriations, as subsection (i) and moving it after the second subsection (h).

(l) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Section 13908 of title 49, United States Code, is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following:

''(e) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Fees collected under this section may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected and shall be available for expenditure for such purposes until expended.''.

(m) COMMERCIAL MOTOR VEHICLE DEFINITION.—Section 14504a(a)(1)(B) of title 49, United States Code, is amended by striking ''a motor carrier required to make any filing or pay any fee to a State with respect to the motor carrier's authority or insurance related to operation within such State, the motor carrier'' and inserting ''determining the size of a motor carrier or motor private carrier's fleet in calculating the fee to be paid by a motor carrier or motor private carrier pursuant to subsection (f)(1), the motor carrier or motor private carrier''.

(n) CLARIFICATION OF UNREASONABLE BURDEN.—Section 14504a(c)(2) of title 49, United States Code, is amended by striking ''interstate'' the last place it appears and inserting ''intrastate''.

(o) CONTENTS OF AGREEMENT TYPO.—Section 14504a(f)(1)(A)(ii) of title 49, United States Code, is amended by striking ''or'' the last place it appears.

(p) OTHER UNIFIED CARRIER REGISTRATION SYSTEM TECHNICAL CORRECTIONS.—Section 14504a of title 49, United States Code, is amended—

(1) in subsection (c)(1)(B) by striking ''the a'' and inserting ''a'';

(2) in subsection (f)(1)(A)(i) by striking ''in connection with the filing of proof of financial responsibility''; and

(3) in subsection (f)(1)(A)(ii) by striking ''in connection with such a filing'' and inserting ''under the UCR agreement''.

(q) IDENTIFICATION OF VEHICLES.—Section 14506(b)(2) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: ''or under an applicable State law if, on October 1, 2006, the State has a form of highway use taxation not subject to collection through the International Fuel Tax Agreement''.

(r) DRIVEAWAY SADDLEMOUNT VEHICLE.—

(1) DEFINITION.—Section 31111(a)(4) of title 49, United States Code, is amended—

(A) in the paragraph heading by striking ''DRIVE-AWAY SADDLEMOUNT WITH FULLMOUNT'' and inserting ''DRIVEAWAY SADDLEMOUNT'';

(B) by striking ''drive-away saddlemount with fullmount'' and inserting ''driveaway saddlemount''; and

(C) by inserting ''Such combination may include one fullmount.'' after the period at the end.

(2) IN GENERAL.—Section 31111(b)(1)(D) of such title is amended by striking ''a driveaway saddlemount with fullmount'' and inserting ''all driveaway saddlemount''.

SEC. 302. TECHNICAL AMENDMENTS RELATING TO HAZARDOUS MATERIALS TRANSPORTATION.

(a) DEFINITION OF HAZMAT EMPLOYEES.—Section 7102(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1892) is amended—

(1) by striking ''(3)(A)'' and inserting ''(3)'';

(2) in subparagraph (A) by striking ''clause (i)'' and inserting ''clause (i) of subparagraph (A)''; and

(3) in subparagraph (B) by striking ''clause (ii)'' and inserting ''subparagraph (A)(ii)''.

(b) TECHNICAL CORRECTION.—Section 5103a(g)(1)(B)(ii) of title 49, United States Code, is amended by striking ''Act'' and inserting ''subsection''.

(c) PREEMPTION CORRECTION.—Section 5125 of title 49, United States Code, is amended—

(1) in subsection (d)(1) by striking ''5119(e)'' and inserting ''5119(f)'';

(2) in each of subsections (e) and (g) by striking ''5119(b)'' and inserting ''5119(f)''; and

(3) in subsection (g) by striking ''(b), (c)(1), or (d)'' and inserting ''(a), (b)(1), or (c)''.

(d) RELATIONSHIP TO OTHER LAWS.—Section 7124(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1908) is amended by inserting ''the first place it appears'' before ''and inserting''.

(e) REPORT.—Section 5121(h) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking ''exemptions'' and inserting ''special permits''; and

(2) in paragraph (3) by striking ''exemption'' and inserting ''special permit''.

(f) SECTION HEADING.—Section 5128 of title 49, United States Code, is amended by striking the section designation and heading and inserting the following:

''§ 5128. Authorization of appropriations''.

(g) CHAPTER ANALYSIS.—The analysis for chapter 57 of title 49, United States Code, is amended in the item relating to section 5701 by striking ''Transportation'' and inserting ''transportation''.

(h) NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT.—Section 5(b) of the Norman Y. Mineta Research and Special Programs Improvement Act (49 U.S.C. 108 note; 118 Stat. 2427) is amended by inserting ''(including delegations by the Secretary of Transportation)'' after ''All orders''.

(i) SHIPPING PAPERS.—Section 5110(d)(1) of title 49, United States Code, is amended—

(1) in the subsection heading by striking ''SHIPPERS'' and inserting ''OFFERORS''; and

(2) by striking ''shipper's'' and inserting ''offeror's''.

(j) NTSB RECOMMENDATIONS.—Section 19(1) of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (49 U.S.C. 60102 note; 120 Stat. 3498) is amended by striking ''165'' and inserting ''1165''.

SEC. 303. HIGHWAY SAFETY.

(a) STATE MINIMUM APPORTIONMENTS FOR HIGHWAY SAFETY PROGRAMS.—Effective October 1, 2007, section 402(c) of the title 23, United States Code, is amended by striking ''The annual apportionment to each State shall not be less than one-half of 1 per centum'' and inserting ''The annual apportionment to each State shall not be less than three-quarters of 1 percent''.

(b) CONSOLIDATION OF GRANT APPLICATIONS.—Section 402(m) of title 23, United States Code, is amended in the first sentence—

(1) by striking ''through'' and inserting ''for which''; and

(2) by inserting ''is appropriate'' before the period at the end.

(c) TECHNICAL CORRECTIONS.—

(1) Section 2002(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1521) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as (2) and (3), respectively.

(2) Section 2007(b)(1) of such Act (119 Stat. 1529) is amended—

(A) by inserting ''and'' after the semicolon at the end of subparagraph (A);

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

(C) by striking subparagraph (C).

(3) Effective August 10, 2005, section 410(c)(7)(B) of title 23, United States Code, is amended by striking ''clause (i)'' and inserting ''clauses (i) and (ii)''.

(4) Section 411 of title 23, United States Code, is amended by redesignating the second subsection (c), relating to administration expenses, and subsection (d) as subsections (d) and (e), respectively.

SEC. 304. CORRECTION OF STUDY REQUIREMENT REGARDING ON-SCENE MOTOR VEHICLE COLLISION CAUSATION.

Section 2003(c)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1522) is amended in the second sentence by striking ''shall'' and inserting ''may''.

SEC. 305. MOTOR CARRIER TRANSPORTATION REGISTRATION.

(a) GENERAL REQUIREMENTS.—Section 31138 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL REQUIREMENT.—

''(1) TRANSPORTATION OF PASSENGERS FOR COMPENSATION.—The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for compensation by motor vehicle in the United States between a place in a State and—

''(A) a place in another State;

''(B) another place in the same State through a place outside of that State; or

''(C) a place outside the United States.

''(2) TRANSPORTATION OF PASSENGERS NOT FOR COMPENSATION.—The Secretary may prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for commercial purposes, but not for compensation, by motor vehicle in the United States between a place in a State and—

''(A) a place in another State;

''(B) another place in the same State through a place outside of that State; or

''(C) a place outside the United States.''; and

(2) by striking ''commercial'' each place it appears in subsection (c)(4).

(b) TRANSPORTATION OF PROPERTY.—Section 31139 of such title is amended—

(1) by striking ''commercial motor vehicle'' in subsection (b)(1) and inserting ''motor carrier or motor private carrier (as such terms are defined in section 13102 of this title)''; and

(2) by striking ''commercial'' in subsection (c).

(c) DEFINITIONS RELATING TO MOTOR CARRIERS.—Paragraphs (6)(B), (7)(B), (14), and (15) of section 13102 of such title are each amended by striking ''commercial motor vehicle (as defined in section 31132)'' and inserting ''motor vehicle''.

(d) FREIGHT FORWARDERS.—Section 13903(a) of such title is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder if the Secretary finds that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and the Board.''.

(e) BROKERS.—Section 13904(a) of such title is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall register, subject to section 13906(b), a person to be a broker for transportation of property subject to jurisdiction under subchapter I of chapter 135, if the Secretary finds that the person is fit, willing, and able to be a broker for transportation and to comply with this part and applicable regulations of the Secretary.''.

SEC. 306. APPLICABILITY OF FAIR LABOR STANDARDS ACT REQUIREMENTS AND LIMITATION ON LIABILITY.

(a) APPLICABILITY FOLLOWING THIS ACT.—Beginning on the date of enactment of this Act, section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall apply to a covered employee notwithstanding section 13(b)(1) of that Act (29 U.S.C. 213(b)(1)).

(b) LIABILITY LIMITATION FOLLOWING SAFETEA–LU.—

(1) LIMITATION ON LIABILITY.—An employer shall not be liable for a violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) with respect to a covered employee if—

(A) the violation occurred in the 1-year period beginning on August 10, 2005; and

(B) as of the date of the violation, the employer did not have actual knowledge that the employer was subject to the requirements of such section with respect to the covered employee.

(2) ACTIONS TO RECOVER AMOUNTS PREVIOUSLY PAID.—Nothing in paragraph (1) shall be construed to establish a cause of action for an employer to recover amounts paid before the date of enactment of this Act in settlement of, in compromise of, or pursuant to a judgment rendered regarding a claim or potential claim based on an alleged or proven violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) occurring in the 1-year period referred to in paragraph (1)(A) with respect to a covered employee.

(c) COVERED EMPLOYEE DEFINED.—In this section, the term ''covered employee'' means an individual—

(1) who is employed by a motor carrier or motor private carrier (as such terms are defined by section 13102 of title 49, United States Code, as amended by section 305);

(2) whose work, in whole or in part, is defined—

(A) as that of a driver, driver's helper, loader, or mechanic; and

(B) as affecting the safety of operation of motor vehicles weighing 10,000 pounds or less in transportation on public highways in interstate or foreign commerce, except vehicles—

(i) designed or used to transport more than 8 passengers (including the driver) for compensation;

(ii) designed or used to transport more than 15 passengers (including the driver) and not used to transport passengers for compensation; or

(iii) used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103 of title 49, United States Code; and

(3) who performs duties on motor vehicles weighing 10,000 pounds or less.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. CONVEYANCE OF GSA FLEET MANAGEMENT CENTER TO ALASKA RAILROAD CORPORATION.

(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of General Services shall convey, not later than 2 years after the date of enactment of this Act, by quitclaim deed, to the Alaska Railroad Corporation, an entity of the State of Alaska (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), known as the GSA Fleet Management Center.

(b) GSA FLEET MANAGEMENT CENTER.—The parcel to be conveyed under subsection (a) is the parcel located at the intersection of 2nd Avenue and Christensen Avenue in Anchorage, Alaska, consisting of approximately 78,000 square feet of land and the improvements thereon.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the parcel to be conveyed under subsection (a), the Administrator shall require the Corporation to—

(A) convey replacement property in accordance with paragraph (2); or

(B) pay the purchase price for the parcel in accordance with paragraph (3).

(2) REPLACEMENT PROPERTY.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(A), the Corporation shall—

(A) convey, and pay the cost of conveying, to the United States, acting by and through the Administrator, fee simple title to real property, including a building, that the Administrator determines to be suitable as a replacement facility for the parcel to be conveyed under subsection (a); and

(B) provide such other consideration as the Administrator and the Corporation may agree, including payment of the costs of relocating the occupants vacating the parcel to be conveyed under subsection (a).

(3) PURCHASE PRICE.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(B), the Corporation shall pay to the Administrator the fair market value of the parcel to be conveyed under subsection (a) based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Corporation.

(d) APPRAISAL.—In the case of an appraisal under subsection (c)(3)—

(1) the appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Corporation; and

(2) the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Corporation.

(e) PROCEEDS.—

(1) DEPOSIT.—Any proceeds received under subsection (c) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) EXPENDITURE.—Funds paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator; except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(g) DESCRIPTION OF PROPERTY AND SURVEY.—The exact acreage and legal description of the parcels to be conveyed under subsections (a) and (c)(2) shall be determined by surveys satisfactory to the Administrator and the Corporation.

SEC. 402. CONVEYANCE OF RETAINED INTEREST IN ST. JOSEPH MEMORIAL HALL.

(a) IN GENERAL.—Subject to the terms and conditions of subsection (c), the Administrator of General Services shall convey to the city of St. Joseph, Michigan, by quitclaim deed, any interest retained by the United States in St. Joseph Memorial Hall.

(b) ST. JOSEPH MEMORIAL HALL DEFINED.—In this section, the term ''St. Joseph Memorial Hall'' means the property subject to a conveyance from the Secretary of Commerce to the city of St. Joseph, Michigan, by quitclaim deed dated May 9, 1936, recorded in Liber 310, at page 404, in the Register of Deeds for Berrien County, Michigan.

(c) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to the following terms and conditions:

(1) CONSIDERATION.—As consideration for the conveyance under subsection (a), the city of St. Joseph, Michigan, shall pay $10,000 to the United States.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions for the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

TITLE V—OTHER PROVISIONS

SEC. 501. DE SOTO COUNTY, MISSISSIPPI.

Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 114 Stat. 2763A–220; 119 Stat. 282; 119 Stat. 2257) is amended by striking ''$55,000,000'' and inserting ''$75,000,000''.

SEC. 502. DEPARTMENT OF JUSTICE REVIEW.

Consistent with applicable standards and procedures, the Department of Justice shall review allegations of impropriety regarding item 462 in section 1934(c) of Public Law 109–59 to ascertain if a violation of Federal criminal law has occurred.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

□ 1245

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill pending before us.

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

There was no objection.

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

Mr. Speaker and colleagues, here we are once again for at least the fifth time in 3 years to consider technical corrections to the SAFETEA–LU legislation.

In the 109th Congress, the gentleman from Alaska, then Chair of the full committee on Transportation and Infrastructure, and I worked to bring this technical corrections bill to the House floor, passed it successfully. We dealt with hundreds and hundreds of minor adjustments, changes that normally happen in the course of passing a major bill of this nature. If I recall rightly, in ISTEA in 1991, there were 600 or 700 such technical corrections in the TEA–21 bill. In 1998 there were something like 1,200 technical corrections that had to be made. And we had a somewhat smaller number for SAFETEA–LU. We passed it three times in that Congress, and three times we could not get the other body, as we affectionately call them, to come to agreement and move the bill. We tried, in fact, after election in November, 2006, in a conference call, I recall, with Chairman YOUNG and me, with the other

body leadership, but they could not come to a resolution on the matter. So we took it up again in this Congress, and we passed it. It's been a year since we moved the bill.

This is bipartisan. Finally, it's a bicameral agreement among all the issues under jurisdiction of our committee on the bill that we passed. Finally, the Senate passed the bill by an overwhelming margin of 88–2. In our body it passed 422–1 in August of 2007.

So we now have a number of changes here. A good many of the adjustments were requested by the DOT Modal Administrators, and we have accommodated those in this legislation.

Particularly, there were errors made in drafting the final language in the research program. Funding calculations resulted in lower than intended funding levels for several research programs. These technical fixes now will finally recapture critical research funds for the Future Strategic Highway Research program aimed at dealing with highway safety, reliability, capacity, renewal; and the University Transportation Center program that provides funding for the many disciplines in the Academic Center that generate useful and productive ideas for the practitioners of highway and bridge construction and transit operation. We also have an important clarification to the repeat intoxicated driver law to allow for use of ignition interlock devices, strongly supported by Mothers Against Drunk Driving. This legislation gives States more flexibility to either continue with the 1-year license suspension or permit a 45-day license suspension with limited driving privileges.

We also have clarifying language to help the Federal Transit Administration to interpret section 3011 of SAFETEA–LU on new start and small start projects. I say ''help.'' It will put them on the right course to do the right thing that we intended in House-Senate conference on the transit title of the bill. As then Chairman YOUNG will recall, we had a very vigorous debate with the conferees from the other body on this matter, and we came out with this language, and now it's been misrepresented over there by the Federal Transit Administration.

The number of technical corrections that we provide in this legislation will allow hundreds, maybe even thousands, of projects to move more vigorously ahead to the construction stage, and I'm quite certain that we will see a generation of at least 40,000 family-wage, highway-related construction jobs that will help lift this economy out of its doldrums. With over a million construction trades workers out of a job, we'll make at least a start in getting the economy back on track and putting them back to work.

For bringing us to this stage, I especially want to thank the gentleman from Florida (Mr. MICA), ranking member of the committee, who has devoted a great deal of time. I know personally that he has interceded with the leadership in the other body to ask them to move this legislation along, and proceeded with one of the principal recalcitrant Members of the other body. He's really done his share of shouldering the workload and then some, and I'm grateful to the gentleman. And I appreciate the enduring participation with the former chairman, Mr. YOUNG, the work that we did together in the last Congress to move the SAFETEA–LU legislation and then the technical corrections portion of it, and I appreciate that participation.

This really is a bipartisan initiative in the best tradition of this committee. Again, I thank the gentleman from Florida for his splendid work and the gentleman from Oregon (Mr. DEFAZIO) for the splendid effort he has made.

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

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

As we consider before the House H.R. 1195, I want to express my support for this legislation. And, first off, I'd like to thank the chairman of the committee, Mr. OBERSTAR, for his work and efforts, for his staff; Mr. DEFAZIO, who chairs the Highway Subcommittee; and also Mr. DUNCAN on our side of the aisle.

Now, I know that this bill's being here didn't come by accident. As you heard, this has passed the House at least four other times. A great deal of credit for the achievement in bringing this legislation forward also must go to the former Chair of the committee, the distinguished gentleman from Alaska (Mr. YOUNG). Mr. YOUNG worked closely with Mr. OBERSTAR in crafting legislation to deal with some of the needed changes that were necessary. When you pass a, I think it was, $286 billion transportation and highway transit authorization bill, there are always technical corrections that are needed. It's almost impossible to pass a bill of that magnitude with that many numbers, that many projects, and not come back and make adjustments, both in some of the formulas that are required and also in some of the requests from Members. So this is part of the process.

One of the most important things, as people also ask us what we are doing to move the economy forward, I think it's absolutely essential that our transportation and infrastructure projects move forward. And without this legislation that cannot be possible because, again, of some of the drafting requirements under the July, 2005, SAFETEA–LU bill that was passed.

So here we are, the fifth time the House of Representatives will pass this legislation. It should be on its way to the President. As you heard, this legislation passed in the 109th Congress. It passed in the 110th Congress. Under the leadership of Chairman YOUNG and then ranking member of the committee Mr. OBERSTAR, it moved forward, and now we have it in this Congress.

The technical corrections in this bill have been clearly identified by the Department of Transportation and also by State Departments of Transportation and are mostly a conforming nature or correcting drafting errors. Again, a huge bill with many provisions.

The largest section of the bill, section 105, makes changes to 386 high-priority projects in section 1702 of the SAFETEA–LU bill. These changes address surface transportation projects that cannot be executed as they are currently drafted in the current law, again, that we passed back in July of 2005. And, of course, next year we will be doing another bill, and that's why it's so important that we get this on the President's desk as soon as possible so that these technical changes clarify who the recipients are and project descriptions and make corrections that in some instances will increase project funding levels and decrease others to achieve budget neutrality.

There are many Members of Congress in the House and Senate who have written to our committee or to the Senate Committee on the Environment and Public Works or the Banking Committee in the Senate supporting specific projects and policy corrections. These requests have been submitted, I believe, through an open and transparent process. On my side of the aisle, I've tried to keep all of these requests public, available to the press, and, again, in a very transparent manner for everyone to see what has been requested, what the projects are, and who has requested them.

In this legislation there are 150 corrections made at the request of Senators, 197 corrections made at the request of House Democrats, and 138 corrections made at the request of House Republicans.

I support this legislation. It's necessary, again, to move these projects forward to stimulate our economy and build our Nation's infrastructure.

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

Mr. OBERSTAR. I have no further speakers on our side at this time, and I reserve the balance of my time.

Mr. MICA. Mr. Speaker, one of the members of our committee, the gentleman from Florida (Mr. MACK) has requested time, and I would like to yield him 2 minutes.

Mr. MACK. I want to thank the ranking member for the time.

Mr. Speaker, I rise today to lend my strong support to passage of this important legislation, which would restore $10 million to the critical widening of I–75, which is now underway in Southwest Florida. It is the same language that we included in the transportation bill when we voted on it in 2005.

By ensuring this $10 million will be spent to widen I–75 in Lee and Collier Counties in Florida, we are protecting the economic viability, quality of life, and public safety for all who rely on it. For that, I thank my colleagues for supporting this important legislation.

While this matter has received well-deserved scrutiny, the legislative process, however flawed it has been, is now

doing what the people want and deserve. I would hope that as a result of what we have learned and what we may continue to learn that this institution will be better and that we will ensure it never happens again.

Again, I want to thank my colleagues for supporting this legislation and for doing what is best and right for the people of Southwest Florida.

□ 1300

Mr. OBERSTAR. Mr. Speaker, I continue to reserve my time.

Mr. MICA. Might I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Florida has 14 minutes.

Mr. MICA. I would like to yield 6 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. OBERSTAR. Mr. Speaker, how much time remains on our time?

The SPEAKER pro tempore. The gentleman has 13½ minutes remaining.

Mr. OBERSTAR. I yield 5 minutes to the gentleman from Alaska.

The SPEAKER pro tempore. The gentleman from Alaska will be recognized for 11 minutes.

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

Mr. YOUNG of Alaska. First, let me thank the chairman of the full committee, Mr. OBERSTAR, and the ranking member, Mr. MICA, for bringing this technical corrections bill to the floor. I will be supporting this bill today because it is a good bill.

I want to again thank my minority member, Mr. OBERSTAR. When I was chairman, we had worked very hard on TEA–LU. It was the only positive piece of legislation this Congress passed in 6 years. When I say positive, it left a part of infrastructure, not all of it, for the good of this Nation. I take great pride in that because it probably created about 185,000 new jobs, $286 billion to be spent for the infrastructure and for the economy of this great Nation.

I bring that up because I hear some people talking about, well, we will repeal the 18.2 percent tax on fuel to help our consumers out. Then goodbye to the roads, the repairs, the new needs for the additional automobiles on our highways. I say beware. It will be a terrible disaster for this great Nation of ours. We have other ideas about solving the high gas prices, but that is probably the worst I have heard of all.

Having said that, I am going to go through a chronological order of what has occurred about the issue of Coconut Road. In 2001, I became chairman of the House Committee on Transportation, a position I held for 6 years. This committee is the largest committee in the House of Representatives, with oversight over all modes of transportation; aviation, highways, railroads, all public buildings, waterways, and emergency management.

As the only Congressman from Alaska, I worked very hard for the State of Alaska. I worked with the Governor, State legislature, and local officials. I can say with great pride we did very well for the State of Alaska because we need transportation in that State, as every other State needs it.

I want to remind people, the responsibility of a chairman is to address the transportation needs in all of the country. As chairman, I worked with officials throughout the country, Governors, mayors, transportation officials, and, of course, all 434 Members and delegates of this body.

As we prepared for the writing of the national transportation bill, members of our committee and I traveled extensively throughout the country at the request of House Members and State and local officials. For the thousands and thousands of transportation projects requested of us, I visited as many communities as possible to meet with the Members, local officials, and public to discuss these requests.

In 2004, Florida Gulf Coast University President William Merwin commissioned a study of a road improvement that would increase the university's ability to cope with hurricanes and other disasters. One of the recommendations in the report was for the construction of an on-ramp from Coconut Road to I–75.

In 2005, the City of Bonita Springs hired a consultant to determine if the interchange at Coconut Road and I–75 would improve traffic congestion on Bonita Beach Road, Corkscrew Road, Old 41, I–75 and Coconut Road. The study determined that the Coconut interchange would take 9,000 cars off of Bonita Road and Corkscrew Road each day, but add about 6,000 cars per day to Coconut Road.

In February 2005, I was invited by a congressional colleague, who was a member of the Transportation Committee, to his district in Florida to hear the needs and concerns of local constituents. On February 19, a town hall meeting was held at Florida Gulf Coast University, whose arena also serves as a hurricane shelter.

This town hall meeting was attended by more than 200 local constituents, transportation officials, and elected officials. One of the issues discussed at the town hall meeting was the need for a hurricane evacuation route to ensure that people could get to safety more quickly during a national disaster. This project was to be an interchange from the heavily traveled I–75 highway to Coconut Road, which leads to the Florida Gulf Coast University in Bonita Springs.

At the town hall meeting, University President William Merwin spoke of the need for a research center at the university that would focus on transportation improvements using new technologies. He also presented a study showing the need for the interchange at Coconut Road to help hurricane evacuees reach the two main shelters in south Lee County. The goal was to provide $10 million for a study, not to build, but study this interchange.

I also would like to note, to the credit of the Florida delegation, this area received $81 million for the widening of I–75. This funding was totally justified and important to the area. The $10 million for the Coconut Road study did not take any money away or divert any funds of the $81 million allocated for I–75 widening. The $10 million for the Coconut Road was funded separately under the national highway bill. Otherwise, it was money above the line.

This interchange study had the support of the Florida Gulf Coast University, the Technical Advisory Committee, which consisted of city and county transportation experts, and the local citizens' advisory committee. The Bonita Springs City Council and the Regional Planning Council Staff have also supported the interchange study. The Technical Advisory Committee and local citizens' advisory committee voted unanimously to include the study in the long range Lee Metropolitan Planning Organization Transportation plan. Unanimously voted for. However, the Metropolitan Planning Organization voted not to include the interchange study in their long range plan. They instead wanted to transfer the $10 million to another project, including I–75.

While I don't agree with this organization's decision, I respect it. It's important to stress that this study funding did not go to any one person, it did not go to any one group of people. The funding was to go to the State of Florida, were they to choose to proceed with the study.

This has always been a good project. The residents of this community deserve to have a safe and effective evacuation route for themselves in case of a national disaster. With Hurricanes Katrina and Rita we saw firsthand what happens when Americans are unable to get to safety. But for now, I support these residents in their wanting to put this money towards another project. I have always supported the community's right to do what they think is best for them. The change is in this technical corrections bill, and I support it.

So why I am talking about this, other than to give the chronological order of event that occurred? Well, it's very easy. I have been the subject of much innuendo concerning my intent and motivation of this project. These accusations have little, if any, connection with what actually occurred.

I outlined my intent and motivations on this, and it is quite different from what I have been hearing lately about this study. Some of the media have made this study into being about one land owner in the area. Not one word has been mentioned about the hundreds of people who attended the town hall meeting in support of this study or about the numerous local organizations and officials who supported it.

This study was included in the largest national highway bill in history.

There were more than 6,200 high priority projects, some call them earmarks, in that bill. About half of these were sponsored by the Democrats and Republicans of this body. About half were sponsored evenly by Republicans and Democrats in the other body. These 6,200 high priority project earmarks from the House and Senate totaled 5 percent of the total highway bill. Five percent.

Two committees handled this bill, the Transportation and Infrastructure Committee, and the Ways and Means Committee. Four committees worked on this bill in the Senate. I did not write this bill by myself. There were six committee chairmen, six ranking members, and dozens of subcommittee chairmen and subcommittee ranking members, members of both party's leadership, and countless others who played major roles in the legislation.

The 6,200 high priority projects, earmarks, were requested by virtually every Member in this House, other than 14 Members of the House, including Mr. FLAKE. This body had nothing to do with the projects requested by the other body, and they had nothing to do with those requested by this body.

This was a massive bill that was not completed until several months after the previous highway authorization had already expired. Members and staff were literally working around the clock until we were able to pass the bill in July, 2005.

As to the debate concerning the process of the enrollment of this and any other legislation, that is not a process I own or control. There are officers of the House and the Senate whose job it is to oversee this process. A committee chairman does not control the enrollment process. I have never been in an enrollment office, and I do not believe any chairman has that right.

After all the accusations and rumors about this bill, I hope this sets the record straight. This project was asked for by the community, it was supported by the Congressman from that district, and there are letters to back that up. But, the Senate is meddling in House affairs. I am supporting this bill. I welcome, if you want to welcome, an investigation into the House. I will support that. But, remember, that is a slippery, slippery road which we are about to be involved in.

We have an opportunity in this bill to stimulate the economy, keep our people working. I am going to support this legislation. But keep in mind that Coconut Road was not my idea. It was created and fostered by the local people of that community.

It's not the first time in the enrollment process. Even in this bill, Jacksonville was mentioned in the bill. What we didn't know, when the Senate and the House voted on it, was that there were six Jacksonvilles in this Nation. It had to be changed, and it was changed prior going to the President's desk, and the House never voted on it. I can go on to other cases where legislation has been changed by the enrollment process when it is considered not the intent of the House.

I thank the gentleman.

Mr. OBERSTAR. Mr. Speaker, I would inquire of the gentleman from Florida if he has other speakers. We are waiting for one speaker on our side.

Mr. MICA. I do have other speakers. I would be pleased to yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I rise in opposition to this bill. H.R. 1195 is purported to be a technical corrections bill. When you hear ''technical corrections,'' you often think of missing commas or misspellings or inverted numbers or other drafting errors. We are doing far, far, far more than that here with this legislation. There are, I believe, more than 200 earmarks that are receiving so-called technical corrections here. These are substantial in nature. They are not simply technical. I think they deserve further scrutiny.

We have all found out what happens when we rush legislation like this through. The underlying bill had 6,300 or 6,200 earmarks, as was mentioned. If you're making technical corrections, they should be technical. These are more than technical. They deserve more scrutiny. We don't want to find out later that we have the same problems that we had before. For that reason, I will oppose the legislation.

Mr. OBERSTAR. Mr. Speaker, I will continue to reserve my time.

Mr. MICA. May I inquire as to how much time our side has?

The SPEAKER pro tempore. The gentleman has 7 minutes.

Mr. MICA. I would like to yield 5 minutes to the gentleman who heads up the Highway Subcommittee on our side, our ranking member, the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I thank the gentleman for yielding.

I first would like to thank Chairman OBERSTAR, Ranking Member MICA, and Mr. DEFAZIO, the chairman of the Highways and Transit Subcommittee, for continuing to work on this important technical corrections bill. I rise to voice my support for H.R. 1195 as amended by the Senate, and I encourage my colleagues to do the same. This is the fifth time we have brought a SAFETEA–LU technical corrections bill to the House floor in the past 2 years.

The bill we are considering today is H.R. 1195. This is a bill that the House passed in March of 2007. The House also passed a more recent version of SAFETEA–LU technical corrections on August 1, 2007, H.R. 3248. As Chairman OBERSTAR mentioned, that bill passed the House with only one dissenting vote. The Senate has amended H.R. 1195 so that the version of H.R. 1195 that we are considering today includes all the changes that were made in H.R. 3248.

Once the President signs this bill, SAFETEA–LU will finally be able to accomplish what the Congress voted for it to do almost 3 years ago. There were many minor errors in policy and in Members' projects in SAFETEA–LU that needed technical correction.

□ 1315

We have heard from the U.S. Department of Transportation and several State DOTs regarding fixes to different programs and high priority projects. I believe this bill addresses most of the issues that have been brought to our attention.

This bill makes critical corrections to the Federal Highway Research Program to ensure that the department can continue essential research programs, including the Future Strategic Highway Research Program and the University Transportation Center Research Program. The bill also corrects several drafting errors regarding the Magnetic Levitation Transportation Deployment Program.

It is important to note that this bill does not make substantial policy changes to SAFETEA–LU. Rather, this bill corrects provisions that were not workable by State DOTs or the U.S. Department of Transportation.

Let me just add a couple of things. Ranking Member MICA, Chairman OBERSTAR and others have mentioned that our economy needs this bill. Just a couple of hours ago, I met with homebuilders from my district in Tennessee. In 2000, Fortune Magazine said the Knoxville metropolitan area was the most popular place to move to in the whole country based on the number moving in in relation to fewest moving out. Ours has been a very popular, fast growing area. Yet this group of homebuilders told me that their market was down 60 percent just from last year. I have been hearing similar stories. We have got some problems that need work.

One of the Republican Presidential candidates was talking about the stimulus package that we passed earlier and they said the problem with it was that we were going to be borrowing money from the Chinese so that people could buy Chinese products. I am not really talking about the merits or demerits of that bill, but he suggested that what we should do is have a stimulus package on infrastructure, because that would be doing things that needed to be done here in this country and the money would be going to American workers to do that very needed work in this country. So I think that is something that we might want to consider at a later point.

But I simply will close at this time by once again thanking our great chairman, Mr. OBERSTAR, and my boss and good friend, Ranking Member MICA, for their persistence on this technical corrections bill. I hope all of my colleagues will join me in supporting this bill.

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

One of the items in our technical corrections bill that I mentioned at the outset was clarifying language to help the Federal Transit Administration to properly interpret section 3011 of SAFETEA–LU on New Start and Small Start project justifications. The reason for that language was that in the consideration of the bill in the House and Senate, and then during conference on SAFETEA–LU, it was clear the Federal Transit Administration was trying to, by administrative action, change existing law.

So we, the lawmakers, gave specific direction to FTA that rather than rely so heavily on their own fabricated cost-effectiveness index in determining authorization or approval of New Start and Small Start projects, they are giving inadequate consideration to other factors, economic development and environmental benefits among them, the investments that private sector interests make at transit stops on major projects, such as Dallas Area Rapid Transit, such as the Washington Area Metro project, where over $20 billion in private sector capital investments have been made along the stops. In Dallas, it is over $1 billion. FTA was not taking into consideration those additional benefits that flow from the investment in a transit project.

Similarly, they were not taking those factors into consideration in evaluating the Dulles Corridor Metrorail Project extension out to Wiehle Avenue, which is otherwise known as the Dulles Metro Extension.

Well, I am delighted that even before we moved this bill through to final enactment, the Federal Transit Administration announced this morning that it intends ''to approve entry into final design for the Dulles Corridor Metrorail Project,'' one of the most important transit projects in the entire United States. This is a vital decision. It is very important to move ahead with this project, so, frankly, we don't look like a third world country when it comes to moving people and goods in our economy.

I would also like to take this opportunity to note that one of the technical corrections that was so important for us to make in this legislation is for the authority to move ahead with MAGLEV development. Magnetic levitation technology was initiated in the United States going back even before ISTEA in 1991 under an amendment that I advanced with the support of the Congressional Steel Caucus to perfect magnetic levitation technology.

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

Mr. OBERSTAR. I yield myself an additional 2 minutes.

While we continued to study it and develop it in university research centers and in contracts with the private sector, Germany and Japan moved ahead with test track MAGLEV technology projects. One of those, the German technology version, has already been implemented in Shanghai, China, while we continue to lag behind because we have not moved ahead with sufficient authority.

Well, we have provided that authority in SAFETEA–LU, but the language wasn't precise enough to satisfy the Federal Transit Administration to move ahead. So we have corrected that ambiguity, if you will, or at least what the Department of Transportation considered to be an ambiguity, with the following language. ''Fifty percent of the funds will be allocated to the Nevada Department of Transportation, who shall cooperate with the California-Nevada Super Speed Train Commission for the MAGLEV project between Las Vegas and Primm.'' In addition, the other 50 percent of the funds shall be allocated ''for existing MAGLEV projects located east of the Mississippi River, using such criteria as the Secretary deems appropriate.''

In the accompanying report, section 102 language on MAGLEV, we further specify how those funds are to be used, specifically, the 50 percent allocated to the California-Nevada Super Speed Train Commission for Las Vegas-Primm and the other 50 percent for projects east of the Mississippi. The intent of this clarification is to limit the eligible projects to three existing projects east of the Mississippi River; Pittsburgh, Baltimore-Washington and Atlanta-Chattanooga, in a competition to be determined by and evaluated and resolved by the Secretary of Transportation.

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

Mr. OBERSTAR. I yield myself an additional minute.

I earnestly hope now that after two decades of studying, evaluating and developing in very limited test modes, MAGLEV technology will now be able to move ahead with passenger MAGLEV technology.

I also note for the record that the gentleman from California (Mr. ROHRABACHER) and I have been working with the Port Authority of Los Angeles-Long Beach and the California Transportation Department, and Mr. ROHRABACHER with the Governor's office in California, on a MAGLEV circular route, loop route, from the Port of Los Angeles to Riverside, California, to carry container cargo that can actually pay its own way to the interior of California and avoid the grade crossings and actually haul paying passenger containers.

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

Mr. OBERSTAR. I yield myself 1 additional minute.

I think these opportunities for advancing the state of the art of this very exciting magnetic levitation technology will now come to fruition with the final language in this legislation on these two projects, plus the initiative in the Port of Long Beach-Los Angeles.

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

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

In closing for our side, again I want to thank Mr. OBERSTAR and Mr. DEFAZIO and Mr. DUNCAN, who spoke previously, and Mr. YOUNG, the previous Chair of the Transportation and Infrastructure Committee.

Let me just respond to a couple of items here. First of all, I want to join Mr. OBERSTAR. Both of us worked very hard and intently with the Governor of Virginia and with the delegation from Virginia, the Northern Virginia congressional delegation. I am so delighted to see that the extension of the Metrorail will continue out to Dulles.

It is expensive, folks. It is not going to get any cheaper. If you are looking at solutions to help the environment and deal with congestion, that is one of them, and we have to move forward. I am very pleased, and I thank the gentleman for his efforts and our joint efforts in making that possible.

We are all joined together by one common denominator in transportation, from sea to shining sea: We face congestion everywhere, in small towns, middle-sized towns, metropolitan areas. This bill, more than any other legislation that we will do this year, will move projects forward.

Now, there has been some criticism that this changes earmarks or redefines some earmarks. Yes, it does. These are congressional earmarks, and I say from our side of the aisle, I can tell you that we have done everything we can to make this process transparent, open, and have Members publicly state what their intent is. So I feel good about what we have done.

I can't control what the other body does. Mr. OBERSTAR can't either. But we have done our best to vet these projects and move the interests of this country, which is building and moving the infrastructure of this country forward. This legislation will do that. I urge Members to support this legislation.

Now, I know it does have a provision in here that does allow the Department of Justice to conduct an investigation on one of the projects. The leadership of the House and Senate and Mr. YOUNG and others have agreed to move forward with this. I don't think it sets a good precedent, because the House and Senate should be the judge of their own Members under the Constitution. Be that as it may, I will still support this bill, move forward with the process, and we will try to do our best to keep America moving forward with its infrastructure and transportation projects, which is absolutely vital to our economy at this time.

I ask Members to support this legislation, and again thank all those involved.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time. How much remains?

The SPEAKER pro tempore. Two minutes.

Mr. OBERSTAR. I yield myself the balance of my time again to express my great appreciation to the gentleman from Florida for the splendid cooperation, bipartisan participation, for the efforts made here in this body and with the other body on moving them along to bring the technical corrections to a conclusion.

I also want to note for the record the gentleman from Florida joined with me in the appeal, in fact, he initiated the request to the Secretary of Transportation, Ms. Peters, last October, for a meeting in our committee offices with the Governor of Virginia, the Commissioner of Transportation for Virginia, the Northern Virginia bipartisan Republican and Democratic House delegation, with Senator WARNER's staff and FTA Administrator Simpson to discuss this Dulles Metrorail project, to bring to the attention of the administration that this is a bipartisan initiative, that we are together on supporting it, and to move it ahead. Now we are there. I thank the gentleman for his consistency and constancy on that initiative.

I concur also with the gentleman's remarks. These are technical corrections. There are 485 of them. Some of them, a good many of them, are just misspellings that needed to be technically corrected. There was some wording that the Federal Highway Administration wanted clarification on, that the Federal Transit Administration asked us to provide clarifying language on, and we do that in this legislation.

□ 1330

There were other projects where Members found that a project had been designated and was not exactly what their constituents were anticipating, they wanted to change it, dollar for dollar, no increasing, no additional spending. It is appropriate.

As former Chairman Bud Shuster was fond of saying: We Members of Congress are not potted plants. We are not there to just stand and look on benignly while the executive branch implements the legislation that we vote for. We are the ones who are accountable to raise the revenues; we are the ones who are accountable to put the policies in place, and we have a say in how they are carried out. And that is what we do with these Member high-priority projects.

So I urge all Members to support this legislation as an affirmation of the role of the people's body in setting transportation policy.

Mrs. BACHMANN. Mr. Speaker, today the House is considering H.R. 1195, a bill to make technical corrections to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). Included in this bill is an important technical correction to a previously authorized high-priority project (HPP) which would increase vehicle crossing capacity over the Mississippi River and provide congestion relief for many of my constituents in Anoka County.

Development associated with population growth in the northwestern portion of the Twin Cities metro region has significantly increased traffic volume along the Highway 101, Highway 169, and 1–94 corridors. These increases currently cause significant delays at corridor crossings over the Mississippi River during the rush hours. Congestion experienced along these existing corridors will increase markedly as the area continues to grow.

Unfortunately, H.R. 1195 includes an error in the language referring to this project, mislabeling US 169 as US 160. In the past, typo mistakes have held up funding previously authorized by the House. I hope that my statement will serve to clarify this typo now and in the future as this important project moves forward.

Mr. OBERSTAR. 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 Minnesota (Mr. OBERSTAR) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1195.

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. OBERSTAR. 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.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. CARNEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 308) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 308

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

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the 27th annual National Peace Officers' Memorial Service (in this resolution referred to as the ''event''), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2007.

(b) DATE OF EVENT.—The event shall be held on May 15, 2008, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 308.

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

There was no objection.

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

Mr. Speaker, House Concurrent Resolution 308 authorizes the use of the Capitol Grounds for the 27th National Peace Officers' Memorial Service. Statistics from the National Law Enforcement Officers Memorial Fund indicate that, in 2007, 181 officers died in the line of duty, and they will be honored at this year's memorial service.

On average, in the United States a peace officer is killed every 53 hours. Sadly, these numbers make 2007 one of the deadliest years for peace officers. Five officers were women. Forty States plus the District of Columbia experienced officer fatalities in 2007; 13 States had five or more fatalities.

In 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers Memorial Day and the week in which that date falls as Police Week.

The first official Memorial Service took place on May 15, 1982, at which 91 law enforcement officers were honored. Over the past 27 years, the Memorial Service has honored over 3,000 law enforcement officers from around our Nation. Today, the National Peace Officers' Memorial Service on Capitol Hill has become one in a series of well-attended events during Police Week.

Activities on the Capitol Grounds conducted under H. Con. Res. 308 will be coordinated with the Office of the Architect of the Capitol, will be free

and open to the public. I support this resolution and urge its passage.

I reserve the balance of my time.

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

House Concurrent Resolution 308 authorizes the use of the Capitol Grounds for the annual National Peace Officers' Memorial Service to be held Thursday, May 15, 2008, as was pointed out. The National Peace Officers' Memorial Service will pay tribute to the 191 officers killed in the line of duty during 2007 and years prior.

Since 1962, this ceremony, sponsored by the Grand Lodge of the Fraternal Order of Police and its auxiliary, has honored fallen Federal, State, and local officers and their families.

This year will be the 28th time the memorial service has been held on the grounds of the Capitol. The events of National Police Week lead up to the annual Peace Officers' Memorial Service with honors for the fallen officers.

This year, National Police Week will run from Sunday, May 11, through Saturday, May 17, with events around the country and here in Washington, D.C. The families and colleagues of officers killed in duty will gather to remember and honor the men and women who protect our communities.

One of the fallen officers who will be recognized this year is Deputy Sheriff Charles Cook from Missouri. Deputy Cook served the Buchanan County Sheriffs Office honorably for 3 years before his death in the line of duty. It is entirely appropriate to honor on the floor of the House the service and sacrifice of Deputy Cook and the other officers who have lost their lives serving and protecting our communities and our country.

The service and the other events of National Police Week are valuable reminders of the sacrifices of many of our Nation's police officers and their families. I encourage my colleagues to attend the National Peace Officers' Memorial Service, to pay tribute to the fallen officers, and recognize the individuals nationwide who put their lives at risk every day for the safety of our communities. I support the measure and would encourage my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of House Concurrent Resolution 308, authorizing the use of the Capitol Grounds for the 27th National Peace Officers' Memorial Service. More than 150 Federal, State, and local law enforcement officers killed in the line of duty in 2007 will be honored at this Memorial Service. According to the National Law Enforcement Officers Memorial Fund, 181 officers died in the line of duty in 2007. Five officers were women. Forty States and the District of Columbia experienced officer fatalities in 2007. Thirteen States had five or more fatalities.

In 1962, President John F. Kennedy signed a proclamation which designated May 15th as Peace Officers Memorial Day, and the week in which that date falls as "Police Week". The first official memorial service took place on May 15, 1982, at which 91 law enforcement officers were honored. Over the past 27 years, the Memorial Service has honored more than 3,000 law enforcement officers from around our nation. Today, the National Peace Officers' Memorial Service on Capitol Hill has become one in a series of well attended events during Police Week.

Activities on the Capitol Grounds conducted under H. Con. Res. 308 will be coordinated with the Architect of the Capitol, will be free, and open to the public.

I urge my colleagues to join me in supporting H. Con. Res. 308.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 308, which authorizes the use of the Capitol grounds for the National Peace Officers' Memorial Service.

Peace officers, the sworn, public-sector officers entrusted with law enforcement authority and the power of arrest, risk their lives daily to protect our nation. These individuals, who are responsible for safeguarding the rights and freedoms we enjoy as Americans, are true heroes.

Peace Officers Memorial Day honors those who have made the ultimate sacrifice for the safety and security of their communities and our nation. Created by Public Law 87–726, signed by President Kennedy in 1962, this day gives us the opportunity to acknowledge and pay our respects to those who, through their courageous deeds, have fallen in the line of duty.

Mr. Speaker, on Sunday, May 15, 2008, our nation will come together to honor, remember and record those law enforcement officers who were killed in the line of duty during the year of 2007. Mr. Speaker, one of the names of the fallen heroes added to the list last year was Officer Rodney J. Johnson of the Houston Police Department. Officer Johnson, a 12 year veteran of the Houston Police Department, was killed September 21, 2006, while taking a suspect in custody during a traffic stop. He leaves to honor his memory his beloved wife, Houston Police Department Officer Joslyn Johnson, and five teen-age children; three daughters and two sons, ages 14 to 19.

Officer Rodney Johnson was born in Houston and served in the U.S. Army as a military police officer until being honorably discharged in 1990. He then went to work as a corrections officer for the Texas Department of Criminal Justice and then as a jail attendant. He graduated from the Houston police academy in 1994.

As a member of the department's Southeast Gang Task Force, Officer Rodney Johnson earned two Lifesaving Awards and one Medal of Valor from the state of Texas. In January 1998, Officer Rodney Johnson rescued a physically challenged driver trapped in rising floodwaters in January 1998 and later that year he rescued mentally challenged people trapped inside of a burning house.

Officer Rodney Johnson, who stood 6 feet 5 inches tall and weighed nearly 300 pounds, served on his union's board of directors. As Hans Marticiuc, the president of Officer Johnson's union stated, "he was big and he was intimidating-looking, but he was as gentle as a baby bear."

Although the number of officers killed in the line of duty has declined in recent years, the fact that one officer is killed every two-and-a-half days in our country is a sober reminder that protecting our communities and safeguarding our democracy come at a heavy price. Last year, the total number of law enforcement officers killed in the line of duty was represented by 17,917 names engraved on the Memorial, representing officers from all 50 states, the District of Columbia, US territories, and federal law enforcement and military police agencies.

This resolution permits the Grand Lodge of the Fraternal Order of Police and its auxiliary to sponsor a free public event, the 27th Annual National Peace Officers' Memorial Service, on the Capitol grounds on May 15, 2008. This service will honor the law enforcement officers killed in the line of duty during 2007 who have died in the line of duty, as well as the 800,000 officers who continue to serve in Federal, State and local law enforcement agencies nationwide.

Mr. Speaker, I urge my colleagues to join me in supporting this important resolution.

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

Mr. CARNEY. 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 Pennsylvania (Mr. CARNEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 308.

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. CARNEY. 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.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL AVIATION MAINTENANCE TECHNICIAN DAY

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 444) supporting the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 444

Whereas the safety of the flying public is ensured and the integrity of the aircraft airworthiness is personally guaranteed by individuals who comprise the professional aviation maintenance technician workforce;

Whereas the professional aviation maintenance technician is a key member of the United States military in protecting America through a strong armed forces aviation infrastructure;

Whereas the duties of aviation maintenance technicians are critical to United States homeland security and an integral component of the Nation's aerospace industry;

Whereas the professional aviation maintenance technician provides the strong infrastructure on which public confidence in our airborne transportation safety and military aviation strength is ensured;

Whereas the professional philosophy of the certificated aviation maintenance technician is embodied in the Aviation Mechanic's Creed:

UPON MY HONOR I swear that I shall hold in sacred trust the rights and privileges conferred upon me as a certified mechanic. Knowing full well that the safety and lives of others are dependent upon my skill and judgment, I shall never knowingly subject others to risks which I would not be willing to assume for myself, or for those dear to me.

IN DISCHARGING this trust, I pledge myself never to undertake work or approve work which I feel to be beyond the limits of my knowledge nor shall I allow any non-certified superior to persuade me to approve aircraft or equipment as airworthy against my better judgment, nor shall I permit my judgment to be influenced by money or other personal gain, nor shall I pass as airworthy aircraft or equipment about which I am in doubt either as a result of direct inspection or uncertainty regarding the ability of others who have worked on it to accomplish their work satisfactorily.

I REALIZE the grave responsibility which is mine as a certified airman, to exercise my judgment on the airworthiness of aircraft or equipment. I, therefore, pledge my unyielding adherence to these precepts for the advancement of aviation and for the dignity of my vocation.

Whereas in 1902 Charles Edward Taylor began working as a machinist for Orville and Wilbur Wright at the Wright Cycle Company in Dayton, Ohio;

Whereas using only a metal lathe, drill press, and hand tools, Charles Edward Taylor built, in 6 weeks, the 12-horsepower engine that was used to power the Wright brothers' first flying machine;

Whereas Charles Edward Taylor's ingenuity earned him a place in aviation history when the Wright brothers successfully flew their airplane in controlled flight on December 17, 1903;

Whereas Charles Edward Taylor had a successful career in aviation maintenance for more than 60 years;

Whereas Charles Edward Taylor was honored by the Federal Aviation Administration with the establishment of the Charles Edward Taylor Master Mechanic Award, which recognizes individuals with 50 years or more of aviation maintenance experience;

Whereas Charles Edward Taylor has become a hero to aircraft maintenance technicians worldwide; and

Whereas 45 of the States together with the Commonwealths, Territories, Republics, and Federations of the United States have already declared May 24 to be Aviation Maintenance Technician Day within their jurisdictions: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports National Aviation Maintenance Technician Day to honor the professional men and women who ensure the safety and security of our airborne aviation infrastructure; and

(2) recognizes the life and memory of Charles Edward Taylor, the aviation maintenance technician who built and maintained the engine that was used to power the Wright brothers' first controlled flying machine on December 17, 1903.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

I thank the Speaker and I thank our House Speaker for bringing this to the floor today, H. Res. 444, a resolution which supports the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft.

With all the concerns, Mr. Speaker, today about safety and airlines, it is the men and women who actually do the maintenance that we depend on so greatly.

It was Charles Edward Taylor who built and maintained the engine that was used to power the Wright brothers' first controlled aircraft, the Flyer, and he was born in 1868. He is widely regarded as the father of aviation maintenance, and was a vital contributor of mechanical skills in the building and maintaining of early Wright brothers engines and airplanes. Taylor also built the wind tunnel used by the Wrights to test their early designs. He became a leading mechanic in the Wright Aircraft Company when it was formed in 1909. In fact, when Calbraith Perry Rodgers made his famous cross-country trip in a Wright brothers aircraft, he paid Charles Edward Taylor $70 a week, a pretty large sum at the time, to be his mechanic. Taylor followed the flight by train, making required repairs and preparing the aircraft for the next day's flight throughout the cross-country trip from Long Island to California.

Although Taylor was largely ignored by history, it is important to note that the Wright brothers were very close friends with him, and remained in close contact with him throughout their lives.

Charles Edward Taylor saved enough money from his ventures to buy several hundred acres of farmland near the Salton Sea, which is located in my district. However, the economic climate of the time eventually brought him to poverty, and he died penniless in 1956 at the age of 87. He was buried at the Portal of Folded Wings Shrine to Aviation in Burbank, California.

Mr. Speaker, the humble beginnings of the aviation maintenance profession belies the fact that all of us in the Congress and our constituents rely on the work that these technicians do every day. They play an invaluable role not only in ensuring the safety of commercial aircraft, but also ensuring that our men and women in uniform have safe, reliable planes and helicopters while in their combat and training. Thanks to these dedicated, well-trained professionals, the United States has by far the safest air transportation system in the world. We owe aircraft mechanics a debt of gratitude for their service to the flying public.

We are hearing a lot today about consolidations in the airline industry, and some airlines have already been outsourcing aviation maintenance abroad to cut their costs. I urge everyone in this Chamber to remember how critical it is for our own safety to have a well-trained U.S.-based workforce to fix and maintain our aircraft. As the airline industry seeks to cut costs and merge, it is very important for all of us to keep a watchful eye on the impact of these consolidations on aviation maintenance technicians. We cannot afford to cut corners when it comes to safety.

Mr. Speaker, 45 U.S. States have already declared May 24 to be Aviation Maintenance Technician Day within their jurisdictions. My resolution is intended to support these efforts and honor aviation maintenance technicians, including the first, Charles Edward Taylor. I urge all my colleagues to vote for H. Res. 444.

I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of Resolution 444, Supporting National Aviation Technician Day, and honoring Charles Edward Taylor. This resolution was introduced by the gentleman from California (Mr. FILNER) in honor of aviation maintenance mechanics and their profession.

Day in and day out, aviation mechanics ensure the safety of the flying public. They are also critical for the safety of our Armed Forces aviation infrastructure. They keep our military aircraft flying and are key elements in ensuring their security.

The aviation mechanics creed embodies their professional philosophy. Words such as ''sacred,'' ''trust,'' ''judgment,'' and ''dignity'' are used to describe their duties and professionalism.

Our public confidence in aviation transportation is a direct result of their commitment to these ideals and the unwavering integrity of their work.

H. Res. 444 also rightly honors Charles Edward Taylor, who played a fundamental role in aviation history. In 1902, Mr. Taylor began work as a machinist in Dayton, Ohio for the Wright Cycle Company. In just 6 weeks, he built a 12 horsepower engine with only a metal lathe, a drill press, and hand tools. On December 17, 1903, his engine was used on the Wright brothers' first flying machine and propelled the world into controlled flight. Mr. Taylor's career lasted 60 years and earned him a place in aviation history. To this day, he is known as the father of aviation maintenance.

The Federal Aviation Administration's Charles Edward Taylor Master Mechanic Award is bestowed upon individuals who have over 50 years of experience in aviation maintenance and is truly an honor to receive.

Mr. Speaker, 45 States currently designate May 24 as Aviation Maintenance Technician Day. I encourage my Members to support this resolution to honor

the men and women of aviation maintenance and the life and memory of Charles Edward Taylor.

Mr. Speaker, I actually got to hear one of the very original Wright brothers engines, which was built by Mr. Taylor, at Oshkosh just a few years ago. There are still a couple of them that are existing today. They were actually built by hand, very crudely built, and I got an opportunity to hear one of them started up running. It was actually the third engine that he ever built, and it was absolutely a neat thing to see.

□ 1345

In my district I have one of the American Airlines overhaul bases which houses a lot of mechanics and aviation technicians who work on those aircraft, and from a base as large as that right down to some of our very small businesses, like Joe Rankin who runs an aviation shop in a little airport in Marionville, Missouri, those aviation mechanics are important to the entire industry.

Being a pilot myself, I know just how important good maintenance and those mechanics can be to your aircraft. It really is an honor to have the opportunity to be able to handle this bill for the minority side today. I thank the gentleman from California for his work on it. I think it truly says a lot about aviation mechanics and the reason we are honoring them.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of House Resolution 444. H. Res. 444 highlights the House of Representatives' support for the May 24 National Aviation Maintenance Technician Day to honor Charles Edward Taylor, the first aviation maintenance technician who created and maintained the engine used to power the Wright brothers' aircraft, and the men and women who followed in his footsteps as aviation maintenance technicians.

This resolution celebrates the life and achievements of one of the fathers of aviation while also recognizing the indispensable role aviation maintenance technicians play by ensuring the safety of civil and military aircraft and infrastructure as well as the American people. In 1901, Charles Edward Taylor left his job making 25 cents an hour at the Dayton Electric Company to make 30 cents an hour in the Wright brothers' bicycle shop. Within a year of starting, Taylor helped them build a wind tunnel to test the Wrights' theories on winds and control surfaces.

When, in 1903, the Wright brothers' tasked Taylor with creating an 8-horsepower engine to power the Flyer, his only prior experience was an attempt to repair a gasoline automobile engine in 1901. He designed and built an aluminum, water-cooled, 12-horsepower engine. He built the engine from scratch in only 6 weeks, and without drawings, using a drill press, metal lathe, and hand tools.

Taylor said, "[I] always wanted to learn to fly, but I never did. The Wrights refused to teach me and tried to discourage the idea. They said they needed me in the shop and to service their machines, and if I learned to fly, I'd be gadding about the country and maybe become an exhibition pilot, and then they'd never see me again."

After assisting the Wright brothers, Taylor went on to a pioneering aviation maintenance career spanning more than 60 years including a job as the chief mechanic for the first transcontinental flight in 1911 by Calbraith Perry Rodgers.

I urge my colleagues to join me in supporting H. Res. 444, honoring the first aviation maintenance technician, Charles Edward Taylor, and every aviation maintenance technician who has or will follow in his footsteps.

Mr. COSTELLO. Mr. Speaker, today, we are considering H. Res. 444, a resolution supporting the goals and ideals of national aviation maintenance technician day, honoring Charles Edward Taylor, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of both civil and military aircraft.

This important legislation was introduced by our colleague, Mr. FILNER.

Charles Edward Taylor was born in Illinois in 1868 and worked as the machinist for the Wright brothers in their Dayton, Ohio facility. It was here that he built the 12-horsepower engine to power the Wright brothers' first flying machine.

Taylor had an impressive career spanning over sixty years, where he did all of the preliminary engine design work for the Wright brothers and later taught them to build aircraft engines.

As a testament to his skill and this important craft, the Federal Aviation Administration awards the Charles Taylor Master Mechanic Award recognizing the lifetime accomplishments of certificated mechanics and repairmen who have worked in aviation for at least 50 years.

Our aviation maintenance professionals ensure the safety of aircraft each and everyday. By honoring Charles Taylor, we demonstrate our respect and admiration for this important profession.

Mr. Speaker, aviation maintenance professionals continue to keep our civil and military aircraft safe and secure. That is why I support H. Res. 444 and urge my colleagues to do the same.

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

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 444.

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.

PROMOTING THE SAFE OPERATION OF 15-PASSENGER VANS

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 964) to promote the safe operation of 15 passenger vans, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 964

Whereas an organization that owns or operates a 15-passenger van should not allow an inexperienced driver of such a van to drive the van because design and handling characteristics of a 15-passenger van make it drive differently than other passenger vehicles;

Whereas the safety records of drivers experienced in driving a 15-passenger van are significantly better than drivers not experienced in driving such a van;

Whereas according to the National Highway Traffic Safety Administration, from 1997 through 2006, there were 1,090 fatalities of van occupants resulting from crashes involving 15-passenger vans of which 534 fatalities resulted from largely preventable single-vehicle rollover crashes of such vans;

Whereas according to the Insurance Institute for Highway Safety, in 2005, 59 percent of the fatalities in 15-passenger van crashes occurred in single-vehicle rollover crashes, which is higher than the rollover fatality rates for any other passenger vehicle type;

Whereas 15-passenger vans require special driving skills because they are larger, with higher centers of gravity, which makes them less stable than vehicles such as cars, especially if the van is heavily loaded;

Whereas adding passengers in a 15-passenger van increases the center of gravity, causing the van to be increasingly difficult to handle and less stable;

Whereas the death rate for all occupants was higher for 15-passenger vans than for other passenger vehicle types combined;

Whereas during the period 2001 through 2005, the death rate for occupants of 15-passenger vans was 250 fatalities per million registered vehicles compared to 151 fatalities per million of all other registered vehicles;

Whereas impressing upon 15-passenger van drivers the inherent dangers of operating these vehicles, particularly when fully loaded, and educating them about proper handling and control, particularly during emergency situations, can reduce the risk of rollover, and such training can also help dispel the expectation that these vans operate like large passenger cars;

Whereas wearing safety belts dramatically increases the chances of survival during a rollover crash;

Whereas nearly 80 percent of those who died in 15-passenger van rollovers nationwide between 1990 and 2003 were not buckled up;

Whereas in fatal, single-vehicle rollover crashes involving 15-passenger vans over the past decade, 91 percent of occupants wearing safety belts survived; and

Whereas driver education and training, and general awareness of the dangers of these vans are effective means of reducing the death rates of occupants of 15-passenger vans: Now, therefore, be it

Resolved, that the House of Representatives recognizes the need for awareness regarding the increased risks of driving 15-passenger vans and encourages any operator of such a vehicle or person who provides transportation in such a vehicle to provide adequate training for drivers and safety information, including the necessity for wearing safety belts, to passengers.

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

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 964.

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

There was no objection.

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

Mr. Speaker, this issue has been highlighted and brought to the attention of the committee by the ranking member, Mr. DUNCAN. It is his resolution and he has been an activist on the committee in highlighting the problems of safety with 15-passenger vans. I appreciate his work on this issue.

We are intending to hold a hearing on safety issues, and include some testimony from individuals who have had family tragedies because of these vans. The vans have had particular problems with single-vehicle rollover crashes. They have higher rollover fatality rates than any other passenger vehicle type. From 2001 to 2005, the death rate for 15-passenger vans was 250 per million registered vehicles compared to 151 per million for all other registered vehicles.

The committee had formerly noted problems with this, and in the SAFETEA–LU legislation which was amended by technical corrections earlier by the House, Congress directed the National Highway Transportation Safety Administration to test 15-passenger vans as part of their rollover resistance program.

We also prohibited schools from purchasing, renting or leasing 15-passenger vans to transport students. But there are still a lot of these vans on the road. It is imperative that drivers be alerted to the increased risk of driving a 15-passenger van compared to a regular passenger vehicle. There have been cases even when the occupants, particularly children, because of their smaller size, were wearing lap and shoulder belts where tragic deaths occurred in some of these rollover crashes.

I look at this resolution as a first step in raising public awareness, and I hope that the committee and other committees which have jurisdiction in this area will take more definitive action in the near future.

With that, I reserve the balance of my time.

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

Mr. Speaker, first of all, I want to thank Chairman DEFAZIO for his strong and enthusiastic support for this resolution, and I want to add my support for House Resolution 964.

I introduced this resolution because of a tragic 15-passenger van accident last July in which a 10-year-old girl from my hometown of Knoxville was killed.

Alexis ''Lexie'' James was traveling in a 15-passenger van being driven by close family friends to Savannah, Georgia, for a softball tournament. The driver was not a professional driver with a commercial driver's license. In fact, a commercial driver's license is not required to drive 15-passenger vans. This van was privately owned, and there were only five passengers: the dad and mom, their 16- and 10-year-old children, and Lexie.

On July 17, 2007, as the van was traveling east on Interstate 26 near St. Matthews, South Carolina, the left rear tire of the van blew out, and the van ran off the right side of the highway, down an embankment, overturned, struck a fence, crossed the frontage road, and came to rest on its side.

Everyone in the van was wearing a seat belt, but somehow Lexie slipped out of her belt and was ejected from the van onto the frontage road and was killed.

I have met with Lexie's dad, Patrick James, and he is asking some hard questions about the safety of 15-passenger vans. The resolution we are considering today focuses on safety issues that are firmly within the jurisdiction of the Transportation and Infrastructure Committee regarding driver and passenger behavior, including the need for better driver training and passenger safety information.

A 15-passenger van does not handle or operate like a larger version of a passenger car. These vans have a higher center of gravity, which makes them less stable and more difficult to handle. In addition, the bodies of the vans extend 4 to 5 feet beyond the rear wheels, causing instability during emergency maneuvers such as sudden turns. This causes the vans to fishtail, and because they are top heavy and may be overloaded in the rear, they are prone to roll over and result in devastating crashes.

In May of 2005, the National Highway Traffic Safety Administration issued a consumer advisory safety warning to all drivers of these vehicles. The precautions that NHTSA recommends for all drivers of 15-passenger vans are:

One, keep your passenger load light.

Two, check your van's tire pressure every week.

Three, require all occupants to use seat belts or the appropriate child restraint.

Four, if possible, seat passengers and place cargo forward of the rear axle.

Five, do not place loads on the van's roof.

Six, be very mindful of speed and road conditions.

Better driver training and more thorough dissemination of safety tips like these are the best tools we have right now to help save the lives of other children and adults riding in 15-passenger vans.

As Chairman DEFAZIO just stated, this resolution is a first step towards calling the public's attention to the very dangerous situation or condition of some of these 15-passenger vans and how prone they are to very serious vehicle accidents.

I strongly support this resolution and hope to make this important safety issue a priority for the Nation. Mr. Speaker, I urge all of my colleagues to support this resolution.

I reserve the balance of my time.

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

I would again congratulate the gentleman. It is sad that such a tragedy occurred to one of his constituents. But the best we can do to try to make sense of that tragedy is to try and prevent future tragedies as a result of these sorts of vehicles.

It has been fully my intention as chairman of the committee to hold hearings on both these vans and some other related safety items that have come to the attention of the committee. The reason the hearing has been delayed is because the head of the National Highway Transportation Safety Administration has been on administrative leave for personal reasons. We expect her back in the not-too-distant future, and then intend to go ahead.

But in the interim, by passing this legislation we can at least send the message that we have concern and we can try to alert the American public, we can try and avert more tragedies.

I would also point out that our colleagues on the Energy and Commerce Committee have substantial jurisdiction in this area. And hopefully as they cast their votes for this initiative, this resolution here today, they will think about their jurisdiction and perhaps they too will join with us in raising concerns.

With that, I have no further requests for time.

Mr. DUNCAN. Mr. Speaker, I have no other speakers. Once again I would thank Chairman DEFAZIO for his support and for his offer to hold a hearing on the safety involving these 15-passenger vans. I urge my colleagues to support this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise in support of the resolution, H. Res. 964, which seeks to promote the safe operation of 15-passenger vans and highlights an important safety issue. I thank the gentleman from Tennessee (Mr. DUNCAN) for bringing this important issue to the Committee on Transportation and Infrastructure and the House.

This resolution encourages all organizations owning or operating a 15-passenger van not to allow inexperienced drivers to operate these vehicles without proper training and education regarding the safe operation of these vehicles. The design and handling characteristics of 15-passenger vans make them different to drive than other passenger vehicles.

The operators of these vehicles must understand the special driving skills necessary for their safe operation due to the larger size and higher centers of gravity. These characteristics make 15-passenger vans less stable than vehicles such as cars.

According to the National Highway Traffic Safety Administration, from 1997 through 2006, there were 1,090 fatalities of van occupants resulting from crashes involving 15-passenger vans, of which 534 fatalities resulted from largely preventable single-vehicle rollover crashes of such vans.

Furthermore, according to the Insurance Institute for Highway Safety, in 2005, 59 percent of the fatalities in 15-passenger van crashes

occurred in single-vehicle rollover crashes, which is higher than the rollover fatality rates for any other passenger vehicle type. The threat of rollover in these vehicles becomes even greater when operators place heavy loads on the roofs of the vans, such as luggage.

Mr. Speaker, safety belts dramatically increase the chances of survival during a rollover crash. Nearly 80 percent of those who died in 15-passenger van rollovers nationwide between 1990 and 2003 were not buckled up. These striking statistics paint a very clear portrait of the dangers associated with 15-passenger vans, and that the operation of these vans by inexperienced drivers raises significant safety concerns for operators and passengers in these vehicles.

In the last federal surface transportation act, we made progress on this issue. However, more must be done to bring public awareness to this critical issue impacting the public safety on our nation's roadways. As we embark on the initial stages of our next surface transportation authorization bill, we must include the concerns raised by H. Res. 964 in our discussions and ensure that the safety problems associated with 15-passenger vans are addressed.

I urge my colleagues to join me in supporting H. Res. 964.

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

Mr. DEFAZIO. 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 Oregon (Mr. DEFAZIO) that the House suspend the rules and agree to the resolution, H. Res. 964, as amended.

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

The title was amended so as to read: ''Resolution promoting the safe operation of 15-passenger vans.''.

A motion to reconsider was laid on the table.

MAKING TECHNICAL CORRECTIONS TO NEWBORN SCREENING SAVES LIVES ACT

Ms. ROYBAL-ALLARD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5919) to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5919

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

SECTION 1. TECHNICAL CORRECTION TO NEWBORN SCREENING SAVES LIVES ACT.

(a) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—

(1) IMPROVED SCREENING.—Section 1109 of the Public Health Service Act (42 U.S.C. 300b–8(j)), as added by section 2 of the Newborn Screening Saves Lives Act of 2007, is amended by striking subsection (j) and inserting the following:

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(1) to provide grants for the purpose of carrying out activities under subsection (a)(1), $15,000,000 for fiscal year 2009; $15,187,500 for fiscal year 2010, $15,375,000 for fiscal year 2011, $15,562,500 for fiscal year 2012, and $15,750,000 for fiscal year 2013; and

''(2) to provide grants for the purpose of carrying out activities under paragraphs (2), (3), and (4) of subsection (a), $15,000,000 for fiscal year 2009, $15,187,500 for fiscal year 2010, $15,375,000 for fiscal year 2011, $15,562,500 for fiscal year 2012, and $15,750,000 for fiscal year 2013.''.

(2) EVALUATING THE EFFECTIVENESS.—Section 1110(d) of the Public Health Service Act (42 U.S.C. 300b–9(d)), as added by section 3 of the Newborn Screening Saves Lives Act of 2007, is amended by striking ''2008'' and all that follows and inserting ''2009, $5,062,500 for fiscal year 2010, $5,125,000 for fiscal year 2011, $5,187,500 for fiscal year 2012, and $5,250,000 for fiscal year 2013.''.

(3) ADVISORY COMMITTEE.—Section 1111 of the Public Health Service Act (42 U.S.C. 300b–11), as amended by section 4 of the Newborn Screening Saves Lives Act of 2007, is amended—

(A) in subsection (d)(2), by striking ''2007'' and inserting ''2008'';

(B) in subsection (e), by striking ''2007'' and inserting ''2008'';

(C) in subsection (f), by striking ''2007'' and inserting ''2008''; and

(D) in subsection (g), by striking ''2008'' and all that follows and inserting ''2009, $1,012,500 for fiscal year 2010, $1,025,000 for fiscal year 2011, $1,037,500 for fiscal year 2012, and $1,050,000 for fiscal year 2013.''.

(4) CLEARINGHOUSE.—Section 1112 of the Public Health Service Act (as added by section 5 of the Newborn Screening Saves Lives Act of 2007) is amended—

(A) in subsection (b)(4)(D), by striking ''2007'' and inserting ''2008''; and

(B) in subsection (d), by striking ''2008'' and all that follows and inserting ''2009, $2,531,250 for fiscal year 2010, $2,562,500 for fiscal year 2011, $2,593,750 for fiscal year 2012, and $2,625,000 for fiscal year 2013.''.

(5) LABORATORY QUALITY.—Section 1113(b) of the Public Health Service Act (as added by section 6 of the Newborn Screening Saves Lives Act of 2007) is amended by striking ''2008'' and all that follows and inserting ''2009, $5,062,500 for fiscal year 2010, $5,125,000 for fiscal year 2011, $5,187,500 for fiscal year 2012, and $5,250,000 for fiscal year 2013.''.

(6) INTERAGENCY COORDINATING COMMITTEE.—Section 1114(e) of the Public Health Service Act (as added by section 6 of the Newborn Screening Saves Lives Act of 2007) is amended by striking ''2008'' and all that follows and inserting ''2009, $1,012,500 for fiscal year 2010, $1,025,000 for fiscal year 2011, $1,037,500 for fiscal year 2012, and $1,050,000 for fiscal year 2013.''.

(7) HUNTER KELLY RESEARCH PROGRAM.—Section 1116(a)(1)(B) of the Public Health Service Act (as added by section 7 of the Newborn Screening Saves Lives Act of 2007) is amended by striking ''and or'' and inserting '', or''.

(b) OTHER TECHNICAL AMENDMENTS.—The Newborn Screening Saves Lives Act of 2007 is amended—

(1) in section 1, by striking ''2007'' and inserting ''2008''; and

(2) in section 4(2)(A), by inserting '', respectively'' before the semicolon.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ROYBAL-ALLARD) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ROYBAL-ALLARD. 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 California?

There was no objection.

Ms. ROYBAL-ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5919, a bill to make minor technical corrections to the Newborn Screening Saves Lives Act that was signed into law last week by President Bush.

I thank Chairman DINGELL and Chairman PALLONE for bringing this technical corrections bill to the House floor so promptly.

Passage of H.R. 5919 will help us implement the provisions of the Newborn Screening Saves Lives Act to address the State disparities that currently exist in newborn screening. The act encourages States to uniformly test newborns, and keep an updated scientifically recommended panel of disorders.

The new law also provides resources for States to expand and improve their newborn screening programs; it provides grants to empower health care professionals and parents with information about the importance of newborn screening and follow-up care; and it requires the Centers for Disease Control to ensure the quality of laboratories involved in newborn screening.

Passage of the Newborn Screening Saves Lives Act has been one of my legislative priorities for over 4 years. I sincerely thank my original co-sponsors, Congressmen MICHAEL SIMPSON, TOM REYNOLDS, and HENRY WAXMAN, and my colleagues in the House whose support helped to make passage of the bill a reality.

I also thank Senators CHRIS DODD, HILLARY CLINTON, and ORRIN HATCH for championing the Senate companion bill.

Mr. Speaker, I urge my colleagues to support H.R. 5919 so we can begin to eliminate preventable newborn disabilities and deaths, and give all newborn babies in our country an equal opportunity for a healthy life.

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

□ 1400

Mr. TERRY. Mr. Speaker, I too rise in support of H.R. 5919, a bill to make technical corrections to the Newborn Screening Saves Lives Act of 2007.

The House and Senate both overwhelmingly agreed to the underlying legislation just last month. However, there needed to be a change in the date. Another version was sent to the White House, so now we're here to make the corrections that were supposed to have been made then. So that's all that this is. We all support it.

I yield back the balance of my time.

Ms. ROYBAL-ALLARD. Mr. Speaker, I thank the gentleman for his support.

I urge my colleagues to support H.R. 5919.

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. ROYBAL-ALLARD) that the House suspend the rules and pass the bill, H.R. 5919.

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.

PROVIDING FOR CONSIDERATION OF H.R. 5522, COMBUSTIBLE DUST EXPLOSION AND FIRE PREVENTION ACT OF 2008

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1157 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1157

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 5522 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks on House Resolution 1157.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, H. Res. 1157 provides for the consideration of H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act of 2008, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Education and Labor, and makes in order the committee-reported substitute. It also makes in order two amendments printed in the Rules report, with a manager's amendment debatable for 10 minutes and the Wilson substitute debatable for 30 minutes.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in support of this rule and the underlying legislation, H.R. 5522, the Worker Protection Against Combustible Dust Explosion and Fire Act of 2008. It directs the Occupational Safety and Health Administration to issue rules regulating combustible industrial dust that can build up to hazardous levels and explode.

Combustible dust has caused deaths and injuries to workers in our Nation, deaths and injuries that could have been prevented. Most recently, everyone can recall the enormous explosion in February at the Imperial Sugar refinery in Savannah, Georgia, which claimed the lives of 13 workers and injured over 60. Many of these workers remain hospitalized today, receiving care for the severe burns they received on that awful day.

While OSHA has marginally improved dust inspection procedures, this legislation goes further to bring combustible dust emissions under control by establishing stronger standards. Included are engineering controls, hazardous inspection, security assessments, housekeeping and explosion protection standards.

□ 1415

Specifically, the Worker Protection Against Combustible Dust Explosion and Fire Act requires OSHA to issue an interim final standard to control the risk of combustible dust explosions. The standard would contain provisions for housekeeping, engineering controls, and worker training.

Mr. Speaker, in 2003, there was a series of similar explosions at various factories due to combustible dust. The U.S. government undertook a study carried out by the Chemical Safety Board to determine the causes and make recommendations to OSHA. That report came out 2 years ago in 2006. OSHA has yet to issue standards to control the risks to workers and companies on the hazards of combustible dust.

For this reason, the bill requires an interim standard to be issued. OSHA would then be required to issue a final standard within 18 months through its regular procedures. OSHA would be required to ''include relevant and appropriate provisions of National Fire Protection Association combustible dust standards.''

H.R. 5522 would also direct OSHA to explicitly list combustible dusts as a ''physical hazard'' in the Hazard Communication Standard, which requires employers to train workers about the chemical hazards that they are exposed to.

Mr. Speaker, every worker in this country deserves a safe and healthy work environment. The AFL–CIO, the UAW, the International Association of Firefighters, the American Industrial Hygiene Association, the SEIU, the Teamsters, and the United Food and Commercial Workers Union all strongly support this important legislation.

By establishing stronger protections and safer standards, this legislation better ensures thousands of workers in refineries, mills, and plants from risk of death or injury.

I urge my colleagues to support the rule, and I support the underlying legislation.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank the gentleman from Massachusetts (Mr. MCGOVERN) for the time, and I yield myself such time as I may consume.

On February 7, 2008, a terrible explosion occurred at the Imperial Sugar Company refinery in the community of Port Wentworth, Georgia. The explosion killed 13 people, injured over 40 refinery workers. That explosion at the Imperial Sugar Company refinery pointed to the danger of combustible dust in the workplace. It's a very serious concern, and we must take every possible step to protect workers from those dangers.

The underlying legislation, the Combustible Dust Explosion and Fire Prevention Act, would require OSHA to issue an interim final combustible dust standard within 90 days and a permanent standard within 18 months. It also

lists a specific number of items that would be required under the Interim Final Standard including a written dust control program, hazard assessment, worker training and employee participation in the development and conduct of the dust control program. OSHA would also be required to include combustible dust in the definition of physical hazards in OSHA's Hazard Communication Standard.

It is quite disconcerting, Mr. Speaker, that on an issue as important as workplace safety, the majority is only allowing the House of Representatives to consider one amendment by the minority, one Republican amendment. The majority campaign platform said they would run the House of Representatives in an open and bipartisan manner, yet they systematically and consistently block the minority time and time again from offering amendments.

All Members of this representative institution wish to do the most they can to provide workers a safe working environment, Mr. Speaker. And it is most unfortunate that the majority blocks Members from offering their proposals. Instead of offering such a tightly structured rule, the majority should be allowing every Member the opportunity to offer their thoughts and proposals to the House for consideration.

As important as the underlying legislation may be, I believe there are other issues that are on the minds of Americans at this point that are pressing to Americans: For example, confronting the rising cost of gasoline.

On Monday, hundreds of truckers drove through the streets of this capital city to protest in desperation the rising cost of diesel fuel. They are not the only ones desperate due to the rising oil prices. All consumers are paying more for gasoline, which also causes price increases in virtually every consumer product, including food. A recent policy found that 44 percent of Americans find paying for gasoline to be their top personal economic problem.

Since Democrats took control of Congress in January of last year, the cost of a gallon of unleaded gasoline has skyrocketed. According to AAA, the national average for regular unleaded gas has gone up $1.20 during that time. The cost of gas has gone up more in 15 months than it had gone up in the prior 6 years.

But oil prices don't have to be so high, Mr. Speaker, because I understand the majority claims to have a plan, a plan to reduce oil prices. Just over 2 years ago, April 2006, now-House Speaker NANCY PELOSI, then the Democrat minority leader, issued a press release claiming that House Democrats, ''have a commonsense plan to bring down skyrocketing gas prices.'' Two weeks after that press release, then-Minority Leader PELOSI said that Democrats have ''real solutions'' that would lower the price at the pump. That was 2 years ago.

Democrats have controlled Congress for a year and a half, and we have yet to see them act on their ''commonsense plan to bring down skyrocketing gas prices.''

Instead of empty promises, Republicans are working on providing relief to consumers faced with the constantly rising cost of gasoline. For example, last week, I, along with several of my colleagues, introduced H.R. 5905, the CARS Act, the prime sponsor of which is Congressman MARIO DIAZ-BALART. That legislation would give commuters a tax break on their commuting expenses. That important legislation will actually help taxpayers with the rising cost of gasoline, unlike the majority's ''mystery plan,'' the mystery plan, Mr. Speaker, that we have not yet seen.

At this time, I reserve my time.

Mr. MCGOVERN. Mr. Speaker, I have no further requests for time. I would ask the gentleman if he has any other speakers.

I will reserve my time and let the gentleman close.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, again, I would like to thank Mr. MCGOVERN for the time. Back in April of 2006, as I just said, over 2 years ago, the now distinguished Speaker, Ms. PELOSI, issued the following statement, ''With skyrocketing gas prices, it is clear that the American people can no longer afford the Republican rubberstamp Congress and its failure to stand up to Republican big oil and gas company cronies. Americans this week are paying $2.91 a gallon on average for regular gasoline, 33 cents higher than last month and double the price than when President Bush first came into office.''

Mr. Speaker, most Americans would be happy if they were paying $2.91 for a gallon of gasoline.

In the same press release, the distinguished Speaker went on to say, ''Democrats have a commonsense plan to help bring down skyrocketing gas prices.''

Well, while I hear they have a plan, I haven't seen the mystery plan, Mr. Speaker. Instead, while we wait for the majority to act, the cost of fuel continues to rise with the average cost of a gallon of gasoline now being over $3.60, hitting consumers at the pump every time they go to fill up their cars, reinforcing the fact that the majority has yet to confront the high price of gasoline.

Today, Investor's Business Daily in an editorial said that this Congress is ''possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy.''

Mr. Speaker, I insert into the CONGRESSIONAL RECORD that editorial from Investor's Business Daily.

[From Investor's Business Daily, Apr. 30, 2008]

CONGRESS VS. YOU

We've said it before, but we'll say it again: This Congress is possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy.

The media won't call either the House or the Senate on its failures, for one very obvious reason: They mostly share an ideology with the Democrats that keeps them from understanding how free markets and supply and demand really work. Sad, but true.

So we were happy to hear the president do the job, calling out Congress for its inaction and ignorance in his wide-ranging press conference Tuesday.

''Many Americans are understandably anxious about issues affecting their pocketbook, from gas and food prices to mortgage and tuition bills,'' Bush said. ''They're looking to their elected leaders in Congress for action. Unfortunately, on many of these issues, all they're getting is delay.''

Best of all, Bush didn't let the issue sit with just generalities. He reeled off a bill of particulars of congressional energy inaction, including:

Failing to allow drilling in ANWR. We have, as Bush noted, estimated capacity of a million barrels of oil a day from this source alone—enough for 27 million gallons of gas and diesel. But Congress won't touch it, fearful of the clout of the environmental lobby. As a result, you pay at the pump so your representative can raise campaign cash.

Refusing to build new refineries. The U.S. hasn't built one since 1976, yet sanctions at least 15 unique ''boutique'' fuel blends around the nation. So even the slightest problem at a refinery causes enormous supply problems and price spikes. Congress has done nothing about this.

Turning its back on nuclear power. It's safe and, with advances in nuclear reprocessing technology, waste problems have been minimized. Still, we have just 104 nuclear plants—the same as a decade ago—producing just 19% of our total energy. (Many European nations produce 40% or more of their power with nuclear.) Granted, nuclear power plants are expensive—about $3 billion each. But they produce energy at $1.72/kilowatt-hour vs. $2.37 for coal and $6.35 for natural gas.

Raising taxes on energy producers. This is where a basic understanding of economics would help: Higher taxes and needless regulation lead to less production of a commodity. So by proposing ''windfall'' and other taxes on energy companies plus tough new rules, Congress makes our energy situation worse.

These are just a few of Congress' sins of omission—all while India, China, Eastern Europe and the Middle East add more than a million barrels of new demand each and every year. New Energy Department forecasts see world oil demand growing 40% by 2030, including a 28% increase in the U.S.

Americans who are worried about the direction of their country, including runaway energy and food prices, should keep in mind the upcoming election isn't just about choosing a new president. We'll also pick a new Congress.

The current Congress, led on the House side by a speaker who promised a ''common sense plan'' to cut energy prices two years ago, has shown itself to be incompetent and irresponsible. It doesn't deserve re-election.

Today, I will be asking my colleagues to vote ''no'' on the previous question for this rule, Mr. Speaker. If the previous question is defeated, I will amend the rule to make it in order for the House to consider any amendment that would actually do something to reduce gas prices for consumers, such as H.R. 5905, the CARS Act, which would give

commuters a tax break on their commuting expenses and actually help alleviate the price of energy for the consumer. It will also give the majority the chance to introduce, Mr. Speaker, the ''mystery plan'' that they claim to have.

By voting ''no'' on the previous question, Members can take a stand against these high fuel prices and demand that the majority act on their plan. The majority said they had a plan. Let's see the mystery plan, Mr. Speaker. Let's see the mystery plan.

I encourage a ''no'' vote on the previous question.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, let me remind my colleagues that the underlying bill that we are dealing with is a bill that would actually protect workers in the workplace, the Combustible Dust Explosion and Fire Prevention Act of 2008, and it's a bill that responds to a terrible tragedy that has killed a number of workers and injured a number of workers. We need to pass this bill, and I hope we will pass the rule and pass the underlying bill.

But I have to say, Mr. Speaker, it is almost laughable to hear a member of the minority get up and talk about energy prices. The Republicans have controlled the White House for 8 years. They controlled the Congress for 12 years, and we have seen energy costs rise and rise and rise under their leadership; and we have seen their policy, which is to give more subsidies and more tax breaks to Big Oil, and they have fought us consistently in trying to invest resources into alternative sources of energy, into forms of energy to help make us more independent from foreign oil.

Speaker PELOSI called on President Bush to suspend purchases of oil from the Strategic Petroleum Reserve temporarily. You know, filling the Strategic Petroleum Reserve, Mr. Speaker, takes 70,000 barrels of oil off the market each day even though the reserve is 97 percent full with enough to meet our national security needs. That's a good idea. Republicans opposed that.

At a time of record gas prices, suspending these government purchases, as we have done in the past, could reduce gas prices by 5 to 24 cents a gallon, a critical first step for America's families, businesses and the economy.

For years, Mr. Speaker, Democrats fought to reduce our dependence on foreign oil and bring down gas prices and launch a cleaner, smarter energy future for America. Yet with Republican obstructionism, American consumers and businesses have had more pain at the pump paying a record $3.56 a gallon.

President Bush and congressional Republicans have spent all of their time in power doling out billions and billions and billions of dollars in subsidies to big oil companies instead of working for energy independence plans for America.

We have had a number of important pieces of legislation that we have brought to the floor such as H.R. 1252, the Federal Price Gouging Prevention Act, to crack down on gas price gouging, something that is a reality in this market.

□ 1430

It was opposed by 140 Republicans.

We had a bill, H.R. 2264, the No Oil Producing and Exporting Cartels Act, to hold OPEC accountable for oil price fixing. That was opposed by 67 Republicans, including almost the entire Republican leadership.

We have had a bill to repeal the subsidies to profit-rich big oil companies and invest in renewable energy, which was H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008. It passed on February 27, 236–182. One hundred seventy-four Republicans opposed that, including the President of the United States. Now, get this, Mr. Speaker, the Republicans have opposed a measure that would take away the taxpayer-funded subsidies from the five biggest oil companies in this country that are making record profits, historic profits, it would take those subsidies and put it into renewable energy to help us become more energy independent, and they opposed it, and the President said he would veto it. And they have stopped progress on that measure.

They opposed the Energy Independence and Security Act, which would be an energy independence law with a market manipulation ban and new vehicle mileage standards. Again, the majority of the Republicans stood up and opposed these commonsense measures to help us become more energy independent and to help bring these gas prices down.

So their record is clear. It has been one of obstructionism. And it has been a record that has always been in the corner of Big Oil and against investing properly in some of these new technologies.

So President Bush and the Republicans have blocked our efforts virtually every step of the way. I hope that that will change after the next election. I expect that will change after the next election. But it is time for the Republicans to change their habit of saying ''no'' to consumers and American business on gas prices and always saying ''yes'' to Big Oil.

Enough is enough. It is time for House Republicans to provide the critical votes needed for a veto-proof majority for the legislation that I have outlined here today.

Americans are paying a heavy price for the obstructionism of the Republicans in this Congress and the President of the United States. They don't want to give any more taxpayer subsidies to the big oil companies. They want us to redirect those resources into commonsense, clean, renewable, alternative sources of energy. If we do that, Mr. Speaker, then we will get these gas prices under control, and we will also take a big step forward in cleaning up our environment.

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

AMENDMENT TO H. RES. 1157 OFFERED BY MR. LINCOLN DIAZ-BALARAT OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the substitute which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI.

SEC. 4. Within five legislative days the Speaker shall introduce a bill, the title of which is as follows: ''A bill to provide a common sense plan to help bring down skyrocketing gas prices.'' Such bill shall be referred to the appropriate committees of jurisdiction pursuant to clause 1 of rule X.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

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

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

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

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

COMMENDING THE KANSAS JAYHAWKS FOR WINNING THE 2008 NCAA MEN'S BASKETBALL CHAMPIONSHIP

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1096) commending the University of Kansas Jayhawks for winning the 2008 National Collegiate Athletic Association Division I basketball championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1096

Whereas on April 7, 2008, the University of Kansas Jayhawks defeated the University of Memphis Tigers 75–68 in the final game of the National Collegiate Athletic Association (NCAA) Division I Men's Basketball Tournament in San Antonio, Texas, on the 20th anniversary of the historic win by the team led by Danny Manning, known as ''Danny and the Miracles'';

Whereas the Jayhawks now hold 5 men's basketball national titles, including 3 NCAA men's basketball championships;

Whereas with this win, the Jayhawks achieved a school record for all-time season wins, posting a 37–3 record during their run for the title, and finished the season with a 13-game winning streak, securing the Big XII Conference Championship title after starting the season with a 20-game undefeated record, in addition to the 2008 NCAA Division I men's basketball crown;

Whereas Kansas head coach Bill Self won his first NCAA title and improved his all-time record at Kansas to 142–32;

Whereas Kansas guard Mario Chalmers was chosen as the Most Outstanding Player of the Final Four, and was named to the NCAA Final Four All-Tournament Team, along with guard Brandon Rush and forward Darrell Arthur;

Whereas Kansas seniors Jeremy Case, Darnell Jackson, Sasha Kaun, Russell Robinson, Rodrick Stewart, and Brad Witherspoon ended their collegiate careers with a national championship;

Whereas the roster of the Kansas Jayhawks also included juniors Brennan Bechard and Matt Kleinmann; sophomores Sherron Collins and Brady Morningstar; and freshmen Cole Aldrich, Chase Buford, Tyrel Reed, and Conner Teahan;

Whereas the Jayhawks' student-athletes, coaches, staff, and others associated with the team continue to represent the University of Kansas and the State of Kansas with exemplary sportsmanship, and deserve praise and credit for their efforts and their dedication to the common goal of winning the NCAA men's basketball championship;

Whereas the students at the University of Kansas, Jayhawk fans, and members of the Lawrence, Kansas, community showed tremendous class in their celebration of the Jayhawks' historic win; and

Whereas the families of the student-athletes, students, alumni, and faculty of the University of Kansas, and all the supporters of the University of Kansas, are to be congratulated for their commitment to, and pride in, the basketball program at the University: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Kansas men's basketball team for winning the 2008 National Collegiate Athletic Association (NCAA) Division I basketball championship;

(2) recognizes the achievements of all the student-athletes, coaches, and support staff who were instrumental in helping the University of Kansas men's basketball team win its 3rd NCAA Division I basketball championship and 5th national championship; and

(3) respectfully requests the Clerk of the House of Representatives to transmit a copy of this resolution to—

(A) the University of Kansas for appropriate display;

(B) Robert Hemenway, the Chancellor of the University of Kansas;

(C) Lew Perkins, the Athletic Director of the University of Kansas; and

(D) Bill Self, the Head Coach of the University of Kansas men's basketball team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert relevant material to H. Res. 1096 into the RECORD.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, all of us know of the tremendous importance of the game of basketball to the United States of America and all that it provides for all of us in terms of the thrills everybody shares when they're watching their favorite team.

I rise to congratulate the University of Kansas Jayhawks for their win in the 2008 National Collegiate Athletic Association Division I men's basketball tournament.

On April 7, 2008, the University of Kansas won their fifth men's national basketball title by defeating the University of Memphis Tigers. College basketball fans and players were treated to an exciting national championship game, with victory coming to the Jayhawks after an amazing effort which pushed the game into overtime.

I want to extend congratulations to Head Coach Bill Self, Athletic Director Lew Perkins, University of Kansas Chancellor Robert Hemingway, and Kansas' student athletes on an excellent season. While securing their first national title in 20 years, the Jayhawks also won the Big 12 Conference championship title. The Jayhawks also set a school record for all-time season wins with a 37–3 record.

I also wish to extend congratulations to the University of Memphis Tigers and their student athletes for a great season. The Tigers' loss in the finals was only their second loss of the season. Memphis also won Conference USA with a perfect 16–0 record.

Winning the 2008 national championship has brought national attention and acclaim to the University of Kansas' outstanding basketball program. I know that the fans of this university will remember this very special moment for many years to come.

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

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

Mr. Speaker, I rise today in support of House Resolution 1096, commending the University of Kansas Jayhawks for winning the 2008 National Collegiate Athletic Association Division I basketball championship.

On April 7 of this year, trailing 60–51 with just 2:12 left in regulation, the University of Kansas Jayhawks mounted a comeback that will go down as one of the most memorable in NCAA history. In overtime, the Jayhawks defeated Memphis 75–68 to win the national championship, its fifth national title in school history. With this win, the Jayhawks achieved a school record for all-time season wins, posting a 37–3 record during their run for the title. The Jayhawks finished the season with a 13-game winning streak, securing the Big 12 Conference championship in addition to the national title.

Jayhawks guard Mario Chalmers was chosen as the Most Outstanding Player of the Final Four and was named to the NCAA Final Four All-Tournament Team along with guard Brandon Rush and forward Darrell Arthur. Seniors

Jeremy Case, Darnell Jackson, Sasha Kaun, Russell Robinson, Rodrick Stewart and Brad Witherspoon ended their collegiate careers with a national championship. In addition, this was Head Coach Bill Self's first NCAA title. He improved his all-time record at Kansas to 142 wins, 32 losses.

KU has a rich history beyond the basketball court as well. Opened in 1866, the University of Kansas is a comprehensive educational and research institution with 29,000 plus students and more than 2,000 faculty members. KU includes the main campus in Lawrence, a city of about 88,000 in northeastern Kansas; the Medical Center in Kansas City, Kansas; the Edwards Campus in Overland Park; a clinical campus of the School of Medicine in Wichita; and educational and research facilities throughout the State.

Pulitzer and Nobel Prize winners have graduated from this great university, and many pharmacists, teachers, nurses and doctors have begun their careers at KU as well.

Today, I would like to congratulate Robert Hemingway, KU's Chancellor; Lew Perkins, the Director of Athletics; the student athletes, the students, alumni and all fans for the Jayhawks' historic win.

I'm happy to join with my colleague, Representative MOORE, in honoring this exceptional team and all its accomplishments, and wish them continued success in their future endeavors.

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

Mr. DAVIS of Illinois. Mr. Speaker, it's my pleasure to yield such time as he might consume to the gentleman from Kansas, Representative DENNIS MOORE.

Mr. MOORE of Kansas. Mr. Speaker, it's my great privilege today to honor the 2008 NCAA men's Division I basketball champions, the University of Kansas Jayhawks, and to encourage my colleagues to support H.R. 1096.

The University of Kansas men's basketball team began their season by winning 20 straight games on their way to a final regular season record of 28–3, a share of the Big 12 regular season title and the Big 12 Conference tournament title.

Upon being selected a number one seed in the NCAA tournament, the Jayhawks defeated their first three opponents by 24 points, 19 points and 15 points, respectively. When challenged by Davidson in the regional final and the University of North Carolina in the national semifinal game, Kansas won these competitive, emotionally charged games by emphasizing teamwork, persistence, and focus, three qualities they displayed all season long.

And finally, the Jayhawks won the national title by besting a skilled Memphis team in one of the most dramatic games in Final Four history, 20 years after another Kansas team lead by Danny Manning also won the national championship in dramatic fashion.

As a proud alum of the University of Kansas, I was proud that through the entire season the students, athletes, coaches and everyone associated with the University of Kansas men's basketball team represented the university and the State of Kansas in great fashion by demonstrating sportsmanship, skill, and the ability to overcome adversity. They deserve praise and credit for their efforts and for their dedication of the common goal of winning the NCAA championship.

It should also be said that the students of the University of Kansas, the members of the Lawrence, Kansas community and Jayhawk fans everywhere showed tremendous class in the celebration of the Jayhawks' historic win. And, friends, this is a Jayhawk.

Students and fans take great pride in Kansas basketball, and I believe that this commitment and passion was demonstrated by the fact that nearly 80,000 people showed up on a chilly spring afternoon for the team's championship parade and celebration.

Mr. Speaker, I'm honored to stand here today to pay tribute to the hard work and success of this championship team, its coaches and its fans, and I ask my colleagues to please support House Resolution 1096.

Rock Chalk Jayhawks!

Mr. PLATTS. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from Kansas (Mr. MORAN) and would recognize that he is proudly wearing his KU colors as an undergraduate and law degree graduate of the university.

□ 1445

Mr. MORAN of Kansas. I thank the gentleman for yielding.

Mr. Speaker, I am here today with my colleague the gentleman from Kansas (Mr. MOORE) as we commend and congratulate an amazing year at the University of Kansas in its Department of Athletics with an earlier victory at the Orange Bowl in the football program followed up by a victory by our basketball team at the Final Four in San Antonio, Texas, just a few weeks ago. We're anxious to have the Jayhawks—the players, the team, and school athletic officials—here so that our colleagues from Congress can greet and congratulate them, and we hope that happens in the near future. And we are also expecting that the President will invite the Jayhawks to the White House for the traditional commendation from the President of the United States.

I, of course, support House Resolution 1096 commending my alma mater, the University of Kansas. It's been a long time for Kansas Jayhawk basketball fans since ''Danny Manning and the Miracles'' shocked the sporting world and defeated the Oklahoma Sooners and won KU's last basketball championship. In that time since 1988, KU has had many memorable moments but also some real heartbreaks as at times it came up just a bit short in returning the championship trophy back to Kansas.

On April 7 the Jayhawks were trailing the Memphis Tigers 60–51 with 2:12 left in regulation. Then began one of the most amazing comebacks that we have seen in the history of basketball and one of the most memorable college basketball experiences. With just 2.1 seconds left in regulation, Final Four MVP Mario Chalmers hit a game-tying 3 point shot. It was the exact scenario that every young kid dreams of when practicing shooting those baskets in their home driveway. KU went on to defeat Memphis 75–68 to claim its fifth national championship to the jubilation of Kansans everywhere.

In our State we have a number of choices for students to attend college and a lot of rivalries within our State. Two of the greatest rivalries, Kansas State University and their outstanding program, as well as the University of Kansas and their program. But even our Wildcat fans and K State supporters were pleased and proud of the Kansas victory. Forty thousand fans celebrated that night in Lawrence, and later close to a hundred thousand Kansans came across our State to share in the Jayhawk victory parade in Lawrence, Kansas.

I should also mention that the class that all Kansans showed that night in celebrating, Kansans were typical Kansans that evening, well behaved but in a great mood of celebration.

The University of Kansas has one of the most distinguished histories in college basketball. The founder of basketball, Dr. James Naismith, was the first coach at the University of Kansas, and he was also the only coach in KU's history to ever have a losing season. This is KU's fifth national championship, and they've been to the Final Four 13 times and have captured an astounding 51 conference titles in history.

My congratulations to the chancellor of the university, my friend Bob Hemenway; and to my friend the athletic director, Lew Perkins; Coach Bill Self; the assistant coaches Danny Manning, Joe Dooley, Kurtis Townsend, Brett Ballard, and Ronnie Chalmers; and the outstanding KU basketball team.

All Kansans are proud. We commend you on this amazing year and your success. And as the congressman from Kansas (Mr. MOORE) says, ''Rock Chalk Jayhawk.''

Mr. DAVIS of Illinois. Mr. Speaker, it's my pleasure to yield now such time as she may consume to the distinguished cosponsor of this resolution, the gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Mr. Speaker, I rise again with my colleague Mr. MORAN to salute the 2008 national champion Kansas Jayhawks.

Rock Chalk Jayhawk. Rock Chalk Jayhawk.

My district includes some of the most loyal college basketball fans in the Nation. Every week they get up, go

out in the dark in the middle of the Kansas prairie winter, and they journey out into the cold and dark to sit on wooden benches in an old field house, and they cheer on our local team, the Kansas Jayhawks, just like their parents and grandparents did. They are also some of the luckiest college basketball fans in the Nation. Our field house is the legendary Allen Field House, and our local team is the Kansas Jayhawks, one of the most dominant college basketball teams in this Nation. This year the Kansas Jayhawks made their 13th, their 13th, Final Four and they won their fifth national championship.

Eat your heart out, MU.

In 109 years of basketball, the Jayhawks have had only eight head coaches. The position was first held by James Naismith, the very founder of this legendary game, but there have been none better than our current head coach, Bill Self. Self came to Kansas 5 years ago, and since then he's led the Kansas Jayhawks to four consecutive Big 12 Conference regular season championships and through three consecutive Big 12 tournament championships. And, Mr. Speaker, this is a tough, tough conference where even the lowly Missouri Tigers were able to hold Kansas close until the final minutes.

The Kansas Jayhawks won the first Final Four where all four number one seeds participated. This year all four of the number one seeds were in the last Final Four. And our Kansas Jayhawks won in dramatic fashion. Those of us who are from Kansas were hoping that the last three points that Mario Chalmers sunk into that basket might replace some of those annoying comments about Dorothy and the Wizard of Oz and then they're going to say, ''You're from Kansas. Aren't they the great basketball team that won in such a wonderful fashion?'' And I'm going to say yes, Mr. Speaker, they are. Our Kansas Jayhawks have made us all proud. And I congratulate them; I congratulate our chancellor, Bob Hemenway; and the entire KU and Bill Self for their wonderful victory and for making Kansans so proud.

Mr. PLATTS. Mr. Speaker, I urge a ''yes'' vote.

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

Mr. DAVIS of Illinois. Mr. Speaker, I want to again join with all of the residents of Kansas and also indicate that they have a tremendous recruitment program because Mario Chalmers, the young fellow that people have been talking about as the outstanding player, grew up in my neighborhood, in my community, went to Crane High School. It just happened that I talked to the principal of that school this morning about something else, and I didn't know that I would get an opportunity to congratulate them on the floor this afternoon.

And so I join with all of America in congratulating the great Jayhawks on an outstanding season and urge passage of this resolution.

Mr. TIAHRT. Mr. Speaker, I rise today to offer my support for H. Res 1096, Head Coach Bill Self, and his national champion basketball team at Kansas University. Congratulations to the team on an outstanding season, and a thrilling ride through March Madness.

The season began with high expectations, as the Jayhawks were ranked fourth in the preseason ESPN/USA Today poll. These expectations were justified, as KU won the first 20 games of the season and climbed as high as number 2 in the polls, before losing to Kansas State University at the end of January. Two additional losses, including a heartbreaker to then 7th ranked Texas, dropped them as low as 7th in the national polls, and many sports pundits questioned their ability to win in big games.

Coach Self and his players continued to believe in themselves, however, and finished the season ranked fourth in the Nation, with a 28–3 record. It was a rocky trip through the Big XII Conference Tournament, with narrow wins against Nebraska and Texas A&M, before avenging their regular season loss against co-conference regular season champion Texas. The Jayhawks were getting hot at the right time. Their 10 point victory over the Longhorns gave them their 7th Conference Tournament championship in 12 years, and was enough to lock up a number one seed in the national tournament.

KU did not meet a significant challenge in the tournament until the regional final, where they met tournament darlings Stephen Curry and Davidson. They played each other neck and neck throughout the game, with neither team leading by more than 5 points at any time during the game. An errant three point shot by Davidson as time expired gave Kansas the win, and secured their place in the Final Four.

Kansas avenged another loss in the national semi-final—that of former coach Roy Williams, who left the university in 2003. Thought to be the best team in the country this year, North Carolina could not keep up with KU's fast paced game plan, and had no answer for their swarming defense. Kansas won in a rout, 84–66.

The national final against Memphis was an instant classic. Though the teams were close for much of the game, Memphis began to pull away towards the end. Undeterred, KU was able to capitalize on the Achilles' Heel of Memphis—free throw shooting. Even so, they were still trailing by 3 with 10 seconds left when Sherron Collins drove the length of the floor, and passed to Mario Chalmers who drained a 3–pointer with 2.1 seconds left, sending the game into overtime. Kansas continued to perform well through overtime, and won the game 75–68. This was the first national championship for Coach Bill Self, and the first for KU since Danny and the Miracles in 1988.

Congratulations to Coach Self, the basketball team, and the entire Kansas University community. Rock, Chalk, Jayhawk!

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1096.

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.

CONGRATULATING THE UNIVERSITY OF IOWA HAWKEYES WRESTLING TEAM ON WINNING THE 2008 NCAA DIVISION I NATIONAL WRESTLING CHAMPIONSHIPS

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1100) congratulating the University of Iowa Hawkeyes Wrestling Team on Winning the 2008 NCAA Division I National Wrestling Championships, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1100

Whereas the University of Iowa Hawkeyes Wrestling Head Coach Tom Brands was named the Big Ten Coach of the Year, the National Wrestling Coaches Association (NWCA) Coach of the Year, and led the team to its 21st national title and his 1st national title;

Whereas the University of Iowa Hawkeyes Wrestling Team crowned two national champions, Mark Perry, and Brent Metcalf;

Whereas Mark Perry won his 2d national title making him only the 14th University of Iowa wrestler to earn 2 national titles while also overcoming a knee injury during his match, and was awarded his 4th all-American honor making him only the 17th University of Iowa wrestler to earn 4 all-American honors;

Whereas Brent Metcalf won his 1st national title, was awarded his 1st all-American honor, was awarded the Dan Hodge Trophy, was named as the Big Ten Wrestler of the Year, was crowned a Big Ten Champion, finished the season with a 32-match winning streak, was named Outstanding Wrestler at the NCAA and Big Ten Championships, and was named Outstanding Wrestler at the Division I NWCA/Cliff Keen National Duals;

Whereas the University of Iowa Hawkeyes Wrestling Team was represented proudly by three NCAA Division I National Wrestling Championship Finalists by Mark Perry, Brent Metcalf, and Joe Slaton;

Whereas the University of Iowa Hawkeyes Wrestling Team was honored by having seven all-Americans with Mark Perry, Charlie Falck, Joe Slaton, Brent Metcalf, Jay Borschel, Matt Fields, and Phillip Keddy being named;

Whereas the University of Iowa Hawkeyes Wrestling Team was honored by having six Academic All-Big Ten wrestlers with Matt Ballweg, Jay Borschel, Matt Fields, Dan LeClere, T.H. Leet, and Brent Metcalf being named;

Whereas the University of Iowa Hawkeyes Wrestling Team also won their 32d Big Ten title, which is the 1st for Head Coach Tom Brands, with a perfect 8–0 conference record;

Whereas the University of Iowa Hawkeyes Wrestling Team had a final team score of 117.5 to place them 1st in the Division I standings with the 2d place team scoring only 79;

Whereas the University of Iowa Hawkeyes Wrestling Team has a rich tradition and history of producing champions and outstanding collegiate athletes and coaches since the program began in 1911;

Whereas former University of Iowa Hawkeyes Wrestling Head Coach, and Olympic Gold Medalist, Dan Gable helped establish one of the most successful wrestling programs in the nation and is commended for his leadership and guidance provided to the current 2008 championship team;

Whereas the current University of Iowa Hawkeyes Wrestling team has continued the teams winning history which includes Big Ten Conference Championships in 1915, 1916, 1958, 1962, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 2000, 2004, and 2008, and NCAA Division I National Wrestling Championships in 1975, 1976, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1991, 1992, 1993, 1995, 1996, 1997, 1998, 1999, 2000, and 2008;

Whereas the hard work and dedication of the University of Iowa Hawkeyes Wrestling team's Brodie Ambrose, Matt Ballweg, Chad Beatty, Jay Borschel, Derek Coorough, Daniel Dennis, Dan Erekson, Michael Fahrer, Charlie Falck, Matt Fields, Stew Gillmor, Tyler Halverson, Aaron Janssen, Jordan Johnson, Phillip Keddy, Jake Kerr, Nick Kolegraff, Brooks Kopsa, J.J. Krutsinger, Ryan Kurovski, Dan LeClere, Nick LeClere, T.H. Leet, Rick Loera, Luke Lofthouse, Thomas Magnani, Montell Marion, Weston Marling, Jordan McLaughlin, Derrick Mehmen, Brent Metcalf, Ryan Morningstar, Mark Perry, Blake Rasing, Ethan Sebert, Joe Slaton, Alex Tsirtsis, Vinnie Wagner, Head Coach Tom Brands, Assistant Coach Wes Hand, Interim Assistant Coach Doug Schwab, and Strength Training Coach Mike Zadick all contributed to an outstanding season culminating in the 2008 national title; and

Whereas the University of Iowa Hawkeyes Wrestling Team have brought honor to themselves, the University of Iowa, the City of Iowa City, and the State of Iowa: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Iowa Hawkeyes Wrestling Team for winning the 2008 NCAA Division I National Wrestling Championship; and

(2) congratulates the team on winning their 21st national title since 1975 and finishing the season with a 21–1 overall dual record and a perfect 8–0 conference record.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 1100 into the RECORD.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the sponsor of this resolution, the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the gentleman from Illinois for yielding.

Mr. Speaker, I rise today to congratulate an amazing team from the Second District of Iowa, which I represent. I'm proud to stand before my colleagues today and commend the University of Iowa Hawkeyes wrestling team for winning the 2008 NCAA Division I national wrestling championship.

As many wrestling fans know, the University of Iowa has a celebrated history of exemplary wrestlers and coaches who have allowed the University of Iowa, the city of Iowa City, and the entire State of Iowa to boast numerous Big Ten titles and NCAA championships.

In total, the University of Iowa Hawkeyes wrestling team has won 32 Big Ten Conference championships and, since 1975, a total of 21 NCAA Division I national wrestling championships. The current team has kept the Hawkeye record strong, and it's my privilege to congratulate them on the 32nd Big Ten title and the 21st national championship for the school.

The University of Iowa Hawkeyes wrestling team is led by Head Coach Tom Brands, who, in addition to this championship win, was named Big Ten Coach of the Year and National Wrestling Coaches Association Coach of the Year. Under Coach Brands' leadership, along with his assistants and strength coaches, the team also had two individual national champions.

Mark Perry won his second national title even while overcoming a knee injury during his match and also was awarded his fourth All-American honor. Brent Metcalf won his first national title. He was also awarded his first All-American honor, the Dan Hodge Trophy, was named Big Ten Wrestler of the Year, was crowned a Big Ten champion, finished the season with a 32-match winning streak, was named outstanding wrestler at the NCAA and Big Ten championships, and was named outstanding wrestler at the Division I NWCA/Cliff Keen National Duals. Including the two individual national champions, the team had a total of seven All-Americans and six Academic All-Big Ten wrestlers.

With the wrestling program starting in 1911, the current University of Iowa Hawkeyes wrestling team has built upon past successes to continue the team's and school's winning tradition. As wrestling fans know, much of this past success was made possible by the leadership of former head coach and Olympic gold medalist Dan Gable, who continues to provide guidance and leadership to the program.

Congratulations to the entire University of Iowa Hawkeyes wrestling team, the University of Iowa, the city of Iowa City, and to my home State of Iowa for this great victory.

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

I rise today in support of House Resolution 1100, congratulating the University of Iowa Hawkeyes wrestling team.

Since the program began in 1911, the University of Iowa wrestling team has had a rich tradition and a history of producing champions and outstanding collegiate athletes and coaches, and this year proved to be no different as the top-ranked Hawkeyes wrestling team clinched its 21st national team title in the NCAA championships. In addition to the team title, the Hawkeyes also crowned two national championships, Mark Perry and Brent Metcalf; seven All-Americans; and six Academic All-Big Ten wrestlers.

At the helm of this outstanding team sits Head Coach Tom Brands, who was named the Big Ten Coach of the Year and the National Wrestling Coaches Association's Coach of the Year. Coach Brands, a former Hawkeyes wrestler, 1996 Olympic gold medalist, and four time All-American, is in his second season as head wrestling coach at the University of Iowa.

Former head coach and Olympic gold medalist Dan Gable should also be commended for his leadership and guidance provided to the current 2008 championship team. Throughout his tenure, Coach Gable helped establish one of the most successful wrestling programs in the Nation.

The University of Iowa wrestling team has brought honor to themselves, but I would be remiss if I failed to also recognize the university for its outstanding commitment as a public university. Established in 1847, Iowa has won international recognition for its wealth of achievements in the arts, sciences, and humanities. Iowa was the first United States public university to admit men and women on an equal basis and the first institution of higher education in the Nation to accept creative work in theater, writing, music, and art as theses for advanced degrees. It established the first law school and the first educational radio station west of the Mississippi, broadcast the world's first educational television programs, and developed and continues to hold preeminence in educational testing.

I extend my congratulations to the University's president, Sally Mason; Athletics Director Gary Barta; Head Coach Tom Brands and his staff; all the hardworking wrestlers; their fans; and the entire University of Iowa community.

I am happy to join with my distinguished colleague Representative LOEBSACK in honoring this exceptional team and all of its accomplishments and wish all involved continued success.

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

□ 1500

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

Mr. Speaker, I am pleased to join with my colleague, Representative LOEBSACK from Iowa, and the entire Iowa delegation, as well as all of the Members of the House in congratulating the University of Iowa Hawkeyes wrestling team for their victory in the 2008 NCAA Division I national wrestling championship.

On March 22, college wrestling fans were treated to an exceptional wrestling match as the top-ranked University of Iowa won its 21st national team title and crowned two individual national champions, Mark Perry and Brent Metcalf. Three of the Hawkeyes' seven All-Americans competed in the finals in St. Louis for a combined team score of 117.5 points.

I want to extend my congratulations to coach Tom Brands, who returned to his alma mater and led the team to a perfect 8–0 conference record in his second season as head coach. Impressive feats such as these are why Coach Brands was named Coach of the Year by both the Big Ten Conference and the National Wrestling Coaches Association.

Congratulations also are in order for senior Mark Perry, who overcame a knee injury to win his second national title. He is only the 14th University of Iowa wrestler to earn two national titles. Additionally, Perry rounded out his final year with his fourth All-American honor.

The other individual national title winner was sophomore Brent Metcalf. Metcalf ended the season on an impressive 23-match winning streak and earned many accolades, including the Dan Hodge Trophy, Big Ten Wrestler of the Year, and Outstanding Wrestler at both the NCAA and Big Ten championships.

The University of Iowa Hawkeyes wrestling program began in 1911 and has produced a rich history of champions. With 32 Big Ten conference championships and 21 NCAA Division I national championships, the Hawkeyes wrestling team is a premier program. The extraordinary achievement of this season is a tribute to the skill and dedication of the many wrestlers, coaches, students, alumni, families, and fans that have helped to make the University of Iowa a wrestling powerhouse.

Winning the national championship, finishing the season with a 21–1 overall dual record, and winning the Big Ten conference championship for the 32nd time has brought national acclaim to the University of Iowa. I know the fans of the university will revel in this accomplishment as they look forward to the 2009 season.

So, Mr. Speaker, once again I congratulate the University of Iowa for their tremendous success.

Mr. LATHAM. Madam Speaker, I rise today to congratulate the University of Iowa Men's Wrestling Program on winning the 2008 NCAA Division I National Wrestling Championship.

Dating back to the early 1900's my home State of Iowa has lead the way in shaping what competitive collegiate wrestling has become today. In fact, the first ever NCAA Division I National Wrestling Championship Tournament took place in Ames, Iowa. Anyone who follows the sport will tell you that you can always count on a team from the State of Iowa finishing among the top of almost every tournament.

At all levels, the State of Iowa has a long storied and honored wrestling tradition and it is the preferred sport of many Iowa households. It has been a hallmark of Iowa athletics for decades and its competition remains prominent in the majority of middle schools, high schools, state colleges and universities throughout the state today. There is a tremendous amount of hard-work, discipline and dedication required to succeed in wrestling, common characteristics of all Iowans which may explain why we have been so successful in the sport for so long.

The University of Iowa's wrestling program has significantly contributed to this success and tradition. It has historically been, and remains, considered among the nation's elite programs. In 2008 the University of Iowa won its 21st national title, its first since 2000, and crowned two individual champions—senior Mark Perry and sophomore Brent Metcalf. And, Coach Tom Brands was selected as 2008 Coach of the Year.

Again, I wish to congratulate the Iowa wrestling program on a job well done as they celebrate their 2008 national championship and I encourage my colleagues to do so as well by adopting this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1100, as amended.

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

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH

Ms. BALDWIN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 330) supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 330

Whereas on average, a person is sexually assaulted in the United States every two-and-a-half minutes;

Whereas the Department of Justice reports that 191,670 people in the United States were sexually assaulted in 2005;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,688 reports of sexual assault involving members of the Armed Forces in fiscal year 2007;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas two-thirds of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas prevention education programs carried out by rape crisis and women's health centers have the potential to reduce the prevalence of sexual assault in their communities;

Whereas because of recent advances in DNA technology, law enforcement agencies have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault; and

Whereas April is recognized as ''National Sexual Assault Awareness and Prevention Month'': Now, therefore, be it

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

(1) it is the sense of Congress that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its survivors, and increasing the number of successful prosecutions of its perpetrators; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) Congress strongly recommends national and community organizations, businesses in the private sector, colleges and universities, and the media to promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) Congress supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

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

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

There was no objection.

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

Studies show that 1 in 6 women and 1 in 33 men will be a victim of rape or attempted rape in their lifetime and that, on average, a person is sexually assaulted in the United States every 2½ minutes. In my State of Wisconsin, there were 5,628 sexual assaults reported in the year 2004, the last year statistics are available. This marks a 3.7 percent increase from the previous year. Nationwide, we know that children and young adults are most at risk. Forty-four percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30.

Although most victims are younger women, the effects of sexual assault cross all racial, social, religious, ethnic, and economic boundaries. Whether the crime is rape, incest, child sexual abuse, stalking, or sexual harassment, sexual assault impacts our schools, our workplaces, our streets, and our homes. Survivors are our sons, our daughters, our brothers, our sisters, our friends, our grandparents.

In addition to the physical effects of victimization, the emotional scars felt by sexual assault survivors may persist long after the physical scars have healed. Sexual violence costs an estimated $127 billion per year in medical expenses, lost productivity, treatment of psychological trauma, and pain and suffering. Yet we know that only 41 percent of sexual assault survivors pursue prosecution by reporting their attack to law enforcement officials, and despite the support services offered by the National Sexual Assault Hotline and more than 1,000 crisis centers across the Nation, fewer than 50 percent of survivors ever tell anyone about their experience. These statistics are staggering and unconscionable. Despite the alarming prevalence of sexual assault, there is a clear and significant need for more public education and awareness.

National Sexual Assault Awareness and Prevention Month does just this. Observed each year in April, this dedicated month provides a special opportunity to educate Americans about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators.

As part of the National Sexual Assault Awareness and Prevention Month, we recognize national and community organizations, as well as private sector supporters, for their work in promoting awareness about sexual assault. We also applaud public safety, law enforcement, and health professionals for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of offenders.

Along with my colleague, Congressman TED POE from Texas, I introduced House Concurrent Resolution 330 to recognize April 2008 as National Sexual Assault Awareness and Prevention Month. By supporting this resolution, we highlight the efforts of individuals and agencies that provide rape crisis intervention and prevention services. We also call attention to sexual violence as a major public health issue and raise awareness of the need for increased resources for preventing sexual violence.

Mr. Speaker, I want to quickly extend my thanks to a number of advocates for their work on sexual assault prevention. In Wisconsin, we are incredibly lucky to have the Wisconsin Coalition Against Sexual Assault working to create the social change necessary to end sexual violence. My thanks to the Coalition and their member organizations across the State for the important work that they do.

Since the first national observance of Sexual Assault Awareness Month in 2001, many Members of Congress have been actively involved in ensuring congressional support for efforts to raise awareness around sexual violence. I wholeheartedly thank all the cosponsors of this bipartisan resolution for once again lending their names to this worthy cause.

Finally, I want to extend my sincerest thank you to my colleague, Congressman TED POE, for his strong support as the lead sponsor of this resolution. Mr. POE has been a dedicated advocate for victims and victims' rights in this Congress, and I have very much admired his commitment to ending sexual violence in all forms. Thank for your hard work and leadership on this resolution.

Although we have made significant progress, we still have far to go in eradicating the harm inflicted on our community by sexual assault. I urge all of my colleagues to fully support this resolution recognizing the National Sexual Assault Awareness and Prevention Month.

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

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 330, recognizing April as National Sexual Assault Awareness and Prevention Month. Every 2½ minutes, a person is sexually assaulted in the United States. Sadly, one in six women have been victims of rape or attempted rape. Two-thirds of these assaults are committed by someone known to the victim, and yet only 40 percent of sexual assaults are reported to the police.

Sexual Assault Awareness Month attempts to change these startling statistics by promoting educational programs, victim support services, advances in DNA and forensics technology, and aggressive prosecution and incarceration of sexual offenders. National Sexual Assault Awareness and Prevention Month helps to educate the public about sexual violence in our communities and the long-term effects on these victims. It also recognizes the selfless work of staff and volunteers at rape crisis centers and other community organizations across the United States that provide counseling and victim support services to sexual assault survivors.

This year, the featured event of Sexual Assault Awareness Month was ''Shop to End Sexual Violence.'' Businesses throughout America pledged to donate a percentage of their sales during April to increase awareness of sexual violence and promote community involvement in reducing these crimes.

With education and community support, it is my hope that more victims will pursue prosecution of their attackers by reporting these assaults. Once the victims take the first and critical steps, it is up to lawmakers and law enforcement to ensure these violent offenders are put away.

Earlier this month, the Judiciary Committee held a hearing on H.R. 5057, to reauthorize the Debbie Smith DNA Backlog Program. The Debbie Smith Program, originally authorized in 2000, awards grants to State and local governments to reduce the DNA backlog of samples collected from crime scenes and the backlog for entry into the national DNA database. Through these grants, State and local governments received funding to test approximately 104,000 DNA cases between 2004 and 2007.

These grants have also funded the collection of 2.5 million DNA samples from convicted offenders and arrestees for inclusion in the national DNA database. The Department of Justice estimates that over 5,000 ''hits'' or matches are the result of this DNA backlog reduction. This is a positive step forward, but we must continue our efforts to reduce the DNA backlog to provide justice for sexual assault victims and put their attackers behind bars for good.

I wish to thank my Judiciary colleague, Congresswoman TAMMY BALDWIN, for sponsoring this resolution, and also thank Congressman TED POE for taking the lead on our side of the aisle in moving forward this important resolution. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. BALDWIN. Mr. Speaker, I have no requests for time at this moment. I would continue to reserve.

Mr. KELLER of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. POE), the coauthor of this resolution.

Mr. POE. I thank the gentleman for yielding.

I am proud to have introduced this National Sexual Assault Awareness and Prevention Month resolution with my friend, Congresswoman BALDWIN from Wisconsin. I appreciate her leadership in bringing this issue to the national attention of all of us.

When I was an assistant district attorney back in Texas, I prosecuted rapists for 8 years, and then I sat on the bench as a judge in Houston for 22 years, hearing felony criminal cases.

□ 1515

During those 30 years, I learned a lot about sexual assault and the devastation it has on victims.

Probably one of the best statements ever made about a sexual assault and how it affects the victim was a sexual assault victim who was 90 years old and had been raped. She testified on the witness stand that what happened to her ''was a fate worse than death.'' And, yes, many times it is a fate worse than murder itself, the crime that occurs against these individuals throughout our country. It devastates the victim, and after the crime occurs the victim faces a lifetime of battle to recover. In many cases, sexual assault or rape is an attempt on the part of the offender to destroy the inner soul and being of the victim, and sometimes that actually occurs.

When I came to Congress, I founded the Victims' Rights Caucus to advocate on behalf of victims so that this caucus could be a voice for all crime victims. The gentlewoman from Wisconsin who introduced this resolution is a member of this caucus and continues to be a leader in public awareness.

With this resolution, I hope we can educate the public about this horrendous crime, but also thank the outstanding victim advocates who hold the victim's hand from the time the crime is committed and sometimes throughout the entire episode until the trial is over with.

Rape and sexual assault statistics are difficult to determine because many victims are ashamed and afraid to come forward and report these crimes. There are outstanding support services in this country, like the National Sexual Assault Hotline, and many, many hundreds of thousands of crisis centers throughout the country, but still sexual assault victims are reluctant to come forward. By drawing attention to sexual violence and speaking about it on the national level here in our Congress, we can encourage victims to report these crimes and get the help they need.

Predators intimidate and threaten victims with the hope that these victims will never tell anyone about it. Victims need to understand that American citizens support victims and are on their side. Of those reported sexual assaults, there are haunting statistics. Three out of four victims knew the perpetrator that committed the crime against them. The rapist is not a stranger.

I would like to relate one case that occurred many years ago when I was prosecuting these types of cases. I will call this young lady Lisa, to protect the privacy of her family. She was a student at one of our universities in Houston. She left the university one night and stopped at a service station for help, because her car was having difficulty in moving down the highway.

She came in contact with an individual that I will call Luke. He was not a service station attendant. He was just a criminal. He kidnapped Lisa. He sexually assaulted her. He pistol-whipped her. He beat her so bad that he thought he had killed her, and when he was arrested, he was mad that he hadn't killed her. He was captured and he was tried. A jury in Houston, Texas, convicted him and gave him 99 years in the Texas penitentiary, which he earned and deserved.

But Lisa's life fell apart. She never went back to school. She lost her job. Her husband, the kind of individual he was, sued her for divorce, got all the children and left the State. She started using drugs, first alcohol and then everything else. Not long after the trial, I received a phone call from Lisa's mother telling me that she had taken her own life, and she left a note that I still have today that says, ''I am tired of running from Luke Johnson in my nightmares.''

You see, crime occurs. Victims are victimized. But sometimes they live a short life thereafter because of the crime that has occurred. And no crime is more devastating to a victim than sexual assault.

So it is important that we designate April as National Sexual Assault and Awareness Month so we can educate our fellow citizens on these statistics and encourage rape and sexual assault victims to no longer be afraid. We need to promote justice for sexual assault victims, because justice is what we do in America.

And that's just the way it is.

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

Ms. BALDWIN. Mr. Speaker, in closing, I wish to urge my colleagues to support this resolution. As we have heard, this bill supports the goals and ideals of National Sexual Assault Awareness and Prevention Month and highlights the need for increased awareness about this major public health issue. I wish to again commend my colleague, the gentleman from Texas (Mr. POE), for his heartfelt and strong leadership on this issue, and urge all of my colleagues to support its passage.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of H. Con. Res. 330, which supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

I was the lead Democratic sponsor of the original legislation, introduced by former Representative Mark Green and signed into law in 2003, that designated April as National Sexual Assault Awareness and Prevention Month.

It is important that we remember that preventing sexual assault should be a top priority during each month of the year. Every 2½ minutes, someone in the United States is sexually assaulted. I have long been a champion of increased efforts to prevent violence against women and in 2004, legislation that I first introduced, ''The Debbie Smith Act,'' was signed into law. Through this landmark act, we have the ability to protect our daughters, our sisters, and our friends by putting rapists behind bars through DNA evidence. We know that DNA evidence is better than a fresh set of fingerprints. And we know that it is often better than eyewitness testimony. With ''The Debbie Smith Act,'' the hundreds of thousands of rape kits that were gathering dust across the country are finally being processed.

In January I introduced H.R. 5057, ''The Debbie Smith Reauthorization Act,'' to extend the Debbie Smith DNA Backlog Elimination Program through FY 2014. I am pleased to have been joined in introducing the legislation by the Chairman and Ranking Member of the Judiciary Committee, Chairman CONYERS and Ranking Member SMITH.

It is vitally important that we support the Violence Against Women Act by fully funding the important programs that will help women escape abusive and dangerous situations and begin new lives that are free from violence and fear. The organizations, shelters, and counseling centers that are on the front lines of this problem need our steadfast commitment that they will have the resources to continue their important work.

I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 330, ''Supporting the Goals and Ideals of National Sexual Assault Awareness and Prevention Month''. I would like to thank my distinguished colleague, Congresswoman TAMMY BALDWIN of Wisconsin, for introducing this important piece of legislation.

Sexual Assault Awareness and Prevention Month highlights an issue that has often been covered up even in this great nation. Rape is a violent assault, not a sexually-motivated or gratifying act. The rapist's aim is to dominate, humiliate, control and degrade the victim. For the victim of sexual assault, it is a wound that while covered never truly heals.

TEXAS STATISTICS ON SEXUAL ASSAULT

Approximately 1.9 million adult Texans, or 1 in 5 women and 1 in 20 men, have been sexually assaulted at some point in their lifetime. While these numbers are daunting they pale in comparison to the vast number of incidents that we never hear about.

An estimated 82 percent of rapes go unreported. The vast majority of rape victims—nearly 80 percent—know the person who rapes them.

In any given year, sexual assault of adults costs the state of Texas $27,161,428. Nine percent of sexual assault victims in Texas sought medical care after being victimized (5 percent of male victims, 10 percent of female victims).

Over 30,000 sexual assault survivors receive services at Texas rape crisis centers each year. Sadly approximately 43 Texas counties are not currently served by a rape crisis center or other victim's assistance organization. Which leaves victims feeling further isolated and without support from the local community.

As of January 1, 2005, there were 2,546 cases pending for sexual assault of an adult and 10,543 cases pending for sexual assault or indecency with a child. In that same year, there were only 559 convictions for sexual assault of an adult, and 2,449 convictions for sexual assault or indecency with a child.

PREVENTION

For many years now, rape crisis centers across Texas and the U.S. have provided invaluable services to survivors of sexual violence while also educating their communities

about the prevalence and nature of sexual violence. Unfortunately, the need for services continues to exceed the capacity of most of our State's crisis centers. In order to address the astonishing rates of sexual violence, we are now increasing our focus on the primary prevention of sexual violence.

Plainly put, we're trying to engage communities to stop sexual violence before it occurs and to build safe, healthy communities. Dr. George Albee, a pioneer in clinical psychology, put it best, "No mass disorder afflicting humankind has been eliminated or brought under control by attempts at treating the affected individual. Sexual violence prevention requires comprehensive, community-based initiatives that address the various systemic issues, attitudes, behaviors and norms that perpetuate sexual violence."

As a member of the Women's and Children's Caucus, I strongly urge my colleagues to examine the issue of sexual assault and prevention. Let's stop trying to sweep the issue under the rug simply because it is difficult to hear. For it affects you and me, and our families and our communities. Eighty-two percent of victims reported that the rape permanently changed them. Thirteen percent of rape victims attempt suicide. Thirty percent said they contemplated suicide.

These lasting scars are on the hearts, minds, and souls of women, men, and children. Sexual Assault—Sexual Violence is a problem that must be dealt with for it is not going away.

As the electronic games our children play, the sexual exploitation and violence they see on television grows, and the miseducation of what love, sex, and violence really mean continues to exist. We will need to highlight this important issue.

In the time it took me to give this statement, someone in America was sexually assaulted for the Department of Justice has stated that every two minutes someone in America is sexually assaulted. I express my support for the designation of National Sexual Assault Awareness and Prevention Month. I believe we should increase public awareness of sexual assault and continue to look at new ways to focus on prevention.

Ms. BALDWIN. 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 Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 330.

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

A motion to reconsider was laid on the table.

RECOGNIZING AMERICA'S TEACHERS

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1130) recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well-being.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1130

Whereas education and knowledge are the foundation of America's current and future strength;

Whereas teachers and other education staff have earned and deserve the respect of their students and communities for their selfless dedication to community service and the future of our Nation's children;

Whereas the purpose of National Teacher Appreciation Week, May 4, 2008, through May 10, 2008, is to raise public awareness of the unquantifiable contributions of teachers and to promote greater respect and understanding for the teaching profession; and

Whereas a number of organizations representing educators, such as the National Education Association and the National Parent Teacher Association, are hosting teacher appreciation events in recognition of National Teacher Appreciation Week: Now, therefore, be it

Resolved, That the United States House of Representatives thanks and promotes the profession of teaching to encourage students, parents, school administrators, and public officials to participate in teacher appreciation events during National Teacher Appreciation Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today to recognize the important contributions that teachers make to our Nation. Next week is National Teacher Appreciation Week. The National PTA created Teacher Appreciation Week in 1984 to show gratitude to the many teachers in the United States. It is a chance for us to thank those individuals who have contributed greatly to society in ways that cannot be measured. It is a chance for us to recognize the selflessness and dedication of teachers and to show our respect for the teaching profession.

Mr. Speaker, we know that good teachers make a tremendous difference to our Nation's youth. During the last decade, a body of evidence has grown to support the notion that teacher quality is the single most important factor outside of the home in affecting student achievement. Teachers serve as excellent role models and instill a love for knowledge and lifelong learning in our students.

We know that teaching is an important profession that deserves our support and respect. Teachers have the important job of helping to shape tomorrow's leaders. Those in the teaching profession work tirelessly for little reward, and good teachers constantly reflect on their lessons and modify instruction to reach the diverse needs of the students in their classrooms. Quality teachers hone their skills and are experts not only in the subject matter, but also in connecting with young people and making learning come alive.

Unfortunately, research has also shown us the negative impacts of teacher shortages. It is important and imperative that schools and communities support teachers. National Teacher Appreciation Week is an opportunity for all of us to pursue and recognize the selfless dedication of our educators. It is also an opportunity for us to recognize the importance of education and make absolutely certain that every child in America has the greatest opportunity to achieve this commodity that we call education. So we have to search our budgets, stretch our imagination and find the resources that are necessary to attract the best and the brightest individuals into the teaching profession.

Yes, there is no greater profession in our country than that of teaching. I call teachers the salt of the Earth, the pillars of the universe, those individuals who give of themselves each and every day so that others will have the opportunity to connect with this vast reservoir of knowledge that we have to be spread around.

I am indeed pleased, Mr. Speaker, to join with all of those who urge passage of this resolution.

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

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

Mr. Speaker, I rise today in support of House Resolution 1130, recognizing the roles and contributions of America's teachers in educating and nurturing our Nation's children and thereby building and enhancing our Nation's civic, cultural and economic well-being.

A teacher's role in student development is irreplaceable. All of our lives have been influenced by the teachers that directed our classrooms, classrooms where students acquire the knowledge necessary to become a part of our Nation's future.

Showing teachers appreciation and recognition during the upcoming National Teacher Appreciation Week which takes place next week helps to remind us how important teachers are and what an integral role they play in the lives of our Nation's citizens. It is important that we recognize teachers for the critical work they do in improving our Nation in so many ways.

Teachers today devote more of their lives to teaching young people than ever before and spend more time on professional development, their own education and on class preparation outside the classroom. Teachers spend an average of over 50 hours per week on teaching duties and an average of $443

each year out of their own pockets to meet the needs of their students, all the while earning an average annual salary of slightly more than $31,000.

The future of our Nation's children is dependent on the individuals to make these time, energy and monetary commitments, and they deserve recognition for their service.

On a personal note, I certainly am honored to recognize the teachers I had in kindergarten through 12th grade in the New York suburban school district and know but for their support and guidance, I would not have had the opportunity to pursue my dreams, including the dream of serving in this very body, the United States House of Representatives.

Behind the upbringing of my mom and dad, my teachers, Dorothy Mirtz, my third grade teacher who is now 97 years old and still going strong as I visited with her just a few weeks back, my eighth grade teacher, Earl Lucius, who took the lessons of my parents of community service and inspired me to pursue a career in public service, they and so many other teachers and administrators I had the blessing to interact with in my education and career played a critical role in my life, as teachers do in all of our Nation's children's lives, in the past, the present and the future.

So I am honored and pleased to stand in support of this resolution, recognizing the important roles and contributions of America's teachers and support National Teacher Appreciation Week.

I certainly thank my colleague, Mr. GRAVES from Missouri, for introducing this resolution, and encourage an ''aye'' vote in favor of the resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Mr. PLATTS. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, teachers plant the seeds of learning in the minds of their students. I support America's teachers and I am proud to be a cosponsor of this resolution. This measure recognizes significant roles and contributions that America's teachers have had and continue to have building and enhancing our country's civic, cultural and economic well-being.

The U.S. Census Bureau reports that there are 6 million teachers in the United States. I, like many others in this House, turned out the way I did because of teachers that were in my background, like my seventh grade Texas history teacher, Mrs. Wilson. She formed early on a desire in my soul to go into public service, and she gets the credit or the blame, whichever people see, for my lifetime career in public service.

□ 1530

I also come from a long line of teachers. My mother was a teacher; my wife is a teacher; my three daughters are teachers, and two of those teach at elementary school level and one of my daughters teaches at Baylor University. And even while I was prosecuting back in Houston, Texas, I spent some time teaching law at the University of Houston.

But teaching isn't just a tradition in my family. Teaching has been a tradition in this country since its very inception. Back then, of course, most teaching happened at home under the instruction of parents. Today, parents have many options when it comes to education of their children. Some are taught in private schools, others public schools, some at charter schools, and others continue to home school.

Teachers play a primary role in equipping our youth to be good citizens, to take pride in the democratic heritage of our Nation, and to be competitive on the world marketplace of ideas. Teachers spend a long week and long hours teaching our greatest resource, children.

This year, we celebrate National Teachers Week on May 4 through 10, and let's be sure to let teachers know that those, especially that have touched our lives, how important they are. And like the bumper sticker says, ''If you can read, thank a teacher.''

And that's just the way it is.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I urge a ''yes'' vote, and again thank all the teachers of our great Nation for their devotion to our Nation's children and for their commitment to bettering the lives of those children and, in doing so, strengthening our Nation as a whole.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, in closing I want to thank Representative PLATTS and Representative POE for their comments relative to this resolution, and certainly join with them in expressing again tremendous appreciation for all of those in the teaching profession.

As I listened to them, I couldn't help but be reminded of important teachers during my life. I began school in a one-room school, as a matter of fact, in your home State of Arkansas, where one woman, Ms. Beadie King, taught eight grades plus the little primer and the big primer all by herself. But then I was fortunate because, later on, she was the high school English teacher. And there are individuals who would suggest that I sometimes use poems and poetry and pithy words in expression, and practically all of that really came from Ms. Beadie King. She was unbelievable. As a matter of fact, she walked at least seven, eight miles to school every day to teach.

There are a lot of teachers who give that kind of dedication today. They don't necessarily walk 7, 8 miles, but they go into their pockets and buy materials; they purchase clothing for their students when they don't have the appropriate things to wear; they purchase lunch for students; buy materials for their classes. They give the very best of everything that it is that they have.

I don't think that we can ever express—I use the opportunity to express appreciation to my wife who taught for more than 30 years, members of my family, my sister who just retired as a principal, my sister-in-law who just retired. And so there are many teachers that all of us stand on their shoulders. Like you, Representative PLATTS, I know that had not it been for those individuals that I came into contact with growing up, there is no way that I would be standing here this evening expressing myself as a Member of the greatest body that exists in the world, the United States House of Representatives.

Again, I thank all of the teachers in America and urge passage of this resolution.

Mr. GRAVES. Mr. Speaker, I introduced this resolution to provide the Members of this body the opportunity to express our common thanks and appreciation for our Nation's teachers.

Many people enter the teaching profession as a calling.

There are other jobs with much better pay, shorter hours and, often times, less hassle than teaching.

However, each year thousands of college graduates choose teaching as a profession, in no small part as the result of a personal experience they had with one of their own teachers.

National Teacher Appreciation Week is designed to provide a means for students, parents and entire communities to come together and participate in events and activities that show their appreciation for teachers.

Personally, I will be hosting an event in my district to recognize Alesia Hamilton, a first-grade teacher at Edison Elementary School in St. Joseph, Missouri who in accordance with the character and commitment that defines all teachers, has invited into her class as a student Mr. Alferd Williams, a 70-year-old man born into poverty who never had the opportunity to learn how to read, much less receive a formal education.

Each day, Alesia Hamilton works with Mr. Williams on reading assignments and other tasks that will ultimately help Alferd Williams earn his GED.

Mr. Speaker, what Alesia Hamilton is doing with Mr. Williams is just one example of what teachers do every day to improve the lives of not only their students but the people of our communities.

I appreciate my colleagues for the opportunity to offer this resolution on the floor of the House today.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of this bill to recognize the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well-being.

It is clear that we cannot improve schools or ensure student success without good teachers. We know that an engaged teacher can be the difference between kids getting ahead and falling behind. And I'm sure we can all remember a teacher who provided guidance or sparked interest in a new subject.

Today's bill recognizes teachers, but they deserve more than recognition. We have to make sure we are taking tangible steps to assist them. And that means funding for our schools, high quality training, and fair pay. It means making sure that every teacher is prepared to walk into the classroom and every teacher has support through the school day.

We trust our Nation's teachers with our most important task—caring for and educating our children. We need to honor their commitment and support that mission.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1130 "Recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well being," introduced by my distinguished colleague from Missouri, Representative, SAM GRAVES. This important legislation illustrates a Nation's commitment to recognize the work and fortitude of America's teachers. It is the teacher's remarkable dedication to our students and their tireless efforts in support of education. These hard workers deserve the care, the admiration, and the benefits they have earned through their honorable service.

From the beginning, our Nation has recognized the importance of education and has always taken a leading role in its development. Teachers provide an education that represents mankind's potential to turn distant dreams into a practical reality. The expansion of our horizons has been essential for reasons beyond the advances it may provide. An education is a symbol of upward mobility and privileged wisdom. It is the foundation in which we generate innovative technology, methods and ideas that are used for the advancement of society. A higher education is vital. As we progress in technology and other critical advancements, there is a continuing shift from blue-collar to white-collar occupations; the number of available traditional jobs decline and new jobs demand greater sophistication, expertise, and an advanced degree.

Teachers are the catalyst to the quality of life and the gatekeepers to extensive knowledge. An instructor's dedication to educating and conveying knowledge is significant to the foundation of America's present and potential strength. Horace Mann, a well-renowned politician and educator, articulated the goals of public schools in the 1800s; not only would the country provide public schools, but there would be a teacher hired by the locals. Education was once decentralized to the level of the classroom where educators believed their "professional place" was in the classrooms. Instructors viewed teaching as a true profession; however, before long, they were expected to solve problems of society. Teachers were expected to teach health, sexual education, D.A.R.E., driver's education and supplementary courses that were not in conjunction with regular academia. Teachers provide an education which represents mankind's capability to turn remote dreams into a sensible reality. Teachers play a significant role in the greatness and affluence of the United States. Therefore, I humbly commend teachers for their outstanding contributions to this great Nation and throughout the year for their unyielding dedication and spirit to educate.

Mr. Speaker, we should continuously honor the teachers who have given their lives in service to this country. May 6, 2008 is Teacher Appreciation Day; this day will celebrate and recognize the valuable services that millions of teachers provide to the nation. Teacher Appreciation Day should be the crescendo of a years long's worth of recognition efforts. All too often, the contributions made by teachers to our country are forgotten. During National Teacher Appreciation Week, which is May 4, 2008, through May 10, 2008, the profession of teaching is promoted to encourage students, parents, school administrators, and public officials to partake in teacher appreciation events. It is fitting that we take time each year during Teacher Appreciation Week to thank our teachers—as the work they do has a tremendous and very direct effect on the lives of young people. As President Bush has said, "There's nothing more noble than to teach."

The innumerable contributions of teachers are invaluable and shall never go unnoticed. The strategic teaching methods that teachers employ are ostensibly successful. Because of the exceptional work of their students, their involvement should never be disregarded. Teachers and other education staff undeniably deserve the respect of their students and communities for their selfless dedication to community service and the future of our Nation's children.

I strongly urge my colleagues to join me in supporting this important legislation, and, in-so-doing, honoring teachers and recognizing the lasting contributions they make to our lives.

Mr. TIAHRT. Mr. Speaker, I rise today to express my support for H. Res. 1130, and for our Nation's teachers. Their hard work and dedication to the students of this Nation is exemplary, and I commend them for it.

If the United States is to remain competitive, if our economy is to continue to grow, our children must have access to quality education, specifically in the areas of science and mathematics. One of the best ways to stimulate the economy is through a well-rounded and well-educated workforce. A quality education provides options for students to achieve the skills necessary to successfully compete in today's demanding job market. And our students would not be able to obtain a quality education were it not for the dedication of America's educators.

Teachers in this Nation are over-worked, and under-appreciated. Teaching has never been an easy profession. The work of teachers extends far beyond the time spent in the classroom, preparing lessons, grading papers, and looking for additional ways to enhance the educational experience in the classroom. We in Congress have not made their jobs any easier. In our, albeit laudable, effort to enhance the performance of our students, we have placed additional requirements on our teachers that demand more and more of their time. Federal regulations place additional pressure on both teachers and students. Our teachers do not receive nearly enough recognition for the care and concern they show for their students.

So today, I take the time to thank the many teachers who helped educate a restless boy that now has the honor of serving in this remarkable institution, the teachers who have guided my children and given them the skills to pursue their dreams, and also my beloved wife, Vicki, who has used her many talents to help teach children with disabilities. I urge my colleagues to show their support for America's teachers by voting in favor of this resolution.

Mr. DAVIS of Illinois. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1130.

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.

SUPPORTING THE GOALS AND IDEALS HIGHLIGHTED THROUGH NATIONAL VOLUNTEER WEEK

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1119) supporting the goals and ideals highlighted through National Volunteer Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1119

Whereas National Volunteer Week will be observed during the week of April 27, 2008 through May 3, 2008;

Whereas the National Volunteer Week will give Americans the opportunity to thank some of our Nation's most valuable assets, our volunteers, and to recognize the myriad of ways they improve our communities;

Whereas the theme of this year's National Volunteer Week is "Volunteer to Change the World", and is about engaging individuals in service, inspiring a Nation to join a movement for change, and recognizing the deserving volunteers, including those that have received the President's Volunteer Service Award, for their work in their local communities;

Whereas National Volunteer Week began in 1974 when President Nixon signed an Executive Order establishing the week as an annual celebration of volunteering, and since then, every United States President, along with many governors, mayors, and other elected officials has signed a proclamation promoting National Volunteer Week;

Whereas about 61,000,000 people volunteered through or for an organization at least once between September 2006 and September 2007, according to a recent survey by the United States Bureau of Labor Statistics, which represents more than a quarter of the total United States population;

Whereas an analysis of data from the Longitudinal Study of Aging found that those individuals who volunteer have lower mortality rates than those who do not volunteer and research shows that communities with high levels of social networks have higher levels of parental engagement in schools, stronger local economies, less crime, and lower incidence of illnesses;

Whereas volunteers have contributed to the enhancement and improvement of communities across the United States, especially with respect to the aftermath of the hurricanes on the Gulf Coast; and

Whereas National Volunteer Week will continue to build awareness of the role that volunteers play in local, national, and international communities, and their commitment and dedication to improving lives, strengthening communities, and fostering civic engagement through service and volunteering: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the goals and ideals highlighted through National Volunteer Week;

(2) acknowledges the diligent efforts of our major federally funded community service and volunteer programs;

(3) recognizes with gratitude the contributions of the millions of dedicated and caring individuals who have chosen to serve others through volunteerism; and

(4) encourages all American people, of any age and background, to seek out opportunities to serve through volunteerism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I request 5 legislative days in which Members may have the opportunity to insert material relevant to H. Res. 1119 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today to support the designation of April 27 to May 3, 2008, as National Volunteer Week, and to laud the efforts of volunteers who serve without reward to support America's communities.

National Volunteer Week is an opportunity to engage individuals throughout the Nation in a common goal of service to better our Nation. This year's theme, Volunteer to Change the World, hopes to inspire all people to connect with their community and truly make a difference through working together to effect positive change. In addition to many volunteer opportunities, the week will recognize deserving volunteers with the President's Volunteer Service Award and other significant signs of thanks.

Next week, volunteers across the Nation will work on a wide variety of projects. Activities range from community arts projects, school renovations, park rehabilitation, and many more equally engaging projects. With a large force of volunteers working together, National Volunteer Week will demonstrate the power of volunteerism and highlight the strength of compassion. The large number of volunteers will continue to inspire the Nation to mobilize for positive change and help people discover their ability to make a difference.

Volunteering has far reaching positive impacts on the community as a whole, and even on individual volunteers themselves. Research has shown that communities with high levels of social capital have a higher quality of life. Communities with strong volunteer networks, therefore, are healthy and dynamic places to live and work. Additionally, data shows that individuals who volunteer live longer than those who do not. Individuals and communities reap numerous constructive benefits from volunteering and can be the center of positive social change.

So, Mr. Speaker, once again I express my support for National Volunteer Week, and recognize all the hard work that volunteers put in on a daily basis. I encourage more people to become volunteers and recognize the fact that, by working together, we can more effectively meet the challenges our Nation face. I urge my colleagues to support this resolution.

I reserve the balance of my time.

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

I rise today in support of House Resolution 1119, which supports the goals and ideals highlighted through National Volunteer Week. I am proud to have introduced this resolution, with my National Service Caucus cochairs, Representatives CHRIS SHAYS, DAVID PRICE, and DORIS MATSUI, as well as Representative BUCK MCKEON.

Mr. Speaker, National Volunteer Week was created in 1974, when President Richard Nixon signed an executive order to establish the week as an annual celebration of volunteering. Every year since that time, each President of the United States, along with many Governors, mayors, and other elected officials, have signed a proclamation promoting National Volunteer Week.

This year, National Volunteer Week is being recognized this very week, April 27 to May 3. Various events are being held throughout the Nation to promote the 2008 theme of ''Volunteer to Change the World.''

Throughout the history of the United States, Americans have valued an ethic of service. Volunteering not only has a positive impact on local communities, but also on the volunteer himself or herself. Those Americans who give their time to serve are valuable assets to our local communities, and National Volunteer Week is our opportunity to thank them for their service and to encourage others to serve.

Across our country, Americans of all ages, backgrounds, and abilities are donating their time and talents to schools, churches, hospitals, and local nonprofits in an effort to improve their communities and serve a purpose greater than themselves. According to data collected over the past 30 years by the United States Census Bureau, Americans are volunteering at historically high rates. Between September 2006 and September 2007, 61.2 million Americans donated their time to help others, by mentoring students, beautifying neighborhoods, restoring homes after disasters, and much more.

In fact, earlier this week I had the pleasure of participating in a recognition ceremony at a local senior center, the Red Land Area Senior Center in York County, Pennsylvania, where dozens of senior volunteers and others were recognized for thousands of hours of donated volunteer service time in 2007. In fact, the top two volunteers recognized, Jim Fitzkee and Leona Deardorff, each contributed almost 700 hours of volunteer service to this center in 2007.

Volunteering is not only a rewarding but a necessary aspect of meeting the most pressing needs facing our Nation, including combating crime and gangs, poverty, disasters, illiteracy, and homelessness. Volunteering is also an important part of maintaining the health of our citizens, as research consistently shows that those who volunteer, especially those 65 years of age and older, lead healthier lives than those who do not engage in their communities. The intangible benefits alone, such as pride, satisfaction, empowerment, and accomplishment are worthwhile reasons to serve and give back.

Today I would like to recognize the diligent efforts of our major federally funded community service and volunteer service programs, thank the millions of dedicated and caring volunteers for their service, and encourage all Americans to give of themselves to make a difference in their local communities. I urge my colleagues to support House Resolution 1119.

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

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage of this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1119.

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

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR THE DESIGNATION OF APRIL 2008 AS NATIONAL SARCOIDOSIS AWARENESS MONTH

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1149) expressing support for the designation of April 2008 as National Sarcoidosis Awareness Month, and supporting efforts to devote new resources to research the causes of the disease, environmental and otherwise, along with treatments and workforce strategies to support individuals with sarcoidosis, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1149

Whereas sarcoidosis is a noncontagious systemic disease of unknown origin and is commonly diagnosed with the detection of inflamed, microscopic growths called granulomas that grow and often affect the lungs, skin, eyes, and nervous system;

Whereas sarcoidosis can affect any organ of the body and more than one organ at any given time;

Whereas the inflammation of such vital organs may cause seizures, blindness, disfiguring lesions, and heart failure;

Whereas many individuals stricken with sarcoidosis eventually develop a serious disabling or potentially fatal condition;

Whereas sarcoidosis was once thought to be an uncommon condition, but is now known to affect tens of thousands of people throughout the United States;

Whereas sarcoidosis afflicts African-Americans up to 8 times more frequently than other races;

Whereas as many people with sarcoidosis have no symptoms, it is difficult to measure how many people have the condition;

Whereas sarcoidosis is a disease that affects Americans nationwide and people around the world, and yet its causes and potential treatments remain a mystery;

Whereas skin-related symptoms of this chronic, multisystemic disease were first recognized more than 100 years ago, but the effects of the disease on other organs were not observed until the first quarter of this century;

Whereas sarcoidosis was the chief diagnosis of the death of fluorescent light bulb workers in Salem, Massachusetts in the 1940s;

Whereas sarcoidosis was the first diagnosis for an overwhelming majority of rescue workers' health conditions on September 11, 2001;

Whereas sarcoidosis has been documented to be disproportionately found among factory workers and Navy deckgrinders;

Whereas today, researchers are still trying to learn more about the causes, cures, and overall nature of this affliction;

Whereas the American Lung Association has actively advocated for more research to better understand how environmental and occupational exposures may increase the risk of sarcoidosis;

Whereas the National Sarcoidosis Society strives to serve those afflicted by the disease by focusing its efforts on public policy, research funding, patient services, public awareness and education, and finding a cure; and

Whereas April 2008 would be appropriate to designate as National Sarcoidosis Awareness Month to increase public awareness of the need to support individuals with sarcoidosis, to raise awareness of the environmental and occupational issues associated with sarcoidosis, and to educate medical professionals who care for individuals with sarcoidosis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Sarcoidosis Awareness Month;

(2) recognizes that sarcoidosis has played a prominent yet hidden role in America's workforce history;

(3) acknowledges the diligent efforts of individuals and organizations who observe National Sarcoidosis Awareness Month with appropriate activities to further promote awareness of the disease; and

(4) supports research efforts to better understand the links between sarcoidosis and specific occupations where sarcoidosis is disproportionately represented.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks and insert material relevant to H. Res. 1149 into the RECORD.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today in strong support of House Resolution 1149, commemorating April 2008 as National Sarcoidosis Awareness Month.

According to the National Heart, Lung, and Blood Institute, tens of thousands of Americans nationwide are afflicted with this disease. However, currently, there is no cure, no definitive identification of exactly what causes sarcoidosis, no known measures to prevent it, and many people who have sarcoidosis do not exhibit any symptoms. So one might ask the question, what is sarcoidosis?

Sarcoidosis is characterized by the inflammation associated with the production of tiny lumps of cells in various organs of our bodies called granulomas because they look like grains of sugar or sand. These grain-like cells grow and clump together in an organ, affecting how the organ works.

□ 1545

The increase of these growths can inflame vital organs like the lung, brain, skin, eyes and nervous system, causing seizures, blindness, disfiguring lesions, heart failure and sometimes even death.

Sarcoidosis is overrepresented among African Americans compared to other races and ethnic groups, and afflicts African Americans more severely than other races in this country.

By documenting the prevalence of sarcoidosis among fluorescent light bulb workers in the 1940s and among U.S. Navy deck grinders, and recognizing that sarcoidosis disproportionately affects factory workers and was the first diagnosis for an overwhelming majority of rescue workers in New York after the September 11, 2001, attacks, researchers at the American Lung Association have uncovered a link between certain types of occupations and this disease.

More careful monitoring of a sarcoidosis diagnosis can dramatically improve public health, including the health of civilian and military workers. It is my hope that by passing this legislation, we will promote more careful examination and investigation of sarcoidosis diagnosis, and lead to the reduction of morbidity and mortality of workers, as well as reduce costs.

By supporting House Resolution 1149 designating April 2008 as National Sarcoidosis Awareness Month, we as the House of Representatives of these United States of America will demonstrate our acknowledgment of and commitment to the importance of raising awareness for the purpose of uncovering the causes of sarcoidosis disease, environmental and otherwise, and the promotion of strategies to support and protect our thriving workforce. I urge passage of this resolution.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H. Res. 1149, expressing support for the designation of the month of April 2008 as National Sarcoidosis Awareness Month to bring attention to this disease, its potential causes, and the need for research on the causes and potential treatments.

Sarcoidosis is a noncontagious systemic disease of unknown origin that causes inflamed, microscopic growths called granulomas that often affect one or more systems in the body, including the lungs, skin, eyes, and nervous system. This disease is sometimes difficult to diagnose.

The American Lung Association reports that more than 90 percent of the people diagnosed with sarcoidosis experience some degree of problem with their lungs which may reduce their ability to absorb oxygen. Because of scarring caused by the inflammations, between 20 and 30 percent of people with pulmonary sarcoidosis end up with some degree of permanent lung damage. Although death is relatively uncommon, mortality can occur due to lung failure or if the disease causes serious damage to a vital organ other than the lungs.

It has been observed that the disease occurs throughout the world in all races and both sexes, although gender and ethnicity may have an impact on the risk of developing sarcoidosis and its severity. Women and people of African descent, along with those of Scandinavian, German, Irish and Puerto Rican descent, are particularly prone to the disease and its more chronic and serious manifestations. The reasons for this are yet unknown.

The cause or causes of sarcoidosis remain a mystery. Our best medical evidence to date has not discovered the extent to which lifestyle, environment, or heredity affects the development, severity, or length of this disease.

The American Lung Association reports that most researchers believe that the disease involves an altered immune system. Some studies suggest sarcoidosis is caused by a respiratory infection triggered by bacteria or a virus, or even by exposure to burning wood. Others suggest possible occupational or environmental risks. And some studies also show that sarcoidosis may run within families, suggesting a genetic link.

Medical science has developed treatments that manage the symptoms of the disease, but no treatment is clearly effective for a prolonged period, and there is no cure.

Considering the broad reach of this disease, across people of different genders and ethnicities throughout the

world, and the lack of scientific evidence as to its cause or a cure, it is important to acknowledge the efforts of individuals and organizations to observe National Sarcoidosis Awareness Month and work on promoting awareness and the search for the cause and effective treatments. I am pleased, therefore, to stand in support of this resolution and ask for a ''yes'' vote.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Mr. PLATTS. Mr. Speaker, I urge a ''yes'' vote, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I was very pleased to be the sponsor of this resolution, and I want to commend and thank all of the sarcoidosis activists who have visited my office, who have called me, who have written letters and telegrams and e-mails urging that we do something to further promote and raise awareness around this illness. I am pleased we have this resolution on the floor today. I urge its passage.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of House Resolution 1149, which expresses support for the designation of April 2008 as National Sarcoidosis Awareness Month.

Sarcoidosis is an inflammatory disease that produces tiny lumps of cells called granulomas in the lungs, lymph nodes or skin. The cause of sarcoidosis is unclear, but it has been associated with exposures to organic and chemical dusts, metals, silica and wood dust or smoke.

We know that New York City Fire Fighters who responded to the World Trade Center collapses in the aftermath of 9/11 have markedly higher rates of sarcoidosis. In the year immediately following 9/11, there was a 6-fold increase from pre-9/11 levels.

There's no doubt that many heroes of 9/11 are sick because of their exposure to Ground Zero toxins. Raising awareness of sarcoidosis and encouraging funding for research into the disease is one small way we can honor the heroes and heroines of 9/11.

I thank the gentleman from Illinois for introducing this resolution, and I urge my colleagues to support it.

Mr. DAVIS of Illinois. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1149, as amended.

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

A motion to reconsider was laid on the table.

SUPPORTING THE MISSION AND GOALS OF WORKERS MEMORIAL DAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1154) supporting the mission and goals of Workers Memorial Day in order to honor and remember the workers who have been killed or injured in the workplace.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1154

Whereas each year, more than 5,500 workers are killed due to workplace-related injuries in the United States, and more than 2,000,000 workers across the world die of workplace-related accidents and diseases;

Whereas each day, an average of 16 workers are killed due to workplace injuries in the United States;

Whereas there are more than 4,000,000 occupational injuries and illnesses in the United States annually;

Whereas tens of thousands of Americans with workplace injuries or illness become permanently disabled;

Whereas worldwide, more people are killed each year at work than in wars;

Whereas observing Workers Memorial Day allows us to honor and remember victims of workplace injuries and disease; and

Whereas observing Workers Memorial Day reminds us of the need to strive for better worker safety and health protections: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Workers Memorial Day to honor and remember workers who have been killed or injured in the workplace;

(2) recognizes the importance of worker health and safety standards;

(3) encourages the Occupational Safety and Health Administration, industries, employers and employees to support activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace; and

(4) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks and insert material relevant to H. Res. 1154 into the RECORD.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she might consume to the sponsor of this resolution, the distinguished gentlewoman from the State of Texas, Representative EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. I thank the gentleman from Illinois for bringing this bill to the floor.

On Monday of this week, millions of people worldwide recognized Workers Memorial Day. I introduced H. Res. 1154 because each year this country has thousands of workers who are killed due to workplace-related injuries, and tens of thousands more die of occupational illnesses. It is staggering to think that each day an average of 16 workers are killed due to injuries on the job. Worldwide, more than 2 million workers die of occupational illness and injuries annually. That means more people are killed on the job each year than in wars.

The bottom line is that everyone deserves a safe and healthy workplace. Many of us may take this basic right for granted. But for millions of Americans, the threat of being permanently disabled or even killed on the job is very real.

Workers Memorial Day not only recognizes and honors those who have been killed or injured on the job, it also reminds us of the overwhelming need to improve health and safety standards in our Nation's workplaces.

It has been 38 years since the creation of OSHA, and over this time worker health and safety standards have vastly improved. However, there is still work to be done, as evidenced by the Sago mine disaster and the recent combustible dust explosion at the Imperial Sugar refinery in Georgia that killed 12 workers.

Today we will take a step toward improving those safety standards by considering the Worker Protection Against Combustible Dust Explosion and Fire Act. This bill represents a pressing need for OSHA standards to prevent combustible dust explosions which have killed more than 100 workers since 1980. That's 100 workers who went to work in the morning but never returned home to their families and loved ones. Workers Memorial Day remembers those workers who gave their lives and the families they left behind.

I would like to thank House leadership and Chairman MILLER for his support in bringing this resolution to the floor today; and, of course, Mr. DAVIS. I would also like to thank the House Labor and Working Families Caucus, and in particular Congresswoman LINDA SÁNCHEZ, for their assistance in bringing this resolution forward. I urge my colleagues to support recognizing this Workers Memorial Day.

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

Mr. Speaker, I rise in support of H. Res. 1154, supporting the mission and goals of Workers Memorial Day in order to honor, remember and pay tribute to the workers who have been killed or injured in the workplace.

Monday, April 28 marked the 20th annual Workers Memorial Day, a day to honor our Nation's workers who were injured or lost their lives as a result of incidents in the workplace.

I was honored in my district in York, Pennsylvania, to participate with the York Adams County Central Labor Council in a Worker Memorial Day ceremony where three individuals were remembered following their deaths in the workplace in 2007, and pay tribute to them, with their families being in our thoughts and prayers and our sympathies going out to them on the loss of their loved ones.

We remember and pay tribute to all Americans who have given the most to ensure our Nation's economic growth and sustainability. On this day, we reaffirm our commitment to guarantee a safe and healthy work environment for all employees.

Employers, employees, and the local, State, and Federal Governments have all shared in the mission of protecting our Nation's workforce. I would note, Mr. Speaker, that labor organizations are not specifically mentioned in the resolution, but certainly they have played a critically important role in promoting and enhancing workplace safety. We all aspire to have hazard-free workplaces, and the combined efforts of these groups and individuals have moved us closer towards achieving this goal.

According to OSHA Administrator Edwin Foulke, Jr., in 2006, the Department of Labor reported that the Nation's injury and illness incident rate of 4.4 per 100 employees was the lowest ever recorded. Additionally, fatality rates remain at historic lows. Clearly these numbers show that workplaces are getting safer, but we must ensure that this trend continues.

April 28 also commemorated the 37th anniversary of the start-up of the Department of Labor's Occupation Safety and Health Administration. We commend OSHA for years of hard work and dedication. From day one, the agency has promoted a safe and healthy workplace for all employees. OSHA's regulations, educational efforts, and enforcement activities have enhanced both workplace safety and success across the United States.

Moving forward, it is important to remember that OSHA cannot guarantee the safety of our workers by itself. OSHA cannot write and enforce rules effectively if it does not receive adequate funding and valuable input from all interested stakeholders. We must ensure that our efforts to enhance workplace safety provide for this funding and input. We must maintain a strong commitment to work with OSHA on its mission of protecting the American worker.

Even one workplace injury or fatality is one too many. Workers Memorial Day serves to reaffirm our commitment to protecting all employees. On a day when we remember those who have sacrificed so much, it is clear Americans must work together to ingrain a culture of safety in all workplaces. I am pleased to support this resolution and ask for a ''yes'' vote.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, I want to commend Representative JOHNSON from Texas for introducing this resolution, and I am pleased to join with her and with Representative PLATTS in supporting its passage. I rise in support of the mission and goals of Workers Memorial Day.

□ 1600

Workers Memorial Day allows us to honor and remember the many workers who have been injured or even killed in the workplace. Unfortunately, while the United States loses about 5,500 workers each year, more than 2 million people die worldwide from workplace-related accidents and disease.

According to the National Safety Council and the Bureau of Labor Statistics, the job fatality rate has been cut by 78 percent since 1970. While direct comparisons of injury data for 2006 and years prior to 2003 are not possible due to a change in classification systems, in general, declines in workplace fatalities and injuries have been much greater in those industries where the Occupational Safety and Health Administration has targeted its standards and enforcement activities.

So, Mr. Speaker, I urge my colleagues to support this legislation, which encourages OSHA industries, employers and employees, to support activities that increase awareness of the importance of preventing illness, injury and death in the workplace.

I would also like to thank all those who took the time on Monday to remember those Americans who were injured, or those who have lost their lives due to a workplace accident.

And so, again, Mr. Speaker, I commend Representative JOHNSON from Texas for introducing this timely and important resolution.

I also thank Mr. PLATTS, the gentleman from Pennsylvania, for his support. But I also thank him for the opportunity to work with him this afternoon. It's been a pleasure, as it always is. He is one of the most pleasant Members of this House, and it's always a pleasure to interact and work with him.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1154.

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

Ordering the previous question on House Resolution 1157, by the yeas and nays; adopting House Resolution 1157, if ordered; and suspending the rules and concurring in the Senate amendment to H.R. 1195, by the yeas and nays.

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

PROVIDING FOR CONSIDERATION OF H.R. 5522, COMBUSTIBLE DUST EXPLOSION AND FIRE PREVENTION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1157, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 226, nays 194, not voting 11, as follows:

[Roll No. 227]

YEAS—226

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

Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Andrews
Doggett
Forbes
Granger
Higgins
Hill
Miller (FL)
Payne
Pearce
Pence
Rush

□ 1627

Mr. WALSH of New York and Mr. EHLERS changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). The question is on the resolution.

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 222, nays 193, not voting 16, as follows:

[Roll No. 228]

YEAS—222

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

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Berman
Boren
Cummings
Doggett
Forbes
Granger
Higgins
Hill
Lamborn
McKeon
Miller (FL)
Payne
Pence
Rush
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in the vote.

□ 1635

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SAFETEA–LU TECHNICAL CORRECTIONS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 1195, 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 Minnesota (Mr. OBERSTAR) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1195.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 358, nays 51, answered ''present'' 11, not voting 11, as follows:

[Roll No. 229]

YEAS—358

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—51

Akin
Barton (TX)
Blackburn
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell (CA)
Cannon
Carter
Chabot
Davis (KY)
Doolittle
Ehlers
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Hensarling
Herger
Hoekstra
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
LaHood
Lamborn
Linder
Lungren, Daniel E.
Manzullo
Marchant
Miller (FL)
Musgrave
Neugebauer
Nunes
Paul
Putnam
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Souder
Stearns
Tancredo
Thornberry
Wilson (SC)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Delahunt
Doyle
Green, Gene
Hastings (WA)
Jones (OH)
Kline (MN)
McCaul (TX)
Roybal-Allard
Weller

NOT VOTING—11

Andrews
Doggett
Forbes
Gordon
Granger
Higgins
Hill
Payne
Pence
Rush
Wexler

□ 1644

Mr. ROYCE changed his vote from ''yea'' to ''nay.''

Mr. DELAHUNT changed his vote from ''yea'' to ''present.''

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5534

Ms. FALLIN. Madam Speaker, I ask unanimous consent to have my name removed from H.R. 5534, the Bear Protection Act of 2008.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–614) on the resolution (H. Res. 1167) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 5522.

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

There was no objection.

COMBUSTIBLE DUST EXPLOSION AND FIRE PREVENTION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1157 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5522.

□ 1646

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes, with Mrs. CHRISTENSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself such time as I may consume.

I rise today in strong support of H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act of 2008.

On February 7 of this year, a huge explosion ripped through the Imperial Sugar refinery in Port Wentworth, Georgia. Eight workers died instantly, and five more have died in the months since the explosion from the horrific

burns that they suffered. More than sixty workers were injured, some so seriously that they will never fully recover. This was a terrible disaster, one of our Nation's worst workplace tragedies of the past decade.

The cause of the explosion was combustible sugar dust. It may surprise many of us that sugar dust can explode with such violence. But it can, and so can many other dusts that are commonly found in U.S. industrial sites.

In 2003, three fatal dust explosions occurred in the United States, killing 14 workers. The U.S. Chemical Safety Board investigated these incidents. The board examined whether these tragedies were just coincidences or a major national problem. The Chemical Safety Board also examined whether there were adequate laws to protect workers or whether new protections were needed. The Chemical Safety Board found that these explosions were not coincidences. In fact, between 1980 and 2005, 119 workers had been killed and 718 injured in dust explosions that had also extensively damaged the industrial facilities. The Chemical Safety Board also found that there were no enforceable national regulations to prevent combustible dust incidents. Let me repeat that. The Chemical Safety Board also found that there were no enforceable national regulations to prevent combustible dust incidents.

The Chemical Safety Board concluded that controlling combustible dust explosions isn't a mystery. In fact, the first National Fire Protection Association standards to prevent combustible dust explosions were issued in 1923. In November of 2006, the Chemical Safety Board, an independent Federal agency whose members were all appointed by President George W. Bush, concluded that the only way to prevent more worker deaths was for OSHA to issue a comprehensive standard covering combustible dust. That was in November of 2006. But to this day, OSHA has taken no action to issue a standard. In fact, OSHA has refused to act despite the fact that 70 more combustible dust explosions have occurred since 2006.

Even now, after 13 needless deaths in Georgia, OSHA demonstrates no understanding of the urgency of this problem. This is a shocking failure by the very governmental agency responsible for keeping workers safe.

Sadly, this isn't the only time that OSHA has failed to act on a Chemical Safety Board recommendation, and it's not the only time where the result of that inaction has been the death of American workers. The Chemical Safety Board warned OSHA in 2002 that new rules were needed to prevent reactive chemical explosions, but OSHA refused to act. Then last December a reactive chemical explosion in Jacksonville, Florida, killed four workers.

Because OSHA refused to act, Congress must now act. Congressman JOHN BARROW and I have introduced H.R. 5522 to force OSHA to do the job it should have done on its own. The legislation will require OSHA to issue an interim standard on combustible dust within 90 days and a permanent standard within 18 months. It would require OSHA to base the new standard on the National Fire Protection Association standards.

OSHA says that the combustible dust hazards are already covered by numerous existing regulations. But that simply is not true. Most of the existing standards do not even mention the word ''dust'' and do nothing to educate or inform employers and employees how to prevent combustible dust explosions. Existing OSHA standards also do not address what levels of dust are safe, how to clean the dust safely, or how to prevent dust from accumulating to unsafe levels.

And it is not true, as opponents of this bill say, that we don't allow for public input. In fact, OSHA would have to conduct full public hearings and a small business review but to do so on an expedited basis that reflects the life-or-death urgency of this issue.

Because of the serious hazards imposed by combustible dust, because OSHA has issued no major standard during this administration except under pressure of the courts or the Congress, and because OSHA is unable to meet the regulatory deadlines it sets for itself, it is necessary to set some tight deadlines for action.

It is also not true that this bill requires OSHA to adopt the National Fire Protection Association standards. The bill requires OSHA to include only the relevant and appropriate provisions of the National Fire Protection Association combustible dust standards. While the National Fire Protection Association standards have proven to be effective, OSHA should use its discretion, after full public hearings and comments, to determine how the National Fire Protection Association guidelines should be used in a final standard.

You will hear opponents of this measure say we should wait until the OSHA investigation is completed and the results of OSHA's current National Emphasis Program are in. But we have waited long enough. And, in fact, again, the Chemical Safety Board recommendations predate that accident based upon the urgent need for these regulations to save American workers' lives and to prevent their injuries prior to that time.

Again, if OSHA doesn't act, we must. We know that most businesses are doing the best they can to make their workplace safe. But it is also clear that other businesses may not be doing enough to ensure the safety of their employees. The bottom line is that workers need protection and the agency established by Congress 37 years ago to protect workers has once again failed in that duty.

The goal today is to protect workers from those preventable explosions, and we believe that this legislation accomplishes that goal without imposing unreasonable burdens on employers.

I want to leave the House with the closing words of a witness who appeared before the Education and Labor Committee, Tammy Miser. Tammy Miser's brother, Shawn Boone, was killed in a combustible dust explosion in 2003. Tammy recounted the terrible suffering that her brother went through before he died, her hopes that something would happen after the Chemical Safety Board recommendations were issued, and her disappointment that OSHA has yet to act, even after the Imperial Sugar explosion.

Tammy left us with this one request: ''that you not let our loved ones die in vain and help us keep other families safe from the dangers of combustible dust.''

It's the least we can do for Shawn Boone, the workers in Port Wentworth, and the many other workers who have needlessly lost their lives.

Madam Chairman, I strongly urge that all of my colleagues will support H.R. 5522.

Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I yield myself such time as I may consume.

I rise in opposition to the bill at this time and in this form.

Consideration of this bill is a somber occurrence. It reminds us that less than 3 months ago, workers at the Imperial Sugar refinery in Port Wentworth, Georgia, lost their lives to a tragic workplace accident. Even today many others remain injured.

As with any workplace accident of this magnitude, the Occupational Safety and Health Administration, or OSHA, was dispatched to the scene to investigate what went wrong. Preliminary reports indicate that the explosion was linked to combustible dust, a known hazard for which at least 17 OSHA standards currently apply.

OSHA has 6 months to complete its investigation, a time frame that I think is appropriate for any injury of this seriousness. I expect that investigation to provide us a thorough, candid examination of exactly what went wrong so that steps can be taken to prevent such an accident in the future.

Among the first questions OSHA needs to answer is whether existing safety guidelines were followed at the Imperial refinery. This question is fundamental. It will tell us whether the cause of this accident was a lack of sufficient safety standards or a failure to follow the standards that exist.

The bill before us today presumes that current safety standards were insufficient. But the truth is we don't yet know whether that is the case. Less than 3 months after the accident, OSHA has not even had an opportunity to complete its investigation. We cannot possibly provide effective new safety standards when we don't know which standards, if any, we're lacking.

I understand why we're here today. Like Chairman MILLER; Representatives BARROW and KINGSTON, who represent the refinery and surrounding areas; and all Members of this body, I grieve for the workers who lost their lives. But making an end run around a proven process for establishing workplace safety guidelines is the wrong answer at the wrong time.

The bill before us proposes a highly proscriptive regulatory mandate in an excruciatingly compressed time frame. More concerning still, OSHA, the agency that would be responsible for implementing these new requirements, does not believe this bill will produce the most effective safety measures.

□ 1700

Of course, this is not to say that we should do nothing in the face of such an accident. To the contrary. I believe OSHA has a responsibility to complete a thorough, aggressive investigation of the accident at the Imperial Sugar refinery to determine its causes and consider whether additional regulatory guidance is needed. If it becomes clear that existing standards are ineffective, OSHA should move forward with a robust regulatory process that provides clearer, more effective guidance on combustible dust.

I want to be clear on this point. This bill at this time, and in this form, is not the only opportunity to strengthen safety standards for combustible dust. OSHA itself has not ruled out additional regulations if it becomes clear that the 17 existing standards that apply to workplaces with combustible dust hazards are not effective or clear enough to protect workers.

The danger of combustible dust in the workplace is a serious concern, and I am committed to appropriate and effective safety measures. That is why we plan to offer an alternative proposal today that calls for a more comprehensive approach that would include stakeholder input and expertise in any regulatory action that may be needed.

We had hoped to see another amendment made in order, as proposed by Representative KINGSTON. Because of the compressed timetable in the bill, OSHA will not have to take into account economic feasibility of the standard. Mr. KINGSTON's amendment would have simply asked that a study on the job losses resulting from the standard be reported to Congress. Surely it would not have been too much to ask whether Congress was exacerbating job losses in an already weakening economy. But, unfortunately, that amendment was not made in order.

Still, I continue to believe we can work together in good faith to protect worker safety without undermining the proven road to developing effective, enforceable safety protections.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 4 minutes to the gentlewoman from California (Ms. WOOLSEY), the Chair of the subcommittee.

Ms. WOOLSEY. This past Monday was Workers Memorial Day. Workers Memorial Day is the day when we remember those who have lost their lives or have been injured as a result of unsafe health and safety conditions in the workplace. On Workers Memorial Day we also recommit to the fight for safe working conditions for every single worker in America.

So, Madam Chairwoman, it's fitting that today we are considering H.R. 5522, the Worker Protection Against Combustible Dust Explosions and Fires Act, which was introduced by Chairman MILLER and Representative BARROW, a bill that requires OSHA to develop a standard for combustible dust. I am proud to be a cosponsor of that bill, and I want to commend Chairman MILLER and Representative BARROW because they introduced it.

Like other Members of Congress, I was absolutely shocked and saddened by the combustible dust explosion at the Imperial Sugar Company in Port Wentworth, Georgia, which resulted in 13 deaths and 60 injuries. My heart goes out to the families of those who died, and my hopes and prayers, all of our hopes and prayers are with those workers who were seriously injured. The survivors have a tough road ahead of them.

Unfortunately, Madam Chairwoman, this explosion, like so many other workplace incidents that have occurred lately, could have been prevented. That is the most important part of it. It didn't need to happen. Lives were senselessly lost, and more workers remain in critical condition.

That is why immediately after the explosion, Chairman MILLER and I sent a letter to OSHA demanding that the agency begin work on a standard for combustible dust. Such a standard was recommended not last year, but longer than that ago, a year and a half ago, at least, by the Chemical Safety Board. That is an independent Federal agency charged with investigating chemical accidents. But OSHA has failed to act on this recommendation, and unfortunately, but not surprisingly, OSHA has failed to respond to our letter in a timely manner.

So that is why we in Congress need to act, and we need to act now. We must act just as we did when we passed H.R. 2693, the Popcorn Lung Disease Prevention Act. That was legislation that requires OSHA to issue an emergency temporary standard to regulate workers' exposure to diacetyl, a chemical used in butter flavoring for microwave popcorn and other food products, a chemical that was killing and injuring workers.

I wish that we could trust OSHA under this administration to do the job that was laid out for them. But we cannot. So that is why I urge my colleagues to pass H.R. 5522. Take care of our workers.

Mr. MCKEON. Madam Chairman, I yield to the subcommittee ranking member that has jurisdiction over this issue, the gentleman from Minnesota (Mr. KLINE), such time as he may consume.

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

Madam Chairman, I rise in support of workplace safety, but in opposition to H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act. We all share, I believe, the common goal of working to protect employees from hazards in the workplace. The accident at the Imperial Sugar refinery in Georgia is a tragedy. It must be fully investigated. The Department of Labor's Occupational Safety and Health Administration has undertaken the investigation that, by law, must be completed within 6 months. The results of this investigation will help identify the cause of the Imperial Sugar accident.

I appreciate the concern about workers' safety, but as lawmakers, we have the responsibility to debate and enact laws that are reasonable. The bill before us today is an impulsive attempt to rush into action before OSHA can complete the investigation.

Under this bill, OSHA will be required to adopt an interim rule within 90 days of enactment and a final rule within 18 months. This accelerated time frame is not only unrealistic, but would also deny stakeholder input ranging from industry, to academia, to organized labor, and other groups who could provide important and insightful contributions. By undermining the process, this legislation could have negative consequences and actually undercut workers' safety.

In a letter to the committee dated April 8, 2008, the Department of Labor's Assistant Secretary for Occupational Safety and Health, Edwin Foulke, states: ''The time constraints of this legislation would give OSHA no choice but to ignore other statutory and regulatory requirements for rulemaking under the Occupational Safety and Health Act, the Regulatory Flexibility Act, the Administrative Procedures Act, numerous executive orders, and Office of Management and Budget bulletins and guidelines.''

H.R. 5522 also disregards the preventive efforts that have been under way well before the tragic accident in Georgia. Last year, based on the recommendations by the Chemical Safety Board, OSHA initiated a National Emphasis Program that aims to identify any gaps that may exist among the standards that currently apply to workplaces with combustible dust. While OSHA's opinion has been dismissed by the other side, yesterday the President issued a veto threat, reiterating serious concerns with this hasty regulatory proposal.

Again, we should not rush to legislative action. Rather, we should take the time to thoroughly and thoughtfully review all the facts. I urge my colleagues to vote ''no'' on this bill.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BARROW), the cosponsor of this legislation.

Mr. BARROW. I thank Chairman MILLER.

Madam Chairman, what we have learned in my community since the Imperial disaster hit us is the experts have known about this problems for decades. There have been voluntary standards that effectively deal with this problem, but not enough people even know about the problem, much less the solutions, and those who do know about the solutions, aren't required to adopt them.

We have also learned that the only standards that are mandatory really aren't designed with this problem in mind in the first place, and they aren't working. So we have good standards that are not mandatory and inadequate standards that are mandatory.

Up until now, the argument has been between those who say we wouldn't go too fast in developing a national standard and those who argue we are going too slow. There are those who argue the costs of a comprehensive solution outweigh the benefits. I disagree. I say that if we can prevent just one of these disasters from happening, if we can prevent just one family from having to go through what families at Imperial Sugar are still going through, it would all be worth it.

But don't take my word for it. The Savannah Morning News reported this morning that the chairman and chief executive officer of the National Safety Board believes this bill will, and I quote, ''would save lives.'' He believes that the measure ''is good for business and the corporate world should support it.''

He told the editorial board back home, ''I wish I could take 50 business people at a time to the refinery and have them take a look at the destruction. This is what your facility could look like if you don't take care of the dust.'' Mr. Bresland ought to know what he's talking about. He's not a bureaucrat, he's a ''hard-headed businessman from the corporate world'' who worked for many years at Honeywell International. He is right. This bill isn't just good government, it's also good business.

I commend Chairman MILLER and Ms. WOOLSEY for their hard work in support of this bill, and I urge my colleagues to join us and vote in favor of it.

Mr. MCKEON. I yield to the gentleman from Georgia (Mr. KINGSTON), who represents constituents that work in this sugar factory, and has been dealing with this problem now for 3 months. I am happy to yield him 4 minutes.

Mr. KINGSTON. I thank the ranking member and I thank the chairman of the committee, and my colleagues, Mr. BARROW and Ms. WOOLSEY, for their work on this. While I support many of the points of the ranking member, I believe that this bill is a step in the right direction and something that we are just going to have to push OSHA on.

The Imperial Sugar explosion, of course, was a very tragic accident, of which Mr. BARROW and I were involved in it. I actually was there the night that it happened and he and I went there for several days afterwards to look at the damage. I met with many of the families. It's a very sad thing. Sometimes in a situation like that it's hard to be objective in terms of what to support and what not to support, or what to change, especially since we don't know the exact cause of the accident; if any of the existing standards, for example, were violated, if a new standard would have prevented it, or if this is going to boil down to housekeeping, in which there would already be a violation and something a new standard or an old standard cannot address because the employer did not do what the employer is supposed to do, which would be to keep the workplace clean.

I share the goal of comprehensive worker safety, but sometimes the history of legislating it shows that if we move too quickly, then you might not get the goal that you want to do. Throughout its history, OSHA standards set in process has been governed by the Administrative Procedures Act. This generally requires a Federal agency to develop and draft proposed regulations, issue proposed rules and regulations in a transparent process that allows for comment and input from the stakeholders and incorporate any appropriate stakeholders' comments in the publication of the final rule.

The bill was improved greatly with the Woolsey substitute. That substitute moved more of the capital and equipment-intensive mandates to the final rule rather than the interim rule, including engineering, administration, workplace practices. It also moved the reference to the NFPA, the National Fire Protection Act, from the interim to the final rule, and making the language more flexible. Those were very good improvements. Lastly, it required that the 18-month final rule be made under the normal rule making process.

Now I understand that the chairman may offer further improvements during the floor debate tonight that may include making engineering controls required under the interim standard effective 6 months after the issuance of the interim rather than 30 days under the base bill in clarifying that the standard must be promulgated in accordance with normal OSHA rulemaking procedure including that that provides for the review of small businesses.

I think that that might a good step because the more input you get from the business community, the labor community, and the users, I think the better. That's why I offered an amendment that would have said that we should consider if there will be any job loss because of these rules or because of the interim rules. I was very disappointed that the Rules Committee did not allow my amendment to be considered on the floor because I think it would have been very helpful and something that certainly would have given bipartisan support to it.

□ 1715

One thing I also want to point out, OSHA can actually make rules themselves. The Assistant Secretary, Mr. Foulke, has stated, ''We have not ruled out the possibility of doing rulemaking, and that is an option for us still. But we are just trying to collect the data through the National Emphasis Program where we look at sites and determine do our standards actually cover what we need to cover? Or are there some holes in the coverage that we may need to address, and would a comprehensive standard address that.''

So we need to remember that if this bill gets bogged down somewhere along the line, that OSHA itself probably will come out with some sort of rule modification which could be helpful.

We have talked about the grain standard being a good standard.

The CHAIRMAN. The gentleman from Georgia's time has expired.

Mr. MCKEON. I yield the gentleman 1 additional minute.

Mr. KINGSTON. The leadership of the committee has said that the grain standard works fairly well. But I want to point out that this took 7 years, so maybe the reason the grain standard is working so well is that it took a long time and lots of input to pass. I would hope that we could take the lessons of the grain standard and not have to wait anywhere near 7 years, but say, hey, that will has already been invented. Let's apply what we found on the grain standard to this. I am hoping that the chairman's amendment addresses some of those things, but I am also confident that the Senate is going to do it as well.

Let me close by saying I believe under these circumstances that the committee has done a good job. I think there has been some solid input from the minority, and the majority has been listening. I do plan to support the bill, but I do think we have a lot more that we could do to improve it.

Ms. CORRINE BROWN of Florida. Madam Chairman, I rise in support of H.R. 5522, the Worker Protection Against Combustible Dust Explosion and Fire Act of 2008. This bill would require the U.S. Occupational Safety and Health Administration, OSHA, to issue rules regulating combustible industrial dusts, like sugar dust, that can build up to hazardous levels and explode.

Opponents of this bill claim that OSHA has enough existing standard and education materials to protect workers. However, I would strongly argue that the absence of clear OSHA standards puts thousands of American workers and innocent bystanders at risk from workplace hazards. Unfortunately, I have an example to back up my statement.

On December 19, 2007 there was a chemical explosion at the T2 Laboratories in Jacksonville, Florida. According to the U.S. Chemical Safety Board, CSB, this explosion was one of the worse chemical accidents in their

10-year history. Unfortunately, this isn't an isolated incident. A year earlier, there was another explosion in Daytona Beach at the Bethune Point Wastewater Plant. These two incidents demonstrate a critical need for stronger OSHA regulations.

In 2002, following a series of fatal explosions and a large number of deaths and injuries caused by runaway chemical reactions, the CSB issued a report concluding that reactive incidents are ''a significant chemical safety problem'' and that OSHA's Process Safety Management Standard, PSM standard, has ''significant gaps in coverage of reactive hazards.'' The study identified 167 serious reactive chemical accidents resulting in 108 fatalities in the U.S. over a 20 year period. The CSB therefore recommended that OSHA amend the PSM standard to better control reactive chemical hazards.

Reactive hazards rulemaking had been on OSHA's agenda during the Clinton administration as a result of a number of fatalities and a labor union petition, but the Bush administration removed it from the regulatory agenda.

OSHA's mission is to ensure employee safety and health and as OSHA is watching the progress of H.R. 5522, I ask that they review the 2002 recommendations by the Chemical Safety Board and revise the Process Safety Management standards to prevent further workplace accidents.

Mr. GENE GREEN of Texas. Madam Chairman, I rise in strong support of this bill to improve worker protections.

The Combustible Dust Explosion and Fire Prevention Act would force the U.S. Occupational Safety and Health Administration to issue rules regulating combustible industrial dusts, like sugar dust, that can build up to hazardous levels and explode.

While OSHA already has the authority to issue such a rule without Congress passing new legislation, the agency has failed to act despite the fact that the dangers of combustible dust have been well known for years.

In 2006, following a series of fatal combustible dust explosions, the U.S. Chemical Safety Board conducted a major study of combustible dust hazards.

It identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers, injured 718 others, and extensively damaged industrial facilities.

Time and time again we have seen this administration fail to take necessary actions to protect workers, and without action by Congress, it appears OSHA has no plans to act on combustible dust regulation.

As recently as February of this year, we saw the tragedy that can be caused by combustible dust explosions. The combustible dust explosion at the Imperial Sugar Company in Port Wentworth, Georgia, was a senseless tragedy that, like similar incidents, could have been prevented with OSHA regulation and oversight.

The bill has three main components. First, it directs OSHA to issue interim rules on combustible dust within 90 days. Second, it directs OSHA to issue final rules within 18 months. The rules would be based on effective voluntary standards devised by the National Fire Protection Association, a nonprofit organization, and in addition to items required in the interim rules, would include requirements for building design and explosion protection. Lastly, it directs OSHA to revise the Hazard Communication Standard to include combustible dusts.

Madam Chairman, I urge my colleague to join me in supporting this resolution to make sure OSHA takes necessary actions to protect workers.

Mr. BACA. Madam Chairman, I rise today to speak in support of H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act of 2008.

H.R. 5522 would direct OSHA to improve engineering controls, and worker training.

OSHA would be directed to issue a final standard to include requirements for building design and explosion protection within 18 months; and to include combustible dusts in the Hazardous Communication Standard.

This bill reduces workplace hazards; Workers have a right to work in a safe environment with trustworthy safety standards;

Workers should not have to fear dust explosions or resultant fires;

In February, 6 people died and 42 were injured when sugar dust exploded in a silo at Imperial Sugar Company's largest refinery in Savannah, Georgia.

Families should not have to worry that their loved one will not return home due to a dust explosion.

OSHA must immediately protect workers in these plants.

I urge your support of H.R. 5522.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise today in strong support of H.R. 5522, requiring the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes. I would like to thank my distinguished colleague from California, Chairman of the Committee on Education and Labor, Representative GEORGE MILLER for his leadership on this important issue.

The Worker Protection Against Combustible Dust Explosion and Fire Act requires the U.S. Occupational Safety and Health Administration, OSHA, to issue rules regulating combustible industrial dusts, like sugar dust, that can build up to hazardous levels and explode. There are numerous occasions in recent history where combustible dust levels have resulted in explosions, killing and injuring numerous workers. On February 7, 2008, the Imperial Sugar refinery in Port Wentworth, Georgia, exploded, killing 13 workers and seriously injuring more than 60 others in a combustible dust explosion. The tragedy at Imperial Sugar shows that the threat of dust explosions is very real at industrial worksites across America and needs to be addressed immediately.

In 2003, there were a total of 3 catastrophic dust explosions that resulted in the death of 14 workers. These explosions prompted the Chemical Safety and Hazard Investigation Board, CSB, to issue a report in November 2006, identifying 281 conbustible dust incidents between 1980 and 2005 that resulted in the death of 119 workers and injured 718. The Chemical Safety and Hazard Investigation Board concluded their report finding, ''combustible dust explosions are a serious hazard in American industry.'' Since 2001, in case after case and industry after industry,

Since 2001, in case after case and industry after industry, OSHA has chosen to emphasize voluntary compliance over setting strong rules and enforcing them. Effective voluntary guidelines to control combustible dust hazards and prevent dust explosions already exist. But in order to truly protect workers, OSHA needs an enforceable standard in order to ensure industry compliance and to protect workers. Without an OSHA standard, many employers are unaware of the hazards of combustible dusts, while others have chosen not to adopt voluntary standards.

This important act directs OSHA to issue an interim final Combustible Dust standard within 90 days. The standard would include measures to minimize hazards associated with combustible dust through improved housekeeping, engineering controls, worker training and a written combustible dust safety program. This legislation also directs OSHA to issue a final standard within 18 months and fulfill all administrative rulemaking requirements including full public hearings, feasibility analysis and small business review. Lastly, H.R. 5522 directs OSHA to include combustible dusts in the Hazard Communication Standard which requires workers to receive information and training about the hazards they face on their jobs daily.

In addition, I would like to have seen companies submit certifications showing that they are in compliance of these sets of standards. This recommendation would ensure that companies follow the criteria outlined within this bill by certifying compliance. Also, the Secretary of Labor should do continuous inspections during the initial months of enactment, to ensure companies are in compliance.

Madam Chairman, this important legislation requiring the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes, is necessary in order to protect Americans across the Nation. This important Act will help to prevent further accidents from occurring within the workplace. For these reasons, I strongly support H.R. 5522 and urge all members to do the same.

Mr. MCKEON. Madam Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 5522

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 ''Combustible Dust Explosion and Fire Prevention Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) An emergency exists concerning worker exposure to combustible dust explosions and fires.

(2) 13 workers were killed and more than 60 seriously injured in a catastrophic combustible dust explosion at Imperial Sugar in Port Wentworth, Georgia on February 7, 2008.

(3) Following 3 catastrophic dust explosions that killed 14 workers in 2003, the Chemical Safety and Hazard Investigation Board (CSB)

issued a report in November 2006, which identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured 718. The CSB concluded that ''combustible dust explosions are a serious hazard in American industry''.

(4) A quarter of the explosions occurred at food industry facilities, including sugar plants. Seventy additional combustible dust explosions have occurred since 2005.

(5) Material Safety Data Sheets (MSDSs) often do not adequately address the hazards of combustible dusts, and the OSHA Hazard Communication Standard (HCS) inadequately addresses dust explosion hazards and fails to ensure that safe work practices and guidance documents are included in MSDSs.

(6) The CSB recommended that OSHA issue a standard designed to prevent combustible dust fires and explosions in general industry, based on current National Fire Protection Association (NFPA) dust explosion standards.

(7) The CSB also recommended that OSHA revise the Hazard Communication Standard (HCS) (1910.1200) to clarify that combustible dusts are covered and that Material Safety Data Sheets contain information about the hazards and physical properties of combustible dusts.

(8) OSHA has not initiated rulemaking in response to the CSB's recommendation.

(9) OSHA issued a grain handling facilities standard (29 C.F.R. 1910.272), in 1987 that has proven highly effective in reducing the risk of combustible grain dust explosions, according to an OSHA evaluation.

(10) No Occupational Safety and Health Administration standard comprehensively addresses combustible dust explosion hazards in general industry.

(11) Voluntary National Fire Protection Association standards exist which, when implemented, effectively reduce the likelihood and impact of combustible dust explosions.

SEC. 3. ISSUANCE OF STANDARD ON COMBUSTIBLE DUST.

(a) INTERIM STANDARD.—

(1) APPLICATION AND RULEMAKING.—Notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall promulgate an interim final standard regulating combustible dusts. The interim final standard shall, at a minimum, apply to manufacturing, processing, blending, conveying, repackaging, and handling of combustible particulate solids and their dusts, including organic dusts (such as sugar, candy, paper, soap, and dried blood), plastics, sulfur, wood, rubber, furniture, textiles, pesticides, pharmaceuticals, fibers, dyes, coal, metals (such as aluminum, chromium, iron, magnesium, and zinc), fossil fuels, and others determined by the Secretary, but shall not apply to processes already covered by OSHA's standard on grain facilities (29 C.F.R. 1910.272).

(2) REQUIREMENTS.—The interim final standard required under this subsection shall include the following:

(A) Requirements for hazard assessment to identify, evaluate, and control combustible dust hazards.

(B) Requirements for a written program that includes provisions for hazardous dust inspection, testing, hot work, ignition control, and housekeeping, including the frequency and method or methods used to minimize accumulations of combustible dust on ledges, floors, equipment, and other exposed surfaces.

(C) Requirements for engineering, administrative controls, and operating procedures, such as means to control fugitive dust emissions and ignition sources, the safe use and maintenance of dust producing and dust collection systems and filters, minimizing horizontal surfaces where dust can accumulate, and sealing of areas inaccessible to housekeeping.

(D) Requirements for housekeeping to prevent accumulation of combustible dust in places of employment in such depths that it can present explosion, deflagration, or other fire hazards, including safe methods of dust removal.

(E) Requirements for employee participation in hazard assessment, development of and compliance with the written program, and other elements of hazard management.

(F) Requirements to provide written safety and health information and annual training to employees, including housekeeping procedures, hot work procedures, preventive maintenance procedures, common ignition sources, and lockout, tag-out procedures.

(3) PROCEDURE.—The requirements in this subsection shall take effect without regard to the procedural requirements applicable to regulations promulgated under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) or the procedural requirements of chapter 5 of title 5, United States Code.

(4) EFFECTIVE DATE OF INTERIM STANDARD.—The interim final standard shall take effect 30 days after issuance. The interim final standard shall have the legal effect of an occupational safety and health standard, and shall apply until a final standard becomes effective under section 6 of the Occupational Safety and Health Act (29 U.S.C. 655).

(b) FINAL STANDARD.—

(1) RULEMAKING.—Not later than 18 months after the date of enactment of this Act, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act (29 U.S.C. 655), promulgate a final standard regulating combustible dust explosions.

(2) REQUIREMENTS.—The final standard required under this subsection shall include the following:

(A) The scope described in subsection (a)(1).

(B) The worker protection provisions in subsection (a)(2).

(C) Requirements for managing change of dust producing materials, technology, equipment, staffing, and procedures.

(D) Requirements for building design such as explosion venting, ducting, and sprinklers.

(E) Requirements for explosion protection, including separation and segregation of the hazard.

(F) Relevant and appropriate provisions of National Fire Protection Association combustible dust standards, including the ''Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids'' (NFPA 654), ''Standard for Combustible Metals'' (NFPA 484), and ''Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities'' (NFPA 61).

SEC. 4. REVISION OF THE HAZARD COMMUNICATION STANDARD.

(a) REVISION REQUIRED.—Notwithstanding any other provision of law, not later than 6 months after the date of enactment of this Act, the Secretary of Labor shall revise the hazard communication standard in section 1910.1200 of title 29, Code of Federal Regulations, by amending the definition of ''physical hazard'' in subsection (c) of such section to include ''a combustible dust'' as an additional example of such a hazard.

(b) EFFECT OF MODIFICATIONS.—The modification under this section shall be in force until superseded in whole or in part by regulations promulgated by the Secretary of Labor under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) and shall be enforced in the same manner and to the same extent as any rule or regulation promulgated under section 6(b).

(c) EFFECTIVE DATE.—The modification to the hazard communication standard required shall take effect within 30 days after the publication of the revised rule.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 110–613. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–613.

Mr. GEORGE MILLER of California. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GEORGE MILLER of California:

Page 2, beginning on line 4, strike ''Combustible Dust'' and all that follows through ''Act'' on line 5, and insert ''Worker Protection Against Combustible Dust Explosions and Fires Act''.

Page 5, line 22, insert ''controls (which requirements shall be effective 6 months after the date on which the interim standard is issued)'' after ''engineering''.

Page 7, line 4, strike ''The'' and insert ''Except as specified in paragraph (2)(C) with regards to engineering controls, the''.

Page 8, beginning on line 8, strike '', including'' and all that follows through line 15 and insert a period.

Page 8, after line 15, insert the following:

(3) PROCEDURE.—The final standard required by this subsection shall be promulgated in accordance with the procedural requirements for rulemaking under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) and under title 5, United States Code, including the requirements relating to small businesses in chapter 6 of such title.

The CHAIRMAN. Pursuant to House Resolution 1157, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 4 minutes.

This manager's amendment is offered because during the drafting and the refining of this bill we have had numerous extensive conversations with OSHA, with its technical staff and with affected industry associations about problematic issues. Our goal is to save workers lives, but also make these OSHA standards workable for businesses who need to implement them. To that end, the manager's amendment makes four adjustments to the bill:

One, several industry associations were concerned that the short 1-month effective date on the interim standards was too short to make some of the capital improvements that may be needed for engineering controls. The manager's amendment therefore provides for engineering controls required by

the interim standards shall be effective 6 months after the issuance of the standard, rather than 30 days.

Because emphasizing specific National Fire Protection Association standards was seen as putting more emphasis on some than on others that were not mentioned, the manager's amendment maintains the provisions that OSHA shall include appropriate and relevant National Fire Protection Association standards in its final standards, but eliminates reference to specific National Fire Protection Association standards.

Then, because we want to make perfectly clear that OSHA is expected to conduct a full review of small business impacts of this standard, the manager's amendment clarifies that the final standard shall be conducted in accordance with the usual rulemaking procedural requirements, including those that provide for a small business review.

Finally, it changes the title to ''The Worker Protection Against Combustible Dust Explosions and Fires Act.''

I would encourage all of my colleagues to support the manager's amendment.

I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I claim the time in opposition to the bill, although I do not expect to oppose it.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Madam Chairman, although the changes in this amendment are modest, they are a step in the right direction. Unfortunately, they simply do not go far enough.

Specifically, this amendment includes a cosmetic change to the requirement that OSHA include National Fire Protection Association standards among its new mandates. As Chairman MILLER knows, the NFPA standards are voluntary guidelines that offer a far more complex, stringent protocol that may be adopted in whole or in part by industry participants. These guidelines play an important role as voluntary practices that can enhance safety efforts, but they are entirely inappropriate as a replacement for effective OSHA rulemaking.

So while I appreciate that this amendment removes a direct mandate for a specific NFPA standard, I remain deeply concerned that the amendment retains the requirement that OSHA include relevant and appropriate NFPA standards in the final rule. I fear that this may be a distinction without a difference.

The amendment includes other modest improvements, including a more reasonable time frame for implementation of the engineering controls in the interim standard. It also clarifies that the final rule would be developed under more normal and inclusive procedures. Both of these steps improve the underlying bill, but because they fail to fully address concerns about the bill's abbreviated timeline, they are half measures at best.

However, I do appreciate the gentleman's efforts, and I will support the amendment.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. WILSON OF SOUTH CAROLINA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–613.

Mr. WILSON of South Carolina. Madam Chairman, I have an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. WILSON of South Carolina:

Strike all after the enacting clause and insert the following:

SECTION 1. INVESTIGATION ON COMBUSTIBLE DUST AND DETERMINATION OF ADDITIONAL ACTION.

(a) DETERMINATION BY THE SECRETARY.—Upon completion of the Department of Labor's investigation of the accident that occurred at Imperial Sugar in Port Wentworth, Georgia on February 7, 2008, and based on the data gathered from the Combustible Dust National Emphasis Program, the Secretary of Labor shall determine—

(1) if the safety standards that are in effect as of the date of enactment of this Act do not adequately address the issue of combustible dust; and

(2) whether an occupational safety and health standard regarding combustible dust is necessary.

(b) RULEMAKING OR REPORT TO CONGRESS.—If the Secretary determines that an occupational safety and health standard regarding combustible dust is necessary, the Secretary shall promulgate a rule pursuant to section 6(b) of the Occupational Safety and Health Act (29 U.S.C. 655(b)) not later than 36 months after the completion of the investigation described in subsection (a). If the Secretary determines that such a standard is not necessary, the Secretary, not later than 6 months after making such a determination, shall transmit a report to Congress that specifically addresses the Secretary's reasons for determining that a combustible dust standard is unnecessary.

The CHAIRMAN. Pursuant to House Resolution 1157, the gentleman from South Carolina (Mr. WILSON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. WILSON of South Carolina. Madam Chairman, I yield myself such time as I may consume.

While I share the majority's commitment to ensuring workplace safety, I believe the underlying bill fails to provide for the most effective means to ensure that safety.

Currently, there are several initiatives concerning dust under way at the Occupational Safety and Health Administration, OSHA. Since October, the agency has implemented a combustible dust National Emphasis Program. This agency has sent high hazard alert letters to over 30,000 businesses emphasizing the need to prevent dust from accumulating.

Most importantly, OSHA is in the midst of the investigation of the February disaster at the Imperial Sugar refinery. The Imperial Sugar refinery in Georgia is located in a community adjacent to the Second Congressional District of South Carolina, which I have the honor to represent.

Instead of undermining the progress of existing combustible dust safety efforts, this substitute requires the Department of Labor to gather all necessary information about the Imperial refinery explosion specifically, as well as the broader dust hazard being examined through the National Emphasis Program. Once that information has been gathered and analyzed, the Secretary of Labor will be able to determine whether and what type of combustible dust standard is necessary.

Should the Secretary determine that existing safety requirements can effectively protect against the combustible dust hazard, the Secretary will be required to report to Congress as to why no new regulatory framework is necessary. But if the National Emphasis Program and the results of the Imperial refinery investigation show that additional guidance and regulation are needed, this substitute requires OSHA to complete a rigorous regulatory process that includes all relevant stakeholders within a fixed time frame.

Our amendment will allow for the regulation to be completed expeditiously and thoroughly without circumventing the Occupational Safety and Health Act, the Regulatory Flexibility Act, the Administrative Procedures Act and other laws and regulations that ensure effective Federal regulations.

We have heard concerns from OSHA that the underlying bill will be difficult to comply with and difficult to enforce. This leaves workers at risk. I have trust in my constituent, Monty Felix of Sandy Run, South Carolina, who is the National President of the American Composites Manufacturers Association, to promote safety. We need the expertise of successful manufacturers.

Our goal today should be to move forward with the most effective strategy to ensure a safe workplace. I believe this substitute achieves that goal, and I urge my colleagues to vote in favor of this substitute.

I yield at this time to the ranking member from California (Mr. MCKEON).

Mr. MCKEON. I thank the gentleman for yielding and I am pleased to lend my support to this amendment.

As Representative WILSON has made clear, this amendment will ensure OSHA takes the necessary steps to protect workers against the hazards of combustible dust. It demands an aggressive investigation into the Imperial Sugar refinery, it requires that OSHA utilize the findings of its National Emphasis Program on dust hazards, and it calls for a comprehensive, inclusive and effective standard to be established if it becomes clear that existing safeguards are not protecting workers.

The amendment fulfills our shared commitment to workplace safety, and it does so without undermining the credibility of the rulemaking process. I urge its adoption.

Mr. WILSON of South Carolina. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 15 minutes.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Madam Chairman, this amendment is an attempt to gut this legislation. This amendment would have OSHA not only wait for the outcome of the Imperial Sugar investigation, but also from findings from the combustible dust National Emphasis Program before deciding on whether or not to move forward. The National Emphasis Program could go on for years before there are findings. In fact, at the end of the day, OSHA could decide to do nothing.

To do nothing has turned out to be very expensive for the American workers in those workplaces where there is combustible dust. The track record is horrible with respect to OSHA preventing these dust explosions from taking place. That is the reason that prior to the most recent explosion that Mr. BARROW and I are trying to address, prior to that, the Chemical Safety Board made a recommendation to OSHA that they should promulgate these enforceable regulations, because there are no enforceable regulations with respect to dust currently in effect, except for what we did years ago in the grain industry.

□ 1730

Except for what we did years ago in the grain industry, and that dramatically reduced the number of incidents that took place. So to adopt the Wilson amendment is to adopt a position to do nothing, and to take an agency that has chosen time and again to do nothing in this field that any way provides for enforceable regulations of this most dangerous material when the workplace is not properly maintained and preventible actions are taken. That is just not acceptable. That is not acceptable in the name of the workers who died in the Port Wentworth plant. It is unacceptable to the workers who died earlier from the explosions.

OSHA has refused to act. They have not acted on a single standard in the entire last 8 years unless they were prodded by the Congress or the courts. So to now say that you are going to take the lives of American workers and you are going to give those lives again back to OSHA, where they have not seen any hazard, they have not seen any danger in spite of the explosions is just the height of irresponsibility by this Congress. And I would hope that the Congress would overwhelmingly reject this amendment that allows OSHA to continue the status quo that allows OSHA to continue its irresponsible position.

I reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Chairman, I submit for the RECORD a letter dated April 29, 2008, from the OSHA Fairness Coalition, which is two dozen industry associations, relative to this issue.

OSHA FAIRNESS COALITION,
April 29, 2008.

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES

We write to express our strong opposition to the Combustible Dust Explosion and Fire Prevention Act of 2008, H.R. 5522 which will be considered on the House floor this week. While we were saddened to see the accounts of the explosion at the Imperial Sugar plant near Savannah, Georgia we do not believe this bill, as it was approved by the Education and Labor Committee, is an appropriate response to that tragedy or the hazards of combustible dust and urge you to oppose this bill.

While H.R. 5522 was improved in committee, we are still troubled by its mandate that OSHA promulgate an interim final regulation (IFR) within 90 days without any of the normal rulemaking procedures associated with OSHA rulemaking. The IFR would therefore be issued without any opportunity for comments by those subject to it, nor would OSHA perform any analyses such as those for significant risk, economic and technological feasibility, and small business impact, among others. The bill would then require that within 18 months OSHA promulgate a final standard that would carry forward all of the requirements of the IFR and add others mandating engineering, administrative, and work practice controls. The final standard would also have to incorporate provisions from various voluntary consensus standards issued by the National Fire Protection Association (NFPA). Further refinements from the Chairman that may be accepted on the floor do not alter the requirement for an IFR with none of the normal OSHA rulemaking protections.

We object to the short circuiting of the normal rulemaking process that this bill would impose. Normal OSHA rulemaking allows the agency to produce the most feasible, narrowly tailored regulation, which in turn maximizes the chances for implementation and compliance. Abandoning these procedures is a prescription for an ineffective regulation which will not produce safer workplaces. Indeed, even the Chemical Safety Board report referenced in this bill recommends that OSHA conduct a full rulemaking, and makes no mention of an IFR.

Additionally, instructing OSHA to incorporate provisions from voluntary consensus standards issued by the NFPA may sound like a good way to expedite rulemaking on this issue, but doing so is inappropriate. The process for producing these consensus standards is not at all like the process which OSHA undertakes to produce a regulation. There is no opportunity for the general public to examine and comment on these consensus standards. Nor are these standards subject to any of the critical reviews regarding quality of data, feasibility, and impact that OSHA regulations must undergo. The consensus process, which produces these standards, leaves significant terms and requirements intentionally vague and ambiguous so that different groups and interests will endorse these standards. But this also makes these standards unsuitable for becoming a mandatory OSHA regulation. Furthermore, none of the NFPA standards are fully available to the public without charge. While the NFPA has put them on their website for reading access, to print them, and therefore have them available for use, requires paying NFPA a fee. We object to giving NFPA such a windfall revenue stream.

The hazard of combustible dust is an issue which is already covered by numerous OSHA regulations, in addition to a wide array of private sector information. OSHA has responded in the wake of the Imperial Sugar explosion in various ways that will help employers become more knowledgeable about this hazard including reissuing a Safety and Health Information Bulletin, and reissuing a National Emphasis Program and targeting companies that may have combustible dust hazards in a way that will combine greater information with greater inspection and enforcement activity. The investigation of the tragedy at the Imperial Sugar plant has yet to determine that a lack of regulatory guidance contributed to the explosion and there is no evidence that a new OSHA standard would have prevented that tragedy, particularly if that regulation is produced in the manner specified in H.R. 5522. Providing employers with useful, practical information on how to avoid a hazard will always be more effective in preventing such disasters than issuing a new regulation which will only serve as a means for enforcement after the fact.

H.R. 5522 would produce a flawed regulation by discarding normal OSHA rulemaking procedures and because of this, we urge you to oppose the Combustible Dust Explosion and Fire Prevention Act of 2008, H.R. 5522.

Sincerely,

American Bakers Association.
American Composites Manufacturers Association.
American Forest & Paper Association.
American Foundry Society.
Associated Builders and Contractors.
Associated General Contractors.
Building Owners and Managers Association International.
Independent Electrical Contractors, Inc.
Mason Contractors Association.
National Association of Home Builders.
National Association of Manufacturers.
National Association of Wholesaler-Distributors.
National Automobile Dealers Association.
National Federation of Independent Business.
National Marine Manufacturers Association.
National Mining Association.
National Paint and Coatings Association.
National Roofing Contractors Association.
Plumbing Heating Cooling Contractors National Association.
Printing Industries of America.
Retail Industry Leaders Association.
Textile Rental Services Association of America.
The Industrial Minerals Association—North America.

The National Industrial Sand Association.
The National Oilseed Processors Association.
The Society of the Plastics Industry, Inc.
U.S. Chamber of Commerce.

Additionally, I would like to bring the attention of our Members to the first and last paragraphs of that letter:

This coalition writes to express their strong opposition to the Combustible Dust Explosion and Fire Prevention Act of 2008, H.R. 5522, which will be considered on the House floor this week. While we were saddened to see the accounts of the explosion at the Imperial Sugar plant near Savannah, Georgia, we do not believe this bill, as was approved by the Education and Labor Committee, is an appropriate response to that tragedy or the hazards of combustible dust, and urge you to oppose the bill.

It concludes with the statement:

H.R. 5522 would produce a flawed regulation by discarding normal OSHA rulemaking procedures. And, because of this, we urge you to oppose the Combustible Dust Explosion and Fire Prevention Act of 2008, which is H.R. 5522.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the gentleman for yielding.

I understand the appeal that the amendment has. I can appreciate its superficial appeal and what I think it is getting at. But the notion that we have to finish everything before we do anything is a formula to do nothing.

With the National Emphasis Program and everything that is going on right now at OSHA, it is perfectly obvious that the current folks who have got OSHA under their control can cram more activity into less action than anybody I know or any agency I know.

The time for us to take into consideration and to follow all leads and to learn as much as we can will always be with us, but the time to act is now. This is the time to take the actions and begin the process of fixing what's broke with the regulatory system at OSHA.

Mr. GEORGE MILLER of California. I thank the gentleman. I think the gentleman has the right to close on his amendment.

Could the Chair advise me of the time I have remaining.

The CHAIRMAN. The gentleman from California has 12½ minutes remaining.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

I would just note that a significant number of the signatories to the letter that was referred to by my colleague on the other side of the aisle really have little or nothing to do with these standards or are impacted by them. And this is the same coalition that continues to call for no action with respect to actions by OSHA, and it is that approach to the protection of American workers and to the safety of those workers that has led to the tragedy that we witnessed at the Imperial Sugar facility. And, clearly, these are accidents that we know are preventable, that we know we can dramatically reduce because we have the experience from the grain dust standards.

This legislation is designed to be workable. It was worked, as I pointed out, with numerous conversations with the technical staff of OSHA, with the affected industries and the trade associations that are involved with this.

I would note that the National Fire Protection Association, when we tell OSHA that they should select the ones that are relevant to the standards and the ones that are meaningful to this effort, we are talking about standards in which a consensus has been arrived at within the industries. These are consensus regulations that are put out there, but they are not required. And we think that in our discussions again with the OSHA staff and with the associations this is a good place to start because of the consensus. There may have to be additions and subtractions, and that is within the discretion of OSHA during the process that is anticipated under this legislation.

So I would hope that we would reject this amendment by Mr. WILSON and that we would pass the underlying bill.

I reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Chairman, indeed, I would like to commend Chairman MILLER and Congressman BARROW. I know that the intent is very positive to address a terrible tragedy that occurred in February at Port Wentworth with the Imperial refinery explosion.

I do want to point out that it has been stated that we do not have sufficient regulations relative to combustible dust, but that there are 17 standards addressing combustible dust which do apply, and would submit these for the RECORD.

APPENDIX A. STANDARDS ADDRESSING COMBUSTIBLE DUST

1910.272 Grain Handling.
1910.94 Ventilation Standard.
1910.22 Housekeeping.
1910.176 Housekeeping violations in storage areas.
1910.269 Housekeeping violations at coal-handling operations.
1910.132 Personal Protective Equipment (PPE).
1910.119 Process Safety Management.
1910.307(b) Electrical Violations
1910.178 Powered Industrial Trucks.
1910.252 Welding, cutting, and brazing.
1910.145 Warning Sign.
1910.1200 Hazard communication violations.
Subpart E—Means of Egress 1910.33–37
1910–156–157 Fire protection violations.
F1910.263 Bakery equipment violations.
1910. 265 Sawmill violations.
1928 Agriculture. The only provisions discussed in this NEP which may be cited in connection with agricultural operations are the hazard communication standard (see 29 CFR 1928.21) and the general duty clause. Industries in SIC 0723, Crop Preparation Services for Market, Except Cotton Ginning, listed in Appendix D, are engaged in agricultural operations.

Additionally, it has been stated that combustible dust maybe doesn't apply to some of the associations that are referenced in the letter that I previously handed in. I would like to point out that in fact it may appear that way, but just a few minutes ago I just met with members of the National Association of Home Builders. I am still a dues-paying member of the Greater Columbia Home Builders Association. And as we were discussing this bill with members who were visiting in my office, they expressed concern that they felt like that this could be negative toward the home building industry. So, indeed, it doesn't appear sometimes that things apply, but they do even where you wouldn't expect it.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I would just say that the problem with home building is not explosions, it is implosions.

With that, I reserve the balance of my time.

Mr. WILSON of South Carolina. I would like to introduce appendix D, which are industries which may have combustible dust. And, indeed, Chairman MILLER and myself are learning that there is a broad array of industries, dozens of them, that could be impacted by combustible dust and I believe that we are actually helping by bringing this to the attention of the American people.

APPENDIX D—INDUSTRIES THAT MAY HAVE COMBUSTIBLE DUSTS

SICS	Industry	NAICS
0723	Crop Preparation Services for Market, Except Cotton Ginning.	115114, 115111
2052	Fresh cookies. crackers, pretzels, and similar "dry" bakery products.	311821
2062	Refining purchased raw cane sugar and sugar syrup.	311312
2087	Flavoring extracts, syrups, powders, and related products, not elsewhere classified.	311930
2099	Prepared foods and miscellaneous food specialties, not elsewhere classified..	311212
2221	Broadwoven Fabric Mills, Manmade Fiber and Silk.	313210
2262	Finishers of Broadwoven Fabrics of Manmade Fiber and Silk.	313311
2299	Textile Goods, Not Elsewhere Classified	31311
2421	Sawmills and Planning Mills, General	321113
2431	Millwork	321911
2434	Wood Kitchen Cabinets	33711
2439	Structural Wood Members, Not Elsewhere Classified.	321213, 321214
2452	Prefabricated Wood Buildings and Components.	321992
2493	Reconstituted Wood Products	321219
2499	Wood Products, Not Elsewhere Classified.	321920, 321219
2511	Wood Household Furniture, Except Upholstered.	337122
2591	Drapery Hardware and Window Blinds and Shades.	337920
2819	Industrial Inorganic Chemicals, Not Elsewhere Classified.	325188, 325998, 331311
2821	Plastic Materials, Synthetic Resins, and Nonvulcanizable Elastomers.	325211
2823	Cellulosic Manmade Fibers	325221
2834	Pharmaceutical Preparations	325412
2841	Soap and Other Detergents, Except Specialty Cleaners.	325611
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products.	32551
2861	Gum and Wood Chemicals	325191
2899	Chemicals and Chemical Preparations, Not Elsewhere Classified.	325510, 325998
3011	Tires And Inner Tubes	326211
3061	Molded, Extruded, and Lathe-Cut Mechanical Rubber Goods.	326291
3069	Fabricated Rubber Products, Not Elsewhere Classified.	326299
3081	Unsupported Plastics Film and Sheet	326113
3082	Unsupported Plastics Profile Shapes	326121
3086	Plastics Foam Products	326140, 326150
3087	Custom Compounding of Purchased Plastics Resins.	325991
3089	Plastics Products, Not Elsewhere Classified.	326199

APPENDIX D—INDUSTRIES THAT MAY HAVE COMBUSTIBLE DUSTS—Continued

SICS	Industry	NAICS
3291	Abrasive Products	327910
3313	Alumina and Aluminum Production and Processing.	331312
3334	Primary Production of Aluminum	331312
3341	Secondary Smelting and Refining of Nonferrous Metals.	331314
3354	Aluminum Extruded Products	331316
3363	Aluminum Die-Castings	331521
3365	Aluminum Foundries	331524
3369	Nonferrous Foundries, Except Aluminum and Copper.	331528
3398	Metal Heat Treating	332811
3441	Metal Cans	332431
3469	Metal Stampings, Not Elsewhere Classified.	332116
3471	Electroplating, Plating, Polishing, Anodizing, and Coloring.	332813
3479	Coating, Engraving, and Allied Services, Not Elsewhere Classified.	332812
3496	Miscellaneous Fabricated Wire Products	332618
3499	Fabricated Metal Products, Not Elsewhere Classified.	332999
3548	Lighting Equipment, Not Elsewhere Classified.	335129
3644	Noncurrent-Carrying Wiring Devices	335932
3714	Motor Vehicle Parts and Accessories	336322
3761	Guided Missiles and Space Vehicles	336414
3799	Transportation Equipment, Not Elsewhere Classified.	333924
3995	Burial Caskets	339995
3999	Manufacturing Industries, Not Elsewhere Classified.	321999, 325998, 326199
4221	Farm product warehousing and storage	493130
4911	Electric Services Establishments engaged in the generation, transmission, and/or distribution of electric energy for sale.	221112
4952	Sanitary treatment facilities	221320
4953	Refuse Systems	562920
5093	Scrap and waste materials	423930
5162	Plastics materials and basic forms and shapes.	424610

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I would hope that people would vote against the Wilson amendment. The people who are truly impacted by combustible dust are the workers who have been killed in the past and the workers that will be killed and injured in the future if we do not have an enforceable standard. I appreciate you have 17 regulations and all these things that OSHA is yakking about now, after years of doing nothing. The fact of the matter is, according to the Chemical Safety Board, they are not enforceable standards with respect to dust.

I yield back the balance of my time.

Mr. WILSON of South Carolina. Madam Chairman, I do urge my colleagues to support the amendment. The amendment is really, I believe, quite simple. It provides for a sequence of investigation, development of regulations, and promoting safety in the workplace.

I urge a positive vote on the amendment this evening.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. WILSON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WILSON of South Carolina. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–613 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GEORGE MILLER of California.

Amendment No. 2 by Mr. WILSON of South Carolina.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 412, noes 0, not voting 24, as follows:

[Roll No. 230]

AYES—412

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

NOT VOTING—24

Andrews
Barton (TX)
Blunt
Boehner
Boustany
Cole (OK)
Davis, Tom
Doggett
Duncan
Forbes
Fortuño
Goodlatte
Higgins
Hill
Hoyer
Issa
Jones (OH)
Lee
Obey
Payne
Pence
Rush
Sánchez, Linda T.
Wynn

□ 1806

Mr. SESSIONS changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. WILSON OF SOUTH CAROLINA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. WILSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 237, answered ''present'' 1, not voting 20, as follows:

[Roll No. 231]

AYES—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Boren
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Costa
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—237

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

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—20

Andrews
Barton (TX)
Blunt
Boehner
Boustany
Cole (OK)
Davis, Tom
Doggett
Duncan
Forbes
Fortuño
Goodlatte
Higgins
Hill
Issa
Jones (OH)
Payne
Pence
Rush
Wynn

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are less than 2 minutes remaining in this vote.

□ 1815

Ms. LINDA T. SÁNCHEZ of California changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. BALDWIN) having assumed the chair, Mrs. CHRISTENSEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes, pursuant to House Resolution 1157, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. WALBERG

Mr. WALBERG. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALBERG. Yes, I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Walberg moves to recommit the bill, H.R. 5522, to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill insert the following:

SEC. 5. EXEMPTION FOR GRAIN PENDING DETERMINATION OF IMPACT ON PRICES.

Neither the interim nor final standards required under this Act shall apply to any organic dust which is a food grain until the Secretary makes a determination that the application of such standard or standards will not increase the domestic price of such food grain.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. WALBERG. Thank you, Madam Speaker.

This motion to recommit is simple and straightforward. It maintains our

commitment to safety. And it does nothing—I repeat nothing—to prevent OSHA from developing a combustible dust safety standard.

This motion is simply a way for us to tell our constituents, the hardworking families who are struggling with the rising cost of living and an uncertain economy, that we're sensitive to their concerns; that we recognize that rising food costs, in particular, are a difficult burden to bear for many families; and that we know that in these difficult times, the very last thing we should be doing is driving up the cost of food for our children and our families.

The motion I have offered makes clear that the new mandates included in this bill will not be imposed on food grain production until we have determined that it will not cause an increase in prices at the grocery store.

During today's debate, we heard numerous objections to this bill, including its impact on the grain and feed industry that is so integral to food production and distribution in this country. I know that Members on both sides of the aisle have heard directly from the grain industry on this measure, and many of us have wondered how we can enhance worker safety without unnecessarily driving up food costs.

The answer, Madam Speaker, is to pass this motion to recommit.

By voting ''yes'' on this motion, OSHA will still be required to begin immediate development of a combustible dust standard. By voting ''yes'' on this motion, there will be no delay in implementation of these new rules for facilities that do not handle food grains. And lest anyone be concerned about the workers at facilities producing the grains we eat, if we pass this measure, these workers will continue to be protected as well under the same standard that has already produced a 60 percent reduction in grain facility explosions.

Feed, corn, and flour mills are already covered by existing OSHA grain-handling regulations. As a member of both the House Education and Labor Committee and Agriculture Committee, I understand that the food manufacturing industry is affected by combustible dust as much as any other industry.

Reregulating and duplicating existing Federal regulations on American family farmers and small rural businesses could seriously impact commodity prices and drive up the cost of everything from a loaf of bread to a gallon of gasoline.

I find it ironic that at the same time the leaders within the majority party are advocating for up to $300 million in additional spending for international food aid in the supplemental, these same folks are simultaneously considering legislation that could further drive up the price of food here at home.

My motion to recommit ensures we conduct a thorough economic analysis on the impact of H.R. 5522 on food prices. This MTR will ensure we do not unnecessarily cause irreparable harm to family farms, agricultural producers and American consumers by driving up the price of food because of another unintended consequence in the majority's continued rush to regulate first and ask questions later.

I urge my colleagues to vote ''yes.''

Mr. GEORGE MILLER of California. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker and Members of the House, this is a very serious piece of legislation and a very important piece of legislation. The idea that we would delay this until some time that the Secretary of Labor could make some certification about its impact on food costs is really unacceptable.

Let's look at the record of the Secretary of Labor. Since January 1980 until 2006, there were 281 explosions in these kinds of facilities due to dust. Seven hundred eighteen people were injured and 119 died in those explosions. One hundred nineteen bread-winners were killed in those explosions. That's the result of a study from the Chemical Safety Board of whose members are all appointed by President George W. Bush, an independent agency that may be the gold standard in terms of independent review of accidents.

They then recommended that OSHA adopt dust standards. OSHA did nothing. Did nothing. No enforceable standards were adopted by that point. No enforceable standards at all. And then in February 2008, the Imperial Sugar plant exploded.

In the meantime, 67 explosions took place since the Chemical Safety Board recommended the standard. Five hundred seventy-five injuries and 14 deaths took place before OSHA did anything. And the Chemical Safety Board recommendations continue to say there are no enforceable standards with respect to dust. Not only does it devastate the lives of these individuals and their families and the community, it devastates the facility, a facility here that is key to the commerce of that area. So talk about an impact on price in a tight market when these facilities start pumping up.

The feed and grain people, they're under their own standards. And what is their analysis of that standard? That it drove technologies, it drove better design, and better productivity in their markets. That's their findings. They're not implicated in these standards. What happened there? Eight people were killed in the explosion, 20 were put into medically induced comas for a number of weeks, 5 of those died, and 3 are still in the hospital.

Since the Chemical Safety Board made its recommendation, there have been 67 explosions, and OSHA never found the urgency to protect these workers. Now to come along and to be so cynical as to suggest that if we could just keep killing the workers, the price of food will stay down.

You know, it's funny. I read the papers, read the business journal, read The Wall Street Journal, and they're talking about how the price of food has driven the profits of the grain companies; but when they talk about why it's gone up, it says, ''The crisis stems from a combination of heightened demand for food from fast-growing developing countries like China and India, low grain stockpiles caused by bad weather, rising fuel prices and the increasing amount of land used to grow crops for ethanol'' and others.

Some people say it's because Zimbabwe has quit producing food under the corrupt regime of Mr. Mugabe, so Africa has a double problem. I see the Governor of Texas, Mr. Rick Perry, thinks we ought to cut back on ethanol production. He doesn't think we ought to keep killing American workers. Nowhere in this paper, The Wall Street Journal mind you, nowhere in this paper, when you read about food prices, do you see any mention that we ought to continue to subsidize food prices by blowing up processing plants and killing and injuring workers. Nowhere do you see that except, perhaps, in this amendment.

□ 1830

We ought not to accept this amendment. These workers and this critical industry are entitled to this protection. And the facts on the ground are: The last time we put in a standard was for the feed and grain industry, and it has turned out to be wildly successful. Why is it wildly successful? Because injuries went down 40 percent, fatalities went down 60 percent, explosions went down 60 percent.

Don't you think we know enough now to think that these other workers in this industry are entitled to this protection? But OSHA has done nothing. OSHA has done nothing. And if OSHA is not going to act, we must. In this administration, OSHA has only acted when prodded by the courts or the Congress, never on their own. Never on their own have they suggested that they were going to go out and do this. Even after the recommendation of a presidentially appointed commission to look at these kinds of accidents, appointed by this President, they've chosen to do nothing. And it's important; it's important to these workers, it's important to the Congress.

John Barrow and I have put together legislation that works for the industry. We've consulted with the industry. We've sat down with the industry. We've sat down with OSHA. And we ought to oppose this motion to recommit in the name of the workers, in the name of their families, in the name of our Nation, we owe it to protect these workers.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. WALBERG. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 187, noes 225, not voting 19, as follows:

[Roll No. 232]

AYES—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—225

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

NOT VOTING—19

Andrews
Barton (TX)
Blunt
Boehner
Boustany
Cole (OK)
Davis, Tom
Doggett
Forbes
Goodlatte
Hill
Issa
Payne
Pence
Rush
Shuster
Slaughter
Tierney
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1848

Mr. KAGEN changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SLAUGHTER. Madam Speaker, on roll-call No. 232, I was unavoidably detained. Had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. GEORGE MILLER of California. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 165, not voting 19, as follows:

[Roll No. 233]

AYES—247

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

Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOES—165

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—19

Andrews
Barton (TX)
Blunt
Boehner
Boustany
Boyd (FL)
Cole (OK)
Davis, Tom
Dicks
Doggett
Forbes
Goodlatte
Hill
Hunter
Issa
Payne
Pence
Rush
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1856

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 5715. An act to ensure continued availability of access to the Federal student loan program for students and families.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5522, COMBUSTIBLE DUST EXPLOSION AND FIRE PREVENTION ACT OF 2008

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 5522, the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross-references and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

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

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. RYAN of Wisconsin. Madam Speaker, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 2419, pursuant to clause 7(c) of rule XXI.

The form of the motion is as follows:

Mr. Ryan of Wisconsin moves that the managers on the part of the House on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 be instructed, within the scope of the conference, to use the most recent baseline estimates supplied by the Congressional Budget Office when evaluating the costs of the provisions of the report.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1201

Mr. SOUDER. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1201.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2448

Mr. SALI. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2448.

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

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. KIND. Madam Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2419.

The form of the motion is as follows:

Mr. Kind moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to—

(1) insist on the amendment contained in section 2401(d) of the House bill (relating to funding for the environmental quality incentive program);

(2) insist on the amendments contained in section 2104 of the House bill (relating to the grassland reserve program) and reject the amendment contained in section 2401(2) of the Senate amendment (relating to funding for the grassland reserve program);

(3) insist on the amendments contained in section 2102 of the House bill (relating to the wetland reserve program); and

(4) insist on the amendments contained in section 2608 of the Senate bill (relating to crop insurance ineligibility relating to crop production on native sod).

□ 1900

NEED-BASED EDUCATIONAL AID ACT OF 2008

Mr. DELAHUNT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1777) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1777

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 ''Need-Based Educational Aid Act of 2008''.

SEC. 2. AMENDMENT.

Subsection (d) of section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is repealed.

The SPEAKER pro tempore (Mr. LOEBSACK). Pursuant to the rule, the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. DELAHUNT. 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 Massachusetts?

There was no objection.

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

First, I want to thank the Chair of the Judiciary Committee for allowing this important piece of legislation to move forward. I particularly want to thank the ranking member of the Judiciary Committee, Mr. LAMAR SMITH, for the opportunity to work with him on this significant legislation and for

his outstanding work on this issue throughout the year.

The Need-Based Educational Aid Act of 2008, as its name suggests, is aimed at making college more affordable and accessible to qualified students, something that this Congress has repeatedly shown its commitment to. With overwhelming bipartisan majorities, we have passed such legislation as the College Cost Reduction and Access Act, and just last week, the Ensuring Continued Access to Student Loans Act. We have also increased transparency in the higher educational financial aid system by passing the Student Loan Sunshine Act.

H.R. 1777 will further that commitment to enhance educational opportunities. These successes are rooted in clear recognition on both sides of the aisle that access to higher education is vital to our national economy and central to America's promise.

However, the Need-Based Educational Act differs from those bills I just enumerated in two important aspects. First, this bill addresses institutional aid only. That is, aid provided to students from a college or university's own funds, not Federal dollars. Second, this bill is about increasing access to grants, as opposed to loans. Given the current cost of higher education, the financial sacrifices families make to send their children to college, and the amount students owe when they graduate, grants, as opposed to loans, play a vital and unique role in maintaining access to higher education.

This act will permanently extend the current antitrust exemption for colleges and universities that admit all students on a need-blind basis, without regard to a student's ability to pay, and provide institutional aid that is strictly need-based. This safe harbor from the antitrust laws allows two or more of these schools to agree on a common aid application in a common system of analysis of financial need, and to exchange information on commonly admitted students. It does not permit discussion or comparison of institutional awards for individual students. The current exemption expires on September 30 of this year.

Why is this bill necessary? Beginning in the 1950s, a substantial number of our most prestigious private colleges and universities agreed to award institutional financial aid to students solely on the basis of demonstrated financial need. The schools recognized that, without such an agreement, and without a uniform analysis of ''need,'' the schools would spend all of their money competing with each other to offer the largest aid package to a small select group of elite students. As a practical matter, the schools would be unable to fill the available spots in each incoming class because the select top students, who may or may not need such aid, were few in number. In addition, though, there would be many highly meritorious students who would be forced to forego their admission because of limited economic circumstances and insufficient financial aid.

The schools' decision was made in service of a social goal that the antitrust laws do not address, namely, making financial aid available to the broadest pool of students solely on the basis of demonstrated financial need. Congress responded quickly, passing the first temporary antitrust exemption in 1992, and we have reauthorized the exemption three times, each time improving and extending the exemption over the previous iteration.

The current exemption allows the schools to agree on this system of need-blind admissions and need-based aid, and allows a one-time exchange of student financial information through a third party. However, any further information-sharing is prohibited.

Since the last extension, both the GAO and the Antitrust Modernization Commission have examined the exemption and have found it consistent with antitrust principles. The schools themselves have lauded the exemption for increasing access to need-based aid and for bringing greater transparency to financial aid allocations. However, without this safe harbor, the schools fear that their collaboration on financial aid policies would subject them to prosecution.

Many studies show that our Nation's poorest students benefit the most from attendance at a prestigious school and, conversely, stand to lose the most from lack of access. Fortunately, these schools were empowered to continue and expand upon this truly American ideal that no individual should be denied a real chance to succeed because he or she was born poor.

I urge my colleagues to join myself and Mr. SMITH in passing the Need-Based Educational Aid Act.

I reserve the balance of my time.

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

Mr. Speaker, first of all, I am glad we are considering this timely legislation tonight, H.R. 1777, the Need-Based Educational Aid Act of 2008. I also want to thank the gentleman from Massachusetts (Mr. DELAHUNT) for his tireless efforts in promoting this legislation, and also for his leadership, because if it were not for his leadership, we would not be here tonight considering this important bill. It was good working with him and I appreciate the success that he has had in getting us to this point. This issue has long been of interest to me personally as well. I also sponsored the bill that extended the exemption in 1997 and 2001.

Beginning in the mid-1950s, a number of private colleges and universities agreed to award financial aid solely on the basis of demonstrated need. These schools also agreed to use common criteria to assess each student's financial need and to give the same financial aid award to students admitted to more than one member of that group of schools. In the 1950s to the late 1980s, the practice continued.

In 1989, the Antitrust Division of the Department of Justice brought suit against nine of the colleges. After extensive litigation, the parties entered into a consent decree in 1991 that all but ended the practice. In 1992, Congress passed the first exemption to the antitrust laws for these colleges as part of the Higher Education Amendments. That temporary exemption codified the settlement and allowed colleges to provide aid on the basis of need only, to use common criteria to determine need, to use a common financial aid application form, and to allow the exchange of the student's financial information through a third party.

In 1994, Congress extended this exemption as section 568 of the Improving America's Schools Act. Congress has extended the exemption twice since 1994, in 1997 and 2001. Twenty-seven schools currently are members of the so-called Presidents' Group which utilizes this antitrust exemption. Several other colleges, including Yale and Harvard, participate as advisory members of the group. This exemption expires on September 30, 2008.

Common treatment of these types of issues makes sense and, to my knowledge, there are no complaints about the existing exemption. In fact, a recent GAO study of the exemption found that there had been no abuse of the exemption and stated that there had not been an increase in the cost of tuition as a result of the exemption. The Antitrust Modernization Commission studied this exemption and found that it provides ''limited immunity for limited conduct.'' That is, it is narrowly tailored to meet its goals of promoting access to need-based financial aid.

This bill would make the exemption passed in 1992, 1994, 1997, and 2001 permanent. It would not make any change to the substance of the exemption itself. The need-based financial aid system serves worthy goals that the antitrust laws do not adequately address, namely, making financial aid available to the broadest number of students solely on the basis of demonstrated need. No student who is otherwise qualified should be denied the opportunity to go to one of the colleges involved because of the limited financial means of his or her family. This bill helps protect need-based aid and need-blind admissions.

Mr. Speaker, the last time the House considered a permanent extension of this antitrust exemption, it passed by a vote of 414–0. The bill is supported by the American Association of Community Colleges, the American Association of State Colleges and Universities, the American Council on Education, the Association of American Universities, the National Association for Independent Colleges and Universities, the National Association of State Universities and Land-Grant Colleges, and the Presidents' Group. I urge my colleagues to support this bill as well.

Finally, Mr. Speaker, I want to again thank Mr. DELAHUNT for his work on this legislation and for getting us to the point where it is being considered tonight.

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

Mr. DELAHUNT. Mr. Speaker, before yielding my time back, I want to suggest that the eloquence of the ranking member of the Judiciary Committee will result in a more significant margin this year than that 410–0. Again, I sincerely appreciate his fine work.

Mr. CONYERS. Mr. Speaker, I support the bill cosponsored by Representative BILL DELAHUNT and Ranking Member LAMAR SMITH. H.R. 1777, the ''Need-Based Educational Aid Act of 2007,'' removes the current sunset attached to an exemption in the antitrust laws that permits schools to agree to award financial aid on a need-blind basis and to use common principles of needs analysis in making their determinations.

The exemption also allows for agreement on the use of a common aid application form and for the exchange of student financial information through a third party.

In 1992, Congress passed a similar temporary exemption, which was first extended in 1994, then again extended in 1997, and once again extended in 2001. The exemption passed in 2001 expires later this year. During the years of its operation, we have been able to witness and evaluate the exemption, and we have found that it seems to be working.

The need-based financial aid system makes financial aid available to the broadest number of students solely on the basis of demonstrated need. The schools have been concerned that without this exemption, they would be required to compete—through financial aid awards—for the very top students, which could result in a system in which the very top students receive an excess of the available aid while the rest of the applicant pool receives less or none at all. Ultimately, such a system could undermine the principles of need-based aid and need-blind admissions.

Because the exemption has thus far appeared warranted, I support H.R. 1777 and hope that it will continue to protect need-based aid and need-blind admissions, and preserve the opportunity for all students to attend one of the Nation's most prestigious schools.

Mr. DELAHUNT. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. DELAHUNT) that the House suspend the rules and pass the bill, H.R. 1777, 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.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. FLAKE. Mr. Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Flake of Arizona moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to agree to the provisions contained in section 1703(b)(2) of the Senate amendment (relating to a $40,000 limitation on direct payments).

□ 1915

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Minnesota (Mr. PETERSON) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

This motion to instruct conferees is simple. It would simply urge farm bill conferees to accept the Senate provision on the payment limits for annual direct payments, which is the same as current law. Again, we are simply asking to accept current law, rather than increase payments limitations. Let me explain.

Under current law, farmers and eligible landowners can receive $40,000 per person in direct payments per year, not including a loophole that currently exists that enables that amount to be doubled. The House-passed farm bill seeks to raise this limit to $60,000 per person, while the Senate passed bill keeps the limit at the $40,000 level as in current law. In essence, this motion to instruct conferees would simply say, retain current law. Don't increase the limit on how much a farmer or landowner can receive in direct payments.

Direct payments are one of the three primary subsidy programs available for commodity crops, along with countercyclical payments and marketing loan payments. Direct payments are paid to farmers and eligible landowners that have had so-called base acreage that was historically farmed for program crops like wheat or cotton or corn. Direct payments go to farmers and landowners whether the whether they farm or not on the property and are independent of crop prices. Simply put, these checks are in the mail to eligible recipients, no matter what the price of commodities.

While these payments were originally intended to transition farmers away from subsidies, it is unfortunate that they have come to take a permanent place in the entitlement spending landscape and that Congress is on the verge of upping the limits on how much recipients can receive.

These payments cost taxpayers more than $5 billion a year, under the last farm bill, that is, and while the bill under consideration might cut them by a minuscule amount, taxpayers will still foot a staggering bill.

These handouts are often distributed to landowners who don't farm. I have even heard anecdotes about rice farmers who later subdivide the land for mini-mansions even, and realtors will advertise that direct payments will come to the new landowners. Lucky them. Get a house on land that was previously a rice farm. You are going to be getting direct payments. How is that? How can we countenance a situation like that continuing?

According to a recent analysis by the Environmental Working Group, with the present loopholes that are available to recipients, ''a total of 1,234 recipients collected direct payment subsidies worth $120,000 or more, costing taxpayers $226 million total. One hundred forty-nine recipients got more than $250,000 in direct payments. The top 10 percent of direct payment subsidy recipients in 2007 collected about 60 percent of this government money.'' These are the payments on which the House-passed bill would increase the limit by 50 percent.

We have a strong agricultural economy at present. Unlike the countercyclical and marketing loan programs, which, if you have a good agricultural economy, don't get paid out, this program keeps paying out no matter what. These are independent of crop prices.

It is unfathomable that U.S. farmers that are enjoying historically low debt-to-asset ratios and consistently high cash receipts and robust farm export values, under this scenario the conferees would need to increase the limit on direct payments beyond the current $40,000 limits. It is unfortunate. It looks like the 2007 farm bill will be a missed opportunity to reform the wasteful farm subsidy programs, like the one I have spoken about.

As approved by the House, the best that can be achieved in terms of reform is a reduction in the income cap for payment eligibility programs from $2.5 million to $1 million or $2 million for married folks. Even though the administration has sought a $200,000 income cap, both the House and the Senate it seems, and it seems the conferees, appear content to continue to allow millionaires to receive farm payments. While acting as if real reform had been made on the income cap, the House-passed farm bill actually relaxes the limits on how much a recipient can receive in farm payments.

We simply cannot go in this direction. We have been told again and again and again by both sides of the aisle that we won't have a farm bill that has the generous subsidy payments that we have had before, that there has to be reform. This is not reform.

Some people may try to sell it and say we are getting rid of a loophole there, so we will have to increase this, and then we will phase it out at some other time. That is probably what we will hear. When you hear that, hold on to your wallet.

You have to remember that this program that we are talking about, this direct payment program was instituted in the nineties as a way to transition farmers away from subsidies. Yet here it is still, a decade later, and we are talking about increasing it. So if anybody tells you we are increasing it so we can actually phase it out easier or somehow lessen payments that will go out, don't believe it. Don't believe it.

Let's vote for this motion to instruct.

I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

The conference committee is close to wrapping up work on the bill and we will have significant reform in the final package that comes out of the conference committee. I can assure people of that. Apparently the issue that is before us today is one small part of that whole package. Frankly, the discussion has not really focused that much on this part of the payment limit issue. It has been more on the AGI issue.

But just so folks understand what happened here, we in our bill that passed the House made the most significant reform in this area that has been made in a long time, and that is to get rid of the triple entity rule and to require direct attribution. If you had told people 2 years ago that you were going to accomplish that, they would have thought you were crazy. So we did that in our bill. We are going to do that in the conference report.

The reality of how this all works, with the limits, the internal limits that we have in the House-passed bill, $60,000 on direct payments, $65,000 on countercyclical, it keeps the direct payment level for folks that had a triple entity at the same amount that it is under the previous system. So I will agree that we did in certain cases keep the direct payment limits the same as what they were in the past before we eliminated triple entity. And there are other factors in here, like limitations on countercyclical payments and so forth. So there is a lot of disagreement about how this should be done and so forth.

There are a lot of statistics put out about who is getting what and what percentage they are of farmers. I would just like people to know that according to USDA, we have 2.1 million farmers in the country. But people would be surprised to find out what it takes to qualify as a farmer under USDA rules. It says that all you have to do is have $1,000 of income from farming. Well, it doesn't even say that. It just says you have to be able to have had $1,000 of income. So you don't even have to sell $1,000. If you could have sold $1,000, you would qualify as a farmer.

So all of these statistics are based off of 2.1 million farmers, when the reality is the true commercial farmers that produce 90 percent of the food in this country amount to 350,000. So you have a lot of folks in this system that really aren't farmers. You have got a lot of people that are hobby farmers, that farm on the weekend, and they are all being counted and they are all being used in these statistics that people like Mr. FLAKE and others use.

That is fine. But what we have tried to do in the Agriculture Committee is focus on the real farmers, the people that farm every day, that are commercial farmers that produce 85 to 90 percent of the food in this country, and to provide them a safety net where they can get a loan from the bank in the spring and they can survive the bad years and keep farming. And that is not an easy thing. It is a very risky business, and it costs a lot of money to be in this business on a commercial scale.

So we have, unfortunately in my opinion, and others will disagree with this, we got this system put on us in 1996 under a thing called Freedom to Farm, which I opposed as a member of the Agriculture Committee. The idea was we were going to have direct payments that were not tied to any production and that were based on past history because prices were good and the WTO wanted us to do this, and this was ideology run amuck.

I said at the time that this is not going to work, this is a bad idea, that these prices are going to go down and we are going to have to rescue farmers, and that is exactly what happened.

We spent $30 billion 2 years in a row to bail out farmers. That is more than the entire cost of these direct payments over 5 years. We spent that every year for 2 or 3 years to bail farmers out in 1998, 1999 and 2000. So we get to the 2002 bill and people figured out, well, we have to put the safety net back. And they kept the direct payments. So now we went back to the old system, but we kept the direct payments.

Well, if I had to do it, I would do it different. But that is the system we have, and that is the system that people want, especially in the South, because it is in their financial structure and it is how they organize everything. If I had my way, we would take those direct payments, we would raise the loan rates, we would raise the countercyclical target prices, we would have a stronger safety net. But the consensus is that we do some of each. So these direct payments serve as a base for farmers to go get a loan at the bank.

For those folks that are concerned about food prices going up, the folks that have been pushing payment limits, what the effect of that will be is to raise food prices. So if that is what you want to do, you know, that is probably not going to be real popular. But whenever you get the government mucking around and deciding how big a farm should be, which is what you are doing, you are going to make the farms more inefficient and you are going to drive up the cost of farming. That is what you are going to do. And it is going to increase the cost of goods to consumers.

So we have considered this. The committee had looked at it. We are looking at the limitation on direct payments, and there will be some changes in that area. But we have had this debate on the floor of the House. They have had it in the Senate. We appreciate Mr. FLAKE's input, but we think that what we are doing here now in the conference committee will be a better outcome that will provide a better situation for our farmers.

Mr. Speaker, I yield 5 minutes to Mr. NEUGEBAUER from Texas, a member of my committee.

Mr. NEUGEBAUER. I thank the chairman.

My friend from Arizona and I agree many times on many issues, but this is one on which I must disagree.

There has been a lot of discussion about reform in the farm bill. I think before I go down and list some of the reform that is being considered in this current farm bill, I think we have to step back and look at what has transpired with the 2002 farm bill.

The 2002 farm bill actually cost $25 billion less than what it was originally projected to cost. Let me repeat that. This is a Federal program that actually came in $25 billion less than what it was budgeted. I would ask my friend from Arizona; name me another mandatory program in the last 5 years that has come in under what was originally projected.

Additionally, the Congressional Budget Office projection for what farm policy will cost has imposed for the baseline going forward a $60 billion reduction over what was originally planned in 2002. The reason that that reduction is in place and the reason that this bill came in $25 billion less than what it was projected is because it was working the way it was supposed to.

□ 1930

And it was designed when commodity prices were low for there to be a safety net so that we could preserve that farm infrastructure. When the commodity prices are high, then the safety net was not available because there was no need for that safety bill. So when you look at the reform, $60 billion sounds like a lot of reform to me. Now I don't know about out in Arizona, but $60 billion in Texas is a lot of money.

Additionally, one of the things, and I think the chairman alluded to this, is that both in the House and the Senate bill, the three-entity rule has been eliminated bringing some transparency; in other words, being able to boil it down, who is actually farming, and making sure that the farm safety net is actually available to those people that are involved, actively engaged in farming.

The other thing that is going on here is that with the elimination of that three-entity rule, it is estimated that some 50 percent reduction will be affected, some of the operations that are

currently under this bill. So that is a fairly good reduction when you look at 50 percent for some of those operations.

Compared to the House and the Senate version, quite honestly, a $10,000 reduction has been on the table over the original House version. As the chairman mentioned, these discussions are still under way and we don't know what that final number is going to be.

The other thing, and the chairman also alluded to this, because there has been a lot of discussion about are these payments going to millionaire farmers. And so one of the things that we have taken is steps to materially reduce the adjusted gross income figure, some 70 percent reduction.

Now I think the point that the chairman was trying to make, and it is a very important point, 30, 40, years ago farmers across America could farm a small piece of land and make a good living. Today, in a global economy where they are competing with producers all over the world, what they are faced with is, how do they get to a size that makes sense with today's cost of production and with today's cost of tractors and all the equipment necessary. And the days of a small farm being able to support a family are gone. So today, many farmers in my district, for example, are farming 3,000 and 4,000 and 5,000 acres, and this is still a family farm. This is not a company that has a lot of employees; this is a family farm. And so when you look at those numbers, it takes a lot of money, it takes a lot of capital and investment for them to produce this many acres.

Farmers are taking a big risk today. Yes, the commodity prices are up, and that is a good thing for farmers and producers. The bad news for them, though, is that their costs are up as well. Looking across fuel and fertilizer and all of those, in just the last few years production costs for commodities is up almost 25 percent.

One of the things that, as we look at this farm bill, I think we have to step back and look at it and I think sometimes I get kind of amused. As we talk about this farm bill, only about 12 percent, Mr. Speaker, 12 percent of this farm bill actually has anything to do with production of agriculture. A good portion of this farm bill has to do with food stamps and nutrition programs and conservation programs. While those may be worthy, I am not here to debate those, when we look at the production of the agriculture part, the part that actually allows American agriculture to produce food and fiber for Americans, we are talking about 12 percent of this bill having anything to do with that.

So when you step back, why is that important to America? Why should America be concerned about having a good, strong agricultural industry in this country? Well, I will tell you why, Mr. Speaker. Right now, we are watching with amazement as we look at people, Americans across America having to pay $3.50 a gallon for gasoline. We have seen tremendous increases. This country today is energy dependent. That means that we wake up every morning looking for some other country to furnish the energy that it takes to run our country's economy. It is, quite honestly, a security risk to our country as well as an economic security risk to our country. And so how did we get in that situation is because we let America's infrastructure for producing energy fall to the wayside. We did not make it a priority.

My greatest fear here today is that, as we move forward, if we begin to undermine American agriculture, who will then feed and clothe Americans in the future? Do the American people want to wake up every morning and wonder where we are going to get our next meal? What country is going to feed us?

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

Mr. PETERSON of Minnesota. I yield the gentleman an additional 2 minutes.

Mr. NEUGEBAUER. Because we let American agriculture infrastructure fall to the wayside. Our producers are competing on an unlevel playing field. I wish the playing field was level. If the playing field was level, we wouldn't need any of these programs, because American producers can compete with anybody in the world on a level playing field.

Unfortunately, the WTO discussions that we have been involved in have not yielded much fruit. Many countries that our producers are competing with all across the world are competing against other countries that provide subsidies at a much greater level than we are providing under this underlying bill.

So while I appreciate the gentleman from Arizona's concern about being fiscally responsible, I understand that he would like to see some reforms. I am here tonight to tell him that there are a lot of reforms in this bill. But at the same time, it is important to have a balanced bill to make sure that we have a strong agricultural economy in this country from this point forward so that when Americans wake up every morning, they are not going to worry about who is going to feed or clothe them.

Mr. FLAKE. Before yielding to the gentleman from Wisconsin, let me simply say that we are not talking about the food stamp program here. We are not talking about nutrition programs or conservation programs. We are talking about direct payments. This is a different program. This is simply an effort to say, let's not increase the amount of money going to direct payments at a time when commodity prices are so high and when the farm community is doing so well. It just not make sense to reform by increasing the subsidy.

I yield 5 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentleman from Arizona for yielding me this time, and I commend him for this motion to instruct.

Mr. Speaker, let me be clear: We need a farm bill, and we need one as soon as possible. It is planting season back home in the upper Midwest and the district I represent in western Wisconsin, and our farmers need some predictability. They need to know what the rules are that they are going to be operating under and producing under in the coming fiscal year and in the coming 5 years.

But we also need a good farm bill, not a bad farm bill, one that is responsible to the American taxpayer and one that does well by the American farmer. And those of us who have been talking about much overdue and needed reforms under the commodity title, these subsidy payments to a handful of commodity producers in this country, have been saying, let's give farmers help when they need it but let's not when they don't.

And the market conditions today are something we have never seen before. They are talking about $10 corn by this summer. Soybean, wheat, rice at an all-time high in the marketplace. Yet instead of trying to tighten up these subsidy programs and rein them in for some possible savings so we can address the other priorities in the farm bill, what is being proposed, to our understanding, and we haven't been privy to the conference negotiations that have been going on, is actually expanding direct payments from the current maximum level of $40,000 up to $60,000, and allowing dual entities operating on the same farm to qualify for the same amount of these direct payments.

And to be clear, the direct payments bear no relationship to commodity prices, no relationship to production. They are something that go out automatically regardless of the marketplace. And, quite frankly, it is the least justifiable aspect of this farm bill today in light of the record commodity prices that exist.

But we also need a farm bill that this President is comfortable in signing, and the administration has been clear from the beginning that they feel there is more room for reform under these commodity programs. We are not talking about the two other subsidy programs, the loan deficiency program or the countercyclical program, although there too they are ramping up the target price and the loan rates under those programs. We are only talking about the direct payments right now, that which goes out automatically to only five principal commodity crops at the expense of everything else that we are trying to accomplish in this farm bill, having a strong conservation title in light of the increased pressure that crop production is placing on sensitive and highly erodible land. And we are seeing that now with a lot of CRP acreage being taken out of CRP and put back into production.

And what does that mean to the average person? That is going to affect quality water supplies throughout the Nation, it's going to affect habitat, wildlife populations, all of which depend on good land stewardship of these lands and knowing what land is highly erodible and what isn't. And that was the whole basis behind CRP to begin with, and yet that now is in jeopardy because of increased commodity prices.

I don't begrudge, and I don't think anyone here begrudges family farmers getting a decent price finally in the marketplace. But where I am from in Wisconsin and talking to my producers, for years they kept saying: We don't like these subsidy programs, either. We wish we didn't have to rely on it. And if we could only get a decent price in the marketplace, we wouldn't have to. Well, guess what. That day has come. And now is an opportunity, never better in the history of the Congress, to start reforming these commodities subsidy programs right now so that at the end of the day we are not painting this big bull's eye on the back of our farmers with more subsidy payments that are going to be challenged through the WTO and possibly taken away through the WTO challenges, just as Brazil has done with the cotton challenge that they successfully prevailed on. And this is only the beginning.

Instead, we could redirect funding for what are called green box payments, conservation payments that also go to family farmers to help them be good land stewards but do not distort the marketplace and they do not distort trade policy, and it doesn't get us into trouble by these outside challenges that we may be facing in the future.

So that is why I think this gentleman's motion to instruct is important. We understand it is in the 11th hour. I appreciate the hard work that the chairman and everyone involved in the conference has been doing. Putting together a farm bill is probably one of the toughest things to do in this place given the parochial interests, given the different ideas and opinions that go into deliberations. But we have an opportunity right now of maintaining an important safety net for family farmers in case things do go south in the commodity market, but at the same time starting to reform these subsidy programs so we are more responsible to the taxpayer but also helping our farmers modernize so they can be more competitive both domestically and abroad. Otherwise, again, we are setting them up for future challenges by loading up these subsidy programs to the extent that they have been occurring.

I would be happy to yield to my friend from Arizona.

Mr. FLAKE. I will yield the gentleman an additional 5 minutes, if he would like, as long as he wants.

Mr. KIND. I probably won't need that much time. But, again, hard negotiations. We are getting into the final details of it. There is still an opportunity of producing a bill that the President feels comfortable with in signing, and that way the farmers know what they are operating under.

But, again, these direct payments are probably the least justifiable program going forward today in light of what the marketplace is producing. And the futures market right now is looking astounding when it comes to these commodity crops, and that is going to be good for farm income and debt-to-asset ratio. For family farms, it has never been better. And that again speaks to what we think is a reasonable and justifiable goal of trying to reform these commodity programs so we can deal with the other priorities and still maintain an important safety net to the family farmer.

Again, I thank my friend from Arizona for offering the motion.

Mr. PETERSON of Minnesota. Mr. Speaker, before I recognize the gentleman from Arkansas, I would just like folks to know that these prices that everybody talks about, if you are a real farmer out there and goes to your elevator, you cannot get a contract at these prices. And if you really want to do something here on this floor that will do some good, it would be to keep this Wall Street hedge fund money out of the commodity market, which has run these prices up and created a bubble.

People need to remember that these direct payments came about because of high prices, quote, back in 1996. We heard the same speeches. That is how we got these direct payments in the first place. And what happened? It collapsed. And I will tell you one thing that I know about farming, is that whenever you have good prices, farmers are very good at creating low prices, and they will do it again. And that is why we need a safety net.

I yield to the gentleman from Arkansas such time as he may consume.

Mr. BERRY. Mr. Speaker, I too want to recognize Chairman PETERSON and Speaker PELOSI for the hard work and the dedication that they have exhibited as they have pursued this farm bill and the great job that they have done and continue to do to get us a farm bill.

As I listened to these discussions, and I have heard them year after year, we go through this when we do the appropriations, we always have those that consider that they are more knowledgeable than the people that are actually in the business and have to make these businesses work and make them profitable. They know more about how to make this happen than the people that really do make it happen.

One thing that we know, the only reason for a farm bill and a farm bill is to guarantee adequate production and processing capacity so that our people have a reasonably priced food and fiber supply.

In a global marketplace, and we are certainly in a global marketplace in agriculture today, every country that has food security has a stronger farm bill than we do.

□ 1945

They have a better safety net than we do in this country.

We absolutely know, just like the chairman said, these prices come up and they go down. Right now the price that you can see on the Chicago Board of Trade is in some cases 25 percent higher than a farmer can actually receive. And even then the prices that are available to them aren't too bad.

But as the gentleman from Texas recognized, production costs, when some of these numbers were put in this bill or in the other bills that we have had, diesel fuel was 30 cents a gallon. It is $4 a gallon today, or over $4. You can say that about all of the production costs that a farmer has to face. The cost of machinery has gone up a great deal in the last couple of years. All of these things are necessary to have efficient production of food and fiber in this country. The same thing can be said about a farm bill. Without a farm bill as a safety net, this system cannot continue to function. And I offer as evidence that it has functioned successfully for a long time, that the American people feed themselves for a lot less of their disposable income than people in any other country in the world.

Now you can't pick up a newspaper today or hear a broadcast news story for very long that doesn't talk about the high price of food. If you really want to see some catastrophic prices, just keep doing what these guys have tried to do over and over, year after year and continue to chip away at this safety net.

Like the chairman said, I believe, or maybe it was the gentleman from Texas, they want the government to decide how big your farm can be. They don't even want you to be able to decide that I will farm part of it, my son will farm part of it. They want to use every tool that there is to try to mix that up and make it less efficient.

In the South, in rice and cotton country, 2,000 acres is no longer a viable economic unit. You cannot be prepared to put in a crop on 2,000 acres with a million dollars worth of machinery and another nearly million dollars worth of fuel and fertilizer and seed and chemicals. And there are those who don't think you ought to use fertilizer, and there are those who don't think you ought to use chemicals. But if you do those things, just be ready to produce whatever you are going to eat and your family is going to eat in your own backyard because we are not going to have the efficient production machine that we have in this country today that farm bills have made possible.

And these people may have huge dollars invested, but they don't make huge profits. This is a very dangerous thing. We all know the damage that

high fuel costs and high energy costs are bringing to our economy today. That is going to be an insignificant event when we lose the ability to be the most efficient producers of food and fiber that has ever existed in the history of the world.

The American farmer doesn't have to take a second place to anybody in their ability to feed our people. They do it. It is the hardest work in the world. All they ask is a fair chance. All they ask is enough safety net so that they can get a loan from the bank and continue to do what they love to do and what they are really, really good at.

We should be doing more to allow these wonderful entrepreneurs to do what they have to do to be successful and to produce food that is inexpensive enough for us to buy it. There is no shortage of food in the United States of America today. But what these proposals will do is create a shortage that you can't fix. It will create a situation that you cannot take care of in any kind of a short time frame. You just get one crop a year.

So I would ask this Congress, and I would ask the gentlemen, I know they have good intentions, unfortunately they have got bad ideas. This is something that we should not gamble with. We have got a system that we know works. I think it is inadequate, but at least give us this so that our producers can have the ability to continue to be successful.

I once again thank the chairman for all of his hard work.

Mr. FLAKE. Sometimes I think we are just talking completely in a vacuum here, that inside the Beltway here in Washington, that we see it somehow differently than the rest of the country. To hear the debate on the other side, you would think it was just one crazy guy from Arizona and another crazy guy from Wisconsin who think that we are out of bounds here. That is hardly the case, and I will read some of what the rest of the country is saying later.

I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentleman for yielding.

I have great respect for the gentleman from Minnesota, chairman of the Agriculture Committee, and my friend from Arkansas and their depth of knowledge when it comes to farm policy in this country. They have invested their careers in trying to understand these programs and how they work.

But I have as much respect and admiration for my family farmers back home in Wisconsin, too. The gentleman from Arkansas is exactly right; these are hardworking individuals playing by the rules in a market that is set out for them. But when I have producers in my district in western Wisconsin coming up to me and saying, Ron, why are we still receiving these direct payments when the market prices are so good right now?

I say, You know, you're right. We should be looking at this anew.

The gentleman from Minnesota pointed out that the first time direct payments were introduced in a farm bill was back in 1996 as a transitional program to get away from these direct subsidy payments to the farmers.

Now we are into the third farm bill, and instead of at least holding them constant, as the gentleman's motion would have us do, we are talking about increasing the reliance on these direct payments over the next 5 to 10 years.

In my conversations with farm experts from Australia and New Zealand, they said they heard the same arguments down there when they weaned their producers off direct government subsidies for agricultural production, that this would spell disaster for the entire farming community in Australia and New Zealand. And now you would be hard-pressed to go down to either one of those countries and find one farmer who wants to go back to the government-subsidized system that they were operating under all these years. They say that with a change of those subsidy programs, it has made them more efficient and more competitive, especially in the global marketplace.

And whether we like it not, that day has arrived for our producers. The world is at our doorstep, and I don't think we are doing them any more favors by propping them up with these artificial subsidy programs with the strong market prices they are receiving, and at the same time telling them that you can go out and compete with everyone else around the globe.

There is a better way of doing this while still maintaining a safety net, and I think that is what the gentleman is trying to get at with this motion.

Mr. FLAKE. I appreciate the words of the gentleman from Wisconsin. I too have traveled to Australia and New Zealand, and I talked to the farmers there. They heard the same horror stories there. They worried about the same thing when they got rid of subsidies in New Zealand.

As the gentleman from Wisconsin mentioned, you would be hard-pressed to find anybody who wants to go back to that system because, just as the gentleman from Arkansas just mentioned, they don't like the government telling them what they can and can't farm.

A main element of this program we are talking about right now is that if you are to receive these direct payments, you can't farm specialty crops. You have to farm corn or wheat or rice. You can't do specialty crops. So for all of the talk about we don't want government telling us what we can and can't plant, that is a central element of this program that you accept those restrictions. There is something wrong with that argument when we say we don't want government to tell us; but yes, you can tell us as long as we can collect these direct payments.

The gentleman from Arkansas said that prices are up high now, but they will go down. Yes, they will; but these direct payments will remain the same. That is the problem here. These aren't a safety net, these are just a direct subsidy in many cases whether you farm or not. That's the problem with this.

And we aren't saying get rid of it. I would like to, frankly, if it were up to me. But we're not saying that. All we are saying is keep it the same. Don't increase it. Yet we are hearing the argument that somehow all of the family farms are going to go away unless we increase a direct payment that bears no relationship to crop prices at all. There is something wrong with that argument. So we are competing here in a vacuum.

Mr. KIND. Would the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Wisconsin.

Mr. KIND. One of the things that I have noticed back home in Wisconsin with the direct payments and the overall subsidy programs that exist for these commodity crops is that it is leading to greater consolidation. We know these subsidies have been primarily skewed to the larger entities, and they are using them to gobble up smaller family farms around them. And they are also driving up land values by artificially inflating these land values with the subsidy guarantees that attach to them, and it is making it virtually impossible for newer or beginning farmers to have the capital in order to invest in order to enter this very honorable work and profession.

So that is the unintended consequences that these subsidy programs have brought in, putting the squeeze on smaller family farmers throughout America.

I think it would be reasonable as well, although we can't address it in this motion, to have some reasonable means testing attaching to these direct subsidy programs. It is tough to justify to the American taxpayer that if someone is earning $900,000 in adjusted gross income, that is profit, that is after you back out the expenses and all of the deductions of doing business, that you would still qualify for subsidy payments.

I understand in the course of negotiations there has been some movement, and hopefully that is a good thing; but nevertheless, that is a pretty hefty adjusted gross annual income for anyone. And then to say they still qualify for American-taxpayer subsidies at the end of the day, that is pretty tough to explain back home.

Mr. FLAKE. I thank the gentleman.

I mentioned that it is often said on the other side that it is just a couple of guys who don't know what they are talking about, and the rest of the country feels differently. Let me tell you what some people around the country are saying about this farm bill.

The Minneapolis Star-Tribune wrote: ''The Senate passed a $286 billion farm

bill that makes only minor changes to the bloated agricultural subsidy system that rewards rich farmers for being farmers.''

The Burlington, Vermont, Free Press: ''The farm bill making its way through Congress is a good example of what's wrong with the way major legislation gets passed in Washington.''

The Boston Globe: ''That kind of calculation is just the sort of special-interest politicking that is making voters nationwide question what was gained by giving the Democrats power.''

The East Brunswick, New Jersey, Home News Tribune: ''The farm bill is the sort of confounding public policy document that too often wins approval in Washington; it's stuffed full of pork and misdirected at the same time.''

This is not a Republican issue or a Democrat issue. The Republicans passed, I thought, what was a far too generous, bloated farm bill back in 2002, and I believe the gentleman from Arkansas and I had a debate at that time.

□ 2000

So this isn't a partisan debate at all. This is a debate about what taxpayers should be required to pay.

The Orlando Florida Sentinel: ''The system those lawmakers would perpetuate dumps billions of dollars a year in taxpayer subsidies on the farmers of a few crops, whether they need it or not. The largest commercial farms reap the bulk of the subsidies, while most growers get little or nothing.''

The Charleston South Carolina Post Courier: ''So far the impulse to reform has been overwhelmed by the efforts of those representing the beneficiaries of farm program largesse.''

The Winston-Salem, North Carolina Journal: ''The legislation that was designed to put American family farms back on their feet has now become the massive giveaway program to mega corporations that manage family farms. The farm bill is hopelessly bloated and outdated.''

The Pittsburgh Pennsylvania Tribune-Review: ''The U.S. Senate has once again failed to slow the nonstop pigout in multi-billion dollar family farm subsidies.''

The Bismarck, North Dakota Tribune said: ''The provision that would get wide agreement would require that government payments be attributed to an actual, named person, rather than to shadow entities that might even belong to people who do no farming themselves.'' We call that reform.

The Lewiston, Maine Sun Journal wrote: ''The prospect of starving constituents is unpalatable. What's worse, though, is using them as chattel to negotiate subsidies for wealthy farmers.''

As the gentleman from Wisconsin said, we're hardly talking about payments to those who are just getting by. In some cases, payments are going to those with adjusted gross incomes nearing $1 million. Yet we're saying, well, there are large expenses that farmers have. Yes. That's adjusted gross income after expenses are already backed out.

So we're not a couple of guys here who are seeing things differently. I think we're seeing it as the rest of the country does. I think that this place is in a bubble sometimes when we discuss continuing a program to subsidize people who, in many cases, aren't farming, and having subsidies tied not to crop prices at all, not a safety net, mind you, but payments that go and go and go, regardless of whether or not crop prices are high or low.

With that, I reserve the balance of my time.

Mr. PETERSON of Minnesota. I have no more speakers, so if they're ready to wrap up, I am, I guess.

Mr. FLAKE. May I inquire as to who has the final word.

The SPEAKER pro tempore (Mr. BRALEY of Iowa). The gentleman from Arizona has the right to close.

Mr. FLAKE. I will go ahead and reserve until the gentleman has closed.

Mr. PETERSON of Minnesota. I will just say very briefly that, as I said earlier, we get kind of off on tangents here on talking about small farmers and so forth. But the effect of a lot of these different proposals on reform, the effect of them are going to be to raise food prices for people in this country and around the world, and if that's what you want to do, you know, you can talk to your voters about that.

But 23 percent of the farms in this country have more than $50,000 of sales. But they do 90 percent of the business. They produce 90 percent of the food and they get 81 percent of the payments. So we already have changed things.

But the point is $50,000, I think my good friend from Arkansas will agree, in our part of the world is not a real farm. You can't make a living on $50,000 of gross income on a farm. It's just not realistic.

So when you get up to a realistic commercial size farm, they produce just about all the food in this country. Now there's some small farms that are developing that are doing pretty well, and I've been supporting that and we're supporting that for the first time in this farm bill; and that is people producing organic, people producing local foods, getting out of the commercial system.

So there is a place for small farmers in these niche markets, and they're growing, and that's a good thing. But you go to those niche markets and you're finding you're paying a lot more money for that type of food. And a lot of people want that and that's great.

If we get involved in this and screw up this system, the gentleman from Arkansas is correct, we're going to endanger the national security of this country. If we ever get in a position in this country with this food that we're at with oil, we've got significant problems.

And this isn't a perfect system. When it was established, I voted against it. If I had my way, as I said earlier, I would not do it this way. But this is the consensus of people in the business of agriculture, the system that we have, that works so they can get financing and they can stay in business.

And you hear about the WTO. One of the biggest objections to what I want to do, the direction I'd like to go with farm policy, is that we can't do that because the WTO would object. And we've got the World Bank out there getting these developing countries to adopt these free market ideas like some people have done in this country, and the effect of that has been to not help the people. It's made them more food insecure.

So we're never going to settle this debate. As my friend from Arkansas said, we've argued about this for how long.

We are going to produce a farm bill here pretty quick. It's going to have a lot of reform in it. It's going to have a lot of new initiatives that we haven't done before in organic, in energy. There's a lot of money in there for conservation. We're going to have $10 billion of new spending above the baseline. After we took a $58 billion hit in the commodity title, we added $10 billion not in the commodity title. We added it into nutrition. So we're adding $10 billion of spending, and 10.261 of that, more than we've added to the bill, is going to nutrition to help people to cope with these high food prices.

So we're doing, we think, the right things, putting in the right kind of initiatives in this farm bill. It's not going to satisfy everybody, but it's moving in what we think is the right direction for the country.

I would encourage my colleagues to oppose this motion to instruct and continue to support the work of the Agriculture Committee.

I yield back the balance of my time.

Mr. FLAKE. I've enjoyed this back-and-forth. Let me just say that it's implied again that we don't know what we're talking about somehow, that somehow we're divorced from the farming community and we don't know what they go through.

Let me just say, if you look at the end of my right index finger, it's gone. I left it in an alfalfa field at age 5.

I don't know all the ins and outs. I've been away from farming on a real basis for a while. But it's not a complete alien world to me, and certainly not to my family and relatives.

But let's get back to what we're talking about with this motion to instruct. We're talking about not a safety net at all. We're talking about direct payments, in many cases to farmers who don't farm at all, that is not tied to crop prices, whether they're high or low. This is a relic of reform attempts in the 1990s when we were trying to wean farmers away from subsidies that didn't happen. But these subsidies still remain, despite the fact that the other subsidy programs came back.

And all we're saying here is that, let's keep the limit at current law, at

$40,000 per person, not increase it to $60,000 per person. Yet we're being accused of trying to completely dismantle the family farm by not increasing the subsidies that are being paid out right now. We're simply saying they should remain where they are in current law.

So despite all the talk about stable food prices for citizens of the United States, or whatever else, remember, this motion to instruct has nothing to do with that. This simply has to do with a program that gives direct payments to people who, in many cases, do not farm at all, that has no tie to crop prices, whether they're high or whether they're low.

Let me simply say also that the administration said this week, this plan would result, talking about the current iteration of the farm bill, this plan would result in the continuation of farm subsidy payments to individuals with extremely high incomes.

The administration also said, this is not reform, and does not move Congress closer to a farm bill that the President would sign.

I certainly hope that the President sticks with that commitment. We need a farm bill that honors our commitment to have some fiscal responsibility here. Upping the limit of direct payments, increasing it by 50 percent, is not fiscally responsible.

So I would encourage my colleagues to join us in voting for this motion to instruct. Discount the debate that doesn't have anything to do with this debate on whether or not the conferees should accept the current subsidies or increase them.

With that, I thank the gentleman from Wisconsin for his words and for all those who have participated. I would encourage a vote in favor of the motion to instruct.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arizona (Mr. FLAKE).

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The postponed vote on the motion to suspend the rules with regard to House Concurrent Resolution 308 will be taken tomorrow.

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.

SYRIA AND NORTH KOREA CONSPIRE TO BUILD NUCLEAR WEAPONS

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, North Korea and Syria were working together with Pakistan rogue scientist Abdul Khan to build a nuclear reactor in Syria, capable of producing plutonium for two nuclear weapons within a year of when it was destroyed by Israeli jets in September of 2007.

Israel, by the way, has not confirmed or denied the air strikes. But Israel acted in self-defense and self-interest because of the fact that Israel is so close to Syria.

Mr. Speaker, here is a map of the area. We have Syria and, of course, we have Israel and Iraq and then, of course, Iran on the other side. And here is the location in Eastern Syria where the nuclear facility was being built, with the aid of the North Koreans. From that location, in Alkibar facility, it is only 450 miles to Tel Aviv, where the majority of the Israelis live.

□ 2015

This whole area, of course, is in somewhat of a turmoil because of the fact you have Syria and the rogue dictator in Iran working together with the North Koreans to facilitate the development of nuclear weapons for all three countries.

The CIA has reported recently that North Korea is building Syria a reactor similar to the one that they have in North Korea. And North Korea then helped the Syrians cover up the results of the bombing after the reactor was destroyed.

Here are four photographs that the CIA has released and declassified just this week. Over on the top corner here is a photograph of North Korea's nuclear reactor that is capable of producing plutonium. You will see right next to it Syria's nuclear reactor as it was being built. It was built with the same floor plan, the same design as the North Korean facility that is in North Korea. This photograph was taken of Syria's reactor shortly before it was blown up.

Here is an aerial photograph of Syria's reactor, and you can see, Mr. Speaker, it's camouflaged to the extent that it looks just like a boxed building just in the eastern part of Syria with nothing anywhere close to it. And after Israeli jets came in and bombed the facility, this photograph on the bottom corner shows the results of the Syrian reactor after it was bombed by the Israeli jets.

And what is interesting, after the Israeli jets came in and bombed this facility, the North Koreans and the Syrians started working together very quickly to destroy what was left of this facility and bury it in the desert and then put in its place another facility, a building that looks just like this one but obviously, based on intelligence, is just a shell and not really used for any purpose whatsoever.

The purpose, of course, to build the second building was to let the world know that they didn't have anything in this area, but of course, we know that they buried all of their equipment and all of their nuclear devices or equipment, I should say, in the desert underneath the bombing that was done by the Israeli pilots.

So it's important for us to be aware of the contact and the working of North Korea with Syria. It is not a recent development. North Korea started working with Syria to build this facility in 2001, and they have continued to work with them until they started actually building this facility that would be capable of producing plutonium and at least to be able to build two nuclear weapons within a year.

North Korea is a nuclear threat and appears to help any nation with evil intentions, and the whole world needs to know about it. The countries of Iran, North Korea, and now Syria need to be known to all the world that they are nations with hearts that are fatally built on mischief and with malice aforethought. They build nuclear facilities with no redeemable, peaceful intentions. The normal, peaceful countries of our planet, especially those in the Middle East, cannot allow these three nations to have nuclear nonsense continue. They are on a path of destruction for at least somebody else, other than themselves, if their intentions are not stopped.

As for the nameless Israeli bomber pilots who flew these missions to destroy this nuclear facility capable of later being able to build nuclear weapons, they are thanked for their job well done, and the world needs to be aware that North Korea, Syria, and Iran seem to continue to work together to thwart world peace by building facilities that are capable of destruction for other countries, especially their neighbors.

And that's just the way it is.

BRING OUR TROOPS HOME AND HELP IRAQ HEAL

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, today I joined Representatives MAXINE WATERS, BARBARA LEE, and ALCEE HASTINGS in hosting a remarkable photo exhibit reception focusing on the appalling refugee situation resulting from the occupation of Iraq.

Renowned photographer, Gabriela Bulisova, traveled to Syria to document the plight of the millions of

Iraqis who have been forced from their homes and from their homelands. The photos show the tragic human side of the international refugee crisis, and in the faces of the children, you see confusion and fear. How do you explain to a child why he must leave his home, her friends, his school? How do you explain where her father is, or why his neighborhood is riddled with concrete and burned-out hulls of cars?

Nearly 5 million Iraqis have become refugees because of the occupation and civil war ravaging their nation. International relief organizations believe that 2 million of those 5 million refugees have fled their own nations and have sought safe haven in surrounding countries including Jordan, Syria, and Lebanon.

The photos in the exhibit were taken in Damascus. They are a glimpse into the lives of the all-too-often nameless and faceless. How can we even think about what it means to have 5 million people without a permanent home? It would be the same as if the entire population of the State of Kentucky or Colorado or Minnesota was suddenly evacuated from its State. No homes, no jobs. A detachment from everything we take for granted: income, schooling, access to financial savings, being close to one's family doctor. Some people even lose the very land upon which their homes are built.

The United States State Department made a commitment to assist in the voluntary resettlement, but despite a promise to take in 7,000 refugees in fiscal year 2007, only 1,600 were admitted into our country. In the last 6 months, State has only permitted an average of 400 people a month. At this pace, we're going to miss the target by a huge amount again.

We owe the Iraqi people more, Mr. Speaker. Certainly more than broken promises and despair. We cannot solely rely on the good graces of Iraq's neighbors or the assistance of the United Nations. This is a problem that we started, and it is our moral obligation to help resolve it.

The U.S., the United States of America, must end the occupation of Iraq and focus on the real needs of the Iraqi people. If we took even a fraction of what we are paying to occupy a nation in the middle of a civil war and put it towards the refugee crisis, we could change millions of lives and offer real hope for their future.

Next week or the week after, the House may consider the Iraq spending bill. Instead of extending the administration's occupation of Iraq, let's reaffirm our commitment to the Iraqi people through humanitarian assistance. Let's bring our troops and military contractors home, and let's help Iraq begin to heal.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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 New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

(Mr. WELLER of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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.)

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is April 30, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,882 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Mr. Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,882 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is April 30, 2008, 12,882 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICA NEEDS TO DEVELOP ITS OWN NATURAL RESOURCES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHIMKUS. Mr. Speaker, it's great to be down on the House floor. It has been a limited schedule this week, so we haven't had a chance to really take time to focus on the number one pressing issue in America today, which is the high price of gasoline and energy in this country. We get a chance to do that tonight.

I am going to initially yield to some of my colleagues who have graciously come down to help, and the first one I would like to yield to is Mr. SALI from Idaho.

Mr. SALI. Mr. Speaker, if you're afraid of the future, said Ronald Reagan, then get out of the way, stand aside; the people of this country are ready to move again.

As with so many things, President Reagan was right. We cannot avoid real problems, gloss over pressing needs or, out of fear of something unforeseen, sit immobile until we are overtaken by inevitable results of our previous inaction.

Americans are paying on average $3.62 a gallon, and by early summer, we're going to be at $4 a gallon. By the end of this year, it's projected oil will be at $180 per barrel, an approximate doubling in the space of 1 year. Why are we paying so much? Very fundamentally, it's a supply and demand issue. We need oil, but the supply is limited. This is frustrating in its own right, but it's truly maddening when you consider the supply of crude is not really limited and that we have additional resources available to us, but they have been locked up by Congress.

The current majority claims they have the answers in a new clean energy agenda which purports to offer reduced reliance on foreign oil. But they seek to do it through increased alternative forms of energy, much of which is not even available today, instead of drilling for and pumping American crude.

Before the vote was taken on the majority's latest energy bill on December 18, 2007, Speaker PELOSI said, You are present at a moment of change, of real change. Perhaps she was correct, only the change she envisions is radically different than what most Americans want.

To lower the price at the pump and to break our addiction to foreign energy, we must increase production of American crude, not stifle it. Today, our country currently imports 61 percent of its crude oil and 15 percent of its natural gas. It's not only expensive but foolish for us to depend on such politically unstable regions like the Middle East for our energy.

If this Congress were serious about reducing America's reliance on foreign oil, one would also think it would invest in new energy supplies that it can produce in the U.S., such as coal-to-liquids using clean coal technology; and it would engage in immediate development of domestic oil sources by obtaining oil from ANWR, drawing oil from our Outer Continental Shelf, our oil shale, and even oil sands.

Additionally, we have large supplies of natural gas, and instead of using it for domestic purposes, we're selling about two-thirds of it abroad. Natural gas is a steal when compared to crude oil. According to one recent news story, natural gas prices are currently much lower than crude oil when the two are compared on a BTU equivalency basis. Currently, crude oil is nearly $120 a barrel compared to natural gas at about $11 per thousand cubic feet. Since natural gas is used at about one-sixth of the cost of crude oil, that's a bargain.

We need to actively develop American natural gas resources, and we can because the supply is there. We need to lift the moratorium Congress has imposed on drilling our offshore natural gas reserves and tap into this incredible resource.

These are supplies that we have right now on the lands of our own Nation. We don't have to go abroad and be held economic hostage to foreign oil cartels.

Natural gas is one piece of the puzzle. But let's be candid. We still need oil, a lot of it. And as we increase oil supply, we must also increase refining capacity to process it, yet it has been three decades since we built a new oil refinery. Lack of refinery capacity is another reason why gas prices are so high.

And we further tied our hands by shying away from clean, secure, safe nuclear energy. Since the 1970s, nuclear technology has been developed that will enable us to produce nuclear energy without the potential dangers of previous years.

In his news conference yesterday, President Bush said, Many of the same people in Congress who complain about high energy costs support legislation that would make energy even more expensive for our consumers and small businesses. He went on to say, Congress is considering bills to raise taxes on domestic energy production, impose new and costly mandates on producers and demand dramatic emission cuts that would shut down coal plants and increase reliance on expensive natural gas. That would drive up prices even further. The cost of these actions would be passed on to consumers in the form of even higher prices at the pump and even bigger electric bills.

□ 2030

Now, of course the President was referring to our friends on the other side of the aisle. And the fact that he's right does sadden me because this is not a partisan problem, it's an American problem that demands a true bipartisan solution. Yet, the Speaker's energy bill that came out at the end of last year will invest less than $300 million over 3 years in such clean energy sources as hydropower, marine and hydrokinetic energy, wind energy, solar, and clean coal technology.

In contrast, consider the cost of what the Speaker chose to invest in through her energy bill. The bill contained $375 million for a Green Jobs program for 3 years; $600 million to assist developing countries with their renewable energy development, and additional funding, as needed, to assist India and China with the same. That's right, we are sending American tax dollars overseas to the two very countries we are competing with for energy supplies. Is that the kind of real change that Americans want?

Tragically, with the policy changes wrest by this Congress, Americans across this country have only continued to see higher and higher gas prices as new record-high gas prices are reached almost daily. As President Reagan correctly reminded us, Americans are not afraid of the future, we welcome it. In facing the future, however, America needs sound energy policy that develops domestic energy sources from every source available, including crude oil, natural gas, clean coal, hydropower, and every alternative source of energy. To put it another way, we need all the energy we can get from all the sources we can possibly afford. We need a real energy policy, not a futuristic wish list. Madam Speaker, we're waiting. Please don't make us wait any longer.

With that, I yield back.

Mr. SHIMKUS. I want to thank my colleague, and I appreciate it.

A couple of things I want to highlight. When he talks about supply, we have a 250 years worth supply of coal in this country, 250 years that we can have access to. And according to the Federal Government, there is enough oil in deep waters many miles off our coast and on Federal land to power more than 60 million cars for 60 years. So your point about supply is important and a critical portion of this debate, and really what separates Republicans from the Democrats as we fight about these energy costs.

We believe that when you bring more supply to the public that's demanding it, prices will go low. Speaker PELOSI promised, on April 24, 2006, ''Democrats have a commonsense plan to help bring down the skyrocketing gas prices.'' Well, they have a plan, but the plan was just the opposite of what she envisioned. Here's a barrel of crude oil, $58.31 when she became Speaker of the House; the price today, $115.92. That, as I stated on this floor numerous times, that is bitter change, that's negative change. Change is not always good. This is bad change. This is change that was promised by the current leadership in the House.

Now, how does that translate into the fuel for the soccer moms in the country? Well, when the Democrat majority came in, the price of gasoline at the pump was $2.33. Today, it stands at, on average, $3.65, a huge increase. Again, negative change based upon what was promised by the then Democrats in the minority. What they said, what happened when they got into the majority, they promised change. This isn't the change that we bargained for.

And just because I like to bring in the aspect that energy is the item that affects every aspect of our lives, as I said last week, in the Coast Guard Authorization bill, for every dollar increase in diesel fuel, it costs our Coast Guard $24 million. For every dollar increase in a barrel of crude oil, it costs our United States Air Force $60 million. For the sake of the taxpayers we ought to be demanding more supply.

And BILL, you know the coal-to-liquid opportunities that are up in your neck of the woods, and how the Air Force is pleading with us for energy security, for the ability for them to project their cost, and really for national security. Isn't it crazy that our military is dependent upon foreign sources of energy to run our war machines? Not only is it crazy, it's scary. And I would make the argument that it's negligent on our part to keep our military financially reliant on imported energy and really militarily at risk, where we could, in essence, be blackmailed with the threat of controlling those supplies when we need to move our war machines.

Add to this, I always like to add this on this chart, $3.65 is the price. Guess what happens when we moved to climate change? Chairman DINGELL of the Commerce Committee is the only intellectually honest person who started talking about climate change, and he said, ''for us to address climate change, it will require an additional 50 cents per gallon of gas.'' So now if we've got, on average, $3.65 and we add 50 cents for climate change, that means right now, before we get to the summer driving season, people will be paying $4.15 for a gallon of gasoline. That is bitter change. That is change that the public did not agree to when Speaker PELOSI made her promise in 2006.

And this highlights what you were talking about. Here's a comic. And you know when issues start getting into the media and the folks start making fun of public policy in America that you've really got a point that's resonating. ''We demand you energy companies do something about these high prices.'' Isn't that what we're hearing our friends from the other side of the aisle? Okay, energy companies, do something. Can we drill in ANWR? Forget it. How about offshore? Are you crazy? Clean coal? Out of the question. Nuclear power? You're joking, right? Well, don't just sit there, do something.

And what do we hear from the other side of this building? What we hear is, which is laughable, let's add more taxes to the energy companies. Now, where in the history of this country, when you've added more taxes do you get lower prices? I would challenge anybody on the other side of the aisle to show me any time in history where we added more taxes and we lowered the price of a good. You know what? They can't do it. It's ludicrous.

And then they also say, I know what, we're going to force the people who are selling us the oil, we're going to force them to drill and produce more oil when we won't even do that ourselves. How crazy is that?

So as my colleague, Mr. SALI, pointed out, we have options, we have solutions. We mentioned many of them. One is, take our natural resources in coal, over 250 years of coal resources. Now, I would rather have the good midwestern Illinois coal-basing coal that you have to go underground, not stuff you can get off the surface like in some of the western States, but here is a picture of a western State. Grab that, build a refinery, refine that coal into a fuel, stick it in a pipeline, send it to our Air Force bases, or send it to our airports. How many recent budget airlines have just gone bankrupt? At my count, there's four. Think of all the job losses. Think of all the health care now that's no longer accessible to those families. Why did they go bankrupt? High jet fuel costs.

One solution would be this; and the great thing about this is, American jobs in the coal mines, American jobs to build a refinery, American jobs to operate the refinery. These are good-paying jobs with good benefits. American jobs to build a pipeline. And of course, these are American jobs to fly the airplanes and operate the airfields or protect us.

So with that, I would like to yield to my colleague from Tennessee (Mr. DAVID DAVIS).

Mr. DAVID DAVIS of Tennessee. Thank you, Mr. SHIMKUS, for your leadership tonight, and thank you for your interest in this issue.

It's interesting, looking at your charts tonight, I notice some of your charts actually have numbers that have to change. If you look at those, that's almost like I see when I go back home to east Tennessee every weekend, I see on the pumps at the gas stations, they have to change, also. And it's changing because we see the gas prices continuing day after day——

Mr. SHIMKUS. If my colleague would yield, they're not going down. Ever since I started this, the numbers are always going up.

Mr. DAVID DAVIS of Tennessee. And you're exactly right. I think when Speaker PELOSI took over, oil, I think, was $58 a barrel according to your chart. Now it's $115 a barrel. And I can bet by tomorrow if we use that same chart, that $115 will be gone and you'll have to change that chart again.

I do thank you for your leadership in this issue. You know, we've been busy in this Congress. So far in the 110th Congress we've named 78 post offices, Federal buildings or roads. We've also passed legislation honoring LSU for their NCAA Football Championship, and the Red Sox for their World Series sweep over Colorado, and even commemorated the Detroit Tigers for winning the American League pennant.

Granted, post offices need names and championship teams need to be honored, but when I go back to the First District of Tennessee, people don't ask if I'm working on these types of things. They ask, DAVID, how am I going to fill up my pick-up truck if the gas prices don't come down?

What we haven't done is pass a sensible energy policy that will break our dependence on foreign oil. And I don't know about you, and I think you will agree with me, it scares me that we're dependent on foreign nations for our energy needs, dependent on people that hate us and hate our freedoms and, quite frankly, hate our religion. It is a dangerous precedent that we set when we become more and more and more dependent every day. It's time to get our priorities straight and help the citizens, families and small businesses in each of our districts across America. There is no excuse for this when families in my district are struggling to fill up their vehicles just to go to work.

I can remember a time 10 or 12 years ago, before I came to Washington, when there was a lot of talk about one party would steal milk from babies, or have senior adults eating dog food. Well, I can tell you, this worries me when I have families in east Tennessee that are to the point that they have to decide, do they buy food that's going up, or do they buy energy to go to work? This worries me.

There is no excuse for small businesses in my district to be forced into bankruptcy because they can't operate under high energy prices that they're facing. There is no excuse when families in my district have to choose between driving to work each day or putting food on their table or sending their kids off to college. There is no excuse.

Energy is the foundation and lifeblood of the American economy, creating the conditions that help us support good-paying jobs in the United States and allowing our industrial base to compete with the rest of the world.

Gasoline prices have increased more than $1.23 per gallon since the majority party took control of this House last year, increasing from a nationwide average of $2.33 per gallon on the very first day of the 110th Congress to now $3.55 per gallon. And again, that will probably change by tomorrow, and it's changing every day.

What we need is no more excuses. We need an energy policy that allows us to use American energy. We need to drill for oil in ANWR and off the Intercontinental Shelf. We need to use our abundant coal supplies through the use of clean coal technology.

One of the first things I did when I was elected to Congress is went to the Pentagon and spoke with the Secretary of the Air Force. And one of their top priorities is to use American coal, American energy, and take that coal and turn it into a fuel that we can actually fly our jets with. That's not too much to ask. And we think, boy that sounds a little out there, a little futuristic. Well, let me tell you how futuristic it is. The Germans ran their war machines in World War II by changing lumps of coal into gas. In World War II. This is not futuristic, some pie-in-the-sky issue, this is something that was done in World War II, it can be done now.

□ 2045

And we need to create safe nuclear power plants and we need to build refineries. And we need to expand our green energy initiatives like switchgrass. The University of Tennessee has a wonderful program looking at that possibility. Wind power, solar power, hydroelectric power. I think we have to look at green energy, but I think we've got our heads in the sand if we feel like we can run the American economy off green energy.

I think we have to have an energy plan. And an energy plan, an energy policy, combines all of these things together. It's a supply-and-demand issue. It's that simple. If you have a lot of something and a few people want it, the price will come down. This is basic economics that you learn in high school. If you have a small amount of a product and a lot of people want it, the price will go up. We have a limited supply. And it's not just Americans now that want the supply. China wants the supply. India wants the supply. We live in a global marketplace.

There are people in this Congress that believe you can tax and regulate yourself into prosperity. It never has happened. It won't happen today, and it will not happen in the future. If there's anybody that serves in this House that believes that you can put a tax on a business and that tax won't be passed on to the consumer, they haven't taken economics. They will pass that cost directly on to the pump.

Now we see that gas prices have gone from $2.33 a gallon, when the majority party took over, to $3.65, according to your chart today. Can you imagine if we put more taxes on top of that, what that's going to do? That's going to put a higher burden on the American consumer, on the American family.

There are families back in East Tennessee that sit around their kitchen table trying to decide how they're going to put a budget together, and it's putting a real dampening spirit on them when they have to try to spend $50 or $60 to fill up their vehicle.

Mr. Speaker, some people here in Washington believe the best way to reduce our gasoline price is just to tax the oil companies that are providing our energy supply. You can't tax and regulate yourself out of an energy crisis. You can't tax Joe's or John's or Chris's pickup truck full of gasoline. It just doesn't make any sense.

The American middle class deserves better. They deserve an energy policy that is dependent on American energy, not foreign energy. That's why 2 weeks ago, I signed onto a piece of legislation that's carried from my good friend from Texas, MAC THORNBERRY, called the ''No More Excuses Energy Act.'' ''No More Excuses.''

We've talked about energy for years, before I ever came here. As I was running for office in the last election, I heard the majority party say if you'll just let us take power, we're going to lower your energy costs. Well, I certainly don't see it in your charts today, Mr. SHIMKUS. I can tell you we need no more excuses. We need to use American energy. It's the only way to lower the cost at the pump and to give some relief to the American taxpaying citizen.

Thank you for your leadership.

Mr. SHIMKUS. Thank you.

And I have a few comments. Immediately after you mentioned Mac Thornberry's bill, I also signed onto the No More Excuses Energy Act.

The school bus folks were in town today, and what I have really gotten an appreciation of over the past year is, as I said earlier, how energy costs affect everything.

Look at the cost to the local school district, who is paying for the school buses to pick up the kids. The prices of diesel fuel are double. It's not planned in the budget. How are they going to meet these costs? Many will have to go back to the voters of the local control school that we have, and they're going to have to raise taxes to pay for it. There's no benefit to that for the kids. I mean they're still driving the same buses. That is a lost opportunity for money to go in a different direction to help educate kids but now has to go to fund the transportation system to get kids to school.

So I appreciate those comments.

Mr. DAVID DAVIS of Tennessee. Just to follow that same logic, think of the local volunteer fire department or the local ambulance service taking money from health care or the local police department taking money from corrections. You can see this through all branches of the economy. It really is affecting people in a very negative way.

Mr. SHIMKUS. And it's silly that we're not going after our own resources and our own supply when Russia is attempting to grab vast chunks of the Arctic to claim its vast potential of oil and gas and mineral wealth to fuel their country's economy. And actually, as we know, and I've got a friend from Michigan who knows this, they use energy to extort and impose their will on the free governments of the former captive nations, and they use it as an extortion tool. And they're going after resources and we don't. It's crazy.

Russia and China have overtaken the United States in dominating the global energy industry. China's building 40 nuclear plants. China opened a new domestic energy reserve in 2004. China is increasing offshore energy production. In fact, China is in league with Cuba to go after Outer Continental Shelf oil 50 miles off Miami, 50 miles. We can't go there, but we're allowing the Communist Chinese access to the gas and oil reserves on the Outer Continental Shelf. And there's much, much more.

It is ludicrous that we are the only industrialized nation in the world that does not go after and use our own resources. How crazy is that? It's time we stopped. And I hope the public is getting significantly angry enough that they are going to demand that this House does something to open up reserves.

Now I'm joined by my good friend and colleague KEVIN BRADY from Texas.

Welcome.

Mr. BRADY of Texas. Thank you for your leadership on this issue. You come from a State, Illinois, that has a diverse blend of energy sources, and you've got a leadership role on the Energy and Commerce Committee. You know this issue. And you're right, ''no'' is not an energy policy.

I think this new Democrat Congress is completely disconnected from the real world. I say that because recently I held some roundtables at Mama Jack's Restaurant in Kountze, Texas, which, by the way, has great food and a great small business owner who's living the American Dream. And then I went to a new Chevron station earlier this week in Shenandoah, Texas, across from the Woodlands, where our family lives, and just talked to motorists about this issue.

What I found at Mama Jack's Restaurant were two small business people who basically say they work for free now. One was a florist. Another one, I forget what small business he was in. They basically said the price of fuel has eaten up all their profits for the week.

I talked to the sheriff of Hardin County, who said, basically, they run through their annual budget in law enforcement about halfway through the year. Now their officers aren't able to make some of the discretionary, positive, proactive calls they'd like to make. They don't have the money to do it.

At the gas station, I talked to a painter who lives in Montgomery County, works all throughout the Houston area, who said, basically, that he used to make $500 a week, what his net was. Now his fuel eats up $250 of that.

I ran into a teacher, a guitar teacher, a young man who had a very fuel-efficient car. He actually sold his land in Willis and moved closer to where he works just because, as he said, ''We just can't take these fuel prices.''

Yet look at Congress. Look at this new Democrat Congress. Since they've been in office, not only has the price of energy just skyrocketed, but look at

what it's done. The first thing it did to address energy prices, it passed a bill through the House to allow individuals to sue OPEC. To sue OPEC. What is that going to accomplish?

Then the second thing is this Congress began promoting longer-lasting light bulbs. Those are fine, but I don't think it's going to help lower the price at the pump anywhere.

Then they decided, no, here's the problem: We're apparently producing too much energy here in America. So they went after the U.S. energy companies. And what happened was 3 years ago, a Republican Congress, concerned about the loss of jobs overseas, changed the Tax Code. We basically said, look, if you produce and invest in America, create jobs in America, manufacture in America, you will have a lower tax rate than if you do that overseas. It makes great sense. Well, this new Democrat Congress said, no, there's one industry that we won't stand for. So they singled out the U.S. energy industry and said, no, we're going to tax you like you're producing, investing, and creating jobs in foreign countries; so we're going to treat you and your workers like you're a foreign investor. So at a time when we need more U.S. energy, we basically told our American energy companies, we're going to punish you for exploring here and producing and manufacturing in America, and, by the way, we're going to outsource good American energy jobs to other countries. We'll just make it more attractive for them.

And then this Congress apparently squeezed in between hearings on steroids in baseball and appearances by Julia Roberts, and we managed somehow to pass a measure to insist on more fuel-efficient cars. That's good. That actually is a good thing. But then this Congress went right back to punishing U.S. energy producers. The latest scheme out there is that we won't sell any military planes made in America, by the way, by American workers unless OPEC agrees to sell us more oil. So, in other words, our message to OPEC was: We want to do less, but we insist that you do more. It makes no sense at all.

I agree with you, Mr. SHIMKUS. We need a balanced approach to our energy. We need to take more responsibility as America for our own energy needs. We need to conserve more. Every one of us can do more to stretch our energy. We do need new technology because everything we touch can be made more energy efficient. And, yes, renewables are important. In fact, the Republican Congress is the one who put in place many incentives on wind and solar and biomass and biofuels types of issues.

But what your point is that I agree with, and, I think, the American public agrees with, is we do have to increase supply. We are, I think, a country of Americans that want more American energy. And the way we do that is to unlock our resources.

I'm from Texas. I have watched this Government push our energy companies deeper and deeper into the gulf coast, into riskier and more expensive waters, and then we wonder why the price of oil is higher. We've locked off most of our reserves along the gulf coast. We've locked off our Arctic energy, which is a tremendous, vast resource. We refuse to help work on the U.S. Naval Shale Reserve, which is another resource. Mr. SHIMKUS, for many years I have heard you talk about the need to take coal and turn it into super clean liquid fuels that can help again fuel our country as we go forward.

The good news is America has remarkable resources if we will just take more responsibility for what we need because our economy is like a growing young boy. We continue to grow. But other countries do as well.

I will finish with this: I've watched Congress blame everyone in the world for high oil prices except themselves. I think Congress ought to look in the mirror when it comes to high energy prices at the pump, and here is why: The high world oil prices reflect the new reality of this Democrat Congress. And what we have said is stable governments like America are no longer going to take responsibility for energy; so we are actually pushing more of the world's reserves into unstable countries, just as you said: Russia, Venezuela, Iran, Nigeria, and others. As a result, we pay a premium price because the rest of the world now knows that America, a stable government, has said no, we are not going to be part of the solution, we want other countries to. And, unfortunately, our motorists, our small businesses, our law enforcement are paying the price. America needs to take more responsibility for our energy.

Mr. SHIMKUS. I thank my colleague.

There is something about the American character. We believe that America is strong because we have this value of rugged individualism, that we believe in self-reliance. And what galls Americans in this debate is that the Democrats are demanding increased oil production everywhere but in America. I mean the Democrats demand increased oil production everywhere around the world but America. And when they do that, they are creating jobs everywhere in the world except in America.

Here's the result of their ''no'' policy: When they came in, $2.33 per gallon of gas. On average today, $3.65. You add to that a 50 cent global warming tax, and we would be paying at the pump today $4.15. The barrel of crude oil, the feedstock, when this Democrat majority came in, $58.31. What is it today? It's $115.92.

There's a 250-year supply. And by far the least expensive fuel we have in coal reserves across this country, the largest coal reserves of any country in the world, is right here in the United States. And according to the Federal Government, there's enough oil in deep waters many miles off our coast, and on Federal land—that's not on the coast, that's just on Federal land—to power more than 60 million cars for 60 years.

□ 2100

Mr. SHIMKUS. Again, the Democrats have decided to demand other countries explore, develop, create jobs in energy, and continue to keep our reserves locked up, never to be used.

I am happy to welcome my colleague and friend from Michigan, Congressman MCCOTTER.

Mr. MCCOTTER. I thank the gentleman for his leadership on this issue and for yielding me some time.

We have heard a lot throughout the past years about making America more energy independent. Myself, being a natural contrarian, have heard recently members of my own party saying that the Speaker has yet to unveil her plan to lower gas prices. I think this is an error. I think the more disturbing news is we have seen the Democratic party's plan to lower gas prices, and it has failed miserably.

If we remember last year, we were told we were taking the steps toward American energy independence. We passed a ''Lethargy Bill,'' as I referred to it, that was going to solve all our problems. We were going to innovate our way out of this, we were going to conserve our way out of this. We were going to throw American taxpayers' money to India and Communist China and around the world to make the red bureaucrats green.

When the Speaker was recently on Larry King's show last week, apparently she was under the impression that their plan had worked. When asked what the price of gas was, she replied, $2.56. She was off by $1. Evidently the pattern of wishful thinking had already set in; that their wonderfully detailed plan that they had waited to unveil had already been hoisted upon an unsuspecting American electorate. And these are the results.

Now we hear the ''blame game'' beginning. Because having had their energy plan fail, they are now looking for scapegoats. When politicians come looking for scapegoats to explain their failure, I assure you of one thing, it's going to cost taxpayers money. It may cost you directly, it may cost you indirectly, but this will cost you money.

I will say why. First, their policy having failed for a fundamental reason, they can come up with no better thing to do than to try to affix blame. Their policy has failed because it's built on a 21st century energy fallacy. The fallacy is that environmental conservation and energy production are irreconcilable. The Republican party takes the opposite view. We believe that a plan of conservation and innovation and responsible production through the use of green technologies and others is entirely possible for our free people, and it can help increase the supply of domestic energy and help to alleviate the

cost of gas at the pump and the cost of energy throughout our economy, which is eating into family budgets even as we speak and do nothing in this 110th Congress.

Now what are they going to do instead? They are going to put taxes on energy companies. Windfall profits tax. I remember something Ronald Reagan said a long time ago. Corporations are not taxpayers, corporations are tax collectors.

So here's how this works. This is the new energy plan. The new energy plan is to divert attention from the fact this Congress has done nothing to increase the supply of oil or domestic energy to help Americans. They will then try to tax the energy companies. The energy companies will turn right around and put that cost into your pump. It will be passed right on. This is not my speculation, this is what economists tell you almost universally.

Then the politician comes to you, after Government has more of your money, and says, Thank me. I punished those bad people. And you say to them, Well, that is great, but what about me? Is there any more energy being produced? You have taxed it, there is less of it, the price continues to go up. You walk out of here with more of my money. I don't think the American people are going to be grateful for that.

Another short term gimmick that we are hearing is we must demand that OPEC produce more oil. This is sheer genius. Sheer genius. We are now hearing calls from the Democratic party to make America more energy dependent on foreign sources. They pump more, we buy more, they keep the money. There is no energy independence in this shortsighted call, there is just another attempt to deflect blame and responsibility away from this Chamber, where it belongs, the Chamber across the hall, where it belongs, and from a total failure of a 21st century fallacy to fix energy needs in America and make us more energy independent.

Now, as we know, these costs go throughout the economy. They are inflating the cost of living for all Americans. And yet there's talk, talk, talk, talk. But there are people who are not talking about energy. We are engaged in a fight for the global access to oil with the Communist Chinese as we speak. They are in every continent of our world and they are trying as hard as they can to gain direct access to these foreign sources.

At the very time the United States of America, as the distinguished gentleman from Texas points out, is trying to deter American companies from finding new sources of oil, at the very time we are told by some voices that we demand energy production everywhere but America, it is easy in our day and age to say to ourselves that there is no real direct cost to Government. We live in a credit card age. We don't live in the age my parents grew up in, my grandparents, and I was raised to respect you save your money, you plan your budget, you work responsibly, and hopefully the good Lord takes care of you. No.

But when you think that votes on an energy bill or votes on a regulation that is imposed or votes on litigation that is imposed or votes on taxation that seem indirectly removed from you, there's a cost to all this. When we talk about the cost of taxation, litigation, regulation and an aversion to production of American energy, you need not go to the CBO to have this scored.

Look at the gentleman from Illinois's chart. That is the cost of a government that is unaware of what is happening in America, what our future energy needs are, and who do not understand that the American people, when challenged, will meet that challenge, we will provide for environmental conservation, free market innovation, and the domestic production of energy to take America where it needs to be, which is energy independent. But then, again, we have always viewed America as the solution, and we always will.

I thank the gentleman for all the work that he has done on this, and I look forward to continuing this discussion with him in similar forums, for it is important that the American people understand something. According to the chart in front of us today, it is clear that in the 110th Congress Democrats don't care what they cost you.

I yield back.

Mr. SHIMKUS. I thank my colleague.

There's a great op ed today in the Washington Post by Robert Samuelson. I want to read the first paragraph: ''What to do about oil? First it went from $60 to $80 a barrel, then from $80 to $100 and now to $120. Perhaps we can persuade OPEC to raise production, as some Senators suggest; but this seems unlikely. The truth is that we are almost powerless to influence today's prices. We are because we didn't take sensible actions 10 or 20 years ago. If we persist, we will be even worse off in a decade or two. The first thing to do is start drilling.''

Now I am joined by my colleague from Georgia, Mr. WESTMORELAND. Welcome.

Mr. WESTMORELAND. Thank you, Mr. SHIMKUS, and thank you for doing this. I am glad to hear all of the discussion today. As Mr. MCCOTTER was just talking about, the Democratic plan, I guess, or their policy, was H.R. 6, which was part of their monument pieces of legislation this was going to change the direction of this country. As we see by your chart, they definitely have changed the direction of gas prices in that they are skyrocketing up. We heard so much before they got in charge about the commonsense plan that they had. So H.R. 6 was their energy bill.

If you look at H.R. 6, and, Mr. SHIMKUS, I did a little word search and found that crude oil was mentioned five times in that bill, which was well over 300 pages. Gasoline was mentioned about 12 times. Domestic drilling was not mentioned. Drilling on the Outer Continental Shelf was not mentioned. But what was curious was that swimming pool was mentioned 47 times because there was a piece of swimming pool legislation that was added to the bill. So swimming pool was mentioned about seven times more or eight times more than gasoline. Then the other interesting thing is 350 times in that bill was lamp or light bulbs.

So I have a hard time explaining. I just spoke to a group of farmers Saturday morning at a breakfast and they were asking me about fuel prices. As you know, the price of diesel is up well over $4 a gallon. When I tried to explain to them the Democratic solution to our energy problems and our dependency on foreign oil, I don't think that they believed me. I read them the bill, I read them the things that were in the bill, and I am having a hard time convincing them that I am telling the truth.

So I am proud that you're here and that these other members are here so I can have somebody to go back and say, Look, I told you I am telling you the truth. This is their policy. It is a nonpolicy. Their commonsense plan that they had to reduce our dependency on foreign oil and to bring down the rising gas prices has done nothing but cause them to go up almost 50 percent.

So I thank you for doing this, and I hope that by me sitting here listening to some of my other colleagues, I can get some ideas about what to go home and tell the people of the Third Congressional District of Georgia.

What really is their plan? Did they really have one? As it turns, it seems if they had one, it has certainly backfired on them and, shamefully, the American people.

Thank you.

Mr. SHIMKUS. I thank my colleague for coming. In reality, and I taught high school for a couple of years, and when you don't make a decision, you have made a decision. Even though you don't have a policy, you in fact have a policy.

Our debate is that when the Democrats promised us, when Speaker PELOSI promised us, and I quote, ''Democrats have a commonsense plan to help bring down skyrocketing gas prices''; and when Majority Leader STENY HOYER promised, ''Democrats believe that we can do more for the American people who are struggling to deal with his gas prices,'' well, they sure did more. They just burdened struggling citizens with higher gas prices. Democrat Whip JIM CLYBURN said, ''House Democrats will have a plan to help curb rising gas prices.''

When you don't have a plan, the plan that you have is a plan for failure. This is a planned failure, $58 to $115. Facts are hard things to dispute. Gasoline prices, $2.33, $3.65. That is Speaker PELOSI's plan to bring down skyrocketing gas prices. They are skyrocketing gas prices but they are not being brought down. They are continuing to go up.

So Monday we had truckers driving around Washington, D.C. protesting the high cost of diesel fuel. I have got independent truckers going bankrupt. In fact, I brought to the floor in the last couple of weeks a picture of a local strike of independent strikers protesting the high cost of diesel.

My friend, Congressman BRADY, highlights the fact that many small town, independent, self-employed people are not making any profit this year because the profit they had planned, it's all going into pay the high cost of gasoline. This is failure.

We would hope our colleagues on the other side would recognize this failure and come to the floor and help us fix this. But their solution is demanding on other countries more drilling when they won't demand drilling in our own country. And then they have this convoluted idea that if you tax people, that is going to lower prices. I challenge them anywhere historically to show me a time when you have raised taxes and prices have come down.

In fact, I have got the perfect colleague to come up here and talk, a CPA and accountant. He has probably seen a lot of small businesses, probably seen a lot of tax burden come onto businesses. I am not sure those tax burdens have ever lowered the cost of that company doing business. But I would like to welcome Congressman CONAWAY from Texas.

Mr. CONAWAY. I thank my colleague for hosting the hour tonight and for his work on the issue of trying to educate the American people as to what we are doing here.

□ 2115

I would say as kind of a spin-off of your comment earlier, I think our colleagues on the other side do have a plan, but they are not explaining the plan fully to the American public. Their plan is to promote anything but oil and gas and fossil fuels. And that is fine. We can have a legitimate philosophical debate and argument and disagreement as to whether or not we should continue to explore for and exploit fossil fuels. But in that conversation ought to be the cost of changing to a non-fossil fuel environment.

So I would argue that the policies that have been put in place over the last 15 months have been specifically garnered to reduce America's production of fossil fuels. They have been specifically put in place to raise those costs and make other alternatives more competitive in the market. But what they have not done a particularly good job of is explaining to the American public that these alternative sources have a cost.

If it were already cheaper to produce electricity any other way than the way we are currently doing it, we would be doing it that way. That is the American model. If it were already cheaper to power our automobiles and trucks and planes any other way, we would be doing that.

So as we look at these policies that are being put in place by our colleagues on the other side, they are specifically intended to raise costs on our businesses, raise costs on American businesses, raise costs to consumers. When you raise costs to businesses, those businesses compete in a global environment. They compete with companies around the world who may have a different cost structure than they do. And to the extent that our costs here are higher than other places in the world, particularly as it relates to energy, then our companies would be less competitive, and the less competitive our companies become, the fewer jobs available for Americans to take. So you can kind of get a sense of this death spiral that we put ourselves in by making ourselves less competitive.

The cold, hard facts are that energy costs over my lifetime and your lifetime will continue to increase. There is just no other way to get around it. That is going to happen. But those increases should not be as dramatic as the increases that my colleague has shown on the floor. We can manage and work towards slowing those increases down, making those increases much more manageable and easier to deal with if we had a rational, pro-production, pro-supply policy that we put in place.

If we make a decision that we want to go totally green, we want to go to a zero carbon footprint, that has immense costs that we have to agree on. If we collectively agree those are costs we want to bear, then let's go do that. But at this point, at this juncture in time, no one is talking about the costs of moving to the style of energy production that my colleagues on the other side want to do.

As an example, section 526 of the energy bill that was passed in December prevents any Federal agency from contracting for sources of energy if they can't prove that the lifecycle greenhouse gases are less than they otherwise would have been. Well, that has a cost to it, because that means our Federal agencies, including the Department of Defense, can't buy energy from Canada.

Now do you want to buy energy from Canada? We share a long border with those guys, it is a democracy and we go to war together. We don't go to war with each other. Or do you want to buy crude oil from countries who hate our guts, from regimes that would just as soon America would go away as look at us?

What section 526 does, well-intentioned but misguided in its impact, is it says you can't buy things, you can't buy unconventional sources of energy like gas-to-liquids, like oil shale, like tar sands, unless you can prove, quote-unquote, that the greenhouse gas cycle is less.

These are policies that our colleagues on the other side are putting on. They are policies intended to increase costs to the American consumer. They simply won't say that. But if you look at the impact those policies have, they are specifically set to reduce America's supply of energy. If you reduce our supply of energy in a growing demand circumstance, straight economics tells you that your costs are going to be higher.

So as we move toward what we would all agree is a laudable goal, and that is making America dependent on energy sources that are within American control, that are environmentally responsible, let's look at the cost of how we make those moves. If we want to make them dramatically and unprepared, then, fine, those are dramatically higher costs than would otherwise have needed to be the deal.

So the basic points are costs will go up over the rest of our lifetime. We ought to do to what we can to manage those costs, prevent the spikes we see and the dramatic impact there, because businesses and consumers have a difficult time dealing with spikes. They can deal with a gradual increase over time, because that is just the way normal things work, but spikes hurt us in trying to plan for and be competitive in the world markets.

Let's come clean as to what all of these costs are for carbon tax or global warming or climate change, whatever it is. Our colleague from Michigan has said it ought to be 50 cents a gallon for gasoline. I don't know if that is the right number, but at least he put a dollar value on the ideas of how we move toward less dependence on sources of oil, in this instance fossil fuels.

But the phrase ''energy independence'' is a misnomer. We will never have a world where we aren't dependent on energy. We have to have energy to turn the lights on in this building. What the phrase should be is that we are not dependent on energy from sources that we don't control, from sources in countries who hate our guts, from sources that when we give them money, they turn around and take that money and do bad things to American citizens. So we can have an energy policy that makes sense, is responsible to the environment, but doesn't raise costs dramatically and arbitrarily on the American consumer.

I appreciate my colleague giving me a chance to rant a bit tonight and participate in our conversation.

Mr. SHIMKUS. I thank my colleague.

Pro-production, pro-supply, and conservation I think are key items.

Mr. CONAWAY. Let me add one other thing that I left out. I had a conversation today with some folks from an energy electric company. We talk about energy, we ought to bifurcate the discussion. One is the electricity production, which is the bulk of the energy we use in this country, versus fuels that power cars and airplanes and trucks. They are looking at the impact that some of the proposals out there are with respect to increased costs in order to lower their CO_2 emissions.

They currently produce energy at almost 4 cents a kilowatt hour. Under

the proposals that they are examining, which are led by the Democrats, they believe their costs will go to 11.8 cents a kilowatt hour. That doesn't mean just in the vacuum. But take your electric bill that you pay this month, or the one you pay in July when it is really high because of air conditioning, and multiply it by 2½. That will be kind of a rule of thumb as to what some of the proposals out there are doing for energy costs.

Mr. SHIMKUS. I appreciate that. And I have tried to segue a little bit of the climate change debate. We mentioned it here with Chairman DINGELL. To be intellectually honest, a carbon tax would be a way to go. He says 50 cents a gallon. So if the average price today is $3.65, you add 50 cents a gallon, Americans will be paying $4.15 a gallon. Now, even in the cap and trade program, really cap and trade equates to 50 cents a gallon. And we just want folks to be intellectually honest and be clear, so the public has to understand.

An issue out today, politicians beware, the issue tied for last, climate change tied for last on a list of domestic priorities for President Bush and Congress in a 2008 survey from the Pew Research Center for the people in the press, lagging behind influence of lobbyists, moral breakdown, et cetera. Last. But California just passed a 20 to 30 percent increase on the electricity bills to deal with climate change. So if we want lower energy prices, we need more supply.

Thank you, Mr. Speaker.

EFFECTS OF TROOP DEPLOYMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the majority leader.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Speaker.

Mr. Speaker, before I begin, I would like to ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material.

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

There was no objection.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, we appreciate the opportunity tonight in the 30-Something Working Group to talk about an item that is extremely important to America and particularly important to America's military families, and that is the effects of troop deployment on the children, families and communities of military personnel.

Speaker PELOSI has been so supportive of the notion that we need to make sure that we shape our policy, particularly around our Nation's veterans, in support of our military families. The extended troop deployments, the tour after tour of duty, I know that so many of us as Members have met with soldiers' families and met with individual troops who have said they are on their third and fourth tour of duty, that they are having extended deployments, that they are having a much shorter than they are supposed to time between deployments. Normally they are supposed to go through about 365 days between deployments. Those times have not been respected and they have been sent back much sooner.

Since October 2001, approximately 1.6 million U.S. troops have been deployed to Iraq and Afghanistan. Deployed family members are leaving behind parents, children and spouses to provide a selfless patriotic service to our country. However, families are also asked to make great sacrifices when dealing with the stress and anxiety of multiple deployments, limited and infrequent communications, and the separation of a family member.

In this Month of the Military Child, we thought it was only appropriate that we show our support for those that themselves provide so much support to our soldiers and discuss the consequences of these prolonged separations.

I would like to begin, Mr. Speaker, with a story of the Lopez family. The Lopez family is right here. They were profiled in the Sesame Workshop Talk, Listen, Connect Series. Ten-year-old Ernesto, who is the little boy right here, and 6-year-old Jennifer, live with their mother and baby brother on Fort Bragg in North Carolina, which is home of the Airborne and Special Operations Forces and one of the largest military bases in the world. Their dad, Staff Sergeant Ernesto Lopez, is in Iraq on his third tour of duty.

Look how little these children are. The daughter is 6 years old. If he is on his third tour of duty, and most of these tours of duty, Mr. Speaker, are, as you know, about a year each, that means that he has missed half of Jennifer's life already. Half. It is just unbelievable.

Jennifer keeps a special calendar in her room to mark the days until her dad comes home. Ernesto sleeps with a duplicate of the small ball that his father carries, a soft army ball with a molded helmet and a soldier's face, onto which Ernesto drew a heart that means ''we love each other,'' in his words. Even baby Elan, who was born 2 days before his father was deployed, has a soft-sided photo album filled with pictures of his dad that his mother hopes will ease his recognition when he returns.

Imagine. It is going to be incredibly difficult for this family to go through the restoration of bonding that military families inevitably go through. I can't imagine having just given birth and having to leave to go across the world and not know whether or if I would see my family again. That is what our men and women that are fighting for us in Iraq are going through every single day. And as Ernesto, Jennifer, Elan and Mrs. Lopez know so well, when a parent is deployed, the entire family is deployed.

The Lopez children are an example of the 1.2 million children under the age of 10 who have a parent or parents on active military duty or in the Reserves, which is more than at any other time since World War II.

Tonight, Mr. Speaker, we are going to be discussing the burdens of deployment on the children, families and communities of the brave men and women that serve us in uniform. Families and communities of military personnel are making huge sacrifices every day for the protection of this country, and we must be prepared as a Nation to ensure the well-being of military families, welcome home our brave soldiers at the end of their tours, and provide for their safe reintegration into their communities.

At this time, I would like to recognize the gentleman who suggested that the 30-Something Working Group take up this subject during our weekly hour. He is a tremendous leader when it comes to the issues important to veterans and military families, Chairman BOB FILNER, the gentleman from California.

Mr. FILNER. I thank the gentlewoman for her leadership on many issues, especially in these special orders, and tonight a very important one, the effect of deployment on our families, our military families.

You know, this is a war that has gone on the second longest in our history. There are over 4,000 young men and women who have been killed. There have been at least 30,000 casualties that we account for of Americans, hundreds of thousands of Iraqis. That 30,000 official figure, by the way, compare that with the following statistic: Over 800,000 veterans have already returned from this war in Iraq.

□ 2130

Over 300,000 of them have filed claims for injuries, whether physical or psychological, while in battle, 300,000. Compare that with the official figure of 30,000. It is a factor of ten. Something is not being told to the American people here.

But then, think of all the families involved of those who have been killed, the best and brightest of our young men and women, the casualties that we admit, the hundreds of thousands of casualties when they come home. Not only do they have to deal with fatality or grave injury, they have to deal with income problems. A spouse may have to take care of her husband and lose two incomes.

What about the children? Over 1 million children of those deployed or were deployed or will be deployed, how do they take daddy coming home, or not coming home, dealing with violence that is a symptom of PTSD, posttraumatic stress disorder, dealing with an amputated father or mother, dealing with brain injuries?

This is something that we as a society have got to deal with. It is part of the cost of war, and the cost of war that we have been asked to take on doesn't cover this. We have to fight for every penny for veterans and their families.

The President says support our troops, support our troops, support our troops. But when they come home, who supports the troops, and who is looking after the families? And that is what we are dealing with tonight.

Ms. WASSERMAN SCHULTZ. Mr. FILNER, your leadership on the Veterans' Affairs Committee has just been second to none. Your commitment to our military families has been so incredibly important in trying to make sure that we can highlight their needs and the struggles and difficulties that they go through; and the policy that you are shaping in your committee to make sure that we can improve their lives.

Look at the statistics there. The statistics there show just exactly what the impact is on our military families. The dark green shows 2003 to 2005 what you had in infidelity, it was about 4 percent. Fast forward to 2007, and we are at 15 percent. You go to divorce. We are at 11 percent 2003 to 2005, and you are up to 20 percent in 2007. And then look at any other problem. And of course the military families have problems just like anybody else, but look at the explosion of problems that military families have had in terms of their marital problems. In 2003 to 2005, it was 12 percent and they are at 27 percent now. Granted, war is a stressful situation, Mr. Chairman. But, my gosh, we need to do more. And I know that your committee is committed to doing that.

Mr. FILNER. Let me focus, if I may, Ms. WASSERMAN SCHULTZ, on the children. And children have to deal again with dad or mom away for extended periods. You mentioned the Lopez family. Or the problems may really begin when dad or mom come comes back, amputated legs, spinal cord injuries, posttraumatic stress disorder.

Now, this is something that our VA or DOD or administration ought to be worried about, and yet it was left to the private sector to figure out, what do we tell our children? How do we answer something at an age-appropriate level?

And I want to thank the Sesame Street Workshop who produces Sesame Street, the nonprofit educational organization, for its leadership. As you mentioned, there are hundreds and thousands of children of military families who are impacted every day by the deployment of one or both of their parents. They responded to this 2 years ago by making an outreach tool to help families and their young children cope with the challenges of deployment: A DVD featuring Elmo who struggles with military deployment of his father, and urges his viewers to share their emotions and fears directly with their parents. After watching this video together, families have found a new opportunity to talk with their children and communicate together as a family.

Here is the first DVD that Sesame Street did under a Talk, Listen, and Connect series, Helping Families During Military Deployment; and also in Spanish, Partides Militares Bienvenidos Cambios. And that was distributed with the help of the military and the help of the VA to hundreds of thousands of young people.

Just yesterday, Sesame Street launched a new DVD, a new series called Deployments, Homecoming, and Changes. And that addresses the level of anxiety children may experience after multiple deployments, as well as to help young children gain an age-appropriate understanding of a parent's combat-related health condition so the family can heal together. The DVD features again Elmo and Rosita, and intersperses the Muppets with real families like the Lopez family that you showed us earlier. They are meant for children, but spouses and friends and relatives facing a complicated transition of multiple deployments or the physical and psychological wounds.

I invite, by the way, all Members of the House of Representatives to meet Elmo and the Cookie Monster next Wednesday on May 7, at 4:00, at HC–5. Sesame Street will bring Elmo and the Cookie Monster. You can take pictures with him or her, I am not sure, and pick up a copy of this DVD. It will be distributed free to military families all over the Nation.

I hope every one of our colleagues picks up a copy, watches it, and helps distribute it in their own districts. This is an important tool that was produced for us by people who care about what is going on.

And I will tell you, we are now in the Month of the Military Child. We want to honor the children of military families. But we have now a tool to reach children. This is aimed at very young children below the age of five. And if they watch what is going on, again, I have seen some of the previews. One of the children of a parent with a prosthetic leg was shown bringing the leg to dad to try to make that situation sort of natural and a part of life and not something to be ashamed of or to fear. And so Sesame Street uses the power of video to connect with soldiers and their families and of course the children.

You can watch the video yourself. Go to sesameworkshop.org/tlc for Talk, Listen, and Connect; Hablen, Escuchen, Conecten, at sesameworkshop.org/tlc, and you can see that and watch it for yourself.

I would just like to say to my colleague from San Antonio, who is a psychologist and has dealt with children in his professional life and is a great aid on our veterans committee for issues of mental health and the issues we are talking about today, we thank you for your leadership, Mr. RODRIGUEZ.

Mr. Speaker, let me also thank Ms. WASSERMAN SCHULTZ for her steadfast support of America's children and her interest in the needs of veterans' families.

Every day the men and women of our armed forces sacrifice to protect and preserve our way of life, whether by putting themselves in harm's way, or by enduring time away from their loved ones at home.

I would like to recognize Sesame Workshop, the nonprofit educational organization behind Sesame Street, for its leadership in serving the most vulnerable population of the Armed Services—the thousands of young children in military families who are impacted every day by issues related to deployment.

Sesame Workshop has responded to the needs of the 700,000 children under the age of 5 who have a parent in the military. In August 2006, Sesame Workshop launched a critically needed outreach tool to help families and their young children cope with the challenges of deployment.

In this video, Elmo struggles with the military deployment of his father and urges his viewers to share their emotions and fears directly with their parents.

After watching this video together, families have found a new opportunity to talk with their children and communicate together as a family.

Just yesterday, Sesame Workshop launched its second phase of its Talk, Listen, Connect series of videos for military children.

This newest resource kit is titled, ''Deployments, Homecomings, Changes'' and it addresses the level of anxiety children may experience after multiple deployments as well as help young children gain an age-appropriate understanding of a parent's combat-related health condition so the family can heal together.

These new outreach materials are meant for spouses, friends, and relatives of military parents and children who are facing the complicated transitions of multiple deployments or who have returned home with combat-related health injuries, both physical and psychological.

Elmo is again filling an unmet need for developmentally appropriate resources for young children.

This project has garnered overwhelming support from the military community, with nearly 400,000 of the original kits requested from active duty, National Guard, and reserve families to help build a sense of stability and resiliency during times of separation and change.

April is the ''Month of the Military Child.'' Today, we are taking the time to honor the children in military families and acknowledging the personal sacrifices they make and the challenges they overcome.

I applaud the critical work of organizations like Sesame Workshop whose project, Talk, Listen, Connect, has the sole purpose of helping make the lives of these children and their families a little easier during some of the most difficult of times.

I commend Sesame Workshop for its work to help empower children and adults alike, as well as help families overcome adversity together in order to bring hope for the future.

Sesame Workshop uses the power of video to connect with soldiers and their families during these difficult times. The video honestly addresses the sadness, confusion and anxiety

with sensitivity and clarity for the 700,000 preschool kids in this country whose parents serve lengthy and frequent deployments.

This video is available to watch on the internet. Just search for Sesame Workshop and TLC.

You can also order a kit on the web site—for your neighbor, your co-worker, or even your own child—that might be struggling with the extended deployment of a parent, or adapting to a parent that has returned home but is suffering from visible or invisible wounds.

As a Nation, we must do more than simply say we support our service members and their families. We must follow through with true deeds and bold action that will ultimately assist our military families as they make the transition into civilian life.

I urge you to learn more about Sesame Workshop and share these extraordinary resources with military families you know.

This video will begin to build a dialogue between children and parents, as well as this country and our Nation's military families. America cares for our military families and this Sesame Workshop film shares this message of support.

We need to make sure the fabric of our society is strong enough to ensure the well-being of the military family and I want to thank Sesame Workshop and the many organizations that contributed to this project.

Again, my thanks to Congresswoman WASSERMAN SCHULTZ for your leadership on this issue.

Mr. RODRIGUEZ. And I want to personally take this opportunity to thank you for your leadership as chairman of the VA Committee. And I can honestly tell you that I spent 8 years on the committee prior to leaving for 2 years and then coming back, and it has been day and night with your leadership there. And I want to personally thank you.

Nothing was more frustrating than to serve on the VA Committee for 8 long years and not be able to make things happen. And, in fact, during that period of time is when we were charging our veterans even co-payments and fees and those kind of things. But in the last 1 year and 4 months we have been able, not only with the 2007 budget, the 2008 budget, and the supplemental, we have been able to put $13 billion to our veterans. And so I want to personally thank you for your leadership on the part of the legislation that we have passed.

Just today in your committee, Mr. Chairman—and Chairwoman, thank you for this opportunity—we are able to pass a series of bills, one of them that seemed to simple, but picks up the COLA that addresses the needs of the survivor spouse as well as children, survivors of veterans, as well as disability compensation. So I want to thank you for that.

Let me just give you a couple of statistics. More than 700,000 children have had parents deployed at some point during the conflict, 700,000 children; 19,000 children have had their parents wounded in action; some 2,220 children have lost their parents both in Afghanistan and Iraq. Not to mention the fact that we have lost more soldiers, some 6,000 per year, to suicides, which is uncalled for. And I am really glad that we have started to move on working on posttraumatic stress with our soldiers and adding some resources, and including legislation that allows an opportunity for the first time to reach out and work with the families of those individuals that suffer from posttraumatic stress disorders.

I know personally, just like those families know, that when somebody suffers from posttraumatic stress, just like when somebody suffers from alcoholism, the whole family gets impacted, the children, the spouses.

I just got a call a couple of weeks ago from a soldier that is getting deployed for the fourth time. And he was basically telling me, ''Mr. RODRIGUEZ, I have already lost my wife, we have gotten a divorce, and they are now taking away the opportunity for me to visit the children.''

Ms. WASSERMAN SCHULTZ. Can I ask you a question on that? Given your expertise and your professional background in psychology; obviously posttraumatic stress disorder is incredibly stressful on families, and I just want to bring up some statistics and maybe have you comment on them.

We have documentation that servicemembers who are given a diagnosis of PTSD were significantly more likely to perpetrate violence toward their partners, with more than 80 percent committing at least one act of violence in the previous year, and almost half at least one severe act. And that source, the third-party validator we have on that is the Journal of Marital and Family Therapy, and that was back in 2003 that they cited that.

The stress on families, beyond the deployment, which is obviously incredibly stressful. When they come back and they are suffering from PTSD, that has to have an incredibly horrific impact.

Mr. RODRIGUEZ. It really does. And one of the things that we are now looking back, and we should even go back to the Vietnam era, a large number of those veterans that are homeless out there are suffering from posttraumatic stress from the Vietnam veteran era. So we cannot allow that to occur to this generation of soldiers coming in from Iraq and Afghanistan. So I am real pleased with the resources that we have come forward. Now, we have got to make sure that we have those programs and treatment that reach out not only to that veteran but to the entire family and community as a whole. We allowed for legislation because we don't have the sufficient workers out there to provide that treatment, to contract out with the community health centers, mental health centers, to reach out as quickly as possible to those specific soldiers.

We are anticipating, and we are trying to make it more flexible so that soldiers can go through that treatment, because we also know that part of that is we don't want them to go through the stigma, but it almost has to be required that every soldier in those kind of settings go through some degree of treatment to assure that we can come to grips with it as quickly as possible.

We know that the number of suicides that are occurring right now, some 6,000 annually, that is uncalled for. And it is disproportional on the side of veterans versus the general public in terms of those suicides.

I had a young lady in the military that committed suicide. And, believe me, when they commit suicide while in the military, they get treated very differently. The family does not get any compensation whatsoever. And we are having difficulty right now, as we had difficulty with the DOD, Department of Defense, when they ID'd some 22,000 soldiers with personality disorders. When that occurs, that means that it is a preexisting condition. We have to go back and assess. Maybe they do belong with that diagnosis, but we have got to make sure that they are not wrongly diagnosed and not given what they should be; otherwise, they won't be receiving their compensation.

So I want to personally thank you for allowing us to come here tonight and talk about our soldiers and their families and their children, because they are the ones who are also suffering, and those statistics are just alarming and we should not tolerate that.

Ms. WASSERMAN SCHULTZ. And in this Month of the Military Child, we want to make sure that we highlight the impact on our military members' families, because they are the ones that end up forgotten.

And I thank all of you for coming this evening, because you all have some unique experience and involvement, unique constituencies who are significantly impacted by our troops' deployment in the wars in Iraq and Afghanistan.

And someone who in particular has a specific family member who has inspired him is Congressman JERRY MCNERNEY, who actually was inspired to run for Congress by his son, Michael, who in response to the attacks from September 11 sought and received a commission in the United States Air Force. And Michael suggested that his dad serve his country, too, by running for Congress. And when they pulled together as a family, Congressman MCNERNEY decided that that was what he needed to do. And we were so pleased when your victory became clear on election night in 2006, and it is with a deep sense of duty and your family's support that I know you are serving here and serving admirably.

So, the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Thank you, Ms. WASSERMAN SCHULTZ. And first I want to say thank you personally for everything you have done for this institution and for this Nation. The kind of

leadership you are showing tonight has been shown over and over throughout your 3½ years in the Congress, and I look forward to that kind of leadership in the future.

I want to say a few things about posttraumatic stress. The marital problems diagram that we saw earlier is a shocking example of the kind of thing that we are seeing throughout society as a result of this conflict. It turns out that about one in five of our soldiers that returns from Iraq is suffering from a serious form of posttraumatic stress. And that correlates very well with the numbers we are seeing in the graph: About 20 percent of divorce in the current year, 27 percent of other problems, 15 percent of infidelity. So we know that those numbers are about right. And this is exacerbated by having extended tours, by staying there longer than 12 months, and by going back repeatedly. And we know now that only about half of the servicemembers who are suffering from posttraumatic stress and veterans are receiving the right kind of treatment or are receiving any kind of treatment or have sought treatment.

□ 2145

We know that only about half of those that are looking for treatment are getting the kind of treatment they need. So only about 5 percent of the veterans really are getting the kind of treatment that they need on that.

We really do owe the veterans of the country that have served, that have volunteered in this day and age to serve our country, to go to a conflict region, knowing that their lives are in danger, that they could end up with post-traumatic stress, that it is going to be harmful on their families, nonetheless they volunteered to serve our country, to protect our freedom and fight for us back home. No matter how you feel about the war and any of those political issues, we should all agree that we owe our veterans for what they have done for our country.

You are finding throughout this Congress, the 110th Congress, that we have made a collective decision to do what we can for the veterans. We have increased the VA budget by $8 billion over the previous year. And that is significant. That is great, but we still need to do a lot more, and we are moving in that direction.

Today in the Veterans' Affairs Committee we had some bills on the GI bill for the 21st century which are an extension of the Montgomery GI bill, a terrific advancement to give our veterans the kind of education that they need to be productive members of our society.

That money is very, very well spent. I have heard oftentimes that for every dollar we invest in education for our veterans, we get paid back ten-fold. You can see that as a true indication of what happened after World War II. The veterans came back from World War II, and they were given a terrific GI bill, and they have contributed to our society in so many ways in terms of developing our infrastructure, in terms of raising our national stature. And we want to make sure that the veterans coming back from Iraq today have those same opportunities to contribute in other ways than just participating in the war.

With regard to the Iraq war, a specific type of injury is the hallmark or signature of this war, that is the traumatic brain injury. Before in earlier conflicts those kind of injuries, a serious form of traumatic brain injury resulted in death. Today they know how to treat that injury. I will give you sort of a graphic explanation. If that is going to be offensive, you better turn off the sound for a little while.

Basically in a serious form of traumatic brain injury, you get a bullet or shrapnel lodged in the brain, and what happens is your brain begins to swell from the injury. And so unless that swelling is dealt with very soon after the injury, the subject will die. So what they do in the field now is they open up a large section of your skull. They remove the skull itself and embed that into your GI territory to keep that skull viable so it can be reattached later on. In this situation the brain is allowed to swell, and they will have this proceed for about a month. During that time they need to put you in a cold surrounding. They put a cold jacket on you so you are shivering in your bed for about a month. They keep you on medication to keep the swelling down. When the swelling eventually goes down, they will reattach the skull and let you heal.

Another problem is when you have this sort of injury, you are very susceptible to reinjure that, to swell it after they have removed the shrapnel if they can or the bullet. You are very susceptible, so you have to be very careful a year or longer after this kind of injury.

We had a young man from my district, from the town of Manteca. It is a small town of about 60,000 people. He was a Navy corpsman and he was serving in Iraq and their convoy was attacked. He was servicing marines that were injured, and a piece of shrapnel was embedded into his brain. It went in through his eye and he lost his eye. He went through the treatment, and then they brought him back to Bethesda, Maryland. I visited him there a couple of times. This is a very long recovery. The young man is doing fine. He is back home now.

I can tell you the town of Manteca where he grew up and lived and went to church really came together for him. They had a dinner when he was still in Bethesda. About 300 people came out to the dinner to contribute and to show their support for this young man. It was a terrific outpouring of community and faith and love. It was a terrific thing to be representing this kind of town and this kind of a district where people come together in that sort of way for one of their own.

And then when he did come home, the church that he went to, they had a gathering. About a thousand people showed up, and he was there receiving accolades and welcome and love from the entire community. I can tell you, it is a terrible thing to see. Unfortunately, a lot of our young men and women who come back from Iraq don't have that strong of a community. We need to make sure that we provide them, through treatments and efforts to integrate them back into society, to educate them, that they get that sort of opportunity and that they receive the kind of reward that they should for the kind of service and sacrifice that they have made.

With that, I yield back to Ms. WASSERMAN SCHULTZ, and thank you for your leadership.

Ms. WASSERMAN SCHULTZ. Mr. MCNERNEY, thank you. It is wonderful we have someone of your stature and your commitment, that is willing to come to the floor and talk about the importance of making sure that we take care of not just the troops but of the troops' family members because they are making a decision to serve the public as well. They make sacrifices, and we all wanted to come together tonight as House Democrats and talk about the sacrifices that those families make.

It is my distinct pleasure to yield to my colleague from Ohio, Congressman ZACK SPACE, whose father served in the Marines during the Korean War, and who also serves on the Veterans' Affairs Committee and has been a passionate advocate on behalf of issues important to veterans and their families.

Mr. SPACE. I thank the gentlewoman from Florida for taking the lead on this initiative.

In assessing the cost of war, all too often we resort to cold, hard numbers. And we return to things like the financial cost of this war, how much is it costing this Nation or how many lives have we lost. Those are important considerations, obviously; but in assessing the cost of this war, I think it is important that we as a body, as an institution, point out that there are other costs. For example, the loss of international goodwill, the cost of veterans' care is a part of the cost of war, and what we are talking about tonight, the strain and the effect that the war has had on families.

As I see it, there are a lot of different ways to measure that. The most immediate and obvious is the trauma of deployment. Many families in this country today are uneasy as we speak, praying and worrying about their loved ones who are in a strange and foreign land subjected to hostile conditions.

The financial strain on these families is enormous. The marital strain is significant. The cost to a child who doesn't even know their parent, it affects entire families.

I, too, have a loved one serving now in his second tour of duty in Iraq. Zack

Space is his name as well, my cousin. I had the pleasure of spending some time with his folks Sunday in Ohio for Greek Orthodox Easter. We gathered as a family very mindful of little Zack's absence, and prayed for him. To see the concern and worry in his mother's eyes is moving and very visceral.

A second way of evaluating the cost and strain that this war has had on families is to look at the loss that those families have occasioned. We have heard some testimony today from some very able folks talking about the realities of war and those who are returning from war, the suicide rates, homelessness, drug and alcohol addiction, even the breakdown of the traditional family unit. They are all affected by the rigors of war.

And many of these attributes are due to post-traumatic disorder or traumatic brain injury that my colleagues have talked about today, lifelong conditions that will forever plague these families.

I would like to talk if I could for a moment about a couple of folks back home and some others that have had a really profound effect on me and my impressions of this war. One of them is Army Corporal Keith Nepsa, who at the age of 22 years was killed in June of 2007 from wounds sustained when an IED detonated near his vehicle in Iraq. Keith was from New Philadelphia, Ohio, in Tuscarawas County, and I know his father. I went to his funeral and again saw the look in their eyes as they laid their son to rest. They will forever be plagued by this war. Their lives will never be the same.

Another young man from my region, Marine Gunnery Sergeant Joshua Heck who was grievously injured on the battlefield last year, and I went to visit him in Walter Reed not long after his return to the States, a return of a shattered man who had lost limbs, suffering from post-traumatic stress disorder, and doomed to a life much different than that which he took with him to Iraq.

I had the pleasure of meeting his wife, Brooke, and his mother who were at his side at Walter Reed bearing much of this burden. As a side note, Joshua, in his hospital bed when I went to visit him, it was at a time when we were debating the course of action that this Congress should take on the war. I asked him what he thought we should do. Having been there, I felt he was qualified to make that assessment and I welcomed his input.

When I asked him that question his response was: Sir, that's not for me to say. You tell me to fight, I fight. I'm a soldier. You tell me to stop and I stop.

And despite his broken body, his love for this country remained as strong as ever. I found it very moving and touching.

Under the leadership of Chairman FILNER, our Veterans' Affairs Committee earlier this year held an Oversight and Investigations Subcommittee hearing on the care of the seriously injured after inpatient care. And at this hearing we received testimony from Sarah Wade, not of my district, but who came to testify on behalf of her husband, Sergeant Ted Wade, who had sustained traumatic brain injury.

□ 2200

And Sarah has been left with a completely different life than that which she had before her husband went off to war. He, and she, and their family, will forever be plagued by these injuries.

When young men and women are killed in this war, or come back grievously wounded, it's not just the soldier that suffers, it's their family. And it's not just the family that suffers, it's their community. Their communities grieve.

I'm blessed with a special district. Ohio's 18 district is one wonderful small town after another. The largest city I have in my district has about 25,000 people. And there are a lot of great things about living in a district like that. We're very community-oriented. There's a strong sense of personal responsibility. When good things happen to us, we celebrate together. When bad things happen, like the loss of a heroic soldier, like Corporal Nepsa, we grieve together as a community. Our community continues to grieve for him, as well as the 15 other young men who went to this war and will never come home.

This war has spread its tentacles in many different directions within our culture. As a Member of Congress, I'm sure I share this sentiment with all of those colleagues who are here with me today. We have a sacred obligation to make sure that we protect them while at war to the extent that we're able. But we also have an obligation to bring them home to their families and to their communities as soon as we are able.

I yield back.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. SPACE and thank you for your commitment. You really have been representing your district proudly, and I know they're proud of you. And I am honored to serve with you. We truly appreciate your being here this evening.

It's now my pleasure to yield a few minutes to my 30 something colleague who is a little bit more familiar with the normal give and take that we have in the 30-Something group. This is a little more staid and low key for 30-Something, but we're trying to help you all keep up with the pace. And feel free, to my colleagues, to jump in. We usually have a little bit more dynamic style in the 30-Something instead of a one at a time type of approach.

So my colleague, Congressman ALTMIRE, from the great State of Pennsylvania, I have to tell a story before I yield to you. And you've heard me tell this before.

Literally, I'm on the whip team for our caucus, and it was my responsibility right after Mr. ALTMIRE's election to sidle over to him and talk to him about some legislation that we wanted him to vote with the caucus on. And literally, his first words to me were that he had to make sure what the impact was on veterans, and that he came here to make sure that the quality of life of our Nation's veterans was upheld and that that was paramount to him. So I thought that was really admirable and wonderful; and you have represented veterans in your community incredibly well.

And I yield to my colleague from Pennsylvania.

Mr. ALTMIRE. I appreciate the gentlewoman's kind remarks and yielding me the time. And I appreciate my colleagues who have been here allowing me the opportunity to speak because I do have to take the chair. And I want to thank the gentleman from Iowa (Mr. BRALEY) for his patience while he waits for me to step up to the plate.

I really think it's important for us to consider the work that this Congress has done on these issues. And we've spent a lot of time tonight talking about the problem; and that's very important. But it's important that our colleagues and the American people understand what we've done about it. We're not just in a position where we're going to talk about what's wrong. And we know the issues.

There's 700,000 children in America where the head of the household has been deployed. 700,000 children that are missing a parent right now because they're deployed overseas. 19,000 children have had a parent wounded in action. 22,000 have lost a parent in Iraq or Afghanistan.

And we have 40 percent of active duty servicemen and women that are married. So, Mr. SPACE talked about the effect of the spouse, certainly in the tragic extreme, but even when they're deployed and all of the circumstances that arise.

And just today, the American Psychiatric Association released a study focused on the mental health effects of deployments on servicemembers and their family. And that study, again, by the American Psychiatric Association, said that over 30 percent of military family members admitted to being very stressed because of the deployment.

Five years into the war in Iraq, one out of five, 20 percent of those family members surveyed, did not realize that they had the ability to access mental health care treatment to help them with that stress.

And I know we've talked tonight, and it's well documented, the increase in spousal abuse that takes place upon the return from active duty service.

So what has this Congress done? And there are many examples we can give. The largest increase in the 77-year history of VA. We've talked many times.

I wanted to talk about one specific amendment that took place which I offered to the Defense Authorization Bill that dealt with family and medical

leave, and extending the current Family and Medical Leave Act to cover the family members of military, Guard and Reserve members who were deployed, because we obviously need to allow time to work with families in those post-deployment briefings that often take place during the work day. They can't get time off work when they're gathering with their peers from the region to learn what's happening overseas and what the updates are for what's available to them. They should be able to take that time for family medical leave.

Household expenses, getting their financial house in order, dealing with child care issues, all of these are things that are now covered under family medical leave because of the actions of this Congress. This has been signed into law.

Importantly, when the serviceman or woman is injured overseas, you can take Family and Medical Leave Act time to care for the injured serviceman or woman. That's incredibly important. That's going to fundamentally change people's lives, and that's something that this Congress did.

But most to the point of what we're talking about with this study from the American Psychiatric Association and other evidence that exists, we allow family members to take Family and Medical Leave Act time to re-assimilate, as a family, after the serviceman or woman returns from their deployment so they can get to know each other again, spend time with their spouse, spend time with their kids. That is incredibly important. That is a huge achievement of this Congress, and that's something that I'm very proud of, that this Congress has done. That's been signed into law, and it is going to have a major impact on the lives of our brave servicemen and women who are fighting for this country.

So I just wanted to tell that story before I took the chair. And again, I would thank Mr. BRALEY, and I would yield back to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. ALTMIRE. And thank you for really making America's military, veterans as well as the troops currently serving, a high priority for yourself and your agenda and the issues that you champion on behalf of the people in the district that you represent in Pennsylvania.

I want to turn now to another Pennsylvanian who served in the United States Navy for 31 years and rose to the rank of three star Admiral. His battle group conducted combat operations in Afghanistan and precursor operations to the war in Iraq, and he is one of our caucus' foremost experts on the issues that are important to military families and that are important to us as we try to wrestle with this very difficult issue of how we're going to extricate ourselves from this war in Iraq. And our caucus has tremendous respect for your service. And it's my pleasure to yield to Congressman JOE SESTAK.

Mr. SESTAK. Thank you very much. I may be the one slowing us down tonight because I'm 50-something in a 30-something group.

This is wonderful. If I might speak, I'm really honored to be asked to say a few words on the last day of the Month of the Military Child.

In the Pentagon, across from the Secretary of Defense's office is the best painting in all of the Pentagon. It's of a young servicemember kneeling in church. And next to him is his young spouse and his young child. And under it is that wonderful saying from the book of Isaiah where God turns to Isaiah and says, Who shall I send? Who will go for us? And Isaiah replies, here am I. Send me.

But really, what that picture depicts is the family that actually is saying, here we are, send us.

I got to know, joining up in 1970 and on, a lot of those families. We don't have, in the military, a human resource department where you outsource problems or challenges. So you sit with them when they're in debt and help to balance their checkbook, or you sit there with them trying to make sure that they get the proper care in the hospital. You get to know the families very well.

And you get to know them in another way during long deployments. Back then, in those early 1970 days, you'd sit there as a young man came up after leaving port and receiving a letter, or getting a letter at sea from another ship as it passes from ship to ship, from his wife that says, Johnny's okay after the operation. But he didn't know about the operation. Maybe in the next port of call, 30 days later, the letter would come in that said, want you to know Johnny had a broken leg. It's okay. He'll have an operation next week.

Or go ahead 3½ decades or so, and how I could sit there and, with technology, record over the Internet and read each evening to my daughter, who was, during this, while gone from her for about a year, during the war and would be able to read to her a book so that she'd go up to the TV and just kiss it. Even today, 7 years later she goes up to the TV if I'm on and kisses it.

I bring those up because I think what people in the military learn is that when authority or responsibility passes, and you come home, that what's really left is the infinite tenderness and caring of a loving family.

And yet, we also recognize in the military, in words that were more reflective of its time, three, 3½ decades ago, that on the commissary bag, shopping bags of each of the military or the Navy complexes would be a saying, ''Navy wife, toughest job in the Navy.''

Or as 70 years ago, the wife of a Chief of Naval Operations said in a poem, a Navy wife remembers. When crying seems likely, just laugh it away.

I bring those up because what sets our military apart from our professions, as someone once said, is it has the dignity of danger. And the character that our men and women who serve in the military show and triumph which didn't begin in theories. It really begins in those places from whence we come and the people who made us who we are, not just our communities, but in particular our families.

And I bring that up because today as was brought out here, is every war is different. World War II, our veterans, on average, had about 182 days of combat. Horrific combat. Battles like Normandy or Guadalcanal. But there was some dwell time in between those battles, time for your physical nerves to adjust, which has a major impact upon your mental state, and time for your mental state to readjust.

In Iraq, however, our soldiers go outside the wire every day for 15 months, into a combat-like situation, and then they come home for 12 and go back again. And then come back to families where 19 percent of them face Post-Traumatic Stress Disorder, 33 percent have a mental challenge from depression to anxiety.

So as our families say, here we are, send us, it's never been more vital than now to recognize that if this Nation still wants its families to say here we are, send us, we, more than ever before, I believe, owe it to our veterans to take care of them and their families in the ways that have been laid out much better than I could have by my colleagues. So thank you for speaking tonight.

It's a wonderful brotherhood and sisterhood I lived in for many years that finds the grandest sepulchre of all, a home in the hearts of brave men and women. But again, when all that passes out there, what's left is that family. And whatever we can do for them, from now and forever, is the most arduous responsibility I believe Congress, in this time of war can be charged with.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. SESTAK, for your 31 years of military service and now your continued public service to our country and to the citizens of Pennsylvania and your district. We really truly appreciate your expertise and the heart that you put into this job in representing your community. So thank you so much for joining us.

□ 2215

It's my pleasure to turn to someone who I admire and respect and look up to. She is one of the few women that are in a leadership role in our Congress on the Armed Services Committee, and she is really a person who has broken through on the issues that are important to the military and the military families and provided a different perspective, as women often do.

And this was such a tremendous source of pride for me, Ms. Davis, that you chair the Subcommittee on Military Personnel, which is an incredibly important assignment of the House Armed Services Committee; and you represent the community of San Diego so admirably in this institution, and

you have been a champion on behalf of veterans and military families.

It is my pleasure to yield to you. Thank you so much for joining us.

Mrs. DAVIS of California. Thank you, Ms. WASSERMAN SCHULTZ.

Mr. Speaker, I really am delighted to join my colleagues here and to hear the warm stories that they've told and how critical, how important the issue that we're speaking about this evening is because, you know, what is it about? It's really about our national security, and it is about the willingness of men and women to serve.

I found a quote from our first Commander in Chief, President Washington, and I think it's appropriate to what we've been talking about here today because he said that ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive veterans of early wars were treated and appreciated by our nation.''

And I would add to what President Washington said that the willingness with which our families are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive families of early wars were treated and appreciated by our Nation.

When I first came to Congress and I found this fabulous opportunity to serve on the Armed Services Committee, we were not at war. And I met with many of our families and our ombudspeople in the Navy and began to understand what they go through. And I remember so strongly that one of the spouses, one of the ombudsmen said to me, You know, people think of our husbands who deploy on ships, obviously, in the Navy. But, you know, all of us prepare and deploy, that families prepare for this. She was talking about a time when we are not at war.

So we can imagine how difficult it is for families who are preparing for that deployment, preparing for the kind of uncertainties that they know will be around the corner. And that's so difficult.

You have the picture of the family here and the children, and I look at the faces of the children; and I see such resilience in their eyes, and children are tremendously resilient. But the reality is that our children who go to school, and most of our children go to regular schools; they don't go to schools where there are only military families, and on some of our bases that's true, but I have learned on many of our bases that most of the families are in public schools out in the community.

Many of those children come to school with great fears of what is going to happen that day. They don't know if Mommy and Daddy are even going to come home, those who are a little more sophisticated about what they are going through. So we have to be very, very careful, be very, very supportive of those families.

We can even think about our own struggles at home, our own struggles with financial issues and just the general stuff that any couples go through and then magnify that for our families. Many of our families are very young, and we especially need to be supportive of them.

We've covered a lot of ground here this evening, so I don't want to have to go over some of that ground. But if we're going to deploy our men and women at the current pace that we're doing today, we really have to understand the consequences of our policy decisions and sufficiently address how they affect the brave men and women who are serving.

And there is one area that I think the public is learning more about now. And the other day, I had a few hours, and I decided that I didn't have anybody to go with at the time but I wanted to just go see the movie Stop-Loss. And I wanted to just sit in that theater by myself and feel the full impact of that movie because there is a policy involved there that we have undertaken. And I think when you go and you see the movie, and I would certainly encourage people to do that to understand the pain that our families go through, how unpredictable it is and how difficult it is.

We have been looking at this policy, of course, and we would like to stop it. But we know that in fact we need the men and women serving today. So as much as we want to stop that, we're not able to do that right away. Stop-loss, as we know, allows the military to extend a servicemember's time in uniform, and it has been used far too often, and there have been some attempts to change that. We also know, very significantly, predictability is so important to our men and women who serve, and the repeated deployments make that very, very difficult.

So I think we need to focus, and we are, on the dwell-time that families have. They need to readjust. I have had spouses tell me that now that they've been through so many deployments, they're beginning to teach other families about how to give their loved ones space because when you come home, the family wants to just be right there. Well, sometimes that doesn't work so well, and people need to learn that.

So I think that with many of the policies that we're working on today, and yes, we are learning more; we're learning more about PTSD, we're learning about how we can erase the stigma, and I think the military can actually lead the way for the country in that if we do it right.

So I just want to commend you for having this time today and let you know that we are working hard on this. I wish we could work a lot faster on these issues. But we are trying very hard and keeping in mind every day our wonderful men and women who are serving and their families. They are the ones who are sacrificing today, and we need to give them every support that we can.

Ms. WASSERMAN SCHULTZ. Thank you, Ms. DAVIS.

Mr. Speaker, I sense that our time is drawing to a close.

The whole point of doing this 30-Something hour focused on the impact of deployments on military families was to try to improve the quality of their life and decrease the impact, the negative impact.

I just want to show you an important statistic here is that less than 50 percent of military families felt that they had support available through all of the phases of their family members' deployment, and that is absolutely unconscionable. It is something that Chairman FILNER and the members of the Armed Services Committee, as well as the Veterans' Affairs Committee, have been working very hard at trying to improve, and that is what the Democratic Caucus, under Speaker PELOSI's leadership, has been absolutely committed to.

Mr. Speaker, I want to yield 30 seconds to Mr. SPACE, and then we will wrap up.

Mr. SPACE. I, once again, thank the gentlewoman from Florida.

Mr. Speaker, when we ask troops to go to war, we have a couple of obligations: We have to make sure that we only send them to war when we have to, that we give them the protection on the battlefield to keep them safe and allow them to accomplish their mission, care for them when they return, especially if they're wounded; but certainly, as our colleague from Pennsylvania, Admiral Sestak, attested to, abide by their familial concerns.

It is absolutely unacceptable that 50 percent of all family members of those who are deployed feel that they're not receiving the support they deserve. I thank the gentlewoman for bringing attention to it and beginning to address that problem.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, to bring us home, Mr. MCNERNEY.

Mr. MCNERNEY. Thank you, Ms. WASSERMAN SCHULTZ.

Mr. Speaker, we've heard a lot of different aspects of the stress of this war on our soldiers, from the families and the children, to the men and women serving.

One thing we haven't talked about is financial stress, and we know that veterans, especially guardsmen and women and reservists when they go overseas, they're particularly vulnerable to foreclosure; and just today in the Veteran's Affairs Committee, we did pass a significant Veterans Housing Authority bill that will be available to those young men and women coming up in the next month or two.

So we're working at all parts of this problem and finding ways to help the veterans through the crises that they're going to be facing upon return, and we welcome them back. This country loves our veterans, and we want to do everything we can for them

Ms. WASSERMAN SCHULTZ. Mr. Speaker, with that, in honor of the Month of the Military Child, we thank

Speaker PELOSI for her generous donation of this time to the 30–Something Working Group.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PENCE (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, May 1.

Mr. POE, for 5 minutes, May 7.

Mr. JONES of North Carolina, for 5 minutes, May 7.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 2457. To provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

S. 2739. To authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Thursday, May 1, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6306. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 05-01, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

6307. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6308. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 06-08 informing of an intent to sign the Integrated Soldier Capabilities Memorandum of Understanding between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

6309. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 03-08 informing of an intent to sign the New, More Powerful, and Insensitive Melt-Cast Metallized Explosives Research Collaboration Project Agreement under the Memorandum of Understanding between the United States and the Republic of Singapore, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

6310. A letter from the Secretary3, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6311. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

6312. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on Foreign Affairs.

6313. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the February 15, 2007 — April 15, 2007 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

6314. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 051-08); to the Committee on Foreign Affairs.

6315. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Governments of Russia, Kazakhstan, and Canada (Transmittal No. DDTC 044-08); to the Committee on Foreign Affairs.

6316. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Portugal (Transmittal No. DDTC 048-08); to the Committee on Foreign Affairs.

6317. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of technical data, defense articles and services to the Governments of Belgium, France, Germany, Luxembourg, Spain, Turkey, the United Kingdom, Italy, South Africa, and Malaysia (Transmittal No. DDTC 131-07); to the Committee on Foreign Affairs.

6318. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Germany (Transmittal No. RSAT-02-08); to the Committee on Foreign Affairs.

6319. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on the status of Data Mining Activities, pursuant to Implementing Recommendations of the 9/11 Commission Act, Section 804; to the Committee on Foreign Affairs.

6320. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6321. A letter from the EEO Programs Director, Board of Governors of the Federal Reserve System, transmitting the third annual report pursuant to Section 203(a) of the No Fear Act, Pub. L. 107-174, for fiscal year 2007; to the Committee on Oversight and Government Reform.

6322. A letter from the Associate Deputy Director, Central Intelligence Agency, transmitting the Agency's annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174, for Fiscal Years 2007 and 2006; to the Committee on Oversight and Government Reform.

6323. A letter from the Equal Employment Opportunity Director, Farm Credit Administration, transmitting the Administration's annual report pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

6324. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's FY 2006 Annual Report pursuant to Section 203, Title II of the No Fear Act, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6325. A letter from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting the Administration's Fiscal Year 2007 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Oversight and Government Reform.

6326. A letter from the Director, Office of Government Ethics, transmitting the Office's comments on H.R. 5687, a bill to amend the Federal Advisory Committee Act; to the Committee on Oversight and Government Reform.

6327. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; State Boat Channel, Babylon, NY [USCG-2008-0151] received April 7,

2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6328. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Rio Vista, CA, Drawbridge Maintenance [Docket No. USCG-2008-0174] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6329. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Harlem River, New York City, NY [USCG-2008-0177] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6330. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Intracoastal Waterway (ICW); Atlantic City, NJ, Air Show Event [USCG-2008-0184] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6331. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bonfouca Bayou, Slidell, LA. [Docket No. USCG-2007-0070] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6332. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Liberty Bayou, Slidell, LA. [Docket No. USCG-2007-0078] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6333. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Tchefuncta River, Madisonville, LA. [Docket No. USCG-2007-0079] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6334. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Mile 113, St. Petersburg Beach, FL [Docket No. USCG-2007-0096] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6335. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, between Maryland and Virginia [USCG-2008-0115] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6336. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), at Scotts Hill, NC [USCG-2008-0116] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6337. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, HI [Docket No. USCG-2007-0195] (RIN: 1625-AA87) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6338. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cape Fear River, Wilmington, North Carolina [USCG-2008-0103] (RIN: 1625-AA87) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6339. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Yarmouth, Maine, Casco Bay [Docket No. USCG-2008-0076] (RIN: 1625-AA01) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6340. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Landowner Defenses to Liability Under the Oil Pollution Act of 1990: Standards and Practices for Conducting All Appropriate Inquiries [Docket No. USCG-2006-25708] (RIN: 1625-AB09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6341. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas: Cape Fear River, Wilmington, North Carolina [USCG-2008-0061] (RIN: 1625-AA11) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6342. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area: Herbert C. Bonner Bridge, Oregon Inlet, NC [USCG-2008-0045] (RIN: 1625-AA11) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6343. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bass Wedding Fireworks Display, San Francisco Bay, CA. [Docket No. USCG-2008-0080] (RIN: 1625-AA00) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6344. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Molokini Crater, Maui, HI [Docket No. USCG-2008-0083] (RIN: 1625-AA00) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6345. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fireworks Display, Pasquotank River, Elizabeth City, North Carolina [Docket No. USCG-2008-0147] (RIN: 1625-AA00) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6346. A letter from the Chief, Regulations and Adminsitrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Longwood Events Wedding Fireworks Display, Boston Harbor, Boston, Massachusetts [Docket No. USCG-2008-0173] (RIN: 1625-AA00) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6347. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), Sunset Beach, NC [CGD05-07-026] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6348. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Manbirtee Key, Port of Manatee, FL [Docket No. USCG-2007-0061, formerly COTP St. Petersburg 07-226] (RIN: 1625-AA87) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6349. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Sector Anchorage Western Alaska Marine Inspection and Captain of the Port Zones; Technical Amendment [USCG-2008-0073] (RIN: 1625-ZA15) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6350. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — 2008 Rates for Pilotage on the Great Lakes [USCG-2007-0039] (RIN: 1625-AB23) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6351. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA [Docket No. USCG-2008-0062 formerly CGD11-08-002] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6352. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA [Docket No. USCG-2008-0063 formerly CGD11-08-003] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6353. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA [Docket No. USCG-2008-0066 formerly CGD11-08-004] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6354. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW); Wrightsville Beach, NC [USCG-2008-0104] (RIN: 1625-AA-09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6355. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Taunton River, Fall River and Somerset, MA [USCG-2008-0046] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6356. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Final Rule: Special Local Regulations Concerning Fireworks Displays in Norwich and Middletown, Connecticut [USCG-2007-0011] (RIN: 1625-AA08) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6357. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Severn River, College Creek, Weems Creek and Carr Creek, Annapolis, MD [Docket No. USCG-2007-0076] (RIN: 1625-AA08) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6358. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2008-18, waiving and certifying the statutory provisions regarding the Palestine Liberation Organization (PLO) Office; jointly to the Committees on Foreign Affairs and Appropriations.

6359. A letter from the Director, Office of Government Ethics, transmitting a copy of proposed legislation, ''To amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to modernize the financial disclosure process for Federal personnel, and for other purposes''; jointly to the Committees on Oversight and Government Reform, House Administration, 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:

Ms. SLAUGHTER: Committee on Rules. House Resolution 1167. Resolution providing for consideration of motions to suspend the rules. (Rept. 110–614). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DICKS (for himself, Mr. LARSEN of Washington, Mr. INSLEE, and Mr. MCDERMOTT):

H.R. 5926. A bill to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail; to the Committee on Natural Resources.

By Mr. BERMAN (for himself, Ms. DELAURO, and Mr. MARSHALL):

H.R. 5927. A bill to combat international violence against women and girls; to the Committee on Foreign Affairs.

By Mr. WU:

H.R. 5928. A bill to establish the Mark O. Hatfield Scholarship and Excellence in Tribal Governance Foundation, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Natural Resources, 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. FOSTER:

H.R. 5929. A bill to improve the Nation's nuclear forensics capability to help deter and respond to nuclear terrorism; to the Committee on Science and Technology, and in addition to the Committees on Armed Services, Foreign Affairs, Homeland Security, 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 Mrs. BONO MACK (for herself and Mr. THOMPSON of California):

H.R. 5930. A bill to amend the Internal Revenue Code of 1986 to allow charitable organizations to collect and disperse deductible contributions for certain individuals who are injured or killed in an effort to protect life or property; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself and Mr. ABERCROMBIE):

H.R. 5931. A bill to ensure appropriate implementation and oversight of the realignment of military installations and the relocation of military personnel on Guam, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Small Business, 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. JEFFERSON:

H.R. 5932. A bill to designate the facility of the United States Postal Service located at 2801 Manhattan Boulevard in Harvey, Louisiana, as the ''Harry Lee Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. JEFFERSON:

H.R. 5933. A bill to designate the facility of the United States Postal Service located at 5351 Laplaco Boulevard in Marrero, Louisiana, as the ''Lionel R. Collins, Sr. Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. PETRI:

H.R. 5934. A bill to amend title 49, United States Code, to require that fuel surcharges collected by a motor carrier, broker, or freight forwarder be passed through to the person responsible for bearing the cost of fuel, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. VISCLOSKY (for himself, Mr. ENGLISH of Pennsylvania, Ms. KAPTUR, Ms. SUTTON, Mr. BRADY of Pennsylvania, Mr. OBERSTAR, Mr. WILSON of Ohio, Mr. WILSON of South Carolina, Mr. STUPAK, Mr. SOUDER, and Mr. ALTMIRE):

H.R. 5935. A bill to require certain Federal agencies to use iron and steel produced in the United States in carrying out projects for the construction, alteration, or repair of a public building or public work, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself and Ms. ESHOO):

H.R. 5936. A bill to amend title XIX of the Social Security Act to require States to provide hair prostheses under the Medicaid Program for individuals diagnosed with alopecia areata; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California (for himself, Mr. HENSARLING, Mrs. MUSGRAVE, Mr. RYAN of Wisconsin, Mr. BRADY of Texas, Mrs. BACHMANN, Mr. GARRETT of New Jersey, Mrs. CUBIN, Mr. FEENEY, Mr. KING of Iowa, Mr. SALI, Mr. LAMBORN, Mr. FLAKE, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. PENCE, Mr. GINGREY, Mrs. BLACKBURN, Mr. JORDAN, Mr. HERGER, Mr. FRANKS of Arizona, Mr. MCCAUL of Texas, Mr. GOHMERT, Mr. CONAWAY, Mr. SHADEGG, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. MARCHANT, Mr. GOODE, Mr. BARTLETT of Maryland, Ms. FOXX, Mr. BISHOP of Utah, Mr. SHIMKUS, Mr. FORBES, and Mrs. MYRICK):

H.J. Res. 81. A joint resolution proposing an amendment to the Constitution of the United States to control spending; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 248: Mr. BUCHANAN.
H.R. 269: Mr. JONES of North Carolina.
H.R. 333: Mr. CARSON.
H.R. 406: Mr. KINGSTON, Mr. MICA, Mr. REICHERT, Mr. BLUNT, Mr. MCHUGH, Mr. MANZULLO, and Mr. TIBERI.
H.R. 446: Mr. CARSON.
H.R. 549: Mr. RUPPERSBERGER.
H.R. 552: Mr. CARSON.
H.R. 579: Mr. GOODLATTE, Mr. LYNCH, and Mr. DONNELLY.
H.R. 594: Mr. DONNELLY and Mr. STARK.
H.R. 643: Mr. WEXLER.
H.R. 715: Mr. ROTHMAN and Mr. SCOTT of Virginia.
H.R. 741: Mr. CARSON.
H.R. 758: Mr. CARSON.
H.R. 769: Mrs. EMERSON.
H.R. 826: Mr. DUNCAN.
H.R. 946: Mr. WAXMAN.
H.R. 1032: Mr. DAVIS of Illinois and Mr. CARSON.
H.R. 1043: Ms. TSONGAS.
H.R. 1064: Mr. CARSON.
H.R. 1072: Mr. PAYNE.
H.R. 1102: Mr. KLINE of Minnesota.
H.R. 1120: Mr. PITTS.
H.R. 1193: Mr. CARNEY and Mr. CARSON.
H.R. 1264: Mr. BOUSTANY and Mr. CONAWAY.
H.R. 1354: Mr. JEFFERSON.
H.R. 1363: Mr. PASTOR and Mr. FARR.
H.R. 1386: Mr. HARE.
H.R. 1439: Mr. ALLEN.
H.R. 1440: Mr. CARSON.
H.R. 1507: Mr. MOORE of Kansas.
H.R. 1521: Mr. CARSON.
H.R. 1524: Mr. REYES.
H.R. 1542: Mr. ORTIZ.
H.R. 1609: Mr. TANCREDO.
H.R. 1621: Ms. MCCOLLUM of Minnesota, Mr. ALLEN, and Mr. MEEKS of New York.
H.R. 1641: Mr. CARSON.
H.R. 1644: Mr. CARSON and Mr. DOGGETT.
H.R. 1645: Mr. CONYERS.
H.R. 1667: Mrs. MCCARTHY of New York.
H.R. 1742: Mr. SULLIVAN and Mr. WAXMAN.
H.R. 1781: Mr. CARSON.
H.R. 1783: Mr. CROWLEY and Ms. DELAURO.
H.R. 1820: Mr. CARSON and Mr. WEINER.
H.R. 1843: Mr. HULSHOF.
H.R. 1845: Mr. WEXLER.
H.R. 1924: Mr. BAIRD.
H.R. 1927: Mr. COURTNEY.
H.R. 2034: Mr. CARSON.
H.R. 2092: Mr. CUELLAR, Mr. YARMUTH, and Mr. BACA.
H.R. 2131: Mr. CARSON.
H.R. 2188: Mr. MCCOTTER.
H.R. 2267: Mr. KANJORSKI.
H.R. 2303: Mr. OBERSTAR.
H.R. 2343: Mr. SCOTT of Virginia.
H.R. 2407: Mr. PICKERING.
H.R. 2458: Mr. PORTER.
H.R. 2470: Mr. CARSON.
H.R. 2506: Mr. HONDA.
H.R. 2533: Mr. LEWIS of Georgia.

H.R. 2578: Mr. WELCH of Vermont and Ms. ROYBAL-ALLARD.
H.R. 2712: Mrs. CUBIN.
H.R. 2897: Mr. CARSON.
H.R. 2910: Mr. CARSON.
H.R. 2933: Mr. GOODE and Mr. PETRI.
H.R. 2943: Mr. CARSON.
H.R. 2946: Mr. DAVIS of Kentucky.
H.R. 3028: Mr. CAPUANO.
H.R. 3036: Mr. BLUMENAUER.
H.R. 3063: Mrs. LOWEY and Mr. WALSH of New York.
H.R. 3192: Ms. ZOE LOFGREN of California.
H.R. 3232: Mr. LEWIS of Georgia, Mr. MILLER of North Carolina, Ms. SCHWARTZ, Mr. RODRIGUEZ, Mr. FATTAH, Mr. WAXMAN, and Mr. BRADY of Texas.
H.R. 3257: Mr. MCGOVERN.
H.R. 3334: Mrs. MALONEY of New York, Mr. MEEKS of New York, Mr. HULSHOF, Mr. PRICE of Georgia, and Ms. HOOLEY.
H.R. 3480: Mr. BOREN.
H.R. 3543: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LOBIONDO, and Ms. WATSON.
H.R. 3652: Mr. STARK.
H.R. 3654: Mr. SMITH of Washington.
H.R. 3663: Mr. AL GREEN of Texas.
H.R. 3682: Ms. LEE.
H.R. 3750: Mr. AL GREEN of Texas, Mr. REYES, Mr. TERRY, Mr. DAVIS of Illinois, and Ms. SOLIS.
H.R. 3769: Mr. WILSON of South Carolina.
H.R. 3819: Ms. MCCOLLUM of Minnesota.
H.R. 3905: Mr. CARSON.
H.R. 3934: Mr. SMITH of Nebraska.
H.R. 4026: Mr. COHEN, Ms. HIRONO, Mr. HINCHEY, Ms. CLARKE, and Mr. HARE.
H.R. 4061: Mr. CRENSHAW and Mr. STUPAK.
H.R. 4188: Mr. MURPHY of Connecticut.
H.R. 4236: Mr. KANJORSKI, Ms. SLAUGHTER, and Mr. HARE.
H.R. 4279: Mr. GALLEGLY and Mr. SHERMAN.
H.R. 4344: Mrs. CUBIN.
H.R. 4497: Mr. CARTER.
H.R. 4544: Mr. ACKERMAN.
H.R. 4611: Mr. CAPUANO.
H.R. 4900: Mr. LATTA, Mr. MCCARTHY of California, Mr. WALSH of New York, Mr. KANJORSKI, Mr. SULLIVAN, Mr. HULSHOF, and Ms. ROS-LEHTINEN.
H.R. 4926: Mr. HOLT.
H.R. 4990: Mr. HINOJOSA and Mr. AL GREEN of Texas.
H.R. 5128: Mr. OLVER.
H.R. 5130: Mr. WATT.
H.R. 5131: Mr. CARNEY.
H.R. 5155: Mr. WELCH of Vermont.
H.R. 5315: Mr. YOUNG of Alaska.
H.R. 5404: Ms. HOOLEY and Mr. FARR.
H.R. 5440: Mr. ROSKAM.
H.R. 5443: Mr. WITTMAN of Virginia.
H.R. 5448: Mr. UDALL of Colorado.
H.R. 5461: Mr. CARSON.
H.R. 5464: Ms. JACKSON-LEE of Texas.
H.R. 5510: Mr. PAUL, Mr. BISHOP of Georgia, and Mr. HOLT.
H.R. 5519: Mr. GENE GREEN of Texas.
H.R. 5524: Mr. CARSON.
H.R. 5534: Mr. ISRAEL.
H.R. 5546: Mr. KAGEN.
H.R. 5554: Ms. MCCOLLUM of Minnesota and Mr. CAPUANO.
H.R. 5573: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. AL GREEN of Texas, and Mr. PRICE of North Carolina.
H.R. 5580: Mr. GRIJALVA.
H.R. 5595: Mr. SESTAK, Mr. CONYERS, Mr. CUMMINGS, Mr. JOHNSON of Georgia, Mr. LOBIONDO, and Mr. GERLACH.
H.R. 5615: Mr. CARSON.
H.R. 5629: Mr. WALSH of New York.
H.R. 5635: Mr. CARSON.
H.R. 5648: Mrs. CUBIN.
H.R. 5656: Mr. GINGREY, Mr. WALBERG, and Mr. WILSON of South Carolina.
H.R. 5678: Mr. ELLISON and Ms. KAPTUR.
H.R. 5684: Mr. DONNELLY, Mr. SHERMAN, Mr. MCHUGH, Mr. COSTA, Ms. ROS-LEHTINEN, Mr. MORAN of Kansas, Ms. MCCOLLUM of Minnesota, and Mr. CAPUANO.
H.R. 5740: Mr. MARKEY, Mr. KANJORSKI, Mr. RAMSTAD, Mr. TIBERI, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, Mr. MORAN of Kansas, Mr. BISHOP of Utah, Mr. BAIRD, Mr. SNYDER, and Mr. ABERCROMBIE.
H.R. 5741: Mr. WAXMAN.
H.R. 5748: Mr. SESSIONS.
H.R. 5752: Mr. HOEKSTRA.
H.R. 5755: Mr. MOORE of Kansas.
H.R. 5770: Mr. GRIJALVA.
H.R. 5784: Mr. CARTER and Mr. SHAYS.
H.R. 5791: Mr. LEWIS of Georgia, Mr. YOUNG of Florida, Mr. GERLACH, Mr. JOHNSON of Georgia, Mr. GONZALEZ, Mrs. EMERSON, and Mr. JEFFERSON.
H.R. 5801: Mr. HIGGINS, Mr. KAGEN, Mr. BISHOP of Georgia, and Mr. MCNERNEY.
H.R. 5804: Mr. CARSON and Mr. WAXMAN.
H.R. 5818: Ms. BERKLEY, Mr. CAPUANO, and Mr. PASTOR.
H.R. 5824: Mr. JOHNSON of Georgia, Mr. YARMUTH, Ms. HIRONO, Mr. PERLMUTTER, Mr. COURTNEY, and Ms. CASTOR.
H.R. 5825: Mr. COURTNEY.
H.R. 5845: Mr. CARSON.
H.R. 5854: Mrs. BOYDA of Kansas.
H.R. 5869: Mr. GRIJALVA.
H.R. 5873: Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. HASTINGS of Florida, and Mr. MCGOVERN.
H.R. 5875: Mrs. BOYDA of Kansas.
H.R. 5881: Mr. COHEN.
H.R. 5886: Mr. LINDER.
H.R. 5892: Mr. DONNELLY, Mr. RODRIGUEZ, and Ms. BORDALLO.
H.R. 5894: Mr. FRANK of Massachusetts, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. WYNN, and Mrs. CHRISTENSEN.
H.R. 5899: Mrs. GILLIBRAND, Mr. TANNER, Mr. ROSS, Mr. FARR, Mr. DONNELLY, and Mr. ELLSWORTH.
H.R. 5905: Mr. SALI.
H.R. 5906: Mr. CHABOT.
H.R. 5908: Mr. BARTLETT of Maryland, Mr. PITTS, Mrs. BLACKBURN, Mr. WESTMORELAND, Mr. LAMBORN, Mr. GINGREY, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, Mr. KINGSTON, and Mr. HENSARLING.
H.R. 5911: Mr. SENSENBRENNER, Mr. POE, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. PITTS, Mr. GINGREY, and Mr. MARCHANT.
H.R. 5917: Mrs. MILLER of Michigan.
H.J. Res. 39: Mr. VAN HOLLEN.
H. Con. Res. 320: Mrs. TAUSCHER and Mr. MEEK of Florida.
H. Con. Res. 331: Mr. ALLEN, Mr. DAVIS of Illinois, Mr. ROSS, and Ms. ESHOO.
H. Con. Res. 332: Mr. HASTINGS of Florida, Ms. ZOE LOFGREN of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BLUMENAUER, Mr. KIRK, and Mr. FRANKS of Arizona.
H. Con. Res. 333: Mr. THOMPSON of California.
H. Con. Res. 334: Mr. ROGERS of Michigan, Mr. CALVERT, Mr. TOWNS, Mr. TURNER, Mr. SOUDER, Mr. MCHUGH, and Mr. MARCHANT.
H. Con. Res. 337: Ms. KAPTUR, Ms. WASSERMAN SCHULTZ, Mr. SHERMAN, and Mrs. MALONEY of New York.
H. Con. Res. 338: Mr. DOOLITTLE, Mr. HASTINGS of Florida, Mr. HERGER, Mr. MCDERMOTT, Mr. MEEKS of New York, Mr. NUNES, Mr. RANGEL, Mr. THOMPSON of Mississippi, Mr. TOWNS, and Mr. WYNN.
H. Res. 111: Mr. HARE.
H. Res. 169: Mr. MCCOTTER.
H. Res. 258: Mr. YOUNG of Florida and Mr. HINOJOSA.
H. Res. 339: Mr. EDWARDS.
H. Res. 598: Mr. GOODE, Mr. HAYES, and Mr. WALBERG.
H. Res. 653: Mr. DELAHUNT.
H. Res. 758: Mr. UPTON.
H. Res. 937: Mr. BILIRAKIS.
H. Res. 959: Mr. HOLDEN.
H. Res. 992: Ms. MCCOLLUM of Minnesota.
H. Res. 1011: Ms. DELAURO.
H. Res. 1012: Mr. LATHAM.
H. Res. 1019: Mr. FARR.
H. Res. 1026: Mr. HINOJOSA and Mr. BISHOP of New York.
H. Res. 1028: Mr. STARK.
H. Res. 1046: Mr. GRIJALVA.
H. Res. 1054: Mr. GONZALEZ.
H. Res. 1056: Ms. BORDALLO and Mr. HINCHEY.
H. Res. 1072: Mr. MCCOTTER.
H. Res. 1078: Mr. GRIJALVA.
H. Res. 1080: Ms. MCCOLLUM of Minnesota.
H. Res. 1086: Mr. MICHAUD, Mr. RAHALL, Mr. KAGEN, Ms. BALDWIN, Mr. PAYNE, Mr. HONDA, Ms. CLARKE, Ms. CASTOR, Mr. KUCINICH, Mr. BACA, Mr. POE, Ms. SOLIS, Mr. CHANDLER, Mr. WILSON of Ohio, Mr. UDALL of New Mexico, Mrs. LOWEY, Mr. WELCH of Vermont, Mr. DICKS, Mrs. TAUSCHER, Ms. BEAN, Mr. HILL, Mr. SCHIFF, Mr. EMANUEL, Mr. MOLLOHAN, Mr. GEORGE MILLER of California, Mr. HASTINGS of Florida, Mr. BARROW, Mr. BRADY of Pennsylvania, and Mr. MARCHANT.
H. Res. 1104: Mrs. CAPPS.
H. Res. 1109: Mr. FARR, Mr. SMITH of New Jersey, Mrs. CAPPS, and Mr. DELAHUNT.
H. Res. 1110: Mr. MCHUGH and Mr. UDALL of Colorado.
H. Res. 1113: Mr. KNOLLENBERG and Mr. GOODE.
H. Res. 1114: Mr. GOODE.
H. Res. 1119: Ms. BORDALLO.
H. Res. 1122: Mr. MCHUGH and Mr. LAMBORN.
H. Res. 1127: Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. INGLIS of South Carolina, Mr. COHEN, Mr. KLEIN of Florida, Mr. SHERMAN, Mr. COSTA, Mr. WAXMAN, Mr. WEXLER, Ms. GIFFORDS, Mr. FRANK of Massachusetts, Mr. ROTHMAN, Mr. MCCOTTER, Mr. SIRES, Mr. CARNAHAN, Ms. WOOLSEY, Mr. SCOTT of Georgia, Mr. WU, Mr. CROWLEY, Mr. MEEKS of New York, and Ms. BERKLEY.
H. Res. 1132: Mr. SOUDER.
H. Res. 1134: Mr. ABERCROMBIE, Mr. BECERRA, Mrs. BLACKBURN, Mr. BISHOP of Georgia, Mr. BROWN of South Carolina, Mr. CALVERT, Mr. LINCOLN DAVIS of Tennessee, Mrs. DAVIS of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Ms. HARMAN, Mr. LIPINSKI, Ms. KAPTUR, Mr. MAHONEY of Florida, Mrs. MALONEY of New York, Mr. MANZULLO, Mr. MEEKS of New York, Mr. MITCHELL, Ms. MOORE of Wisconsin, Mr. MURTHA, Mr. NEUGEBAUER, Mr. OBEY, Mr. RAHALL, Mr. REICHERT, Mr. REYES, Ms. ROS-LEHTINEN, Mr. RYAN of Ohio, Mr. SALAZAR, Mr. SAXTON, Mr. SKELTON, Ms. SOLIS, Mr. THOMPSON of Mississippi, Mr. TAYLOR, Mr. WALZ of Minnesota, Mr. WATT, Mr. WITTMAN of Virginia, and Mr. WU.
H. Res. 1139: Mr. JOHNSON of Georgia, Mr. BARTLETT of Maryland, Mr. BRADY of Pennsylvania, Mr. ORTIZ, Mr. TANNER, Mr. REYES, Mr. TOWNS, Mr. YOUNG of Alaska, Ms. BORDALLO, Mr. HALL of Texas, Mr. FEENEY, Mr. MORAN of Virginia, Mrs. CHRISTENSEN, Ms. SHEA-PORTER, Mr. MCGOVERN, Mr. COHEN, Mr. LOEBSACK, Mr. JONES of North Carolina, Mr. POE, and Mr. TAYLOR.
H. Res. 1140: Mr. CAPUANO and Mr. WILSON of South Carolina.

H. Res. 1146: Mr. ARCURI.

H. Res. 1166: Mr. SMITH of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, Ms. BERKLEY, Ms. LINDA T. SÁNCHEZ of California, Mr. KLEIN of Florida, Mr. CARNAHAN, Mr. CLEAVER, and Mr. ENGLISH of Pennsylvania.

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. 1201: Mr. SOUDER.

H.R. 2448: Mr. SALI.

H.R. 5534: Ms. FALLIN.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, APRIL 30, 2008 No. 70

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Father of life, we praise You and honor Your Holy Name. Awaken in us the joy of living this day, all new, in challenge and in hope. Lift our hearts amid the fathomless beauty of creation above all malice and indifference.

Use our Senators today to do Your bidding. May they fill these precious hours with redeeming radiance and substantive labor that will make a stronger nation and a better world. Turn their sorrow into joy and their sadness into singing. Give them courage that banishes fear and a gratitude worthy of Your grace.

We pray in Your worthy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a please communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 30, 2008.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Mr. MCCONNELL, if he decides to make such remarks, the Senate will resume consideration of H.R. 2881, the Federal Aviation Administration Reauthorization Act. Senator DURBIN will be recognized to offer an amendment on his behalf and that of Senator KAY BAILEY HUTCHISON.

As a reminder, the joint meeting of Congress with the Prime Minister of Ireland, Bertie Ahern, is today at 11 a.m. Senators attending the meeting will gather in the Senate at 10:30 a.m. and proceed as a body to the Hall of the House at 10:40 a.m. In order to accommodate the joint meeting, the Senate will then be in recess from 10:40 until 12 noon.

Mr. President, the first amendment is a bipartisan amendment that will be offered, as I have indicated, by Senator DURBIN and Senator HUTCHISON. I am going to have another conversation with the distinguished Republican leader as soon as he completes his statement here today, to see if we can figure out an orderly way to proceed on this very important piece of legislation. I think the managers have a good feel of this legislation. They think it is something we can complete fairly quickly. We just have to make sure we legislate on the FAA aspect of what is going on in the world today and not other things that have no bearing on this issue. We will see what we can work out. Hopefully, we can have a good day today and, with a little bit of good fortune, finish this bill this week.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I apologize in advance for my pollen-ridden voice this morning. It makes it a bit of a challenge to speak.

TRIBUTE TO BILL KEIGHTLEY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a man who was a fixture of Kentucky basketball, with a fervent passion for competition and a fast loyalty to his country, his State, and his beloved University of Kentucky Wildcats.

Bill Keightley, affectionately known as ''Mr. Wildcat,'' passed away recently at the age of 81. He embodied the spirit and tradition that is Kentucky basketball. Born William Bond Keightley in 1926, Mr. Keightley was an All-State center for the Kavanaugh High School basketball team in his hometown of Lawrenceburg, KY.

He later enlisted in the U.S. Marine Corps and bravely served his country during World War II. After the war, Mr. Keightley spent much of his young adulthood working as a mail carrier.

Then in 1962, his friend and fellow postman George Hukle asked him to help out washing jerseys and towels for the University of Kentucky men's basketball team. Over the next 4½ decades, he proved himself indispensable as the school's top cheerleader, ambassador of goodwill and confidante to players and coaches alike.

''Mr. Bill,'' as he was called by friends and family, witnessed three national championships, befriended six

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

head coaches, and cared for hundreds of players over his long career.

Loved by fans and respected by opponents, he earned a permanent seat on the Kentucky bench at every game. In fact, Mr. Keightley attended more than 1,400 UK basketball games, nearly 60 percent of all games ever recorded. And former UK basketball coach Orlando ''Tubby'' Smith points out that ''it has been . . . us [coaches] sitting next to him, not him sitting next to us.''

Mr. Keightley often served as a father-like figure to the players, and many recall his talks with ''his boys'' on anything from Kentucky sports to lessons of integrity and pride. ''Players, coaches, and athletic directors come and go, but Bill Keightley was constant,'' says Kenny Walker, a friend and former UK player.

John Pelphrey, member of the ''Unforgettable'' 1992 Wildcats team and now head coach at Arkansas University, says:

> For 48 years, Mr. Bill looked over coaches and student-athletes with love and care that only a father could give . . . every time we had an encounter, there was a hearty hello, a hug, and a laugh, every single time, just like the first time.

In 1997, Mr. Bill's jersey was elevated into the rafters of Rupp Arena, making him one of only two people to receive this honor without having taken to the court to play the game.

In 2005, he was entered with the charter class into the UK Athletics Hall of Fame. The equipment room in Lexington's Memorial Coliseum was named in his honor, and he humbly presided over it until his unfortunate passing this past March 31.

Noted Lexington sportscaster and friend Dave Baker says of Mr. Keightley:

> He knew just when to lend a hand to the young man from Appalachia who was adjusting to the big city, or a young man who had been recruited from out-of-state and was getting accustomed to a brand new life in Kentucky. Mr. Keightley lived his life as a celebration.

Perhaps the most lasting tribute to Bill began in 2002, when the University of Kentucky athletic department presented its first Bill Keightley Award to the individual ''who exemplifies the pride, respect, and positive attributes'' associated with the University of Kentucky basketball program. They still present this award annually, to honor Mr. Bill.

UK followers and basketball lovers across the Commonwealth have lost the sport's No. 1 fan. And I know I speak for all of them when I say our prayers and best wishes of support go out to his family, including his wife, Hazel; and his daughter and son-in-law, Karen and Alden Marlowe.

UK President Lee Todd, Jr., best expressed what many Kentuckians are feeling when he said that we have ''lost someone who was not only the face of Kentucky Wildcat basketball, but the University itself.'' I second his words, and add to them my own: We will not soon forget the loyalty, passion, and dedication to excellence that Bill Keightley exemplified.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FAA REAUTHORIZATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2881 which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

Pending:

> Rockefeller amendment No. 4585 in the nature of a substitute.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, it is my understanding under the agreement that I can proffer an amendment at this time to the bill?

The ACTING PRESIDENT pro tempore. The Senator is correct.

AMENDMENT NO. 4587 TO AMENDMENT NO. 4585

Mr. DURBIN. I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Illinois [Mr. DURBIN], for himself and Mrs. HUTCHISON, Mr. BROWN, Mr. INHOFE, Mr. LAUTENBERG, Mr. VOINOVICH, Mr. NELSON of Florida, Mr. CORNYN, Mr. MENENDEZ, Mr. HARKIN, and Mr. BOND, proposes amendment numbered 4587 to amendment No. 4585.

The amendment is as follows:

> (Purpose: To strike the provision relating to required funding of new accruals under air carrier pension plans)
>
> Strike section 808.

Mr. DURBIN. Mr. President, if you sat down this morning to design a system that would offer American workers the most secure retirement possible, where would you start? If you are starting from scratch, what principles would guide you?

Here are a few I think you might begin with. First, you want to encourage companies to offer secure retirement benefits. That is obvious. Second, you want to ensure that companies keep their promises to their employees and retirees. That ought to be at the top of the list. Third, don't create circumstances under which employers decide they can't afford to keep offering decent retirement benefits without becoming uncompetitive as a business or insolvent. That is pretty sensible. Fourth, treat all the companies in an industry equally so as not to pick the winners and losers. Don't tip the scales.

There are many other goals you might set out to achieve. Of course, we are not starting from scratch this morning, and this is not primarily a pensions bill, it is a reauthorization bill for the Federal Aviation Administration. But the substitute amendment we are now considering contains one pension provision that I think violates the principles I just laid out. That is why I am offering an amendment with Senator HUTCHISON of Texas, with a lengthy list of bipartisan cosponsors, to strike that provision of the bill.

The impact of our amendment will be to provide retirement security for over 180,000 American workers and at the same time maintain air service for all of our constituents in over 300 cities in our Nation and around the world.

Who supports this amendment dealing with the pensions of workers? The workers themselves. It is supported by the 135,000-strong Transport Workers Union of the AFL/CIO, and it is supported by a long list, a bipartisan list of cosponsors starting with Senator HUTCHISON, who will be speaking a little later on this amendment this morning, as well as Senator BROWN of Ohio, Senator INHOFE of Oklahoma, Senator LAUTENBERG of New Jersey, Senator VOINOVICH of Ohio, Senator BILL NELSON of Florida, Senator JOHN CORNYN of Texas, Senator BOB MENENDEZ of New Jersey, and Senator TOM HARKIN of Iowa. As you can tell from this list, this is a very diverse sponsorship—both sides of the aisle, all over the country. We have the support of the workers whose pensions are being affected, and we have the support of Senators from both sides of the aisle in a bipartisan fashion to strike this section of the bill.

It is a little complicated, but for the record we need to get into the background of why we are here today.

In 2006, we passed the Pension Protection Act, which established new rules for defining which companies were meeting their obligations to their employees and retirees and which companies were not. All the companies in America were, in effect, given 7 years to catch up on any underfunded pension plan, and rules were established regarding how the underfunding was to be estimated. That is only right and sensible because if we are going to offer a pension to an employee and the employee can count on that pension, they have to make sure the pension plan is adequately funded so when they call on that plan at the time of retirement, the benefits will be there, the benefits that have been promised over the lifetime of a worker.

It affected all the companies in America except for airlines. We recognized at the time that the airlines were facing unique circumstances. They owed huge amounts of money to hundreds of thousands of workers and retirees, and yet they were facing a very

difficult struggle to profitability after 9/11. We all recall what happened. Airlines were shut down completely across the United States and then air travel was at least compromised if not inhibited for months and years afterward.

We understood the airline industry needed special consideration, so we gave the airlines a special arrangement when it came to funding their pension plans. We said airlines had 10 years to make their pensions whole instead of 7 years, which gave them a little longer period of time. We allowed the airlines to assume a rate of return on their investments of 6 percent instead of assuming a lower rate based on the formula that other companies were forced to use—all airlines, that is, except for two, Delta and Northwest. These airlines had frozen their defined benefit retirement plans.

What does that mean to freeze the benefit plan? It meant no new workers at those airlines could participate. It meant the workers then working were covered by their defined benefit pension plans; those new workers coming onboard at these airlines did not get that benefit; and no new benefits could be provided to existing workers and retirees. The current pension benefits were frozen, excluded new employees from coverage.

So, in a way, Delta and Northwest were given special treatment. They were allowed to deal with their retirees in a different fashion than any company in America, than any airline in America. These airlines were told they could take 17 years to catch up on the payments instead of 10 years, and they could assume a rate of return of not 6 percent but 8.85 percent. It was a very generous deal.

Let me restate that another way. Some airlines, but not all of them, could assume a far higher rate of return and spread their payments over a much longer period of time. What difference does it make? It meant those airlines, Delta and Northwest, had to set aside far less cash toward their pension plans each year than the other airlines with which they were competing.

In a very competitive industry such as air travel in this country, this created a huge advantage for these two airlines, Delta and Northwest. To make matters worse, we rewarded the airlines that froze their pensions. Let's compare that result then to the principles I laid out at the beginning of the statement.

Did we encourage, with this decision, companies to offer secure retirement benefits? No. It seems to me instead we encouraged companies to freeze their benefit plans.

Second, did we ensure that companies keep their promises to their employees and retirees? I do not know about that. Does allowing companies to take 17 years to adequately fund their obligations ensure that they keep their promise? It is a fair question.

Third, did we avoid creating circumstances under which employers might decide they could not afford to keep offering decent retirement benefits without becoming uncompetitive or even insolvent? I think trying to avoid this scenario was part of the rationale for giving airlines a bit more of a cushion. So perhaps we did.

Did we treat all companies in an industry equally, so as not to pick winners and losers and create a competitive advantage for some airlines over others? We most certainly did not.

Now, fast-forward to last year. On the first day of the new Congress, Senator KAY BAILEY HUTCHISON of Texas introduced legislation to bring more balance to pension rules for the airline industry. We passed this legislation as part of the Iraq supplemental last spring, and I supported Senator HUTCHISON.

What did the language do? It gave the airlines that have not frozen their pension plans—and let me be specific which airlines: American Airlines, Continental, Hawaiian, Alaskan, and US Airways—the opportunity to assume a better rate of return on their investments. They now can assume a rate of return of 8.25 percent.

Remember, Delta and Northwest, under the law that we passed, can assume a rate of return of 8.85 percent, whether that, in fact, takes place. So even under the existing law before the bill that we have before us, those two airlines are going to benefit. They get a better break, better treatment, Delta and Northwest, than all the other airlines, and they can smooth out these payments over 17 years, not 10 years.

So did the change in the law on pensions benefit those two airlines initially? Yes. Is their benefit compromised by what we are doing with this amendment today? No. But does it bring the other airlines in the country closer to the same treatment? Yes, it does. So we still have not provided all of the industry players with parity. Delta and Northwest still do much better. The airlines that are still trying to provide their workers secure retirements through defined benefit plans that are not frozen are still getting a much worse deal than the airlines that froze their plans, but it is a bit fairer.

So what was done years ago rewarded those airlines—struggling, I will concede—with better treatment in terms of funding their pension plans from a corporate point of view than other airlines. What we are doing today is lessening that advantage slightly but not at the expense of Delta and Northwest. In fact, what we are doing is maintaining what has been the law since last year. That brings us today to this substitute amendment which we are considering.

Section 808 of the substitute amendment would place new responsibilities on only those airlines that we tried to help last year. This section would once again widen the disparity between the rules that apply to some airlines versus the rules that apply to others. That does not make any sense. This section would require only the five airlines that I mentioned to fully fund all new pension obligations this year and every year going forward, only those five airlines.

Now, you might say, in a vacuum that seems reasonable, fully funding a pension. We want companies to pay their pension plans, right? Well, it is up to a reasonable point. There are three fundamental problems that I think are very important for my colleagues to understand. First, the provision in the bill which Senator HUTCHISON and I would strike penalizes the airlines that have worked the hardest to fully fund their pensions already. Don't we want companies to work hard to fully fund their pensions? If we do, why would we want this section of the bill which penalizes them for their effort to protect their workers and be fair in their pension plans?

Take American Airlines, for example. According to the rules, American Airlines' pensions are 116 percent funded. To put it another way, the management has put more money into their pension plans than they actually need to put in to make sure they make all of the payments promised, 16 percent more. It is not as if American is underfunding their pensions; they are overfunding their requirements. The assets on hand, after assuming the investment rate of return over time, are worth more than what American Airlines has promised its workers and retirees. How can we ask for anything more than that?

So why should American Airlines have to then fully fund all of its new obligations each year so it continually maintains 116 percent funding? Is not 100 percent enough?

Second, this provision unnecessarily pushes these five airlines closer to bankruptcy. Is it really in our Nation's best interest that these five airlines pay an additional $2 billion into their pension funds over the next 5 years when they simply do not have cash laying around?

As a national policy, is it better for us to have more airlines or fewer? Do we want more competition or less? Do we want fewer bankruptcies or more? And if we really care about the retirements of these hundreds of thousands of workers who are employed at these five major airlines, why would we push their companies closer to bankruptcy?

Do you know what happens when a company goes into bankruptcy? Ask the employees of United Airlines what happened? The first casualty is their pension plan. I have been there. They are based in Illinois; they are based in Chicago. It was painful. And if you push more airlines into bankruptcy, you are not helping their workers and their retirement, you are jeopardizing it.

If that sounds dramatic, I would like to show this chart to my colleagues who are following this debate. These are the bankrupt airlines, recent bankrupt airlines: Frontier Airlines filed for

bankruptcy, 6,000 employees were affected by that decision; ATA filed for bankruptcy, 2,230 employees affected; Skybus, 450 employees terminated; Aloha, 1,900 employees; EOS airlines, 450 employees.

This is the reality of the airline industry today. By my count, over 11,000 employees were affected by these bankruptcies. So why in the world would we put a provision in this bill which would require our airlines, these five airlines, to put dramatically more cash into these pensions, beyond what is required of other airlines, beyond what is required for 100 percent funding, and jeopardize them and endanger them so that they face bankruptcy?

Let's look at the losses recently reported for the first quarter by some of the largest domestic carriers, just in case those who are critical of this amendment believe these airlines are flush with cash. Look at what happened in the first quarter of this year: Delta Airlines' first quarter losses, $274 million; American Airlines, $328 million; and United, $537 million.

If there is someone who believes—and I do not know who it might be—that the airline industry is so flush with cash, that they are so strong they can handle this new pension requirement that is put in this bill, and it will not have a negative impact, they have not noticed the reports on the first quarter. In virtually every instance every airline in America has struggled and fallen behind because of jet fuel costs.

Now comes this bill, not providing these airlines a helping hand through one of their most difficult periods in history where bankruptcies are rampant and losses are at record levels. This bill imposes new regulations on airlines struggling to survive.

At a time where crude oil is threatening to reach $120 a barrel—it did last week—and jet fuel is pushing $160 a barrel, I do not think the airlines are in a position to add another $2 billion to their pensions which are already well funded.

Remember, Delta and Northwest were given a privileged position when it came to the treatment of their pension plans under the law. They did not have to put as much money into their pension plans. They were given a longer period of time to pay out or to fund them, 17 years, and the rest of the airlines were given circumstances which were more demanding of them. They had to put in more money.

What Senator HUTCHISON and I are trying to do is protect a difference but one that we think is reasonable. What the bill does is to push these airlines at exactly the wrong moment in America's business history into a position where they are going to have to surrender cash reserves and risk bankruptcy.

Now, is that in the best interests of the workers and the pilots of those airlines? Eleven thousand workers at airlines are already bankrupt or out of work. There are over 180,000 workers in America who stand to lose nearly everything if we push these airlines into bankruptcy, and the over 300 cities that could lose air service and face higher fares? Why? Why do we want this?

Third, and finally, this provision creates an even larger disparity between the way some airlines are treated and the way other airlines are treated. In this most competitive industry, why in the world are we trying to tip the scales to the advantage of some airlines and push others near bankruptcy? It does not sound right.

Why are we demanding these five airlines to follow rules that no other company in America must follow? Why are we demanding these five airlines follow rules that two of their competitors do not have to follow?

The amendment I have with Senator HUTCHISON and others would strike this provision from the bill and leave current law unchanged. I think this is important to all Senators. It is not just an issue for those of us whose home States entertain these airlines and have them as carriers. I urge every Member who is interested in providing equitable treatment under the law to all companies in a given industry to support our amendment.

Do this for 180,000 workers who have weighed in, whose pensions are at stake and strike section 808. It is a bad idea. And let me also say this on behalf of the largest carrier affected, American Airlines. This legacy carrier is the only one left—of the larger carriers, I should say—that has not gone through bankruptcy. They have made sacrifices. They have cut back. They have tried to protect their workers and provide quality service. It has not been easy.

Now they are facing recordbreaking jet fuel costs. That is a reality. They have tried to keep their word to their unionized workforce to keep them on the job, to pay them as promised, to give them the pension they promised. Why do we want to punish good conduct? Why do we want to punish an airline that has tried its level best to keep its word to its employees and retirees? That is a question not only asked by the management of American Airlines, it is being asked by the workers of American Airlines.

They oppose section 808. They think it could be the end of their airline. What a legacy we would leave at the end of the day if we pass a bill that is supposed to pass to make air travel safer and jeopardize the existence of five major airlines in the process. That is exactly what section 808 would do.

I urge every Member who is interested in giving their constituents as many options for flight travel as possible by keeping afloat as many airlines as we can to support our amendment. I thank the 135,000 members of the transport workers unions whose pensions are at issue with this amendment. They have stood up in what I think is the best interest not only of transportation workers today but those retirees. I thank Senators HUTCHISON, BROWN, INHOFE, LAUTENBERG, VOINOVICH, NELSON, CORNYN, MENENDEZ, and HARKIN for cosponsoring the amendment. I urge my colleagues to join us. Let's strip this section from the bill and then move forward to do what we need to do to make American air travel safe and to respect the companies and workers we count on every day.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Illinois for taking the lead on this very important amendment. He and I are in complete agreement. I have never seen a time or an amendment or an issue before our Senate that has shown the companies fighting so hard to do the right thing for their employees; the employees standing with them in total solidarity, saying: This is something we should be encouraging companies to do, not discouraging companies from doing; that is, to provide the very best pension plan.

These are huge corporations. American, Continental, US Air, these are big corporations. They are trying to do the very best. They are going the extra mile for their employees. Yet they can't rely on the Congress to make a law and then keep it.

Let's go back a little bit in history. First, we settled this issue in a very hard-fought negotiation last year. We had airlines that chose to keep their defined benefit plans, doing the very best for their employees they could, making added contributions based on the law as it was. So they got ahead in their backup payments because, under the law as it was, anything in excess of their backup payments would help them offset their going-forward payments. They were in relatively good shape, as good shape as an airline could be last year. They had extra money. They poured it right into their pension plans. They overfunded their past obligations or the obligations they had for their past pension deficits. They did that, thinking that if they got into a cashflow problem, they would be able to offset those overages, which is what the law has been.

Now, in an aviation modernization bill that is to modernize our air traffic control system, that will address the safety issues we want to make sure are the very best that we can provide for consumers and passengers, a bill that will provide a passenger bill of rights—when a passenger is in an airplane and it is delayed, there are going to be new rules; there will be plans that have to be submitted for airlines to take care of them—in a bill that has so much good, that came out of the Commerce Committee, of which I am the ranking member of the Aviation Subcommittee and Senator ROCKEFELLER is the chairman, it came out with complete bipartisan support. Now we have in the

package that is going to be put forward a rehash of long negotiations that were settled last year.

I will take a moment here to say that I had a very telling conversation with the CEO of a major international corporation based in America.

I said: Why are you opening plants overseas instead of America? Why are you sending jobs overseas instead of America?

This CEO said: Well, really, basically two things. One is, the regulatory environment is better overseas. And secondly, the regulatory laws are more stable.

I said: More stable? This is America. What do you mean? There is a country overseas that has more stable regulations?

He said: Absolutely. Because we can't count on the law being the law. We see time and time again Congress or a regulator coming in, after a law has been on the books, we have done things in compliance with the law, relying that it is the law, and Congress changes something that affects something that we have done in reliance on that law.

I said: If there is one thing that the United States should be able to do, it would be leading in stability in laws and regulations. Maybe there are too many laws and regulations. Maybe there are too many taxes. But at least we should be able to be stable. We are the greatest economy on Earth.

Yet here we have a prime example of a law that was passed, contributions were made from the company to these pension systems based on the law that was passed, thinking we had come to an agreement. It was hard fought. A deal is a deal.

Let's go back and look at that law. In 2006, Congress passed the Pension Protection Act. Included in that legislation was a change in funding rules for airlines that had chosen to freeze their defined benefit pension plans. I argued strongly at the time that the playing field should be leveled for those carriers that continued to meet their obligations. There was virtually unanimous support for this view in the Senate. But in conference, the chairman of the Committee on Ways and Means of the House, who is no longer a Member of Congress, refused a provision that would level that playing field. Accordingly, we reached agreement with the leadership of the Senate at the time that we would take the first available opportunity in the next Congress to rectify this inequity. That is why on January 4, 2007, my colleague from Texas, Senator CORNYN, and I introduced S. 191. This bill was referred to the Committee on Health, Education, Labor, and Pensions. My staff also provided it to Finance Committee staff and personally briefed them on the bill on January 26, 2007.

The bill, which was subsequently enacted into law, established funding rules that, while not as generous as those given to airlines that froze their plans, were at least more equitable and created a better unlevel playing field than we had seen in the 2006 bill. It was very clear, when we introduced this bill, that we had it out there for the purpose of everyone knowing that we intended to offer it when appropriate legislation came through. That is the way things work in the Senate.

The provision adopted by the Senate and agreed to by the House is the exact language we drafted in S. 191. It should be a surprise to no one that we would offer that bill at the first available opportunity, which was the last omnibus appropriations bill. There has been something said in writing in opposition to our amendment, that this was a big surprise that was crammed into the supplemental appropriations bill. It was not a surprise. It was out there in the open. All of the relevant committees had been briefed and knew this was a bill that was pending that would be available for amending a proper vehicle. The proper vehicle was the appropriations omnibus, because there was not anything else that was going through.

None of the airlines adversely affected by the proposed change in the pension laws has missed a pension payment under current law. The greatest risk to pensions is bankruptcy. I am not saying the proposal in the bill would necessarily result in bankruptcy of these carriers, although that has been brought up as one eventuality. But at the very best case, it is going to restrict their cash reserves precisely at a time when they need it the most. Jet fuel is now being sold at $160 a barrel. At these prices, it is a race against time for airlines to preserve their cash. For Congress to intervene now, undo a law that was passed and relied on by the airlines to restrict the flexibility of a few airlines that need the maximum flexibility to meet this crisis, would be irresponsible.

It is as if maybe some of our Senators who I think have very good motives are not realizing the situation today, which is 10 times worse than it was last year when this legislation was passed. Prices of oil have gone up. Every airline is on its knees. Everyone is struggling. We are seeing the beginning of mergers, which I don't like, but it is a free world, and I don't think we have the right to intervene. But I don't want to have fewer airlines. I want our airlines to be robust, compete, and do the best for their employees they can possibly do.

It is as if we are living in another world to think that this is not a crisis time for the airlines. I don't want to hurt the other airlines either. I have nothing against Delta and Northwest. I hope they survive. I hope they do very well, because the more airlines we have doing well, the better it is for consumers and passengers. But I want to make sure that airlines that have kept their defined benefit plans, that are trying to go the extra mile for their employees and do the very most they can, as they are at the same time struggling with the higher cost of fuel, especially, I don't think we ought to penalize them. I don't think we ought to retroactively change what they relied on and made contributions to their pension plans, relying that the law was the law, and that the Senate and the Congress was a body of intelligent people who could reasonably look at the economic news in the world and know this is not a time when we would destabilize and further hurt an industry that is so important to commerce and the overall viability of our country.

Let's put it on the table. In the past 5 years, American Airlines has made $1.7 billion in contributions to its pension plans, when—I may be wrong; I am not saying that I know exactly—in the last 5 years, I might remember two quarters, maybe three, where they have actually shown a profit. Maybe it has been 1 year out of 5. But every time I pick up the papers, I am not seeing airlines with robust profits being reported at the end of a quarter. Last year alone, as oil prices were going up—and jet fuel is even more expensive than gasoline—they made a contribution of $386 million, which is more than they needed to make to keep their obligations current. Under the rules in place today, before this change would take place, they are 115 percent funded.

Continental Airlines has made a $1.3 billion contribution to its defined benefit pension plan in the previous 5 years, including $336 million last year—significantly above the minimum funding required. So if there is anything our Senate ought to be able to do, it is, No. 1, when a law is passed and relied on, that we would not retroactively change that law to penalize one company in an industry. It is not the place of the Senate to pick winners and losers. We are the model of free enterprise in the world, and we must keep that stability.

Secondly, if the parts of the bill that are being added that are extraneous to the underlying FAA modernization bill stay in, it is going to bring down a great bill, a bipartisan bill, that my colleague, Senator ROCKEFELLER, and I have worked on very hard, along with Senator INOUYE and Senator STEVENS, the chairman and vice chairman of the committee.

We have all supported the bill that came out of Commerce almost unanimously. It has been a joy to work on a bill that provides a better consumer environment, a safer environment for passengers, that would modernize our air traffic control system even further, that would address the issues that have been raised in the last few months about passengers being held hostage on airplanes that are on the ground, and giving them rights, and requiring airlines to do right by them. It is a great bill.

But if we do not strike this pension plan—which I do not think is right in any sense of the word—if we do not strike this from the bill, and if we do not take out some of the other extraneous tax provisions we will deal with

later that do not have anything to do with aviation, it is going to do great damage to the flying public and to commerce in our country.

I urge my colleagues to look at the arguments and help us remain stable—as stable as an airline can be in this very volatile environment. Let's not change the rules. Let's not give advantages to one over another. Let's try to help all of the airlines make it, be profitable, be robust, provide competition, and, especially, give the very best benefits to their hard-working employees they can possibly do. And, please, let's do not penalize those that are going the extra mile and giving their employees what is becoming more and more rare in this country today, and that is defined benefits for their pension plans.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I might consume.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. BAUCUS. Mr. President, on the surface, this is a complicated matter. Pension law is complicated. It gets into whether a company has a defined contribution plan, a defined benefit plan, issues such as: What is the assumed interest rate that applies to the pension plan? It is backwards: the higher the rate, frankly, the less of an obligation by the company to contribute to the plan. I think on the surface we would think it would be a little bit of the opposite. It gets into length of years, the time within which companies are required to contribute to their plan to fully fund their plan. It is very complicated on the surface.

It is very simple. This question we are dealing with here is very simple when you get down to what is going on around here. So I ask my colleagues to pay a lot of attention to the statistics and all the complexities at the surface, but pay more attention to what is going on here. After all the charts and all the statistics and all the stuff, what is going on here?

I think Senators and their staffs will find, when they do that, what is going on here is the question of—there are two questions here—do we want to keep the playing field level among the airlines? Airlines are going through some difficult times today, clearly. Fuel costs are high. There are other problems facing the airlines. But do we want the playing field to be level? The second question: Do we want to help provide adequate protection to the pension plans, to retirees? Those are the two basic questions.

So how did we get here? Back several years ago, after 9/11, and when the country was facing some economic difficulties, when pension plans were going belly up because companies, regrettably, were not adequately funding their pension plans—especially the defined benefit plans; to some degree, the defined contributions, but especially defined benefit plans—what did we do? We in the Congress exercised our responsibility to do something about all that. What did we do?

In 2006, we passed a pension bill. What did that provide? Well, we were kind of caught in the middle—Congress was—especially with respect to airlines because after 9/11, airlines were not doing well at all because people were not flying as much, and they were under significant stress and strain, and, at the same time, pension plans were not in good shape generally—not just airline pension plans but other companies' pension plans.

So we refined the law in 2006 to give much more protection to retirees in their pension plans because companies basically were not doing what they should have been doing back up to that time.

We had another little problem on the side, and that was airlines because they were under a lot more financial stress than other companies in the United States generally. So what did we do? We said: Well, we want to help the airlines. We do not want to hurt the airlines. We also want to protect the pension plans. So we raised the pension plan requirements that all companies must face.

But we gave a little break to the airlines. We gave a longer period of time in which they had to fully fund their plans. We said: For those that are in bankruptcy—there were a couple back then—you get a long time. You get 17 years. We will also give you a big, high interest rate. ''Big, high interest rate'' means it is computed at a greater rate of return on your assets so you do not have to contribute as much to the plan. We also gave a big break to the airlines that were not in bankruptcy. We gave them 10 years. The standard rule was 6 years for all other companies. We said: OK, you are in real stress. You get 17 years. If you are in some stress—not as much—you get 10 years. Those are companies that were not in as much stress. Those are companies that did not freeze their plans, whereas, those that had 17 years did freeze their plans. We said: OK, after 10 years and 17 years, the playing field will be back to level again.

A couple airlines with plans that were not frozen, that had the 10-year requirement—remember, the standard rule is 6 years, but they got the 10 years, not the 17 years—said: Wait a minute, you are helping those who are in bankruptcy too much at our expense. They said they were doing the right thing. So we said: OK—that is what this bill does—OK, we will give you virtually the same interest rate as the others. What does that mean? It means you do not have to contribute to your pension plan. You do not have to.

So we think that levels the playing field because now all companies will have to contribute to their plans, at least prospectively. We are saying to the other companies—the 10-year companies—you do not have to contribute to your plan up to today's date, up to 2008. You are free. You are off the hook.

So these arguments you hear on the floor that this underlying bill is putting financial stress on certain companies are not true because those companies will not have any obligation to contribute more to their pension plan for past liabilities, but they will currently.

We think that is a fair compromise. This is not a perfect world. But under our committee bill, it is clear it is basically a level playing field because all companies now will have the same computed interest rate to calculate what their assets are to indicate the degree to which they have to contribute to the plans.

Now the Durbin amendment says: No. No. We want to give a bigger break to the companies that do not freeze their plans that are not in bankruptcy. The effect of the Durbin amendment will be that those companies will not have to contribute to their pension plans. They have not, and they will not have to for a couple years in the future because the Durbin amendment gives a higher interest rate, which, in effect, means they will not have to contribute.

Well, if I am a retiree, and I work for one of these airlines, I would say: Wait a minute. I want to make sure I am protected too.

So, as I said, there are two questions here. Is the playing field level? And, are we going to protect the pension plans?

The effect of the committee bill is to level things off. It is not perfect, but it is almost perfect; where the effect of the Durbin amendment is to make it much less perfect and basically help a couple airlines that, as a consequence, will not have to contribute to their pension plans for past liabilities, and will not have to in the future either, because of the interest rate they provide for in their amendment, and other airlines will have to contribute into their plans.

I say the right answer here—airlines are squabbling among themselves over all this—the right answer is to keep it fair for everybody, have the same law essentially apply for everybody. The committee bill does that.

I might say also, we want to protect our pension plans because that was the whole purpose of the 2006 pension bill. The effect of the Durbin amendment is to say: No, these plans are not going to be protected as much under the Durbin amendment. That is not the right thing to do.

There are some who say: Gee, this is going to cause bankruptcies in the poor financial condition the country is in right now. That is a bogus argument. We are saying: Keep the playing field level. That is all we are saying in this committee bill. It is not going to affect the bottom line. Our committee bill will not affect the bottom line of these airlines because, basically, it is a cashflow issue because cash is transferrable between the plan and the

company. So it is not going to affect the bottom line of these airlines at all—the committee bill—nor will the Durbin amendment affect the bottom line. That is a bogus argument.

But the effect of the Durbin amendment is to give less protection to retirees—that is indisputable—less protection to retirees. And do not forget, under the 2006 pension bill, we were trying to give more protection to retirees.

Also, the second effect of the Durbin amendment is to unlevel the playing field. It favors certain airlines at the expense of others. I think the best policy is to protect pensioners and to protect retirees, and also to keep the playing field level. That is why I think it is better to not adopt the Durbin amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I respect the Senator who is the chairman of the Finance Committee. It is one of the toughest assignments on Capitol Hill. He has adequately described what I think is the challenge of pension plans—how to make sure companies put the money in they promised, and to keep their promise to their retirees.

What I am saying is, the approach the Senator brings to the floor, in section 808, is opposed by the retirees and workers. They do not believe it is in their best interest. They certainly do not think it is in their best interest if their airline goes into bankruptcy. They know what has happened repeatedly. When an airline goes into bankruptcy, the first losers are the retirees and the pension benefits of current workers. They are worried, and they should be. Look at how precarious this industry is, with the jet fuel costs and the record losses these airlines are facing.

Secondly, I cannot quarrel with the chairman's premise about keeping the playing field level when it comes to airlines. But if that is the case, how can he explain to us that two airlines are treated so dramatically different than others? Delta and Northwest have 17 years to make their pension liability right. We assume they are going to earn 8.85 percent each year on their investments regardless of what they actually earn.

The airlines we are talking about have 10 years to make their pension liability right, and their assumption of interest is 8.25 percent. Doesn't sound like much. It has been dismissed a little bit here. But if you are talking about hundreds of millions of dollars that are being invested in pension funds, you can understand the impact this might have.

The last point I wish to make is this: Senator HUTCHISON and I wish to keep the status quo. The section 808 amendment we want to strike changes it. Under the current status, the largest airline affected, American Airlines, has 115 percent of funding—115 percent. They are not falling behind; they are keeping their word to their employees and their retirees. That is why I hope my colleagues will support our amendment to strike section 808.

Mr. President, I ask unanimous consent before yielding the floor that Senator BOND be added as a cosponsor of our amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I have some responses to the Senator from Illinois when we get back because they are bogus arguments.

I yield the floor.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF IRELAND

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 12 o'clock.

Thereupon, the Senate, at 10:31 a.m., recessed until 12 noon, and the Senate, preceded by the Secretary of the Senate, Nancy Erickson, and the Deputy Sergeant at Arms, Drew Willison, proceeded to the Hall of the House of Representatives to hear the address of the Prime Minister of Ireland, Bertie Ahern.

(The address delivered by the Prime Minister of Ireland to a joint meeting of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

Whereupon, at 12 noon, the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. CASEY).

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 33RD ANNIVERSARY OF THE FALL OF SOUTH VIETNAM

Mr. WEBB. Mr. President, today is the 33rd anniversary of the fall of South Vietnam, where the North Vietnamese offensive that had begun in the aftermath of a vote in this Congress to cut off supplemental funding to the Government of South Vietnam. This was combined with a massive refurbishment of the North Vietnamese Army that allowed an invasion to kick off at a time when our South Vietnamese allies were attempting to reorganize their positions in order to adapt to the reality that they were going to get markedly less funding from the United States in their effort to grow their incipient democracy.

I think it is important for us to look back on that event and to give credit where credit is due, and also to talk a little bit about the future of relations between our country and the present Government in Vietnam.

Too often in today's school systems and in the discussions that examine the Vietnam war, we are overwhelmed by mythology. In many cases, we tend to assume this was a war between the United States and Vietnam. Nothing could be further from the truth. This was an attempt by the United States to assist a government in the south that had been formed with the idea that it would evolve into a properly functioning democracy, in the same way that we assisted South Korea when it was divided from North Korea, in the same way that we very successfully assisted West Germany when the demarcation line at the end of World War II divided Germany between the Communist east and the free society in the west. We were not successful in that endeavor in Vietnam for a number of reasons. But it would be wrong to assume that this was an action by our country against the country of Vietnam. It was an attempt to actually assist that country.

There is a lot of talk about the domino theory and the heightened and unjustified warnings about what was going on in the rest of the region with respect to different efforts that were backed by the Soviet Union and Communist China at that point. But these were actually valid concerns at the time. Indonesia had suffered an attempted coup that was sponsored by the Chinese. We had a hot war in South Korea when North Korea invaded. This was a region in a great deal of turmoil, when you look back at the European powers that had colonies throughout Southeast Asia, which had largely pulled back after World War II because of the enormous costs of that war. It had shrunk back into their own national perimeters. The Japanese had colonized a good part of Southeast Asia, and after World War II they had withdrawn their forces. There was a good deal of turbulence, and there was a great deal of strategic justification for what we attempted to do.

The bottom line is 58,000 Americans were killed in action or died of hostile causes during the Vietnam war. We should remember them with the validity that their effort deserves. Mr. President, 245,000 South Vietnamese soldiers fought alongside us and perished; 1.4 million Communist soldiers died in that endeavor.

The events following the fall of Saigon on April 30, 1975, have never really been given the proper attention in terms of how we evaluate the history of what we attempted to do. One million of the cream of South Vietnam's leaders were sent into reeducation camps, and 240,000 of them remained in those camps for 4 years or longer; 56,000 of them died in the reeducation camps. This was the cream of South Vietnam's leadership—almost as many as we lost in the entire war. Two million Vietnamese were displaced, a million of them hitting the ocean, risking their

lives in order to try to reach a better life that would not be under the oppression of a government that had succeeded in conquering the south. Many of them came to the United States.

Many of the families whose fathers and, in some cases, mothers had been in reeducation camps were able to relocate here and begin a different life. A Stalinist system took over in the north. When I started going back to Vietnam in 1991, that system was very much in place.

We should look to the future. I believe there are two important things for us to keep in mind at this point in the evolution of our relations with Vietnam. First is that over a pretty rocky period of time, the Communist Government of Vietnam has made adjustments and positive contributions. This is not to say that we are in a perfectly beneficial relationship, but I have been pleased, since 1991, to participate in many of these endeavors to bring a more moderate society inside Vietnam and to assist in bringing in American businesses.

Vietnam and Thailand, in my view, are two of the most important countries in terms of how the United States should be looking at East Asia and Southeast Asia with the emergence of China, the emergence of India, and the evolution of Muslim fundamentalism that spills over in Southeast Asia into countries such as Indonesia, Malaysia, and the south Philippines. Vietnam and Thailand are very important to us, and the relationships evolving between Vietnam and the United States are healthy and in the long term are going to be successful.

The second thing we should remember is that there are many Vietnamese Americans in this country who suffered not only during the war, but after 1975. We tend to forget that with the reorganization of the society that occurred under Communist rule. I have spent a good bit of my life working to assist this refugee community in the United States. I also have been working to build a bridge between the overseas Vietnamese community and the ruling Government in Vietnam today. Through that bridge, we are going to have a much healthier society here and also a much more productive society in Vietnam.

Today, I wanted to do my small part in making sure we in this country remember not only a struggle that had a great deal of validity to it—even though it did not turn out the way many of us wanted it to—but also the positive aspects of our relations with Vietnam looking into the future.

With, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I honor, as always, the words and wisdom of the Senator from Virginia.

Mr. WEBB. I thank the Senator from West Virginia.

FAA REAUTHORIZATION ACT OF 2007—Continued

AMENDMENT NO. 4587

Mr. ROCKEFELLER. Mr. President, I rise in support of Senator DURBIN's amendment.

The debate is not about an arcane, technical pension funding rule. The issue before us is about whether thousands and thousands of airline employees are allowed to keep hard-earned defined benefit pensions or if we are going to regulate them or throw them out to the underfunded PBGC, which has so much debt that you cannot count the zeros. This issue is about whether we are going to send additional major carriers, who have so far avoided bankruptcy in these brutal financial circumstances, into a downward spiral. My premise is to hold the main carriers harmless. They are up against it, at the cliff. We should hold them harmless.

Adding this pension provision to the FAA bill would defeat the whole purpose of this compromise brokered by the Finance and the Commerce Committees, which was done with the underlying principle that we should hold the commercial airlines harmless during these turbulent economic times, which are expected to last. That is sacred. That is why it would be unwise to load up an additional liability on airlines trying to do the right thing for their employees.

It would be especially wrong to cause that result in a misguided effort to put the preservation of regular order before common sense—in other words, going around a committee. It happens. Airline employees will pay the unnecessary price for this change from current law. It cannot happen.

During these tough times of rising fuel prices and mounting financial losses, this is not the time to impose tougher, unrealistic pension funding requirements upon the airline industry. To do so would risk more bankruptcies and force carriers to dump their pensions into the woebegone PBGC. That would put in danger the economic security of workers who would prefer to stay employed and not have their pensions frozen.

In 2005, when the Senate was considering the Pension Protection Act on the Senate floor, we passed an amendment by voice vote that I cosponsored with Senator ISAKSON and Senator Lott. The amendment would have given all airline carriers substantial pension relief. The amendment did not pick winners or losers within the airline industry. It is not our business. Rather, it focused on keeping their defined benefit pension plans solvent.

Unfortunately, as Senator HUTCHISON pointed out, the final product that came out of conference in 2006 limited the pension relief the Senate sought to give all airlines. Led by—and I will say he is gone and I am not sad—the Ways and Means Committee chairman, Bill Thomas, the conference report chose winners and losers. It gave some carriers more pension relief than others, creating a competitive advantage for some carriers.

A number of Senators were not happy with the airline provisions bill, including Senators DURBIN, REID, OBAMA, HARKIN, MENENDEZ, LAUTENBERG, BILL NELSON, and a lot of the rest of us. They entered a colloquy on the floor arguing that this disparity needed to be dealt with.

That is why in last year's Iraq war supplemental appropriations legislation DICK DURBIN did the only thing that he had available to him to do, and with the strong support of Senator HUTCHISON, he sought to right this wrong and inserted a provision that brought the airlines up to par and gave them the necessary pension relief that they deserved. I understand this was perhaps not the best process. We are not a body known for our meticulous protocol. We are trying to get something in that is lifesaving for the Nation.

As a senior member of the Finance Committee myself, which has jurisdiction of pension legislation, I agree with Senator BAUCUS that it would have been more ideal to go through the regular order and have the Finance Committee review and vet the provision. The problem is that it wasn't going to happen.

However, airlines need and deserve pension relief. We cannot adopt the pension provision of the Finance Committee tax title and impose higher pension burdens upon five domestic airlines, which has been discussed by various people, during these tougher economic times.

Remember, hold legacy commercial airlines harmless. So we would be turning our backs on American, Continental, US Airways, Hawaiian, and Alaska Air. To do so would risk more bankruptcies and more job losses. I pointed out earlier that one out of every six jobs in the airline industry has been lost in the last 6 years.

In 2005, while we were debating the Isakson-Rockefeller-Lott amendment that brought all airlines equitable pension relief, I stated on the Senate floor that my goal was to protect the employees and retirees who worked so hard to earn retirement benefits, and that remains my goal today.

To deny disadvantaged airlines the relief they rightfully deserve in the Pension Protection Act and which the Senate voted to give them would be unfair.

I have the utmost respect for Senators BAUCUS and GRASSLEY. They are a superb team. They did their very best and did a very good job on the whole on the Pension Protection Act. But the Finance Committee in the Senate should not have received the dicta of the now thoroughly retired former Ways and Means Committee chairman. The former House majority succeeded with their desperate efforts to achieve questionable policy goals by holding long-awaited pension reform legislation hostage. But that was then and

this is now, and we should not give the former House majority the satisfaction of achieving their desired objective over a jurisdictional squabble, and that is all it is. It counts. I understand that. It counts. People lie on the floor to protect it, but in this case, we are dealing with something much larger.

We can do better, and that must begin by us stepping back and invoking the ''do no harm'' principle. America cannot afford another major bankruptcy to cripple our aviation system.

With all of my respect to the Finance Committee leadership, we just cannot do one more thing to jeopardize the health of our domestic aviation industry, particularly the commercial sector. The rest of it is doing very well. For that reason, I will support Senator DURBIN's amendment, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I take a view opposite what was just spoken by Senator ROCKEFELLER on the amendment that is before the Senate, the Durbin amendment, No. 1, because of a very carefully crafted compromise that was worked out when the pension reform bill was passed, and No. 2, the purpose of that legislation was to protect the pensions of the workers of the corporations of America, including the workers who work for our airlines.

What we are trying to do is stay within the realm of that compromise and the protection of workers' pensions. This effort detracts from it. I am trying to make sure workers' pensions are protected.

I am going to ask my colleagues to be against the Durbin-Hutchison amendment. The amendment before us seeks to keep in place a policy that is wrong from a pension policy standpoint. The amendment also would preserve a process followed against two committees with jurisdiction over pension policy—the Finance Committee and the Health, Education, Labor, and Pensions Committee. These two committees worked arm in arm for all of 2006 to get a pension reform bill together that would protect workers' pensions.

If the proponents of this amendment succeed in their effort, it will taint the legislative process with respect to one of the most important policy challenges before Congress, and this is strengthening retirement security.

The provision the proponents seek to strike is not only justified from a policy perspective—but the way in which the original provision of the Pension Protection Act was modified should raise the eyebrows of some of my Senate colleagues.

I would first like to walk my Senate colleagues through the yearlong conference negotiations of the Pension Act which occurred less than 2 years ago. But let me first remind my colleagues that the underlying intent of the Pension Act is to require defined benefit plan sponsors to fully fund their pension plans; in other words, keep their promise to their employees.

In nontechnical terms, the Pension Act makes sure plan sponsors are not digging a deeper hole by requiring plans to pay off their unfunded liabilities.

The Pension Act requires defined benefit plan sponsors to make contributions, one, to cover benefits accrued in the current year and, two, to pay off any unfunded pension liabilities or past liabilities over a 7-year period of time. A lot of people think we were not doing justice to the workers of America by giving these companies 7 years to pay off these past liabilities, but at least we have a plan in place that two committees of this Senate worked on that was a compromise that would bring us to the point where even after 7 years, workers' pensions would be protected.

There is an interest rate issue with a lot of pensions—the interest rate used to determine these past liabilities based on the yield curve of high-quality corporate bond rates. Currently, the corporate bond yield curve rate is approximately 6 percent. The Pension Act provided two exceptions to this general rule. The exceptions were specifically provided for certain commercial airline carriers that may have had difficulty meeting the general requirements within the bill. In other words, we were taking into consideration 2 years ago the very critical and—how would I say it—very unpredictable future of airlines. That is something that was legitimate at the time.

There were exceptions for these commercial airline carriers. Under the first exception, carriers that froze their pension plans were permitted to pay off any past pension liabilities over 17 years—that is instead of 7 years—and use in the process an 8.85-percent interest rate to calculate past liabilities. And that would be instead of current law, which is a 6-percent rate. Under the second exception, carriers that did not freeze their pension plans were permitted to pay off liabilities over 10 years instead of 17 years, if they chose the other course, and use the current 6-percent rate instead of the 8.85-percent interest rate.

During the Pension Act negotiations, those airline carriers freezing their plans were permitted to take advantage of the first exception. We were aware at that time that these carriers pledged to make new 401(k) contributions on behalf of current and new employees in their union negotiations.

Those airline carriers that did not freeze their plans did not need to make the same pledge for a 401(k)-type retirement because these carriers continued their pension plans. The workers for these carriers continued to accrue benefits under the pension plan.

The opponents of section 808 do not understand or maybe they choose to ignore that this was a carefully crafted compromise which was intended to place workers of each of these carriers in a similar position from a retirement perspective. Workers of carriers that did not freeze their plans continued to accrue their usual pension benefits. Workers of carriers that froze their plans received retirement benefits under 401(k) plans. Under each approach, the carriers remain obligated to pay their retirement benefits that accrue in the current year.

This was a proworker, proparticipant approach that recognized the financial distress the airline industry was experiencing. It also recognized the differences in the financial health of the carriers that froze their pension plans and the financial health of carriers that did not freeze their retirement plans.

The amendment's proponents are now saying they want the same set of rules that were offered to carriers that froze their plans.

What is on the books that we in the Finance Committee are trying to correct in this legislation is that we gave maximum flexibility to airlines to choose one plan or another, the one that fit, whether they wanted to freeze their pension plans or not freeze their pension plans. And if they froze their pension plans, they chose a future 401(k) for their employees. It was maximum flexibility because these union agreements were much different among the airlines and the financial conditions of the airlines were very much different. We wanted to give choice for flexibility for the financial management of the corporations to keep their promise to their workers, and we wanted to keep our promise that Congress made under our laws that workers' retirement ought to be protected. So there was maximum flexibility.

OK, everybody agreed to this, and then later on, people wanted to change the rules in the middle of the game to benefit one airline over another airline. So the proponents of the present law, the present distraction from our compromise that was made less than 2 years ago, will tell you that just before passage of the Pension Act, an agreement was reached with Senate leadership that the Senate would take the first available opportunity in the next Congress to offer the same set of rules to carriers who do not freeze their pension plans. If that is true, then why did we worry and try to make this compromise over a period of 7 months during 2006? We wouldn't have had to spend the time to do that.

On January 4, 2007, Senator HUTCHISON and Senator CORNYN introduced a bill that loosened the rules for those carriers that did not freeze their plans. The bill increased the current interest rate of 6 percent to 8.25 percent, which, in their view, is closer to the 8.85-percent rate given to frozen plans.

The bill was referred to the Health, Education, Labor, and Pensions Committee. I don't recall Chairman KENNEDY and Ranking Member ENZI considering the Hutchison-Cornyn bill in

the normal course of the committee process. I know for a fact that neither Chairman BAUCUS nor I considered the Hutchison-Cornyn bill in the Finance Committee.

Language that was identical to Hutchison-Cornyn was slipped into the war supplemental conference agreement. This action was taken without consideration by the two committees of jurisdiction over pensions, the very same two committees that worked for several months during 2006 to work out this carefully crafted compromise that took into consideration the financial conditions of the various airlines, the desire of some airlines to freeze their pensions and substitute 401(k)s and those airlines that wanted to keep their pension system going as was, without any consideration to the people who worked on this for so long.

It was slipped into the conference agreement of an appropriations bill. Isn't that the process we here in the Senate are trying to put an end to? No promises were broken. The promise to make the rules the same was taken up in this Congress. Specifically, the Senate Finance Committee included the provision we are debating today and the modification of the chairman's mark of the Federal Aviation Administration authorization bill. The mark was considered by the full Senate Finance Committee in September of last year. The full committee overwhelmingly supported that provision and favorably reported it out of committee. Proponents of this amendment cannot stand on the Senate floor and cannot in good conscience argue that promises made to them were not kept.

Let me remind my colleagues that we here in the Senate have a committee process which enables Members to debate and dispense with issues in an orderly process. Without this orderly process, the democratic process our Founding Fathers gave us breaks down. I didn't serve as chairman and now ranking member of the Finance Committee to let an orderly and democratic process break down, particularly considering the months of compromise the House and Senate took to work out what that pension bill was all about.

For my Senate colleagues to suggest that a provision that was not considered during the normal course of the committee process is making good on a promise that was made to them—I think that is not acceptable. For my Senate colleagues who, alternately, contend that the promises that were made to them were not kept, I ask them why they did not speak up during the full and open deliberation that occurred in the Finance Committee in September. Why are they now opposing a provision that was out there in the clear light of day for over 7 months and, if they had problems with the provisions, not speak to us about them? Or is it that the airline carriers that oppose this provision finally woke up? I don't know. Did they wake up to the fact that their blatant end run around the committee process would not go unnoticed and they wanted to find some way to undo the careful compromise of 2006? I am skeptical, of course. ''Skeptical'' is an understatement.

But let me turn to the policy in the Finance Committee bill. As we have established, opponents of that provision successfully increased the interest rate for nonfrozen plans to 8.25 percent. They say the 8.25-percent rate levels the playing field. I admit that and agree with them. But it only levels the playing field in the context of calculating past liabilities. So I agree it is equitable to allow all the carriers to use the more favorable interest rate to calculate past liabilities, but it is not equitable to allow carriers that did not freeze their plans to underfund benefits earned in the future and maybe get us back to the position we are still in somewhat, even regardless of the law that is now on the books. This is what is going to happen if we do not do something about it right now.

I would like to correct the manner in which my distinguished colleague from Illinois—and he is here on the floor—refers to the now infamous 8.25 percent, versus the 8.85 percent. These are not ''earnings rates.'' The rates are not used to determine the value of plan assets. Instead, the rates are discount rates that actuaries use to determine the present value of pension liabilities. Basically, the rates are used to determine how much a company has to contribute today to make good on the promised pension payments that would be due when an employee retires.

This is an important distinction because when a company uses a higher interest to project the present value, the company is able to understate—or I would use the word ''mask''—the promised pension payments. This understatement allows the company to contribute less money to the plan. Less money to the plan is an important distinction because we are talking about protecting workers and their pension rights.

Why would a worker support a policy that places the full value of their promised pension payments in jeopardy? My colleague from Illinois contends that the workers of the carriers in question support this practice and, of course, the Durbin-Hutchison amendment. Most workers I know ask for bigger payments or at least want to make sure they are secure in retirement. It is usually management that wants to short the worker. That is why we get into the trouble we are in and why the Pension Act of 2006 was necessary.

But let me get back to what the war supplemental actually accomplished. Carriers that are currently using the 8.25-percent interest rate are now permitted, No. 1, to mask the pension plan's unfunded liabilities and, No. 2, contribute less money to a pension plan. The greater extent to which a pension plan is underfunded, the greater the risks to the Pension Benefit Guaranty Corporation, the Federal insurer of the pension plans. Then, obviously, if that comes up short, the taxpayers pick up the bill.

Opponents of the Finance Committee provision argue that the most important risk factor for the Pension Benefit Guaranty Corporation is the financial health of a plan sponsor. This is not entirely true. Whether a plan is underfunded is an equally important risk factor. Specifically, if the company goes into bankruptcy and pushes the pension liabilities onto the PBGC, guess who is holding the bag for those unfunded liabilities—it is the PBGC. In the most extreme cases, then the taxpayers might be left holding the bag.

My opponents cannot tell half of the story. Yes, the financial health of the plan sponsor is important, but so is the funding status of the plan. What we have here is an issue of underfunding. I told you that from an actuarial perspective, higher interest rates mean lower plan liabilities. When a plan's sponsor uses a higher interest rate to determine its liability, the sponsor is effectively masking the plan's liabilities. In other words, the plan's liabilities are artificially understated. I want to emphasize the word ''artificial'' because what we have here is a case where the carriers that oppose the Finance Committee provision are trying to take advantage of a special funding rule based on an artificial funding status.

I went to great lengths to say to my colleagues during 2006 how we tried to take into consideration—between the two committees, the Labor Committee and the Finance Committee—considerations of the different financial conditions of the various air carriers and to give them some choice. Specifically, if a plan sponsor using the normal 6-percent rate is 100 percent funded, the plan sponsor is only required to contribute money to cover the current year's costs. If the plan is, say, 115 percent funded, the plan sponsor may use the excess to cover the current year liabilities. In some cases, the plan sponsor will not have to contribute any money because the excess would cover the current year costs. Carriers that are using the 8.25-percent are contending that, because their plan is 116 percent funded, they do not have to make the current year contribution. The problem here is that the 116-percent funding status is artificial. It is artificial because the 8.25 rate effectively masks the underfunding of the plan.

So I ask my Senate colleagues, should a plan that is artificially funded be permitted to avail itself of a rule that is only available to plans that are adequately funded? Or put another way—this is fuzzy funding math. It is fuzzy in the way it puts the plan at risk. Should plans that are artificially funded be allowed to skip making their current year contributions? In that case, are they not just digging the hole deeper?

The Finance Committee provision says that if these carriers use the 8.25-percent rate, which results in an artificial funding level, these carriers cannot skip their current year's contributions. So the Finance Committee provision makes good on the promise that was made to Senators during the year 2006; that is, that we are allowing carriers that did not freeze their plans to use a more favorable interest rate to determine their past liabilities—the same deal that was given to frozen plans. What we are also saying, however, is that if you are using the more favorable rate, you have to contribute the current year's cost. That is the grand compromise of 2006.

Again, the same deal was given to the other set of airlines and/or other corporations—to freeze their plan. To do otherwise would, No. 1, adversely affect active workers and, No. 2, allow these carriers to dig a deeper hole by allowing pension liabilities to continue to grow.

Moreover, taxpayers can end up being on the hook for these unfunded liabilities.

It all comes down to this bottom line: Workers, retirees, and taxpayers are in better shape if there is more money in the retirement plans. Workers, retirees, and taxpayers are in worse shape if there is less money in the retirement plans. Management wins if the company puts less money into the plan and workers, retirees, and taxpayers lose.

A vote for this amendment is a vote to put less money in the retirement plan. A vote against this amendment is a vote to put more money in.

Let me make sure I said that right. A vote for the amendment is a vote to put less money in the retirement plan. A vote against the amendment is a vote to put more money into the retirement plan. If you vote for the amendment, you are putting workers and retirees—and you ought to be concerned about taxpayers, most of all—at risk.

I hope my colleagues join me in opposing this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Illinois.

Mr. DURBIN. Mr. President, I greatly respect the Senator from Iowa. I know he may have to leave, but I do have to tell him I disagree with several things he said.

First, the point he raised: Why wasn't I in the Finance Committee stating my position? I am not a member of that committee and I do not know the procedure that was followed by the committee.

I will tell you, in this Federal Aviation Administration authorization bill, this is the only pension provision. To think this is a pension bill and we should have been forewarned that airline pensions would be part of the discussion about keeping America's skies safer and air travel safer came as somewhat of a surprise.

I learned of this amendment last week. I have known for a long time the position of the chairman and ranking member in opposition to my position on this issue, and I knew the day would come when we would revisit it.

But there are several things here which I think have to be said: First, freezing a pension plan might not sound like much unless you are a retiree. A frozen pension, which is what we are talking about with some airlines, would disqualify new workers from qualifying for the pension and restrict the airline from expanding any benefits under the retirement plan.

That is a frozen plan. That is what happened with several airlines as they faced and went into bankruptcy. They froze their plans. They said to their retirees: Times are tough. We cannot cover new employees. We cannot give you anything more; it is frozen.

Now, they were given pretty good treatment by the Finance Committee. In fact, they were given the most preferred treatment of any corporations in America. They were allowed to fund their pension plan over a longer period of time than any company in America, 17 years, and they started with an imputed assumption of 8.85 in terms of—as the Senator from Iowa called it the discount rate or others, the interest rate. But they were given this preferred position. It applied to two airlines, Northwest and Delta.

Now, what about the rest of the airlines? They were put in a different category. In their situations, airlines such as American Airlines did not freeze their pension plans; new workers came into their pension plans; benefits could be improved in their pension plans.

They were told: You will not be given the preferred treatment given to those that freeze their pension plans. It seems like it is upside down. You would think we would be benefitting those companies that are trying to do better by their employees. But, instead, we went the other way and said: We limit their catchup funding and liability to 10 years and the imputed interest to 8.25 percent, not as good a deal, and in the world of hundreds of millions of dollars, a very expensive difference between frozen pension plans and those that still have active defined benefit plans.

So now comes the argument with this new amendment in the Federal Aviation Administration authorization bill, that we have to freeze the current level of contributions being given by the airlines. Well, let me give you an example of what that means. In the instance of American Airlines, they have not only funded their liability to 100 percent, they have added more, despite the tough economic times.

Their funding level is 115 percent. It is not as if they are trying to pull anything over on their workers and retirees, they are putting more money in than they are required, even in these tough times.

The effect of this amendment, if it is not removed, is to hold them at that 115 percent contribution. What does it mean to the airlines such as American? It means $1 billion over 5 years. It means $200 million each year to keep the funding level way beyond the 100 percent that is necessary.

Now, if these were prosperous times, and these were companies that were making money, having record profits, you might be able to make that argument. I am not sure how, but you might be able to make it. But exactly the opposite is true.

I think the Senator from Iowa knows as well as I do how many airlines have gone bankrupt. The first time I met the Senator from Iowa, we were flying together on Ozark Airlines. That goes back a few years. Then we were flying together on TWA. That goes back a few years. And these airlines are gone. In the last few weeks, another five airlines are gone. This is a very risky business with the cost of jet fuel.

To say: Well, this will not hurt the airlines, another $200 million a year, just have them keep overfunding their pension liability is to ignore the obvious. As dangerous as it may be to have an unfunded pension plan, it is even more dangerous to be working at a company that goes into bankruptcy. I have been with companies that have gone through this PBGC. They do not always come out whole at the end of the day. There are limits on what the PBGC will pay, in terms of outstanding benefits to workers. They can end up with less.

So what we have is a circumstance where the Finance Committee is wanting to roll the dice. They want to bet that American airlines in general, not the American Airlines but American airlines in general, that do not have frozen benefits plans are going to start making a lot of money. They seem to think the price of a barrel of oil is going to go down; they think the cost of jet fuel is going to go down; they think these airlines are going to be flush with cash and be able to overfund their pensions.

Well, that is one possibility, but you would have to say, looking at what has happened over the last several weeks, not very likely; it is more likely that airlines will continue to face the pressure of increasing energy and fuel costs, more airlines will be flirting with bankruptcy, they will be struggling to meet the bottom line.

United Airlines laid off 1,000 workers last week, a $500 million loss in the first quarter. I think it is the largest they have ever sustained. Things do not look that rosy.

What Senator HUTCHISON and I are saying is be careful. Do not toy with the pensions of so many workers. Do not bet the farm, even an Iowa corn farm, on the possibility that things are going to get better for the airlines. Be conservative. Be careful. But protect the workers in the meantime. So as you listen to the Senator from Iowa close and say: Well, if you want to put more money in the pension system,

vote against this amendment. If you want to take money out, vote for it.

I would say to the Senator, there is only one problem with his argument: 150,000 of the 180,000 workers affected by your amendment support the Durbin-Hutchison amendment. They believe it is far better to maintain the current system of funding, not jeopardize these airlines so they might go into bankruptcy, have fair funding that makes sure these retirement benefits can continue to be paid. That is a fact.

When Senator BAUCUS, the chairman of the committee, came to the floor earlier, he said he wants to level the playing field. Well, the current law is already unfair. The field is far from level. And section 808 makes this inequity even worse, even worse.

It tips the playing field heavily on the side of Delta and Northwest at the expense of the other airlines, the five that would be hit by this. I urge my colleagues, if we are going to err, let's err on the side of caution. Caution tells us: Good funding of the pension liabilities in a difficult economic climate, with airlines going into bankruptcy, listen to the workers whose pensions are at stake and vote for the Durbin-Hutchison amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Texas.

Mr. CORNYN. Mr. President, I am proud to join Senator DURBIN and Senator HUTCHISON, the senior Senator from Texas, along with Senators BROWN, VOINOVICH, Senator BILL NELSON of Florida, and Senator LAUTENBERG from New Jersey in support of this amendment which would strike section 808 of the FAA reauthorization bill.

I would like to explain why. The 30,000-foot view is, if enacted, it would impose a significant and unfair burden on airlines that have done the most to provide for secure retirements for their former employees or their employees who will retire.

This amendment will make sure Congress does not jeopardize the pensions of 50,000 of my constituents in Texas who depend on the airline industry for their retirement, their nest egg, that they will retire on when they leave active duty.

Also, if this amendment is passed, it will relieve a significant competitive disadvantage some airlines, not coincidentally a couple headquartered in my State, American and Continental, would operate under, if the Finance Committee proposal would prevail.

That is why I support striking section 808 of the FAA authorization bill. Section 808 would undermine the ability of some airlines to maintain their commitments to their workers at a time when our economy is becoming softer and more questions than answers are apparent with regard to what our economic future, at least in the short term, is going to look like. It would reduce the financial flexibility of airlines, precisely at a time when they need it the most.

Now, I think a little refresher on recent history is important. Because what has actually happened is, in 2006, the Pension Protection Act was passed, and to be blunt about it, what happened is it benefitted airlines such as Delta and some others around the country, while American and Continental were basically told to wait, there will be an opportunity later on to come back to take care of your concerns and level the playing field and to eliminate the preferential treatment that was given to some other airlines during the Pension Protection Act of 2006.

So patiently we waited. Last year's supplemental appropriations bill was the vehicle we used to correct the inequitable treatment created for airlines such as Continental and American in the Pension Protection Act of 2006. The act included language that is in the supplemental appropriations bill, language out of S. 119, that I introduced with Senator HUTCHISON. As I said, it corrected the inequity that was earlier created in the Pension Protection Act of 2006.

But now, section 808 in the Finance Committee provision would simply undo the corrective action that Congress undertook in the supplemental appropriations bill I mentioned a moment ago. It should not be a part of the bill, I would also say, that is about improving and modernizing the air traffic control system in this country. Why would we be messing with the pensions of 50,000 Texans who depend on those two major airlines for their retirement benefits in this bill? It makes no sense.

I believe it is unfair and would reverse the corrective action we were able to accomplish in last year's supplemental appropriations bill. I have worked hard, along with my colleagues I mentioned, to make sure those folks who work in the airline industry will have a pension when they retire. I will continue to do so. I sincerely believe that passing the Finance Committee provision, section 808, would jeopardize their retirement benefits; could, in all probability, result in more airlines becoming bankrupt with tremendous uncertainty injected in terms of how their pensions would be protected.

At a time when airlines and their employees are facing enormous challenges, Congress should not pull the carpet out from under their feet and get in the business of picking winners and losers by giving some airlines preferential treatment over other airlines.

I wish to extend my gratitude to the Senator from Illinois, Mr. DURBIN, and my colleague, Senator HUTCHISON, for their leadership on this issue. I am proud to join them in this bipartisan amendment, which would strike section 808 of the FAA authorization bill, as I have described, and would, I think, make sure that what we do is keep the level playing field, not jeopardize the pensions of thousands of airline workers and would comport with fundamental fairness and equity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business on the energy crisis taking place in our country.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY CRISIS

Mr. SANDERS. Mr. President, I think virtually everyone in America understands our country is in extremely difficult straits; that the middle class is collapsing; that poverty is increasing; and that one of the immediate factors that is driving so many Americans over the edge is outrageously high energy prices.

This impacts every community in America, but it especially impacts rural States such as the State of Vermont, where workers are forced to drive long distances to work and end up spending an inordinate amount of money at the gas tank.

It is not uncommon in my State for people to travel 100 miles a day to work and back. If you do the arithmetic, you will find that in many cases, as oil prices and gas price have risen, people today are paying $1,000 a year more than a year and a half ago to fill up their gas tanks.

If you are a worker earning $30,000 or $35,000 a year, and you got a 3-percent increase in your wages, that is pretty good; in some cases all of your wage increase is going down that gas tank. You have to pay higher health care costs, higher educational costs, higher property taxes, and you are in a lot of trouble, which is why the middle class in America is, in fact, shrinking significantly.

Not only is this a major crisis in terms of what is happening at the gas pump, there is also severe worry about what happens next winter when people have to fill up their home heating oil furnaces and stay warm in the winter in States such as Vermont.

I can tell you that all over my State, a lot of senior citizens and other people are extremely worried about how they are going to stay warm next winter with the price of home heating fuel soaring to the degree it is.

Meanwhile, while prices at the gas pump are soaring, while home heating oil and diesel fuel are soaring, the profits of huge oil companies are going up to recordbreaking levels; hedge fund managers make billions speculating on oil futures, and OPEC continues to function as a price-fixing cartel in violation of World Trade Organization rules.

The average price for a gallon of gas recently hit a record breaking $3.60 a gallon, which has more than doubled since President Bush has been in office. The price of diesel fuel is now averaging over $4.17 a gallon, which is a $1.36 more than a year ago, and the price of oil is well over $114 a barrel. These prices say it all. What they say is we have a national emergency on our

hands. It is absolutely imperative for the Congress to begin to act in order to lessen this onerous burden on tens of millions of families. These record-breaking oil and gas prices at the pump are impacting not only consumers of oil and gas but, obviously, our entire economy. They are impacting family farmers, small businesses, airlines, grocery stores, restaurants, tourism and, of course, the price of food. This national oil emergency demands both short-term and long-term solutions.

One of the issues that concerns me is, I hear people getting up and saying: Long term, we have to transform our energy system away from fossil fuel to energy efficiency and sustainable energy. There is nobody in the Senate who believes that more than I do. We are on the cusp of a major transformation of our energy system. We need an Apollo-type project to invest heavily in wind, solar, and geothermal energy efficiency. We can do that. In the process, we can create millions of good-paying jobs. We have made a start in that direction, but we have not gone far enough. But to say we must focus on long-term solutions does not mean we can ignore the immediate crisis. Yes, we have to break our dependency on fossil fuel, but that is not going to solve the problem for a worker in Vermont who is paying $3.50 for a gallon of gas today. We have to address his and her problem as well. So it is not either/or. Yes, we break our dependency on fossil fuel and move to sustainable energy, but we also address the crisis of today. We tell workers all over this country that we understand they cannot afford to pay outrageous prices for gas.

There have been literally dozens of ideas from both sides of the aisle, good ideas, an understanding of the crisis as to why oil prices are soaring and also good ideas as to how we might solve the problem. I applaud all of those Senators who have come up with ideas. But it seems to me if we are going to be successful in helping the average American, we have to come forward with a comprehensive package. It is not good enough to say: I have an amendment in this bill and I have some language in that bill which may come about in 2 years or may never come about, and I have something over there. What we need is a comprehensive piece of legislation which understands the cause of this crisis is not just one thing—it is a multipronged problem which is causing oil prices to soar, and we will not solve this crisis through one simple action. We need a series of actions, but we have to bring our solutions together in a comprehensive package which says to the American people if that package is passed, oil and gas prices are going down. That is what we need to do.

I have been working with a number of my colleagues in order to do that. Let me briefly talk about what I believe should be in that package. It is about four provisions that could play a major role in lowering gas prices today. First, we need to impose an excise tax on the profits of the oil and gas industry. The American people simply do not understand why they are paying record-breaking prices at the pump while ExxonMobil has made more profits than any company in history in the last 2 years. Last year alone, ExxonMobil made $40 billion in profits, and they rewarded their CEO with a $21 million package in total compensation. A couple of years ago, they rewarded their former CEO, Lee Raymond, with a retirement package of $400 million. But it is not ExxonMobil alone. We have seen BP come in the other day with a 63-percent increase in their profits. Shell made a huge increase in their profits.

Since President Bush has been President, the five largest oil companies have made over $595 billion in profits, and that number is only going to go up as the oil companies report last quarter's profits. Last year alone, the major oil companies made over $155 billion in profits. People are sitting at home saying: I can't afford to fill up my gas tank to go to work, and ExxonMobil and Conoco and Shell, all the big oil companies, are making huge profits. What is the Congress doing about it?

Well, up to now, the truth is, the Congress is doing nothing about it. Obviously, the President is not doing anything about it. But I think most people understand the President and Vice President are never going to do anything to represent the interests of ordinary Americans. The question is, what do we do about it? The time is now that we should move forward with an excise profits tax. If we enacted a 23-percent excise tax on oil company profits, that would bring in about $35 billion this year. That sum of money would be enough to provide a 6-month suspension in Federal gas and diesel taxes and would also allow States to suspend all or part of their gas and diesel taxes as well. In other words, we are not just talking about Federal taxes; we are talking about State taxes. That would lower gas prices at the pump by almost 37 cents a gallon and up to 48.8 cents for diesel during the next 6 months. Is that going to solve all of the problems? No. But if you can't afford to get to work right now, it will help. Having an excise profits tax on the oil companies is only one of the things we should be doing.

Congress has to also address another area where there is strong evidence that speculators, both in hedge funds and in other financial institutions, are driving the price of oil to outrageously high levels. What we have to address is undoing the so-called Enron loophole. This loophole was created in 2000, as part of the Commodities Futures Modernization Act. At the behest of Enron lobbyists, a provision in that bill was inserted in the dark of night with no congressional hearings. Specifically, the Enron loophole exempts electronic energy trading from Federal commodities laws. Virtually overnight the loophole freed over-the-counter energy trading from Federal oversight requirements, opening the door to excessive speculation and energy price manipulation. Of course, nobody knows exactly what the impact of the Enron loophole is. But we do know huge amounts of money are being made, not simply in the production of oil but in driving oil futures prices up.

Let me quote Stephen Simon, a senior vice president of ExxonMobil, on April 1, 2008, in recent testimony before the House:

> The price of oil should be about $50 to $55 per barrel.

Right now it is more than double that. He attributes the addition, the almost doubling of the price, to speculation that is taking place.

Closing the Enron loophole would subject electronic energy markets to proper regulatory oversight by the Commodity Futures Trading Commission to prevent price manipulation and excessive speculation. I applaud Senators LEVIN, FEINSTEIN, DORGAN, and others who have focused on this issue. In addition to an excise profits tax on the oil companies, we must go after the speculation on the part of people within hedge funds and in the financial institutions industry who are simply playing games, making money, and driving the price of oil up. Those are two important steps we must take to lower the price of gas and oil.

Thirdly, the Bush administration must stop the flow of oil into the Strategic Petroleum Reserve and, in fact, release oil from this Federal stockpile. At a time of record-breaking prices, it makes no sense to continue to take oil off the market and put it into the Strategic Petroleum Reserve. This is not just my opinion. We have seen staff at the Strategic Petroleum Reserve recommend against buying more oil for the SPR in the spring of 2002. This is not a new idea. The truth is, this is an idea that has been used before under Democratic and Republican administrations. For example, when President Clinton ordered the release of 30 million barrels of crude oil from the SPR in 2000, the price of gas fell by 14 cents a gallon in 2 weeks. When the first President Bush released 13 million barrels of crude oil from SPR in 1991, crude oil prices dropped by over $10 a barrel. This is an approach which has been used in the past. It has worked in the past, and it is something we should do right now. That is the third provision I believe we should undertake.

Further, and in terms of where I think the comprehensive package should be, we must begin to address the OPEC cartel. I hear a lot of folks around here talk about the wonders of the free market and capitalism and free enterprise. But every single Member of the Senate understands that by definition, OPEC is a cartel. That is what they are. They are a group of oil-producing nations that come together

to control oil production, to limit oil production, and, therefore, to artificially raise the price of oil. That is what a cartel is, and that is what OPEC is doing.

In that regard, we have to do two things. No. 1, the President must file a complaint with the World Trade Organization. The truth is, OPEC itself is a violation of the rules of the WTO which is presumably about creating the free flow of goods and free trade. On the surface, OPEC is in violation of those rules and agreements. The second thing we must do is to tell people in Saudi Arabia, Kuwait, people whom American soldiers died for in 1991, when Saddam Hussein invaded Kuwait: Friendship is a two-way street. We protected you in 1991. Now the United States economy and much of the world's economy is in serious trouble. What you, Saudi Arabia, have to do is increase the production of oil.

My understanding is that right now Saudi Arabia is producing less oil than they did 2 years ago. There are experts who believe Saudi Arabia can produce almost 2 million barrels a day of oil more than they are currently producing.

So that is where we are. Where we are right now is, we have a national crisis. We have working people suffering and wondering about how they are going to be able to afford to get to work or keep warm in the wintertime, at the same time as oil companies are enjoying recordbreaking profits, and at the same time as speculators are making billions and billions of dollars in profits.

Now, it is no secret—everybody knows—that the oil and gas industry is enormously powerful. Everybody understands these people have spent hundreds of millions of dollars in the last 10 years on lobbying, and we know their lobbyists are hard at work at this very moment. We know those people have contributed hundreds of millions of dollars in campaign contributions. That is the reality and that is the American political system. That is the way it is. It is a system we have to change, but that is the way it is.

I think the time is now for the Congress and for the Senate to begin to stand up to these very powerful special interests. I think we need a comprehensive energy approach, and I have outlined it. I think we need a long-term approach moving away from fossil fuels to sustainable energy. I think we need a short-term approach, and I have outlined the four provisions I believe should be in it.

Let me conclude by saying this: The crisis we are facing as a nation is not just an energy crisis. It is a crisis as to whether the American people have faith in their own Government, in the people they elect. It is no secret that the President's approval ratings are perhaps as low as any President in American history, and the approval ratings of this Congress are even lower. That is the simple reality.

We are a democratic society. When people have problems, they look to their elected officials to respond to those problems and, hopefully, to address them. If we cannot do that, I am not quite sure why we are here. If the oil companies and the gas companies are so powerful with all of their money and their lobbyists and their campaign contributions that we cannot address the crisis facing working Americans, well, maybe we should rethink about what we do here.

But I think we can do something, and I have outlined what I think is a series of ideas that, if passed, would address, in a very significant way, this crisis. I look forward to working with my colleagues to do just that.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORECLOSURE CRISIS

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, as I come to the floor to speak this afternoon, millions of Americans are struggling to hold on to their homes in the wake of the foreclosure crisis. Thousands of them have lost their jobs, just in the last couple of months. Millions more are finding it harder just to get by because sky-high oil prices are forcing many of our families to pay more at the pump, more at the grocery store, and more in their power bills.

Yet while all of these working families are scrimping so hard today, the economic downturn has not even registered for one segment of America—big oil. The major oil companies reported their profits this week, and they are seeing record increases.

ConocoPhillips reported first quarter profits of $4.1 billion. That beats their previous record by $600 million. Shell and BP are also reporting huge gains.

Americans do not have to look very hard to figure out where the responsibility lies—why oil companies are seeing their profits soar—while working families are watching their bank accounts bottom out. Over the last 7½ years, Republicans have backed an energy policy that does very little but gives big oil companies tax breaks and special favors. Meanwhile, our middle-class families today are paying the price, and they know it.

In the first month of the Bush administration, oil prices averaged $29.50 a barrel. Almost 8 years later, that price has quadrupled. It is almost $120 a barrel this week.

When President Bush first took office, Americans were paying just $1.46 a gallon to fill their gas tanks. Last week, gas prices averaged a whopping $3.60 a gallon.

I went home last week—like I always do—to Washington State, where drivers are paying even more. A gallon of gas in Seattle, WA, costs $3.70; up in Bellingham, near the Canadian border, $3.80.

Families across my State are telling me they are cutting back on everything from shopping errands to summer vacations, and they are pretty angry they have to pinch their pennies while oil companies are making record profits.

When I travel around my State, gas prices are one of the first things people come up and talk to me about. They have written me countless letters about this.

For example, there is a stay-at-home mom from Yakima, WA, who wrote me that she worries every single day because her husband now has started riding a motorcycle to work instead of his car in order to save money on their gas bill. She wrote to me, and I want to read to you what she said. She said:

> It is unnerving to think of him riding his motorcycle after working a 10-plus hour shift. . . . It does not seem fair that my middle class family has to choose between paying the doctor—or putting gas in [our] car—while oil companies are making record profits.

High gas prices are not just affecting our drivers. Industries from shipping to trucking to commercial fishing in my State are all hurting. Our farmers in Washington State are especially concerned. We have thousands of farmers in Washington State. They grow everything from apples to wheat. They have to plow their fields and harvest their crops. Cutting back is not an option for them. They have no choice but to absorb the cost of fuel.

One woman—from the southern Washington farming community of Goldendale—just wrote to me that she and her husband are finding it hard to pay for groceries. I want to quote what she said:

> We, the little people, are struggling. Meanwhile, the gas companies are still netting billions. When is it going to stop? Something needs to be done to stop the nonsense.

That is how a farmer's wife from southwest Washington sees it.

Republicans have supported the energy policy of tax breaks for the oil companies because, they say, oil prices would be higher without them. But even President Bush said that was not true. In April of 2006, he said:

> Congress has got to understand that these energy companies don't need unnecessary tax breaks like the write-offs of certain geological and geophysical expenditures—or the use of taxpayers' monies to subsidize energy companies' research into deep-water drilling.

That was President Bush.

The reality is, not only have Republicans allowed oil companies to make record profits while gas prices have soared, but their policies have made us

more dependent on foreign oil than ever before. That has put our economy and our national security at risk. The amount of money we have sent to OPEC countries, such as Saudi Arabia, has skyrocketed from $41 billion to $140 billion since 2001. Just this week, the president of OPEC said oil prices could go as high as $200 a barrel.

Now, I come to the floor to talk about this today because over the last several days we have seen a parade of Republican Senators coming to the floor complaining about high gas prices. In many cases, they have been blaming Democrats for failing to address this crisis over the past 16 months. They are bringing out charts that show the price of gas when Democrats took over in Congress and the price now, and they ask all of us to simply forget the real reason for this crisis; that is, the misguided energy policy this administration has pursued for over 6 years.

But I have to tell you, the people in my State and the American people are not going to forget. They are not going to forget it was this administration that asked oil and gas companies to write that energy plan. They are not going to forget that the only real idea coming from the other side is to drill our way out of this problem. And they will not forget this is an administration closer to the oil and gas industry than any in U.S. history.

Now, we are not going to forget either, and that is why we are fighting for change. We have already won higher fuel economy standards and new investments in renewable energy sources. We all know we need to do more. We know that Americans cannot rely on big oil to solve our energy problems.

People in my home State of Washington are worried. They are worried about the future. They want to be sure their kids are going to have economic security. They want a solution to our energy problems that is going to keep us safe and protect our environment for the long term. Democrats have been fighting for policies that will help cut our gas prices, help to create jobs, and help keep our air and our water clean and, importantly, our Nation secure. We are going to keep up that fight. We know it is not going to be easy. The oil companies and those who support them are not going to give up on the status quo. Still, I hope our friends on the other side of the aisle will see what I see when I go home: Americans have had enough. I hope they will join us in investing in America's future and putting our working families first again.

Thank you, Mr. President.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

(The remarks of Mr. KENNEDY are located in today's RECORD under ''Morning Business.'')

Mr. KENNEDY. Mr. Presdient, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I ask you to let me know when I have spoken for 10 minutes.

The ACTING PRESIDENT pro tempore. The Chair will advise.

ENERGY

Mr. SCHUMER. Mr. President, I rise today to address a serious issue and that is the dramatically rising cost of energy and its impact on American families. The problem with rising gas prices compounds the pain felt in the American economy. Today we learned the economy had stalled to a paltry .6-percent growth rate. If you factor out the highest 10 percent in income, the remaining 90 percent of Americans are clearly experiencing a recession. Only people at the very high end—the wealthiest, the best educated, by and large—are experiencing significant increases in income, and when you factor that out, everybody else is experiencing decreases in income. The vast majority of Americans are already in a recession, and they do not need any statistic to tell them that.

It is also obvious from today's data that the entire economy has stalled. The last time we had two significant quarters such as this, we were battling a recession in the 1990s. Americans are being squeezed at every possible pressure point—at the gas pump—I am going to talk about this issue later—the grocery store, by their mortgage company, and by their employers. Just because President Bush will not say the word does not mean Americans are not feeling like we are in a recession. If we look at income numbers for most Americans, that is absolutely true.

It is long past time for the President to work with the Congress to help get this economy and American families back on track. If President Bush simply gives speeches and brings out the same old saws, we know he does not want to work with us. He is simply trying to say: I am out here talking about this, but there is no real solution. Imagine, the solution to the oil crisis is ANWR, the Alaskan oil reserve, which has been defeated even in a Republican-controlled Congress, which would not produce a drop of oil for 10 years and would bring no relief to the American driver. But I guess it is better than saying nothing, at least if you are the President of the United States.

With regular gasoline prices in States such as mine already over $3.75 a gallon—over $4 a gallon in many other States—and with the entire national average threatening to surpass $4 a gallon this summer, it is no surprise Americans are outraged as they hear about record profits for both the big oil companies and OPEC. Sometimes I wonder if there is any difference because OPEC and the big oil companies are almost always in cahoots.

Gas prices are 63 cents higher than last year, more than double in the time since President Bush took office, and they show no intention of slowing down. Shockingly, our very own President responded with a surprise to a question at the end of February about the likelihood of $4-a-gallon gasoline by saying:

> That's interesting. I hadn't heard that.

Well, Mr. President, I hope you hear us now because gas is at $4 a gallon already in many places in America, and it is only going higher. The only people who are happy about $4-a-gallon gasoline are big oil companies and OPEC in the Middle East.

We know the reason prices keep going up, of course, is in good part, world demand is increasing. We know, too, in the long run, we will not be able to reverse this price increase if we do not have a real energy policy. In fact, we have had no energy policy since President Bush took office. If you think it is energy policy to say let the oil companies do what they want, you are sadly mistaken. That is why we have $4-a-gallon gasoline.

This administration's energy policy is simply of, by, and for big oil and OPEC, of course, their partners, their buddies benefit. So in the long run, we need a comprehensive plan. We need conservation—that is the cheapest and easiest way to get lower prices—and we need new production of alternatives and also, in a reasonable and sound environmental way, new production of fossil fuels in America.

But we are also looking for some short-term ways to reduce the price of gasoline because even should we embark on a long-term energy policy that makes sense—and I am hopeful under the next administration, the new President, she or he, will make sure that happens—there are things we can at least attempt to do in the short term because people cannot wait 4, 5, 6 years to begin reducing the price. Even if tomorrow we were to implement a comprehensive policy, it would not be enough, it would not happen quickly enough.

So what can be done in the short term? One of the most important things that could be done quickly in the short term is to increase supply in existing reserves. The one country that has ample supply and has held back is our good ''ally''—and I use that word in quotes—the Saudis. The Saudis should

begin to understand that their relationship with America is a two-way street. They want our weapons, they want our troops to provide them with protection, but then they rake us over the coals when it comes to the price of oil.

The Saudis and big oil are in cahoots, and this administration has coddled both of them for far too long. There is no better evidence of this cozy cooperation than BP and Shell reporting record earnings this week and ExxonMobil and others on deck to do the same.

The bottom line—the sad bottom line—is the whole Bush tax cut for middle-class families this year will line the pockets of OPEC. Let me repeat that. The whole Bush tax cut for middle-class families this year will line the pockets of OPEC. People will pay out more because of the increase in energy prices than they got back on any tax rebate. The stimulus checks we are all so proud people are receiving, the stimulus checks families will receive in the mail next month will, in all likelihood, go to paying eye-popping gas and grocery bills this summer and end up in the coffers of countries such as Saudi Arabia. Therefore, people will pay more for gasoline this year than they will receive from their stimulus checks. It is galling to think our stimulus checks will be lining the pockets of OPEC.

Yet despite all this, last week, Saudi Arabia's Oil Minister said there was no need to increase supplies by even one barrel of oil. However, as they are saying no, no, no to U.S. consumers, the Saudis are planning to double oil production for China.

Despite record billion-dollar profits, it seems the big oil producers, such as Saudi Arabia, the United Arab Emirates, and Kuwait, are willing to turn a blind eye to the supply demands and leave Americans with skyrocketing prices at the pump. In Saudi's case, they have not produced as much oil in the last 2 years as they did in 2005.

I urge my colleagues to take a look at this chart when they get a chance because it says it all. Here is Saudi oil production in 2005. It is lower in 2006 and lower still in 2007. This is not new production they have to explore for, this is not something where they have to change things around. They can order the new production and we could have millions of extra barrels of oil a day out there in the markets within a month or two, and the price would come down significantly.

The countries are putting profits straight into their pockets. So that is why I, along with four others of my colleagues, have demanded the Bush administration stipulate that Saudi Arabia, the United Arab Emirates, and Kuwait must increase their oil production or risk that Congress will block their lucrative arms deals while they stick it to American consumers at the gas pump.

The administration has proposed selling roughly $14 billion in arms to gulf countries that are members of OPEC, and it is clear to us that without pressure from this administration, oil prices will continue to rise as countries such as Saudi Arabia will continue to reap the reward of high prices.

It is terrible that this administration, after making the American taxpayer foot the bill for its war in Iraq, is now rewarding the very countries that are driving up the price of oil.

Congress has the authority to block these arms deals, and we want to put the administration on notice that if they fail to deal aggressively with OPEC countries that are not producing at their full capacity, we will seriously consider blocking this and other arms deals.

On their face, I question the merit of these deals, $14 billion in arms, but it is particularly egregious when Americans are paying through the nose to put money in the pockets of the administration's friends in the Middle East. OPEC nations may have to protect themselves with these weapons systems, but American consumers and our economy also need protection from high oil prices, exacerbated by OPEC's stranglehold on supply.

The administration needs to use all the leverage it has to influence the OPEC cartel to stop manipulating the world's oil supply to its member nations.

Again, to those who say we cannot do anything in the short term to reduce prices, look again at this chart. Saudi production in 2005, Saudi production in 2006, Saudi production in the last full year we have numbers for, 2007, it is lower and lower. The Saudis have not kept the supply flat; they have decreased it at a time when the world is thirsty for oil.

At a time when the world is thirsty for oil, we know they are driving down supply, increasing the price. Yesterday, President Bush said there is not much you can do about the price of oil. Mr. President, we beg to differ. Get your friends, the Saudis, get your close buddy, the King of Saudi Arabia, to begin producing more oil. If they produce half a million more barrels of oil a day, the price would come down a very significant amount and at the same time it would stop the speculation that keeps driving up the price of oil. We would get a double benefit.

We need to ask ourselves what the economic consequences are for our Nation—not only from the long and expensive war in Iraq but from this administration's cozy relationship with the only international organization he seems to have any high regard for—OPEC.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, we have been talking about the Durbin-Hutchison amendment during most of the day. I have heard some of the debate going back and forth. I want to address some of the issues raised in the debate, trying to stop our amendment from going forward.

First, let me say I so appreciate Senator DURBIN joining with me to make sure we have a bipartisan effort that stands for the companies that are trying desperately to keep their defined benefit plans for pensions for their employees.

These airlines that are doing this are doing it at the same time that the price of jet fuel has gone up exponentially. For instance, since January 2007, a little bit more than 1 year ago, the price of jet fuel has increased 107 percent. Continental Airlines' year-over-year increase in fuel costs is approaching $2 billion. This year, American Airlines' fuel bill is going to be $9.3 billion. Everybody who is driving an automobile to their job or to pick up their children from school knows how much it costs to fill up the tank of a car. Just multiply that for an airline whose entire business is flying back and forth across the country and across the globe. You can imagine what that does to the bottom line of a business.

Here we are, looking at actually three airlines that are trying to make their benefits the most generous they can be while they are looking at rising fuel prices that are about to sink them. They are all showing unprofitable months and quarters. Now we have legislation coming forward that would take away a law that was passed last year that attempted to equalize the airlines that have benefit plans that are defined benefits and plans that are defined contributions, which are 401(k)s. We want to keep the playing field as level as we can. If you put on top of that the fact that the timing of this could not be worse because of the rising fuel costs, it is just impossible to imagine that the Senate will do this.

The underlying provision, it has been suggested, would have no effect on the bottom line. Of course it is going to have an effect on the bottom line. It requires full funding of pension obligations, irrespective of past overfunding. In plain English, the carrier must come up with more cash, even if they have overpaid. According to one carrier, the new cash demand would be $1 billion over the next 3 years. Where are we going to find that amount of cash?

Domestic fare increases are not even covering the rising cost of fuel. As compared to January 2007, the price of jet fuel was 65 percent higher and domestic average fares have risen 9 percent. You are beginning to see they are not going to be able to recover this at the fare box. But if we pass this legislation requiring one airline, instead of putting in $80 million, to put in $350 million, how is it going to offset those higher costs? There is only one way, and that is higher ticket prices. Are we going to pass a law that is going to raise ticket prices at a time when the airlines—and every American—are feeling the pinch of this economy? I cannot even imagine we would do that.

I have also heard it argued that the provision in the bill that we are trying to eliminate is fair. The truth is the current law is equitable and fair. Changing the current law in the manner suggested would treat two carriers differently from the other carriers that do not have defined benefit plans. We had the equity debate. The current law is the product of that debate. Ask the carriers if they think the current law is equitable. They will say yes.

The carriers that are not affected by this have told me they are agnostic on this issue. They are not pushing for a competitive advantage because I think all the carriers know that this is not the time that anybody wants to go into bankruptcy and they do not even want their competitors to go into bankruptcy because we can't handle the commerce in this country without the airlines we have operating without a disruption.

We settled this debate. We settled it in 2006. It was undone. We settled it again in 2007. The law we passed must be adhered to because these businesses made decisions based on the law.

The employees of these airlines will be the biggest losers if this bill is allowed to stand with this provision in it. Senator DURBIN and I are trying to take this provision out to protect the employees and to, hopefully, keep the airlines from having a hit they cannot take right now.

I have heard the argument on this floor that the amendment we are putting forth would mean less money to employee pensions. It is exactly the opposite. The carriers that are hurt by this provision are trying to do the right thing by maintaining their pensions and providing their employees with strong retirement benefits. In fact, these impacted carriers have been prepaying their pension obligations in good years, showing their employees they are committed to these benefits. The excess contributions helped ensure that, in tough times, if cash becomes tight, the pensions of these hard-working employees are protected and funded. If the pension rules are changed to disallow the flexibility of using past excess contributions, they will actually discourage overfunding of pensions. The carriers will only provide the minimum contributions in order to preserve cash in difficult times.

Some have challenged this claim on the belief that cash contributed to pensions can be pulled out in tough times, so they wouldn't be in any way discouraged from overcontributing to pensions. But this is not true. Once cash is contributed to the pension plans, it cannot be taken out. In fact, that is one of the reasons the current law allows companies to offset ongoing pension costs with previous overfunding. If they couldn't do it, a company would never put extra cash into pension funds. Instead, they would put it in a bank account where they could get it out. In the end, a carrier would never contribute in excess to the plan because they just couldn't do it.

Employees are at risk with the underlying provision we are trying to take out. The cash demands this language places on the carrier trying to secure solid pension benefits for its employees will simply be too high. If we destabilize this environment, we could very well jeopardize the ability of these carriers to weather the current storm, and the outcome would be devastating to employees. Bankruptcy is not kind to employees. Ask any person who has worked for a company that has gone into bankruptcy. Whether it is their present livelihood or their pensions, the employees would lose. That is why they support striking this provision with our amendment.

The current pension laws for air carriers are fair and equitable. They do not need changes. They especially do not need changes retroactively, after they have made decisions to overfund pension plans based on the law as it is today. The change could lead to disastrous consequences for impacted carriers and especially for their employees.

Why would we take such a risk? We should be doing everything to help these companies during difficult operating environments, not destabilizing them, not giving advantages to some in the industry.

No one in the industry is asking for this. This is something that has come up seemingly because there were process arguments about what bill the fix went into. The bill that the fix went into was the only available bill where you could put an amendment, and the amendment had been given to all of the relevant committees, so they knew what we were trying to do. There was nothing hidden. There was nothing sudden. Everybody knew we were going to try to correct the inequities, as we have all negotiated at the table to do. If you ask any of the carriers I have spoken to, no one is asking for this to be retroactively fixed in a different way from the present law, a law that has been relied on.

The bottom line is some airlines have overfunded their pension obligations because they had cash and that is where they wanted to put it, to assure employees of a safe and sound pension system, more than the law required. American Airlines is 115 percent funded. But that was always done because, under the present law, you had the flexibility to just catch up with the current obligations with a credit for the overobligation as these airlines are working out their pension plans according to the law we passed last year and the year before.

I hope we can get a vote on the Durbin-Hutchison amendment. The members of the committee who have worked on this—the Commerce Committee, Senator ROCKEFELLER, the chairman of the Aviation Committee—have been very supportive of us having our bill, which we worked so hard in a bipartisan way to produce, which has such good effects for the aviation industry, not to be hobbled by an extraneous issue that has been put in by another committee that does not have the aviation jurisdiction but is a tax committee.

I hope we will keep the underlying bill, which is very solid. Senator ROCKEFELLER and I, Senator INOUYE, and Senator STEVENS have worked very hard. We have a great bill. It is a bill that will fund more safety measures. It will put more inspectors in the FAA. It is a bill that has a passengers bill of rights—Senator BOXER has worked on this for a long time. It will assure that passengers who are stranded in a plane that cannot take off will have accommodations for comfort or they will be able to get off the airplane—something we have never had before.

It is a bill that will modernize the traffic control system so we will have more service in our country. This bill has so many good features. I hope we can pass the Durbin-Hutchison amendment that will keep the bill intact that was hammered out by the Commerce Committee and not have it taken down by a tax bill, most of which has nothing to do with aviation at all.

The aviation part of the bill is great. It is a good, solid compromise. But the pension and the extraneous provisions are going to sink this bill, and it will be a sad day for the consumers in the aviation system in this country if that happens.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

MISSION ACCOMPLISHED

Mr. BYRD. Mr. President, tomorrow we mark the fifth anniversary of the now infamous ''Mission Accomplished'' speech which was delivered by President Bush on the deck of the USS *Abraham Lincoln* on May 1, 2003.

Five years ago, I took issue with the President's choreographed political theatrics because I believed then that our military forces deserved to be treated with respect and dignity, and not used as stage props to embellish a Presidential speech.

The President's declaration of ''Mission Accomplished'' and the ''end of major combat operations'' proved wildly premature and dangerously naive. The complete lack of foresight and planning by the President for what lay ahead became tragically clear in short order. Our Nation continues to pay the price every single day. More than 97 percent of the more than 4,000 Americans killed in Iraq lost their lives after

the President's flashy declaration of victory.

Years from now, I expect that history books will feature the sorry ''Mission Accomplished'' episode as the epitome of this administration's reckless and arrogant foreign policy, which has reaped disastrous consequences for our Nation and the world. We have seen a President who is eager to use American troops for a political backdrop, yet who is seemingly indifferent when it comes to providing those same American troops with the equipment they need, quality health care, or a real plan for ending this terrible war.

President Bush has said that history will judge him on his decision to go to war in Iraq. I say that history is already delivering its verdict. It is evident in the strains of the long and multiple deployments that are wearing down our mighty military, and in the sufferings of the American people as they bury their fallen heroes. It is evident in the fear and distrust with which the rest of the world views us, and in the instability wracking the Middle East, Iraq, and Afghanistan as a result of the Bush policies.

President Bush has recklessly squandered more than 200 years of American leadership, American good will, and prosperity. If that is what he was aiming for when he took office, then he can claim ''Mission Accomplished.'' That is his legacy. As we write the next chapter in our Nation's history, let us commit to building a new legacy that restores the promise of America, both at home and around the world.

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I wish to inform the Presiding Officer of a quandary. We have in front of us a bill which would come close to rescuing the aviation industry of the United States of America. It is a bill that the aviation industry supports. It is a bill that the general aviation community supports. But it is not supported by a couple of Senators, with their reasons, and we find ourselves, therefore, in a position not to be able to move forward in the short term. It is one of those situations when the more you wait, or the greater the disagreement, the more people dig in.

I wish to offer my feelings which are that in a big bill such as this, which I think would be the biggest policy bill this Congress has passed this year if we were to do it, there are always areas of disagreement. The trick is to work out those areas of disagreement. That is what the floor of the Senate is for. That is what negotiations are for.

But I do want people to understand that in the interests of protecting certain prerogatives, protocols, our aviation industry as a whole is being ignored and thereby threatened. If we were to put up some purportedly helpful amendments, we have no idea at this point how they might turn out. So there are really a couple of people who control this entire situation. As long as they remain negative, there is very little we can do that we can count on turning into success.

The aviation industry, just in my State, as I have explained a number of times, is a $3.4 billion industry that employs 51,000 people. That is something almost nobody does in a State as small as West Virginia. But we have to work this through. Everybody can't come out an exact winner. If I were to line up one side versus another side, I think having an aviation industry, giving them the confidence to go forward, the passing of this bill would be like an increase in their bond rating, certainly psychologically, and it would give them the confidence that we are trying to do the right thing by them.

In doing that, we have held all of the commercial aviation airlines harmless so they will not have to pay any more fuel tax than they do today, which is about $10.7 billion, and adding a small portion of fuel tax on to the general aviation industry so they would be paying about a billion dollars.

We found a mechanism, being clever but correct, to actually raise $400 million a year for the life of this bill. Of course, there would have to be other bills to get us on our way to building a $20 billion to $30 billion to $40 billion air traffic control system which is sufficient for the needs of the aviation industry. I know the Presiding Officer has an amendment which I would support, and there are others who have—they just don't want to—I don't know how to put it, but they just don't want to lose their position in all of this.

So the question is, What do we do? I am just here to report that we are hard at work. Everybody is working feverishly in back rooms—that is in a good sense—the Democratic and Republican cloakrooms. Senator HUTCHISON and I are in precise agreement on all of this, and it is a bipartisan bill. It has enormous consequences to the economy of America, to the passengers who are held hostage by delays and maintenance problems. Sixty-eight rural States have had airports entirely removed from service which were previously served. It is very painful if you are from a rural State. It sort of defines the meaning of being cut off from the rest of the world. That is not important to some people, but it is very important to those of us who come from a rural State, and to be quite frank, every one of us comes from a rural State in some part.

So what I am saying is, the stakes are extraordinarily high. It is, in my judgment, and on a bipartisan basis, an amazingly one-sided case. You protect your legacies; that is, your commercial airlines, you get the support of the general aviation community which has an enormous number of airplanes with millions more to come, and you get the financing to start on an air traffic control system which is behind that of, as I have said today several times, Mongolia. Landing aircraft by ground radio and x-rays is not really the way to run a safe system. We have had so many close collisions that have been averted only at the last moment by air traffic control folks and very quick-witted pilots. Hundreds and hundreds of deaths could have easily resulted.

So I think it is a choice of the people doing the negotiating or the people who want to block the people who are doing the negotiating to think in very clear terms about what is important. Is it pride? Is it the future of the aviation industry? We haven't passed any bills in Congress on our side, and this would be a major accomplishment. But that is not important. The importance is it would save an aviation industry, and they believe that because the bill carries on for a number of years. They would begin to get their safe landing system.

So people must be wondering what is going on, and I just wanted to report that people are at work, hopefully in good faith, trying to get a parliamentary situation or an amendment situation or whatever that works our way through this crisis.

In the meantime, we are on hold. I wanted to make that report to the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, our Nation depends on our system of air travel to do business, to visit family and friends, to connect us with the world. We depend on the Federal Government to keep an eye on that system and to make sure air travel is as safe as humanly possible. But over the last 7 years, the American people's trust in the Federal Aviation Administration has come crashing down. When we learned that the FAA had allowed hundreds of flights on planes with cracks in them, that was just the latest abuse of our trust.

It seems as if we are finding new regulatory problems in American aviation every day. With every new headline and every whistleblower who comes forward, we learn that something else has gone wrong—something that could inconvenience us, at best and, at worst, claim human lives. Meanwhile, the FAA is enveloped in a cloud of cronyism and neglect. Whether we are

talking about managing delays, maintaining safety, or managing its employee relations, the FAA has constantly let us all down and put us all at risk.

Last month, we found out that Southwest Airlines was allowing dozens of planes to take off without inspection. We found out American Airlines was flying planes for weeks that had potentially dangerous wiring problems. When the news got out, thousands of Americans saw their flights canceled while airlines scrambled to comply with safety guidelines they should have been following all along.

Why did it take so long for the FAA to notice?

A few weeks ago, one FAA employee testified before Congress that when he found out these planes were flying with cracks and complained about it, Southwest contacted the FAA, and he was removed—removed—from his role of overseeing the airline. Other employees who complained were encouraged to transfer or removed from their posts.

Now, what is the FAA—the Federal Aviation Administration—supposed to be doing? Job 1, it seems to me, is to ensure the safety of the flying public. I know they have this dual mission. I have always wondered about that dual mission of safety and promoting the industry—the other mission. But safety is job 1—job 1.

When they take employees who come forward and say: Look, there are cracks, maybe we should not let this airplane take off, or a series of airplanes take off, and because the company objects, it gets them hauled off of the job, or when others come forth and they are told: Well, maybe you should consider transferring, it simply undermines the very essence of what is job 1. The message that was sent is: If you are an inspector, don't do your job too well or you will lose it.

Those are not the only safety concerns. The people of my home State of New Jersey have reason to be worried about safety at our airports. We just learned that Teterboro Airport, which is one of the small but one of the busiest airports we have in the region, has one of the highest numbers of near-misses in the country. A few months ago, at Newark Airport, two planes came within seconds of crashing into each other. There was a similar incident in December and three near-misses last May. How many serious close calls do we have to live through before the FAA takes this problem seriously?

Not only is the FAA failing to do due diligence on behalf of the people in the air, they have risked the well-being of people on the ground as well.

A while back, the FAA decided to redesign the airspace around some New Jersey, New York, and Pennsylvania airports. Now, I have been a big supporter of airspace redesign since when I was first in the House on the Transportation Committee. We live in the most congested airspace in the Nation. We are in somewhat of a straitjacket. But the redesign should have been done in such a way that not only did we do something about delays, which this redesign does not do very much about, but it should not have the pounding decibels of noise upon communities that this new redesign does.

They decided to change the flightpaths—and it is fair to do that every now and then—but they forgot one thing: They forgot to listen to the people who are going to be flown over. When they rearranged the flightpaths, the FAA simply did not account for air noise and how it affects people's lives. I am not talking about simply being bothered by a little noise. I am talking about the pounding and pounding and pounding of decibel levels that actually affect hearing.

Some of the communities have populations that are least likely to be able to be in a position to do something about it. They forgot about people such as Ray Bennett, who lives in Westville, NJ. He has lived there for nearly 40 years. In all those years, he could not remember a single plane flying directly overhead, especially at low altitudes. Now, since the FAA rushed to implement this plan, not only is there noise, but it is noise that causes his windows to vibrate and keeps him up at night. Imagine that. In the comfort of your own home, in a place where you should be able to find your own peace and quiet with your family, one day the Government decides to turn the volume level way up by running jet planes over your house regularly. Ray has seriously thought about moving out of his home, and it is hard to blame him. This is not a case of one or two isolated households. Planes are now flying directly over the center of the city of Elizabeth, NJ, affecting tens of thousands of people.

The effects go beyond annoyance. It can cost people money by reducing property values. In the midst of a nationwide housing crisis, in a time when far too many New Jerseyans are facing foreclosure, skyrocketing electricity and home heating costs, and the specter of $4 per gallon gasoline, the last thing they need is for air noise to bring down their property values.

It is almost no wonder that we are seeing this agency become so out of touch, considering how toxic the working environment there has been. In addition to the FAA's questionable safety record, there is also the issue of its hostile relationship with its own employees. Experienced air traffic controllers are leaving their jobs at an alarming rate, and the FAA is struggling to attract, train, and keep new ones. But instead of trying to work with the unions to try to finally implement a contract, they fan the flames by publicly suggesting that if the controllers do not like working for the FAA, they should reconsider their line of work. With this kind of working environment, it is no wonder we have a shortage of experienced controllers working to keep our skies safe.

We are talking about increasingly—and I fly, obviously, quite a bit, certainly to my home State of New Jersey through Newark International. But in the whole region, and across the country, where we have controllers—trainees, I should say. They are still not fully controllers. It takes about 5 years to fully train a controller. Trainees can only do part of the segment necessary, whether it be on takeoffs, whether it be on landings, or whether it be about controlling the airspace, as delays take place and aircraft are made to be put in holding patterns.

So imagine you and your family are up in an airplane and you are dealing with, increasingly, individuals who do not have the full certification to do all of these elements together, which is what we would like to see—for them to have the expertise. Because we can spend all the money in the world—and I appreciate the bill does move us forward in modernization and technology, and that is critically important—but at the end of the day, we can have the best technology in the world, but if, in fact, we do not have the human capital to make that technology work successfully, then, in fact, we have failed. That human capital happens to be the air traffic controllers. At the end of the day, all the technology in the world will be used by those individuals. Human capital in this regard is incredibly important. The FAA has disdain for them. I believe they are the critical nexus to the safety of the flying public. So you are seeing a system that is on a path to becoming slower and less safe because experienced personnel are colliding with management.

When you have problems that are so widespread and an institutional culture that shows no sense of urgency, it is not just about one employee or another, it is about a lack of leadership. That is why Senator LAUTENBERG, my colleague from New Jersey, and I have placed a hold on the nomination of Robert Sturgell as the FAA Administrator, and we will continue the hold until the FAA truly addresses these and other concerns.

We have no choice but to use every tool at our disposal to make this unresponsive bureaucracy do what is right for the well-being of the American public. If the public's concerns are not being addressed at the FAA, we will have to make sure they are addressed in Congress.

Which brings me to this bill. We have an opportunity—and I salute Senator ROCKEFELLER and the members of the Commerce Committee who have worked with him to bring this bill to the floor—we have a tremendous opportunity with this authorization bill to set some things right.

This bill makes smart investments to make air traffic safer. It upgrades our aging airport infrastructure.

The bill improves the oversight of airlines and the FAA. This legislation makes great strides in making air travel safer not only in the skies, but on the runways.

But I also believe the base bill can have some improvements, so at the appropriate time—I want to talk about a few of them now—I will be offering some amendments to it. The first is to strengthen the provision with reference to the revolving door between the FAA and the airline industry and end the cozy relationship between safety inspectors and the airline industry. We have to have faith and confidence in the people who are critical to making sure that when we fly, we are flying in airplanes that are as safe as safe can be; that they are not compromised. I appreciate what the committee did in the bill, but I think there are some elements of it that can be strengthened.

The second amendment will require the FAA to monitor the air noise impacts of the air space redesign and simply provide that data to the public. I don't even understand why the FAA has no intention—no intention whatsoever—of monitoring air noise as a result of the redesign. I think the public has a right to know what health consequences there are in that redesign, and that is a minimal—a minimal—amount of information and transparency that we should be allowing the flying public to have and the communities that are affected to know.

The third will help local communities coordinate with nearby airports to plan compatible land use and mitigate air noise and to receive grants from the FAA to do so. This is incredibly important. There are several communities, I am sure, across the Nation, but in our State in the city of Elizabeth, which is the third largest city in the State, it is pounded, pounded, pounded away—schools have actually held a press conference at one of the schools. I don't know how students learn at that school, because all you hear is one constant drone of jet noise. I can imagine a teacher in the classroom having to overcome that challenge day in and day out to keep the attention of the students. We should have the ability to make sure that in fact there is mitigation money for that noise, and we look forward to being able to offer that.

The last amendment we are considering is to address the growing problem of low fuel landings. We have had a whole host of low fuel landings at Newark International. That means you are sitting on an airplane and because the industry is trying to save money, they have less fuel in the aircraft and now, because you have been put in delays and holding patterns, it gets pretty low, maybe dangerously low. We want to know what is the level of that and what is the reporting of that so we can make judgments—and certainly so the FAA can make judgments—along the way. We think that is incredibly important.

Finally, one of the worst casualties of the Bush administration is how much trust the public has lost in their Government. We lost trust when the administration flew us into Iraq on the wings of a lie. We lost trust when millions of dollars in tax breaks were given to those with million-dollar bank accounts while the middle class saw their economic situation get worse. And at the very least, at the very least, we should be able to trust our Government to keep us safe when we take to the skies. That is the core mission of the Federal Aviation Administration. It is time for them to put that mission ahead of the financial interests of the industry they regulate. It is time for them to put that mission and our safety first. This bill goes an enormous way to making that happen.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY INDEPENDENCE

Mr. ALEXANDER. Madam President, in 1942 President Franklin D. Roosevelt summoned a bipartisan group of congressional leaders to the White House. He outlined with them a secret plan to win World War II. At the conclusion of the briefing, the President asked Kenneth McKellar of Tennessee, who chaired the Appropriations Committee in the Senate, if the Senator could hide $2 billion in the appropriations bill for this project to win the war. Senator McKellar replied:

> That will be no problem, Mr. President, but I have one question: Just where in Tennessee do you want me to hide the $2 billion?

That place in Tennessee turned out to be Oak Ridge, one of the three secret cities, along with Hanford in Washington and Los Alamos in New Mexico, that became the principal sites for the Manhattan Project.

The purpose of the Manhattan Project was to end the war by finding a way to split the atom and build a bomb before Germany could. Nearly 200,000 people worked secretly in 30 different sites in three countries. President Roosevelt's $2 billion appropriation equaled $24 billion in today's dollars.

Less than 3 years later, after that conversation between President Roosevelt and Senator McKellar, the project succeeded when on August 6 and 9, 1945, the first atomic bombs were dropped on Hiroshima and Nagasaki. On August 14, Japan surrendered unconditionally.

According to New York Times science reporter William Laurence, who watched the Nagasaki bombing:

> Into its design went millions of man-hours of what is without doubt the most concentrated intellectual effort in history.

On Friday, May 9, I will go to one of those secret cities—Oak Ridge—to propose that the United States launch a new Manhattan Project: A 5-year project to put America firmly on the path to clean energy independence. Instead of ending a war, the goal will be clean energy independence so we can deal with rising gasoline prices, electricity prices, clean air, climate change, and national security—for our country first, and—because other countries have the same urgent needs and therefore will adopt our ideas—for the rest of the world.

By independence, I do not mean the United States would never buy oil from Mexico or from Canada or from Saudi Arabia. By independence I do mean the United States could never be held hostage by any country for our energy supplies.

In 1942, many were afraid that the first country to build an atomic bomb could blackmail the rest of the world. The overwhelming challenge in the Manhattan Project veteran George Cowan's words was:

> the prospect of a Fascist world and the need to build a weapon so powerful that it would quickly guarantee victory.

Today, countries that supply oil and natural gas can blackmail the rest of the world. Today's need is to create clean energy independence to quickly guarantee victory over that kind of extortion.

Such a concentration of brain power directed toward an urgent national need is not a new idea, but it is a good idea, and it fits the goal of clean energy independence.

The Apollo project to send men to the Moon in the 1960s was a kind of Manhattan Project. Senator SUSAN COLLINS of Maine has suggested an energy independence by 2020 project, comparable to the goal of putting a man on the Moon. Others such as Senator KIT BOND of Missouri and Congressman RANDY FORBES of Virginia have suggested a Manhattan Project for clean energy or energy independence. As part of their ongoing Presidential campaigns, both Senator JOHN MCCAIN and Senator BARACK OBAMA have called for a Manhattan Project for new energy sources. Likewise, former House Speaker Newt Gingrich and Democratic National Committee Chairman Howard Dean have said a Manhattan Project-type program is needed to develop technologies to free us from oil dependence.

All throughout the 2 years of discussion that led to the passage by this Congress of the America COMPETES Act, several participants suggested that we should focus on energy—believing that solving the energy challenges would force the kind of investments in the physical sciences and research and teaching that the America COMPETES Act seeks to encourage.

The Manhattan Project in 1942 was in response to an overwhelming challenge: the prospect that Germany would build a bomb and win the war before America did.

In his address on Monday to the annual meeting of the National Academy of Sciences, Academy President Ralph Cicerone described today's overwhelming challenge, and that is the need to discover ways to satisfy the human demand and use of energy in an

environmentally satisfactory and affordable way so we are not overly dependent on overseas sources. According to Cicerone, this year Americans will pay nearly $500 billion overseas for oil—that is $1,600 for each one of us—some of it to nations that are hostile to us or even trying to kill us by bankrolling terrorists. That weakens our dollar. It is half our trade deficit. It forces gasoline prices toward $4 a gallon, and it is crushing family budgets.

Then there are the environmental consequences. If worldwide energy usage continues to grow as projected and fossil fuels continue to supply over 80 percent of that energy, humans would inject as much CO_2 into the air from fossil fuel burning between 2000 and 2030 as they did between 1850 and 2000. We have plenty of coal to help achieve our energy independence, but we have no commercial way yet to capture the carbon from the coal, and we have not finished the job of controlling sulfur, nitrogen, and mercury emissions.

So instead of finding a way to build a bomb to win a war, the new goal would be to find ways to help our country, which consumes 25 percent of all the energy in the world, to achieve clean energy independence, and to do it at a price the family budget can afford, with the hope that the rest of the world will follow our lead.

In addition to the need to meet an overwhelming challenge, other characteristics of the Manhattan Project are suited to the challenge of a new Manhattan Project. First, it will require what Harris Mayer has called meta-engineering. Next, it needs to proceed as fast as possible along several tracks to reach the goal.

According to Don Gillespie, a young engineer in Los Alamos during World War II:

> The entire project was being conducted using a shotgun approach, trying all possible approaches simultaneously, without regard to cost, to speed toward a conclusion.

Next, it needs Presidential focus and it needs bipartisan support in Congress. It needs the kind of centralized, gruff leadership that Gen. Leslie R. Groves of the Army Corps of Engineers gave the first Manhattan Project. A new Manhattan Project needs to put aside old biases and subsidies and instead break the mold. As Dr. J. Robert Oppenheimer said in a speech to Los Alamos scientists in November of 1945 about the atomic bomb, the challenge of clean energy independence is ''too revolutionary to consider in the framework of old ideas.''

Most important, in the words of George Cowan as reported in a book on the Manhattan Project edited by Cynthia C. Kelly:

> The first Manhattan Project wouldn't have come into existence at all without initial concepts that were spelled out by a small number of extraordinary people. . . . The Manhattan Project model starts with a small, diverse group of great minds.

As I said to the various National Academies when we first asked for their help in the American competitiveness project in 2005:

> In Washington, DC, most ideas fail for lack of the idea. We need ideas from the best minds we have.

I said it then about American competitiveness, and I say it now about clean energy independence.

I addressed a meeting earlier this week of about 500 men and women from all over America who were here to encourage the Congress to fully fund the America COMPETES Act that we passed into law in 2007. The President has asked for an 18-percent increase in funding for the Department of Energy's Office of Science, which is the money for our national laboratories. He has asked for a 13-percent increase in funding for the National Science Foundation. Both of those would put us on the road to doubling funding for the physical sciences so we can keep our brain power advantage so we can keep our jobs from going overseas.

That was the recommendation of the small, diverse group of great minds whom we asked 3 years ago to tell us what we need to do to keep our brain power advantage. Most of the speakers at that meeting this week were talking about the need to come persuade the Senator from New York or the Senator from Tennessee or the Senator from some other State to fully fund the America COMPETES Act.

I see the Senator from New York here. He was very active in that legislation, especially with a project from New York that helped focus on better ways of teaching mathematics to young people. Almost all of us here have felt some sense of ownership of the America COMPETES legislation: The majority leader and the minority leader were the principal sponsors, and 70 of us cosponsored it. So we saw the need for it. Now we need to apply even more focus and discipline on a different goal, which is clean energy independence. That is why I am going to Oak Ridge on May 9 to propose a second Manhattan Project for clean energy independence.

I believe the work we did during the America COMPETES Act over the last 3 years has important lessons for how we solve the energy challenge.

Let's remember how America COMPETES happened. Three years ago, in May of 2005, a bipartisan group of us asked the National Academies to tell Congress in priority order the 10 most important steps we could take to keep America's brain power advantage. Basically, we were asking for the antidote to the problems set out in Tom Friedman's book, ''The World is Flat.''

By October 2005, the academies had assembled what might be called a ''small diverse group of great minds,'' chaired by Norm Augustine, a member of the Academy of Engineering, which presented to the Congress and the President 20 specific recommendations in a report called ''Rising Above the Gathering Storm.''

We worked with the Bush administration in a number of ''homework sessions'' to refine the proposals, and we considered a number of other very good proposals by different competitiveness commissions.

Then, in January of 2006, President Bush outlined his American Competitiveness Initiative to double over 10 years basic research for the physical sciences and engineering, and he included money to do that in his budgets that he proposed 2 years ago, 1 year ago, and this year.

As I mentioned earlier, the Republican and Democratic leaders of the Senate became the principal sponsors of the legislation. That didn't change even when the Senate changed from Republican to Democrat.

Last week, I telephoned Ralph Cicerone, the president of the National Academy of Sciences. I told him about my proposed May 9 Oak Ridge speech. He told me about an address he made this past Monday before the annual meeting of the National Academy of Sciences on America's energy future. That study will be completed in 2010.

Mr. President, I ask unanimous consent that, following my remarks, the remarks of Ralph Cicerone be printed in the RECORD from the 145th annual meeting of the Academy of Sciences on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ALEXANDER. Mr. President, I told Dr. Cicerone that what I will be proposing at Oak Ridge will require more specific and quicker action than what the National Academies already have underway. I hope that within the next few weeks, a bipartisan group of us from the Congress could meet with the National Academies and see what concrete proposals we might offer the new President and the new Congress, and that we complete that work this year.

Democrat BART GORDON, a Congressman from Tennessee and chairman of the Science Committee in the House of Representatives, was—along with Senator BINGAMAN, myself, and then-Congressman Sherwood Boehlert—one of the four original signers of the 2005 request to the National Academies that led to the America COMPETES Act. Congressman GORDON will join me in Oak Ridge on May 9, and he will address those who are there about clean energy independence. Also there—and cohost for the meeting, along with the Director of the Oak Ridge National Laboratory—will be Congressman ZACH WAMP, a senior Member of the House Appropriations Committee in whose district we will be. I have talked this week with our leaders in the Senate on energy, Senator BINGAMAN and Senator DOMENICI—both of New Mexico—who have played such a large role in the America COMPETES Act over the last 3 years. I talked with Senator MURKOWSKI, who likely will succeed Senator DOMENICI as the senior Republican

on the Energy Committee when Senator DOMENICI retires at the end of this year.

I know this is a Presidential election year. I have no illusions about the difficulty of bipartisan congressional action. But I also know that gasoline is nearing $4, and that the electricity produced by America today is not clean enough for our country. I also know that, on our present course, we permit other countries in the world to whom we are paying $500 billion a year the possibility of blackmailing us, or other countries, because of their ownership of oil assets. I believe now is the best possible time for Members of Congress and candidates for President of the United States to address the clean energy independence goal.

Let us compete to see who can come up with the best ideas and compare them with one another, knowing that in the end—especially in the Senate—it will take the kind of bipartisan cooperation we had with the America COMPETES Act to get a result. After all, the people didn't elect us to take a vacation this year just because there is a Presidential election.

This country of ours is a remarkable place. While enduring this economic slowdown, this year we will produce about 30 percent of all the wealth in the world for 5 percent of those of us who live here. We have 30 percent of the wealth in the world, but we are just 5 percent of all the people in the world.

Despite the ''gathering storm'' of concern about American competitiveness, no other country approaches our brain power advantage—the collection of research universities we have, the national laboratories we have, the private sector companies that exist in the United States. And this United States is still the only country where people can say with a straight face that anything is possible—and believe it.

These are precisely the ingredients America needs during the next 5 years to place ourselves firmly on a path to clean energy independence and, in doing so, we can make our jobs more secure, help balance the family budget, make our air cleaner and our planet safer and healthier, and lead the world to do the same by our example.

I yield the floor.

EXHIBIT 1

ENERGY CHALLENGES

(Presented to the 145th Annual Meeting of the National Academy of Sciences, Ralph J. Cicerone, President, Apr. 28, 2008)

As I stand before the members of the NAS, I feel as each of you would in my place—that it is a great honor and a rare opportunity to address you here in our historic NAS building. As you know, we are planning a major restoration of the building which will be discussed further in tomorrow's business meeting.

I want to recognize NAS Presidents-Emeritus Frank Press and Bruce Alberts who are here with us today. Each of them led the Academy with distinction and continues to represent us well.

The past year has been a very busy one, reflecting the importance of science and technology in contemporary society. One project, the revision and updating of our 1984 and 1999 booklets on science and creationism, was completed when the new booklet, Science, Evolution and Creationism was released in January. This project was initiated and supported by the NAS Council. For this third edition, we invited the Institute of Medicine to join the NAS.

The authoring committee is shown here. I ask each of the authors who is here today to stand.

Today I want to use the opportunity to draw your attention to a major issue of today, human demand for and usage of energy, a topic that has become progressively more serious, one that will take years to address and which requires scientific efforts of many kinds.

In the past fifty or sixty years there have been other transforming issues that have dominated national and international attention and which required science and technology for any successful outcome, but these earlier cases have not been numerous. One can recall the nuclear arms race, the polio outbreaks of the 1950's, and the very rapid increases of human populations of the 1950's and 1960's. Science made possible the cessation of nuclear weapons testing through demonstrated capability to detect the detonation of even relatively small weapons, while computational methods enabled stockpile stewardship. Similarly, through medical immunology, scientists came to understand the cause of polio and created preventive vaccines; and the Green Revolution made it possible to feed many more people. Two other major issues in which public attention was focused on science and technology were the launching of early Earth-orbiting satellites (and placing a man on the Moon), and the capabilities that emerged in the early 1970's from molecular biology for safe laboratory DNA-transfer experiments.

Now in 2008, we see that human demand and usage of energy is a pervasive issue. The issue has multiple dimensions and constraints. It is both national and worldwide. Enormous in scale, it will remain serious for the foreseeable future, and science and engineering are essential for progress.

MAIN POINTS

My main points today are:

Our energy-intensive way of life, population growth and worldwide economic progress combine to create large and growing demand for energy.

Our options to meet this large demand with types of energy now available to us are seriously constrained. We must assure access to energy and geopolitical security, overcome the financial impact of high costs, deal with climate change, other environmental impacts, nuclear safety and wastes. There is no simple single solution and some attractive options are mutually incompatible.

Science and technology and scientists are essential to meeting this pervasive challenge.

ENERGY USAGE AND DEMAND

The scale of human energy usage today is large and projections of future demands are even larger. Let me begin by outlining current energy usage in the United States.

We consume 100 Quadrillion BTU (one Quad is 10^{15} BTU) per year as a nation, or 3.3×10^8 BTU per person annually. There are many ways to disaggregate these figures. For example. we can examine end usage by economic sector or by function. One such cut reveals that 28 percent of U.S. energy usage is for transportation (burning gasoline, diesel and jet fuel) and 39 percent is used in buildings for lighting, heating, cooling, appliances and office equipment.

What are the sources of our primary energy? For the U.S., 85 percent comes from the burning of fossil fuels: 23 percent from natural gas, 23 percent from coal and 40 percent from petroleum (using rounded numbers). Eight percent is derived from nuclear power and six percent from renewable sources like hydropower (3 percent), biomass (3 percent), geothermal sources, wind, and solar.

Two key factors are liquid fuels for transportation and coal burning to generate electricity. Slide 5 shows growth in U. S. imports and consumption of petroleum.

Net imports grew from 3 million barrels per day in 1970 and surpassed domestic ''production'' in 1996. Today, we import approximately twelve million barrels of oil daily, most of it for transportation, and we consume about six million barrels of oil more each day for running our automobiles and trucks than is produced (extracted, to be more precise) domestically.

A related figure is the fraction 41 percent of primary energy consumption that goes into producing electricity.

Annually, the U.S. consumes about 3800 billion kWh of electricity, with an average instantaneous consumption rate of 440 million kW, or 1.47 kW per person. Because of considerable inefficiency in the conversion of primary energy into electricity during generation and losses in its distribution, the electrical energy received by the end user is only about one-third of the primary energy invested in generating it.

Our electricity is generated in several ways but the major pathways are from coal burning (52 percent), nuclear power (20 percent), natural gas (19 percent) and renewable energy including hydropower (8.5 percent). While still small, electricity generated from wind power grew by over 25 percent compounded annually from 2001–2005.

Slide 7 shows world energy consumption 1970–2005 and projected usage to 2030, developed & developing countries. Worldwide energy consumption was about 447 quadrillion BTU in 2004. This figure grew from approximately 207 quadrillion BTU in 1970; it doubled in 30–32 years. World average energy consumption is approximately 6.2×10^7 BTU/person, or only one-fifth as much as for Americans. The fraction of total world energy usage from fossil-fuel sources was about 87 percent in 2004, slightly higher than the corresponding U.S. figure. The fraction of world electricity from nuclear power was only six percent as opposed to eight percent in the U.S. although it is well known that France's electricity is generated primarily (70 percent) from nuclear power, and of course, there are other nations that employ no nuclear power at all. Recently, Germany has emerged as a world leader in capturing wind energy and in the manufacturing of photovoltaic cells for the direct conversion of sunlight to electricity, as is Japan.

World energy consumption is projected to grow to approximately 700 quadrillion BTU in 2030, another doubling from its early 1990's value. Much of this projected growth is likely to occur in developing, or emerging market countries, where there is great demand for energy usage per capita to grow, while slower growth is projected for mature market countries like those of advanced developed countries. One projection is for non-OECD countries (including China and India) to increase energy usage by over three percent annually, more than doubling between 2004 and 2030 while U.S. energy growth is projected to be one percent annually. This differential growth will continue trends observed from 1999–2005 when China and India increased their energy usage by 80 percent and 25 percent, respectively.

The dynamics and impacts of this differential growth are extremely important to analyze. For example, we must understand what

is driving this increased demand (electrification, pumping water for irrigation and for manufacturing and consumer uses, population growth . . .). We must also anticipate impacts on world prices and availability and on world geopolitics, environment and climate. A recent report from the Inter-Academy Council is a rich source of data on growing demand and strategies for satisfying it worldwide.

IMPACTS OF ENERGY USAGE AND CONSTRAINTS

For many years there have been concerns over the stability of energy supplies or the cost of energy or the consequences of too much dependence on overseas sources or over various environmental impacts. Now all of these concerns are operative at once and they are seen as long term as opposed to temporary.

For example, as U.S. consumption of petroleum, mostly for transportation, has grown, and costs have risen to over $100 per barrel, the net flow of dollars to oil-exporting countries has ballooned to between $450 to $500 billion annually, as noted recently by former CIA Director James Woolsey. Let me note that even at the now past price of $65 per barrel, 300 million Americans send $1000 each overseas for oil annually. At our NAS/NAE energy symposium on March 14, former Secretary of Energy and Secretary of Defense James Schlesinger said that our dependence on foreign oil is allowing some hostile oil-exporting countries to accumulate dollars, resulting in diminished U.S. influence not only toward them but also with our allies. He stated that ''we cannot ensure energy security, only mitigate energy insecurity''.

Predicting future energy costs is perilous and certainly not a talent of mine. Personally, I did not predict that gasoline would cost $3.5 to $4 per gallon as it is now. However, there is general consensus that the era of low cost energy is over, largely due to increasing demand from developing countries. Thus, one can expect U.S. purchases of oil to continue and world prices to remain high enough to cause difficulties for poorer countries. Worldwide fleets of car and trucks demand oil as does the growing commercial airline sector. High costs of energy are being felt by individuals, families, businesses, universities, governments, and hospitals, for example. High energy costs are now beginning to be blamed for rising grain costs and food shortages in some countries.

The imperative for access to secure energy supplies prompts some regions and countries to turn to coal or to nuclear power. For example, the U.S., China, South Africa and India have substantial domestic coal supplies. Environmental and climatic impacts must be dealt with. Inadvertent emissions of soot, sulfur, nitrogen oxides and mercury, historical challenges which have been met in some selected regions, remain major problems elsewhere and due to the scale of coal usage, they are increasingly serious problems, as are deleterious effects of coal mining on land surfaces and ground water. In each of the last several years, a large number of coal-fired power plants have been built in China; total generating capacity from these plants has increased annually by approximately 95 Gwatts (adding approximately the entire capacity of France or Germany).

In recent years it has become clearer that the global climate is changing in response to increased atmospheric concentrations of carbon dioxide from fossil-fuel burning. Current atmospheric concentration of CO_2 is over 380 ppm, compared to a pre-industrial level of 280 ppm. Climate change is being observed in elevated air and sea temperatures, losses of ice, rising sea level and several other variables, and it is judged mostly due to greenhouse gases, including carbon dioxide, from human activities. While some climate change can be accommodated, there is increasing evidence and concern that dangerous changes can also occur. ''Dangerous'' here is defined as irreversible changes such as sea-level rise and loss of biodiversity, and generally other physical variables whose rates of change exceed the rates at which we can adapt to them. Large or prolonged changes in regional water supplies can destabilize entire nations.

While it might be intuitive to guess that we could stabilize worldwide atmospheric carbon dioxide amounts by holding worldwide emissions constant, the natural uptake of atmospheric CO_2 by the global carbon cycle is only about 40 percent of current emissions; this figure has been derived by decades of research, much of it by NAS members. Current annual emissions are nearly seven billion tons of C as CO_2. The eventual steady-state atmospheric concentration of CO_2 from current emissions would be over 650 ppm. Thus, a specified carbon constraint such as preventing atmospheric CO_2 from rising above say 450 parts per million, is difficult to satisfy: it would require reducing emissions by more than four billion tons (C) from current levels. Several examples show how difficult it will be. Reducing emissions by just one billion tons C per year would require a fleet of two billion cars to achieve 60 mpg instead of 30 mpg, or replacing 700 one GW coal-burning power plants with nuclear plants, or replacing coal-burning plants with one million 2 MWe (peak) wind turbines or 2,000 1-GWe (peak) photovoltaic power plants.

Instead, if worldwide energy usage continues to grow as projected and fossil fuels continue to supply over 80% of that energy, worldwide CO_2 emissions would grow to over ten B tons C annually by 2030, just 22 years from now. At such a rate of fossil-fuel burning, humans would inject as much CO_2 into the air from fossil-fuel burning between 2000 and 2030 as they did between 1850 and 2000.

In addition to climatic change from carbon dioxide, we expect the world's oceans to become acidified by the CO_2 added from the atmosphere. Research on the biological effects of this acidification is in its early stages and there are many questions surrounding the ability of calcifying marine organisms to make shells, for example.

The view that emerges is of a carbon-constrained world. Taking into account the fact that coal is relatively plentiful and that its supplies are secure within several large countries, and recognizing the carbon constraint gives rise to the need for research on carbon capture and storage (CCS) and to other means to tap into coal's energy without releasing CO_2 to the atmosphere and oceans.

Even if coal, for example with effective CCS, could be used even more intensively to generate electricity, one must realize that to use today's fleets of cars and trucks and airplanes, one requires liquid fuels, presumably from oil. While coal yields less energy per unit of CO_2 released, carbon constraints apply to oil and natural gas as well as to coal.

The constraints of energy supply, dependence on foreign sources and atmospheric carbon dioxide cause us to consider wider usage of nuclear power. Nuclear power plants, currently based on nuclear fission processes, offer several advantages in that their operation does not emit carbon dioxide nor are supplies of nuclear fuel thought to be seriously limited physically or immediately. Widespread utilization of nuclear power is limited instead by concerns over safety of operation and over waste handling, storage and disposal. Strongly related is the need to prevent the misappropriation of nuclear wastes to produce nuclear weapons or conventional bombs spiked with radioactivity (dirty bombs). In addition, costs of electrical power from current nuclear plants exceed those for coal and from natural gas; capital costs of nuclear plants are much higher. These concerns have virtually stopped the building of new and replacement nuclear power plants in many countries since approximately 1980.

For nuclear power to satisfy large parts of current and future world demand for electrical energy would require the siting, construction and operation of large numbers of new and replacement nuclear power plants such as a tripling or quadrupling of the number of such plants now in service. Local limitations on volumes and temperatures of cooling water will tighten as tensions grow over water supplies and heat waves intensify. Even if successful, we would not have satisfied much of world demand for energy to drive transportation, now supplied by petroleum, with today's fleet of automobiles and trucks.

AGENDA FOR SCIENTISTS, THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL RESEARCH COUNCIL

The constraints placed on energy choices for the United States and for the world today can appear to be intractable. For example, large U.S. domestic coal reserves, much of our existing infrastructure and the goal of energy security all argue for more dependence on coal. However, we are pushed in the opposite direction by the pressing need to reduce CO_2 emissions to the atmosphere so as to limit climate change, and by several other environmental impacts including ocean acidification. In a democracy there are many different voices representing people with differing values and interests, such as protecting or advancing locally based industries, and also with differing weighting factors for addressing the various constraints.

All of these challenges place scientists and engineers in an essential position—we can:

Perform research relevant to energy supplies and usage,

Formulate and analyze options for decisionmakers,

Inform the public about research and policy options,

Advise and help government officials and business leaders,

Develop scientific and engineering human resources.

We must address each of these needed roles with complementary skills. Along with creating specialized processes and strategies, we need big-picture synthesis. For example, achieving increased energy efficiency can relax all of these constraints but implementing this goal requires great attention to detail.

The NAS and the NAE, working through the NRC, are conducting a study, America's Energy Future, and it will be published in less than a year from now. This report will present objective, quantitative data and estimates of contributions to our energy supply from various energy technologies, including energy-efficiency technologies, along with their costs. Many NAS and NAE members and other experts are involved on this project. It is led by economist Harold Shapiro, President-emeritus of Princeton University (and an IOM member). This report will lay a foundation for much more work to follow on energy research, energy-policy options and worldwide cases. It is intended to provide what Benjamin Franklin aptly described as ''useful knowledge'' to individuals and groups in business and government and the general public as they consider how to transition to the energy trajectories that are needed.

We are also beginning a new suite of studies on climate change, focusing on how to benefit from and extend the scientific understanding of climate change and also how to mitigate it and adapt to it.

Scientific research, as always, offers possibilities for improvements in how we extract, convert, store, distribute and consume energy. Indeed, research can lead to major changes which could revolutionize our current systems and which could dodge some of the constraints that now bind us. Opportunities for this research to create new technologies with worldwide business potential are enormous.

There are numerous fascinating research topics in physical and biological sciences which could dramatically transform the energy landscape or which could at least improve our options. Photovoltaic devices based on new materials to convert sunlight into electricity and chemical means to convert sunlight into chemical fuels offer great opportunities. Photosynthesis-based designs are beginning to receive some attention. Energy-storage devices with high energy and power densities could enable much wider use of solar, wind and nuclear energy, for example, in electric-drive vehicles.

Alternative energy sources for transportation must match or overcome a large advantage of liquid hydrocarbons; the oxidizer for their combustion does not have to be carried along with the fuel. A major goal is to derive petroleum substitutes from plant matter other than food crops which would be approximately carbon-neutral. Microbiological processes enhanced by molecular biology comprise many potential advanced pathways toward creating liquid biofuels such as alcohols. In such advanced processes, efficient use of normally recalcitrant material like plant cellulose and lignins must be made. Progress from this laboratory-based biological research is needed to obtain higher biofuel yields which justify inputs of energy, fertilizer, water and land. These input/output ratios themselves and corresponding tradeoffs require research to clarify the value of this option.

Wider usage of nuclear power to generate much larger amounts of electricity could displace some fossil-fuel usage but it requires safe and efficient handling of wastes which in turn require secure geological and geochemical storage. Similarly, economical and safe waste-to-fuel reprocessing represent research and engineering challenges and opportunities, and some materials problems with reactors remain.

As has been the case for too many years, nuclear fusion remains a distant but tantalizing pathway toward plentiful energy, with almost no radioactive waste, but very difficult problems in confining high-temperature plasmas have impeded progress.

A host of other research frontiers must be explored, for example, can carbon dioxide be effectively captured and stored in geological reservoirs in amounts measured in tens of billions of tons and for centuries? Can transmission lines be vastly improved through superconductivity or by using direct current transmission instead of AC, with better system analysis and control? If so, solar and wind energy can be distributed in ways to match generation and demand time functions better.

Scientific research on climate change is essential to enable us to predict how climate will change in smaller geographical areas and shorter time intervals than is now possible so as to guide our efforts in mitigating the changes and in adapting to changes that do transpire. Economic science and social phenomena must be incorporated in this endeavor, and as is the case in all of the topics mentioned here, computational science has become essential.

In deciding how to deal with the constraints placed on us by U.S. and global energy usage, governments, businesses, NGO's and individuals want to know what options they have. An important role for us as individuals and through National Research Council committees is to help to formulate and analyze options that can illuminate the consequences of various proposed actions. This work can consist of focused analyses of specific energy sources or pathways and respective technologies, or on comparisons of many alternatives. Variables include physical, chemical and biological principles, costs, readiness for deployment, social acceptance and time frames. In many cases, those who will make decisions amongst the options will be political or business leaders who have little or no scientific background, so scientists' communications skills will be tested. In these interactions centered on formulation and analysis of options, scientists must be prepared to interact with such decisionmakers in iterative ways. It is likely that some overall pathways to a more secure, safe and robust energy strategy will involve short-term options in preparation for transitions to a longer term.

More broadly, scientists can inform the public about research prospects and goals and about policy options. The pervasive nature of our challenges with energy requires wide public awareness and consensus, and arriving at consensus will be challenging. Whether deciding how to locate solar collector arrays, nuclear power plants or wind farms or how to gauge the benefits of various biofuels or automobile fuel efficiency, and how to invest their own resources or public funds, people must appreciate the constraints and the goals to choose the best options and to avoid costly mistakes and ineffective actions. Scientists who are effective communicators should present public talks and/or help other scientists and journalists who are even more effective. In our NAS communications with the general public, we plan to emphasize energy topics in several ways.

We depend on many structures and institutions to govern us. Agencies of the U.S. Government which support science research, set standards, monitor and regulate trade, products and pollutants need qualified people to serve in them and they need external counsel through advisory committees, for example. Each of us should serve when invited, and we should prepare thoroughly for each assignment. Important roles in advising the government are carried out by the National Research Council. State and local governments have many significant energy issues in front of them so the need for scientific advice is even larger. Scientists can also help each other when one is called to advise.

Education of the current and future generations of students is a high priority. All of the needs listed above require an educated public to recognize our options, to understand their consequences, and to exploit opportunities. Students who will go on into business and government will have big roles just as future scientists will. We must develop human resources, both broadly and in specific scientific endeavors, from microbiology and molecular biology to nuclear science and engineering. Our university curricula for science and for non-science students must create awareness of challenges and opportunities surrounding energy usage, efficiency and related research. As always, research opportunities for students are especially important.

CONCLUSION

We must change the trajectories of our energy usage and energy sources. World peace, economic development for much of the world, continuing prosperity for the developed countries and a stable climate require us to do so. To create and analyze options, and to educate and inform people about the work ahead, scientists and engineers are critical.

There is no single action or individual technology that will take us to this goal. (The glass(es) are partly filled and partly empty. The baseball is just for fun!)

Rather we must explore all sources and pathways and discover, invent and optimize in each case. While it might disappoint some people that there is no single pathway to success, a world in which many energy sources and solutions are integral to the whole will be more stable and less susceptible to disruption. Our enthusiasm and efforts must be broad as we seek to discover and disseminate useful knowledge.

A great deal of innovative and determined work is needed by scientists and engineers in the years ahead. It is our privilege and our responsibility to rise to these energy challenges. Let's get going; there is a lot of useful knowledge to be gained.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first, I welcome the bipartisan support for programs that will move us toward energy independence. I agree with my colleague from Tennessee that we need to do a Manhattan-type project, with the same type of commitment we made when putting a person on the Moon, to become energy independent. We have the technology. We know how to get it done. If we have the will, this Nation can do anything it wants to do.

I think there is a growing awareness among Members of this body, as well as on the other side of the Capitol, that we need to take immediate steps so this Nation can become energy independent. So I welcome the comments that have been made.

I come to the floor because the people of Maryland and throughout the Nation are hurting today. The most recent assault on their pocketbooks has been filling up their cars with gasoline. The costs are prohibitive for families—gasoline prices. Quite frankly, I think the administration is doing virtually nothing to help those who are trying to afford energy costs today—whether it is their electricity bills in their homes, or whether it is running the family automobile, or whether it is a business that requires them to use an automobile. This administration has done very little to help deal with the escalating costs of energy. Instead, they look for additional tax breaks for oil companies, or they want to extend tax cuts for millionaires. They don't come forward with energy policies that would try to make energy much more affordable.

I believe we need to have a strong energy legislation in this Congress. Let me give you some of the statistics that people in my State of Maryland are confronting on energy costs. Electricity rates went up 72 percent in 2007. Gasoline prices in Maryland are now $3.49, on average, for regular gasoline, and $3.80 for high test. That is a 150-percent increase since President Bush took office.

Let me try to translate this as to how it affects the average family in my State. When you take a look at what household costs have gone up, just for gasoline for your automobile, since President Bush took office, for a typical household it has increased $2,731 for the people of Maryland. If that household has children, it is an increase of $3,414 a year. If they have a teenager also operating a car, it has gone up over $4,000. To me, that is a shocking increase in just 7 years on the cost of gasoline that we put into our automobiles.

I recently had a conversation with small business owners in Maryland. Sixty-two percent of small business owners use a vehicle in their business. They need automobiles. They have to fill these tanks with gasoline. The majority drive over 50 miles a day in their automobiles to operate their businesses. So the statistics show that small businesses—and all of us talk about helping small businesses—spend more than their competitors that are large companies on energy costs. It can cost up to three times as much for a small business person for their energy cost to deliver a product to the market than for larger companies. I am sure you are aware that small businesses don't have the same availability of capital in order to buy equipment or the same availability of capital in order to keep their businesses afloat. Many small business owners are mortgaging their homes in order to keep their businesses going. Many are using credit cards with the highest possible interest rates to keep afloat. Now they have additional energy costs. So, yes, we need to take action on the energy problem.

I must tell you that the first thing we need is a national energy policy. We have had bills that have been submitted on this floor. I appreciate my colleagues on both sides of the aisle coming forward in support of a national energy policy for energy independence. But if you remember when we voted on the renewable energy portfolio, we didn't seem to get the votes we needed from the Republican side of the aisle. It is time to take action on a national energy policy—one that will truly make this Nation energy independent—whether you call it a Manhattan-type project or an Apollo-type project, we can do it. We can do it by using less energy and by developing alternative and renewable energy sources. We can do it in a way that will be good for America.

We should not be dependent for oil upon any country halfway around the world, that disagrees with our policies. We have to eliminate our dependency on imported oil. We need to do that for the security of America. Our national security should come first. If for no other reason, we should do it for national security. Also, let's do it for the environment. I listened to my friend talk about green energy. We have a chance to do that. We have a bill in the Environment and Public Works Committee that Senator BOXER provided tremendous leadership on, along with Senators LIEBERMAN and WARNER, that would cap our carbon emissions. That would energize our economy to produce green jobs and would help us to become energy independent. It would reduce greenhouse gases and would help our environment. We need to become energy independent because of our national security and because of our environment.

My friends who are talking about energy independence, we have a chance to move forward on that. Let's bring out the Lieberman-Warner legislation and move it on the floor. We are trying to do that, and if we had more help on the Republican side of the aisle, we could get that done this year and move toward energy independence.

There is a third reason we need an energy policy, and that is our economy. I don't need a clearer message about how important it is to be independent for our economy than to fill up my tank with gasoline. Go to any of your neighborhood gasoline stations and look at the price. We don't have control over our energy costs. If we were energy independent, we would. So we need an energy policy that is good for this Nation. We should not be financing other countries. That is what you do every time you fill up a tank with gas—financing other countries, and actually we are borrowing money to do that.

So we need a policy that is good for this Nation. What have the oil companies done to help us in this regard? They are doing quite well. We have businesses that are hurting. We are in a recession. We are not doing well in economic growth. But in the last year, the five major oil companies had profits of $103 billion, and 2008 is going to be a better year than 2007 for the oil companies.

These are excessive profits. We need to do something about them. The administration says let's continue tax breaks for the oil companies; let's create some new ones. We should be using these tax breaks to develop alternative energy sources. That is what we should be doing to help the people in our communities. We should be using these tax breaks to generate green jobs. We can do that if we energize the American economy to develop the alternative technologies that can solve our energy crisis as well as our environmental challenges.

We need to use these tax breaks so we have less reliance on foreign energy sources—alternative fuels. I wish to underscore that we need to get this administration, if they are really serious about trying to make this Nation energy independent, to refocus the tools we are using. Every time we try to do that—we try to take these tax credits and target it to the alternative energy sources rather than just giving them to the oil companies—we get a veto threat from the President.

I can tell you, Mr. President, people in Maryland desperately need leadership on energy. They need immediate help. One of the suggestions that has been made that I think we should move forward—again, the President said he is not going to do this—is the Strategic Petroleum Reserve. It is 95 percent filled. Let me explain to my constituents what this is about. Our Government is in the market every day buying 70,000 gallons of oil to put in the Strategic Petroleum Reserve. As a result, the cost to the consumers in filling up their automobiles' tanks is higher. It is supply and demand. The Government is there every day first at the gas pumps taking 70,000 gallons of fuel that otherwise could be available for consumers, and with supply and demand, the more fuel we have available, the lower the cost will be. This is something we can do immediately to try to reduce the cost of gasoline to the people of this Nation.

We need immediate action. We need immediate action to help the middle-income families in America and the small businesses that are literally being strangled by the high cost of gasoline and the high cost of energy. They need immediate relief. They need an administration that is going to take action to make more supply available. If the administration does not, the Congress should take action to do that. The American people need us to take action for immediate relief. But they also understand we cannot continue decade after decade to be dependent on foreign energy sources. It is way past time that this Nation become energy independent. We can get there.

As I hear my colleagues speak on both sides of the aisle, let's come together for the sake of our Nation, for the sake of our national security, for the sake of our environment, for the sake of our economy, and let's act together to pass laws so at last America can become energy independent and control its own destiny, be a good citizen of the world on the environment, and do much better for the growth of our economy. I am convinced we can do this if we act together in the best interest of our country.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CHARLTON HESTON

Mr. CRAIG. Mr. President, over the last few weeks, I have taken note of the tributes that have been made about

a great American who passed away on April 5, 2008. That American is Charlton Heston. This Senate even joined in those tributes, and I was pleased to cosponsor a resolution offered by my colleague, Senator JIM DEMINT, officially honoring Mr. Heston's life and extending the sympathies of the Senate to the Heston family.

Charlton Heston's significance was more than his distinguished career as an actor. In his lifetime, he became undeniably an American icon. But there is an aspect of his life that has not received the attention that I believe it deserves—his truly admirable record of public service. That is why I rise this afternoon to comment about his contributions to our Nation.

This was not a man who only recited patriotic speeches; he put his words into action and put his reputation and career on the line for the causes he supported. This was especially true in an area that people seem to have forgotten: his work on civil rights.

Charlton Heston freely allowed his fame to be used to draw attention and support to the cause of civil rights, and he did so at a time when it wasn't the popular thing for Hollywood stars to do. In fact, according to his autobiography, some of his associates warned him that his activism could harm his career and his financial success. But he pursued it anyway.

He told the story of demonstrating outside some Oklahoma City restaurants that refused to serve black Americans in 1961, and while he modestly acknowledged this was a small effort that ''made no more than a ripple in the wider world''—those are his words, not mine—the restaurants did change their practices, and the episode was a significant personal milestone for him.

His civil rights activism took him further. He was an admirer of Dr. Martin Luther King Jr., and wrote ''Many men who knew him better than I have written about Martin Luther King. I can't match their eloquence; I can confirm what they've written: He was a special man, put on Earth, I do believe, to be a twentieth-century Moses for his people. Dr. King sought him out to discuss how to integrate certain segments of the film industry. Mr. Heston was supportive but had doubts that it could be done; he was surprised and impressed when Dr. King accomplished that goal.

Later in 1963, when Martin Luther King famously marched on Washington Charlton Heston was not only part of the march but helped organize and lead a contingent from the American arts community in participating. Their job was to help draw press attention to the cause but Mr. Heston characterized the role he played as essentially an ''extra'' at the event. Even so, he said of the march on Washington: ''In a long life of activism in support of some good causes, I'm proudest of having stood in the sun behind that man, that morning.''

I think many people fail to appreciate the importance of Mr. Heston's involvement in supporting the cause of civil rights at that particular time. It was a turning point in our Nation's history. His position put him at odds with many in his industry, not to mention the mainstream America that existed in those days. It was no small thing for Charlton Heston to commit his energies and his name to advancing a cause that was deeply controversial.

Today, some have forgotten what those times were like and the risk he took. I would even argue that some prefer to overlook or rewrite the record of his civil rights activism because they disagree with other causes he took up later in his life.

Maybe it just doesn't sit right with the predominately liberal majority in the media and Hollywood that Mr. Heston could both march with Dr. King and later publicly denounce the violent, pornographic lyrics of rapper Ice-T. Maybe they don't understand how the same man who picketed against racism could criticize the Screen Actors Guild—an organization he presided over for six terms—for practicing reverse discrimination.

Or maybe they just don't understand the common denominator between his fight for civil rights and his fight for the Second Amendment. When he took the helm of the National Rifle Association for an unprecedented three terms Americans' firearms rights were under attack as never before. I met with him and encouraged his participation, as others did. Mr. Heston did participate and brought for formidable energy to the defense of this fundamental civil right of the law-abiding American citizen.

It was my great privilege to work with him in those days. I came to know him as an unabashed patriot and a friend. He was amazingly modest about his accomplishments when he told me about his past involvement in policy and political issues, but it was from him I learned about his early work on behalf of civil rights.

Charlton Heston is remembered by countless Americans around the world for the great roles he played and the characters he created, as only he could do. That legacy will live forever. As his movies are discovered by new audiences in the future, a new life for that memory will emerge.

But Americans should also be aware and celebrate and treasure another legacy he left behind—his simple and quiet service to our Nation. Let the record show Charlton Heston did not sit safely on the sidelines. He strode boldly into the arena of public affairs and took on all the risks of fighting in that arena. He worked to make this Nation a better place through his activism in promoting civil rights and individual liberties, a legacy that will have an even more lasting impact on our lives and the lives of our fellow citizens.

Goodbye, Charlton Heston. America misses you.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM POLICY

Mr. CRAIG. Mr. President, I am going to address, very briefly, an action that will come before us this evening in a 2-week extension of current farm policy that will be sought by Chairman HARKIN, as they work out, I understand, the final details of a new farm policy for our country.

As my colleagues know, over the last several weeks, I have come to the floor to speak out about the urgency at hand of getting a new farm policy before American agriculture as we move into the spring season and before the early harvest in the grain belt of our country, which starts very soon in Oklahoma and northern Texas.

As most of my colleagues know, both the House and Senate passed new farm policy last year, but because of their differences, we were simply not able to work out a compromise in conference. In fact, the House waited months to appoint conferees. Then the Speaker openly spoke out about being unwilling to provide the tax package to finance the necessary new policy.

I began to object. After 6 months and 4 extensions, finally, last week on the floor I did object. But out of that we began to work together and worked out a compromise, and I must say to all the conferees on the House and the Senate side that their diligence appears to have paid off. In talking with my colleague and the ranking member of the Senate Agriculture Committee, Senator Saxby Chambliss, today, their work in large part is done. It is a matter of simply putting it in final form, bringing it to print and, of course, then bringing the conference report to the floor of the House and the Senate. Apparently, the White House has also signed off on that and their work is largely complete.

It is with that understanding that I will not object this evening to a unanimous consent request to extend the current farm policy for another 2 weeks while they work out and put to print their final effort.

Let me thank them all for the sense of urgency that has developed over the last 2 weeks and the work in completing it. Obviously, the finance committee in the House, the House Ways and Means Committee and Senate Finance Committee had to bring about the necessary package. Senator Max Baucus and Congressman RANGEL, apparently working with the Republican side, have solved those problems and put the appropriate finance package together.

There are very important policies, new policies inside this farm bill. We are hearing for the first time, at least in my memory, a question about food shortages or at least some commodity shortages because of new demands we put on the production of American agriculture as it relates to the production of energy. There is no other time more important in our country to have farm policy in place and operative than right now, to say to the American people we can get our work done in a timely fashion—and that work is now complete; to say to American agriculture: Here is your policy for the next 5 years, whether it is nutritional policy for America's poor, whether it is production policy for America's farmland, whether it is conservation policy or energy policy; in large part all that is embodied.

I thank my colleagues for the work they have done. I hope their sense of reality and their finishing the product and getting it before us meets that timing. With that in mind, I will not object tonight to an extension. But I am on the floor to personally thank them for the work they have accomplished in getting it completed in the next 2 weeks and getting it before us as soon as possible so we can say to American agriculture: The work is done. Here is agricultural policy for the next 5 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY MARKET

Ms. CANTWELL. Mr. President, I have been to the floor now a couple of times already to talk about the high price of gasoline and what is going on in the oil markets. I want to take a few minutes this evening and talk about this issue as it relates to the futures market and what is happening to the day-to-day price of gasoline.

I know my constituents are outraged over this price. I know they are frustrated. It is impacting our economy. They want to see results. They want to see us take action. I think it is very important for us to keep delving into the details of what is causing this problem; that is, the price of gas increasing over 100 percent in about a year's time.

The first thing that is important for us to remember is how dependent the United States is on foreign oil; that we are, at 20 million barrels per day, the highest user of a country dependent on oil. And when you look at other countries and where they are on this issue, you can see that 20, almost 21 million barrels a day of foreign oil really means the United States, given the high oil prices we are seeing in the world market, is more impacted than any other economy.

So that means the United States has to step up and deal with this issue. I am not saying other economies, such as China, Japan, and Germany, are not impacted, but we are five times more impacted, and that is why we need to be aggressive and act on this legislation.

Now, we know where oil has been. In fact, I made this chart a few days ago to show how oil prices have tripled since 2002. I said oil was at $118 a barrel. Well, that changed. It went to $120. Now I think it is back down maybe to $116 today. I have not seen where it has closed. But that means we have seen gas go from $3.50 to $3.60. We have seen diesel at $4.22.

The important point is that oil futures; that is, the future price of oil, people are already purchasing oil and oil contracts into the future, and they are paying $100 or more for the next several years. That means those contracts that people are purchasing in oil futures help set the price for the commodity we purchase today.

If people are saying: I will buy oil into many years from now, 7, 8 years from now, and pay over $100 a barrel, it makes it very hard to have oil purchased in the physical market for a cheaper price than that.

Now, I have spent many hours on the Senate floor talking about supply and demand. The reason I have done that is because when you have a normal market, you have supply and demand, it works pretty well. My concern is, when you look at the statistics and the numbers, and here is a particular example, that world supply basically since 1988 has increased 33 percent and world demand has increased in that same time period 33 percent.

I showed a chart the other day that basically showed these two lines in parallel. This is not about supply and demand. This is not about a major market disruption and thereby not having a lot of supply and thereby causing a shortage and an increase, a spike in price. Now, yes, we have had some anomalies in the marketplace. We have had situations like Katrina, but they have been small instances, nothing that would cause a 100-percent increase in a 1-year period of time in the price of oil.

So that leads you to say simply: What is going on in this marketplace if it is not supply and demand, if the market is not functioning?

Well, one thing I know about this futures price that I described to you is that we have had a lot of testimony before the Energy Committee, before the Commerce Committee. I am sure some of my colleagues with oversight of the CFTC have had hearings.

But one thing we heard from a professor from the University of Maryland was, with those selling or buying commodities in the spot markets, they rely on the future price to judge the amount they are going to pay for the delivery of those commodities.

So I am reinforcing what I said earlier; that is, if people are already buying future contracts, and those future contracts are saying: We are definitely going to pay more than $100 a barrel for oil, That is going to affect the spot market. And the spot market is the market in which people buy the commodity today and what price they will pay.

So if you are sitting there thinking: How much am I going to pay for oil, and people are going to pay over $100 a barrel for it over the next several years, it is certainly going to affect the day-to-day price of oil.

Now, why is this so important? Well, it is so important because the futures market, in my mind, is out of control as it relates to the price of oil. It is out of control in the sense that it is not regulated in the same way other futures commodities are regulated. It is not regulated the same way cattle futures are, for example. They have reporting requirements. They have trading requirements. They have oversight by the CFTC. They are not exchanged on an international exchange to which we do not have access. There is no loophole, but for oil there is. That is the futures market, and the futures market impacts the spot price market.

So let's look at what happened. In fact, one of the analyses that was done on these hedge funds and how they are impacting the futures market—because I know a lot of people think crude oil is produced and an oil company either has that supply and then delivers it to its regional retailers throughout the United States or maybe to other countries and that is how it works. But what is happening is major investors are buying that product.

In fact, hedge funds are taking an ever-larger bet in the futures market because it is smaller than the stock market or the bond market, which means you can have more influence. The funds are using borrowed money to maximize their bets, magnifying their impact on the energy markets and prices.

So this is a reporter reporting about what is happening in the futures market and how hedge funds are playing this large role of moving in and having an impact on what the futures price is. Now, the reason I mention this is because we know this is causing problems. We have a very big example of a hedge fund gone wrong; that is, a hedge fund that was involved in rogue trading and used its power in the futures markets to disrupt the market as it related to natural gas.

So many people probably read about Amaranth; they have seen it in the paper. But what happened is, Amaranth sold large volumes of the next month's gas delivery in the last 30 minutes of the market. So they took a huge amount of supply and basically did what was called ''crashing the close,'' basically to benefit their position.

Now what this did is it cost consumers $9 billion more in the cost of natural gas. That is what this hedge fund did in disrupting the natural gas

markets. And, thank God, we had passed a law in 2005 saying this kind of activity was manipulative and it ought to be outlawed. The FERC is working on enforcement penalties of $291 million against Amaranth in this case.

But this is an example of how a hedge fund has come into the system and had a significant impact. Now, the Chairman of the FERC is saying these futures market prices impact the physical market price, and these manipulative schemes that were used like in Amaranth were designed to lower the prices in the futures market in order to benefit positions held in the physical market.

It is that kind of activity that we do not have enough insight into in the oil markets. You are saying: Well, how do we know about this? This was a natural gas market. And post-Enron we passed a law and said: We need to make this clear, a bright line that this kind of market manipulation is against the law.

We did that, and this is what the policeman on the beat, the FERC, has been doing to stop bad actors. And it is a very bright line. But what we need to do now is to do the same thing with the oil markets because after the Amaranth case, after it collapsed, lo and behold, what happened? What happened? Well, the futures price dropped to the lowest level for that contract in 2.5 years. So, basically, after Amaranth got out of the situation, and throughout this period thereafter, the market fundamentals of supply and demand basically have been unchanged.

This was an investigation that was done by our Permanent Committee on Investigations of the natural gas market. So once Amaranth was out of the market and their activities, guess what. We saw a stabilization in price. That is what we want. We want policing of the market. And that is why we want the FTC to do its job. We want the FTC to do the aggressive job that FERC is now doing in policing the electricity and natural gas market.

This body, this Congress, this President, signed into law language saying that the oil markets should also have a very bright line and should not tolerate market manipulation. That was signed into law last December. For the law to take effect, we need the Federal Trade Commission to actually implement the rule, to say how they are going to use this law, and to focus on catching the bad actors.

I want to reiterate the things that we need to do. We need to close the Enron loophole. The Enron loophole allows for online trading to be exempt from the regulations that other futures commodities comply with.

We need to require oversight of all oil futures markets. We cannot be held, in the United States with that 21 million barrels of oil, to having a blind spot on how the market is being impacted because the FTC does not have any insight into bad actors who might be manipulating it like Amaranth did.

We need the FTC to implement these new market rules. The FTC needs to be clear. They need to publish these rules and implement them as soon as possible.

I believe we need the Department of Justice to step in and help because we have seen, in the Enron case, when the Department of Justice and the CFTC and the FERC and various agencies worked together to piece this puzzle together with their authority, more enforcement mechanisms were used to catch bad actors.

I am sure we will have time again to talk about how 28 States have already implemented statutes to make price gouging illegal. I believe that is some authority that we should give the President.

So these are the things that we should be doing to protect consumers. I know it might seem to some of my colleagues that the oil futures market is complex and might not be the subject of something we should be dealing with on the floor of the Senate. But I will guarantee you, if we do not have a policeman on the beat for the oil markets, we are going to see a continuation of these incredible prices that are not based on market fundamentals.

I know whether you are an oil company or a hedge fund or whether you are someone in the supply chain, no one wants manipulation. Everybody wants markets to function based on supply and demand and basic fundamentals. Everybody should be for transparency of these markets, and they should be for strong Federal statutes implemented by the FTC, and they should be in support of having a very aggressive policeman on the beat to make sure we send a very strong message that these kind of practices will not be tolerated.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

DEFENDERS OF FREEDOM FELLOWSHIP

Mr. BAUCUS. Madam President, John F. Kennedy once said:

> As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.

I rise today to express my gratitude to the Montanans who have served our country in uniform. Montana is home to over 100,000 veterans. Many others gave the ultimate sacrifice in service of our Nation. Twenty-four Montanans have given their lives in combat in Iraq and Afghanistan. We owe these brave warriors a debt of gratitude that can never be fully repaid, and it is an honor to call myself one of their countrymen.

These veterans embody everything that is great about this Nation. They are tough. They are smart. They work hard. No matter the task, they get the job done. But the highest appreciation deserves more than just words. In honor of all Montanans who have served this great Nation, I am launching the Defenders of Freedom Fellowship. The Defenders of Freedom Fellowship offers professional experience in the U.S. Senate for Montana veterans. Each fellow will work in my personal office on veterans issues. The fellow will research issues and correspond with constituents, attend congressional hearings, and work on new legislation. The fellow will gain a rare insight into how the American Government works. The fellow will serve our Nation's veterans and all the people of Montana.

The fellowship has three goals. First, the fellowship aims to help involve more veterans in public service. A veteran's patriotism and love of service is a valuable asset to any public office.

Second, the fellowship will take advantage of all the experience a veteran has to offer. Many of these young men and women have experience well beyond their years. We have much to learn from what they have seen and done. We will gain a new perspective on tough problems we are working to solve.

Last, the fellowship is a humble way to say thank you to Montana's veterans, humble because it is an invitation for a veteran to come to Washington to work. However, this fellowship can also offer a gift. Some fellows will find a love for public service that will last a lifetime. This passion for public service has propelled many to greatness. It is this spirit that has inspired our Nation's greatest leaders.

I am excited about this—very excited. I am very excited about this fellowship and the opportunity I will have to work with some of Montana's veterans. To all Montana veterans and their families, I offer my gratitude for your service and for your sacrifice. To the future Defenders of Freedom fellows, I look forward to working with you soon. I thank you in advance for your efforts. I am confident you will find your service very rewarding.

Madam President, I yield the floor.

Mr. SPECTER. Mr. President, I wish to speak to an amendment to the pending legislation, H.R. 2881, the FAA Reauthorization bill, which would require the FAA to more effectively address flight delays that are caused by airline overscheduling.

Airlines continually schedule more flights than airports can physically handle. Schedules are made to reduce operating costs and maximize airline profits without regard for airport capacity. Since only a certain number of flights can be accommodated within a specified time period, overscheduling triggers built-in delays which can take the air traffic system hours to recover from. Responsible scheduling of flights within airport capacity limits will go a long way towards alleviating delays.

Many interested parties point out that airport capacity needs to be expanded to match existing schedules. This is true. We do need to ultimately expand airport capacity to accommodate passenger demand, but projects to expand capacity can take years to develop and millions of dollars to construct. In the nearterm, we should ensure that there is some rationality to flight schedules so that passengers can trust that their flight has a reasonable chance of being accommodated.

This amendment, on its own, would not cap or reduce peak hour flights at any airport. It would simply direct the Federal Aviation Administration to intervene in cases where overscheduling is causing significant delays.

Specifically, it would require the FAA Administrator to convene a meeting of airlines to discuss voluntary flight schedule reductions at any airport where flights exceed the maximum hourly departure and arrival rates set by the FAA, provided that such excess flights are likely to have a significant adverse effect on the national or regional airspace system. In other words, if the excess flights were deemed not likely to have an adverse effect, no action would be taken. If an agreement cannot be reached on voluntary flight schedule reductions, then the Administrator, working with the affected airport, would be required to take such action as is necessary to ensure that flight schedule reductions are implemented. This gives the FAA and the local airport the flexibility to decide how best to bring their schedules within capacity. Additionally, the Administrator would be required to submit a report to Congress every 3 months on flight scheduling at the Nation's 35 busiest airports.

This amendment is supported by the Airports Council International-North America as a measure that will force the FAA to more effectively deal with delays. Accordingly, I urge my colleagues to adopt it.

Mr. President, on December 19, 2007, the Federal Aviation Administration, FAA, ordered air traffic controllers at Philadelphia International Airport, PHL, to use new dispersal departure headings, sending aircraft at low altitudes over residential portions of Pennsylvania, Delaware and New Jersey.

These new flight paths, a component of the FAA's New York/New Jersey/Philadelphia metropolitan area airspace redesign, have been met with enormous fury in local communities, prompting 12 lawsuits against the FAA. They also prompted air traffic controllers at PHL to file an ''Unsatisfactory Condition Report,'' claiming that mandatory use of dispersal headings unnecessarily complicates departure procedures.

The FAA has always touted this project as a congestion relief initiative, and it is vitally important to address airspace congestion in the northeast. However, they are not sending planes over residential areas as a relief option. According to air traffic controllers, these dispersal headings are being used as a primary option from 9–11AM and 2–7PM, resulting in overflights even when there are no other planes waiting to take off at PHL.

At an April 25, 2008, field hearing that I chaired in Philadelphia under the auspices of the Transportation and Housing and Urban Development Appropriations Subcommittee, FAA Administrator Robert Sturgell confirmed that overflights are occurring when less than 10 planes are waiting to depart at PHL.

This runs counter to prior commitments the FAA had made to only use the headings during moderate to heavy traffic periods at PHL, when 10 or more aircraft were waiting to depart. The FAA has been unwilling to honor its commitment by limiting use of the headings to only those times when 10 or more aircraft are waiting because they claim that doing so would require them to conduct a reevaluation and analysis. I would argue that a reevaluation and analysis are in order if it would provide relief to the communities surrounding PHL, but I am more interested in seeing to it that the FAA honors its commitments.

Since they have not been willing to do so on their own, this amendment would force them to honor their commitment by prohibiting the use of dispersal departure headings at PHL unless 10 or more aircraft are waiting to depart. It will ensure that communities are not frivolously disrupted by overflights but still give air traffic controllers the option of using dispersal headings as a relief option when the airport is most congested.

It is important to note that the FAA is limiting overflights from Newark Airport to times when 10 or more aircraft are waiting, so this is not a policy that is unprecedented or impossible to implement. Accordingly, I urge my colleagues to adopt this amendment.

AMENDMENT NO. 4585 WITHDRAWN

Mr. ROCKEFELLER. Madam President, I withdraw my amendment No. 4585.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 4627

(Purpose: In the nature of a substitute)

Mr. ROCKEFELLER. Madam President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 4627.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 4628 TO AMENDMENT NO. 4627

Mr. REID. Madam President, I have a perfecting amendment to the substitute at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4628 to amendment No. 4627.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end add the following:

The provisions shall become effective 5 days after enactment.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. HUTCHISON. Madam President, parliamentary inquiry: Could I ask what the amendment is?

Mr. REID. Madam President, it is a change of date.

Mrs. HUTCHISON. Just a date change.

Could I ask, on the amendment that was offered by the Senator from West Virginia, is that the bill that has been discussed that has already been on the table without the pension provision? Is that the new substitute that was just put forward?

Mr. REID. That is our understanding.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4629 TO AMENDMENT NO. 4628

Mr. REID. Madam President, I have a second-degree amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4629 to amendment No. 4628.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike ''5'' and insert ''4''.

AMENDMENT NO. 4630

Mr. REID. Madam President, I have an amendment to the bill at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4630 to the language proposed to be stricken by amendment No. 4627.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

''The provision shall become effective 3 days upon enactment.''

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4631 TO AMENDMENT NO. 4630

Mr. REID. Madam President, I have a second-degree amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4631 to amendment No. 4630.

The amendment is as follows:

In the amendment, strike ''3'' and insert ''2''.

Mr. REID. Madam President, to all the Senators who are on the floor, and those within the sound of my voice, there has been a new substitute filed. The purpose of that is to eliminate the provision we have been dealing with all day here. I say to my colleagues, there are discussions going on as to how we can resolve that, if, in fact, we can resolve it.

I say to especially my distinguished counterpart, Senator MCCONNELL, at this stage we are now ready to start the amendment process. I was told early this morning that there was a Bunning amendment the minority wanted to offer. No problem; we just have not seen it. I think this bill, which is a tax bill—we do not want to tell anyone what they can or cannot offer—but I think it should be in keeping with what this bill is about. I have no problem if the Republicans want to offer one amendment, two amendments, or lots of amendments. I have no intention of trying to prevent them from offering amendments to this piece of legislation. But there comes a time when you have to move on, and that is what we are doing now.

I repeat: The floor is open. I do think it is appropriate—and the only thing I did here is to stop random amendments from being offered. I do not know how I can be more suggestive of the fact I want to finish this bill. I want it to be done. If there are people who want to amend parts of this very important bill, they should have a right to do so. I have no problem with that. I do say it would be appropriate that we at least see what the amendment is so we can move on, and as long as it is in keeping with this bill, I do not care what it does.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I certainly share the view of the majority leader that this is an important bill that needs to be completed. However, I do not agree that employing a parliamentary technique of filling the tree, which is what my good friend, the majority leader, did, will help facilitate the completion of the bill. This, of course, gives the majority leader the opportunity to basically pick which amendments from my side will be allowed. That is the kind of procedure that makes it impossible to get enough cooperation on the minority side to get cloture and finish the bill.

This process is not going to help us get the bill finished. We will have to continue our discussions on both sides about the amendments we are going to insist be offered.

Hopefully, at the end of the day, after we get through the various procedural moves that have been made, we can develop a regular amendment process. I do not think there will be a huge number of amendments, but the amendments that need to be dealt with are important to this side of the aisle.

Until that kind of procedure is agreed to or worked out in one way or another, it would be difficult to get cloture and to finish the bill.

I see my good friend from Texas on the floor. She has been working diligently on this, along with Senator ROCKEFELLER, for quite some time. She may want to offer her observations as well.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I say, through the Chair to my friend, I want to legislate on this bill. If someone can come up with a better way that we do it, I am happy to do that.

As we know, if this vehicle is here, standing alone, anyone can offer any amendment on anything. I do not think that is helpful to the process. I do not want to stop them. If there are amendments over here to offer, I have said once, twice—this is the third time—more power to you, offer them. I don't wish to stand in the way of anyone offering an amendment. I don't want to be dealing with the war in Iraq, abortion or anything else which are some things that are very difficult to deal with. That is my whole purpose in doing this. I want to deal with FAA or anything within the realm of transportation. I hope everyone understands that. I will be happy—if somebody can figure out a different way to do this, let me know, and I will be happy to cooperate.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I am greatly disappointed that we have come to the time when we are not going to be able to move this bill because there is not an open amendment process. I have worked with Senator ROCKEFELLER on the aviation bill; this is the FAA reauthorization. We have come to agreement on the basic bill. It is very bipartisan. Senator INOUYE and Senator STEVENS, the chairman of the Commerce Committee and the ranking member, have come to an agreement on the aviation portions of this bill. The distinguished majority leader said we don't want to take amendments that are not relevant to the bill, but, in fact, the tax package that is in the substitute that was put forward deals with many issues that are not in any way related to aviation, not in one instance. So we would like to be able to pass a bipartisan FAA reauthorization bill.

We have come to agreement in the Commerce Committee on the importance of the bill—the passenger bill of rights, the added safety features. It will modernize the air traffic control system. Yet now we have a bill that has no amendments allowed unless we get permission to offer amendments, when the underlying bill has many extraneous provisions in it that were added by the Finance Committee. They are not relevant to this bill, and they are not agreed to even by the leaders on the Commerce Committee whose bill this is.

So I am disappointed. I think it is going to stop the consideration of the FAA bill. If we could pare it back to FAA reauthorization, modernization, then I think we would have a bipartisan step forward for the consumers and passengers in this country.

I wish to thank my colleague, the Senator from Illinois, for working on the pension part, which has now been taken out. I think that is an excellent step in the right direction. It is very important to me. I was the cosponsor of his amendment. That amendment has now virtually been adopted. But I can't walk away from the rest of the people on my side of the aisle who want to offer legitimate amendments and who have very great concerns about the tax provisions in this bill that have nothing to do with aviation.

So I hope once we get to the point the bill doesn't move forward, which is where I think we will go, we can once again come together in a bipartisan spirit and have the aviation bill we have agreed to, with the tax provisions that relate to aviation that we have agreed to, and get this bill going. There will be legitimate amendments on perimeter rule, on some other safety issues. Those will be relevant. But we can't move forward when half our body virtually is unable to be a participant.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. The Senator from Texas makes my case. If there is part of this bill she doesn't like, whether it is tax provisions or anything else, offer an amendment to try to take it out. No one is trying to stop her from legislating. It appears to me my friend from Texas is looking for an excuse to kill this bill. If she doesn't like the tax provisions in this bill, offer an amendment to strike them. No one is stopping her from doing that.

I don't think it is asking too much to say we would like to have some idea of what amendments are going to be offered. I don't care what they are if they relate to this bill. I don't know how

many more times I need to say that. I think people, such as my friend from Texas, are looking for an excuse to deep six this bill, and that is what is going to happen.

We are at a place now where I have said if you want to offer amendments, offer amendments, and they are saying, well, we don't want to offer amendments because you have said you want to look at the amendments first.

Mrs. HUTCHISON. Madam President, parliamentary inquiry: Wasn't the tree filled up so that there are no possibilities of offering amendments?

Mr. REID. I have said—it is so easy. If anyone wants to offer an amendment, we take that little tree and add her branch to it. It is easy to do. I am not trying to stop anyone from offering amendments to this FAA bill. It is an important piece of legislation and it should be accomplished. But we can't stand around for days on end looking at each other. We have people who say they want to offer amendments. Good. Let them offer amendments. I have no problem with that.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I will try one more time with this voice. I expect I am correct in saying that filling up the tree has not worked except on occasions when the Republican leader agreed with the majority leader on filling up the tree, and there have been a few occasions on which I have agreed. I do not agree this time. This is not a process that is going to get us a bill. But we all continue to talk to each other, and we will hope that when the Sun comes up tomorrow, there will be a process agreed to that will give us a chance to get the votes we are going to have to get on this side of the aisle in order to complete a bill we would all basically like to complete.

Mr. REID. Madam President, I have an idea. Why don't we have an arrangement where the minority leader, the Republican leader, can also look at amendments with me. I am not going to try to stop anyone from offering an amendment. He can be part of the deal. I shouldn't be the sole arbiter. He can work with me on these amendments.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I would observe that from the very beginning of this most interesting day, my very good friend, Senator HUTCHISON, who is the ranking member on the Aviation Committee, has said there is a way to pass this bill in 5 minutes and that is: One, we do the amendment with respect to what my substitute amendment does; and, secondly, that the extraneous amendments, financial amendments which the Republicans do not like, they can put up that amendment. Now, they have said nobody on their side will vote for our amendment on the theory that it didn't come before they had a chance to take out the extraneous amendments. So I would say to my distinguished friend, Senator KAY BAILEY HUTCHISON, offer your amendment right now, right now. Offer it. You may find a more welcome audience than you think.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, it is frankly unfortunate that we are getting all high bound here and wrapped up around the axle. The action by the majority leader, as I understand it, in effect has adopted the Durbin amendment, which off the top I think is regrettable. I think it is important that this body protect pension plans—all pension plans—and the effect of the substitute would be to let a certain airline off the hook in providing enough protection to the plans. It has made big promises, but it is not fully funding the plan.

Second, it is a bit disturbing that things have developed this way because I had discussions with the majority leader as to how we can resolve the Durbin amendment, how we can resolve that issue. It was my hope we could continue those negotiations and discussions to possibly take that issue off the table.

I say to my good friend from Texas and to all Members, the leader asked me to work with Senator ROCKEFELLER to come up with a bill that merges both the Commerce Committee bill and the Finance Committee bill. Senator ROCKEFELLER and I did that. We sat down and worked out an agreement on the bill. It is unfortunate we are not starting with that agreement because it is a good-faith agreement and it also included tax provisions. We have to have tax provisions to pay for our airlines, for the trust fund, the airline trust fund. We have to have tax provisions to pay for the highway trust fund. Again, we negotiated this out, the chairman and I did, Senator ROCKEFELLER and I did in good faith and we came up with the measure which I think is fair.

Now, fairly, Senators have the right to offer amendments and should offer amendments. After all, this is the Senate. I think there is a way to work out the Durbin amendment. I made a suggestion to the majority leader as to how to do that, and I think it would be helpful if those negotiations could continue as we unwind one of the problems we are faced with. But second, I hope we can get away from the situation the minority leader described, which is filling up the tree which tends to get us stuck. The goal is not to get stuck; the goal is to seek an expeditious process and to move along quickly.

We have been spending all afternoon doing nothing, frankly. I made a suggestion as to how to deal with at least one significant part and that is the Durbin amendment, and it would be my hope that, as has been suggested, when the Sun rises tomorrow and we all sleep on this a little bit, cooler heads prevail, and we can find a way to get from here to there. That means passing the FAA bill, which deals with issues Senator HUTCHISON has talked about and which also finances the airport trust fund and the highway trust fund—that is, the plussed-up highway trust fund—and also a way to resolve the Durbin amendment in a fair and equitable way. Because nobody is 100 percent right here. Senator DURBIN is not 100 percent right and I am not 100 percent right. But I do think there is a way to resolve this, and I hope this evening we can think about it, sleep on it, and work it out.

Mr. DURBIN. Madam President, I wish to thank the Senator from Montana. We have had some words today, some positive and some not so positive, but I hope we can follow through on this conversation and this dialogue and try to see if there is common ground. I don't know if there is, but I am willing to try, and I hope we can see if we can achieve it.

I offered with Senator HUTCHISON to have a vote earlier today and that didn't happen. But at this point I hope we can find a way to reach an amicable solution. This pension issue is a very important issue to thousands and thousands of workers and to many communities that are served by these airlines. We worked hard and I think had a sizable number of Senators who supported our position, but you never know until you take the actual vote. I will say the underlying bill, after all this conversation about the pension plans affecting five airlines—and the tax provisions, which, frankly, I support—I think the tax provisions in this bill are good, relative to rail bonds, to the New York situation, and to the highway trust fund. I support that. I am happy to support it. But we want to make sure that at the end of the day, the underlying bill is enacted into law. This is long overdue to bring modernization and safety to our skies, and I know the work that has been put into it by the Senator from Texas and especially the Senator from West Virginia.

So I am prepared to sit down and meet with anyone in good faith to try to resolve this if we can. I hope that at the end of the day, though, what the majority leader said a few minutes ago is remembered. He is looking for any germane amendments relative to this bill and is prepared to engage a debate on both sides. He used this procedural approach to try to break a logjam, but he clearly is looking for a way to move to amendments and most importantly to pass this bill. I think that was a good-faith offer, and I know he is a man of his word. So we are prepared to work with Senator ROCKEFELLER and Senator HUTCHISON and all the Members to try to resolve these differences.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I appreciate what the Senator from Montana and the Senator from Illinois have said. I do hope we can continue to

work on this. I know the situation, as it stands right now, would not be acceptable: having a major piece of legislation that needs to be debated, and we need to have the ability for the minority voice to be heard. I don't think that it is going to happen with this particular procedure, but that doesn't mean the door is closed.

We do want to work on this bill because, as I have said many times, the underlying bill is one I fully support. It may be that one of the options would be to separate the tax part of the bill and the aviation part. I agree with the aviation tax part as well. Most people on our side of the aisle do. It is the taxes that have nothing to do with aviation that have been put into this bill that are the problem. That is what is killing this bill right now. If we can come to an agreement on the aviation taxes and the aviation bill and let the other tax provisions that relate to the subway and the railway and the highway fund, if those can be done in a separate package and then we have the votes up or down, then I think that is one option we ought to consider.

So right now, in this particular procedure, I think we are going nowhere. But we are going to continue to talk, and perhaps one of these other options would be doable. The pension part is so important to me. I have worked with Senator DURBIN all day and ever since I learned the pension part had been changed in the tax part of the package.

I hope we can come to a conclusion. I would like to come to a conclusion with the Finance Committee because I think there are some compromises, perhaps, that could be made. But I know what is in the bill now would be very detrimental to some of the airlines in this country. I think, as a matter of fairness and equity and protection of employees, that we could not accept the language that is there. That doesn't mean the door isn't open to talk. But if we can do something in a separate bill and let the aviation bill—taxes and authorization—go forward, I would hope that would be an option to consider.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, first, I appreciate the words of the Senator from Illinois and the Senator from Texas and their willingness to work out an accommodation on the pension provision.

Second, I caution this body about potentially separating these bills because the revenues provided in the bill are for the airport trust fund. I think that is very important. Also, the revenues are provided for NextGen, which is the next generation of air traffic control infrastructure, as they move from analog to satellite. European countries already have it. We need it here. We are behind the times. We need the money to get started. So I wonder about the advisability of separating those provisions.

Third, our highway trust fund is in deep trouble because of inflation, fuel costs, and construction costs going up. It is important that we so-called plus-up the highway trust fund and revenues there. The ways we are paying for the highway trust fund have been agreed to by the Commerce Committee and the Finance Committee, Senator ROCKEFELLER and myself. We agreed. That should not be an issue. The ways we are paying for the highway trust fund are provisions that are very meek and mild, not inflammatory at all. One is to limit fuel fraud. We should do that. Next, we should increase the solvency of the liability trust fund. That has not been opposed by anybody that I am aware of. That is jobs. We know this country and our growth rate is not what we would like it to be, and we could work this out.

Again, here we are at about 7 o'clock this evening, and a lot of good words have been spoken in good faith. Let's follow up and try to find a solution tomorrow.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, if I may respond briefly to the Senator from Montana, there is a lot of room for us to work on the highway trust fund issue. Everybody wants to replenish the highway trust fund. I do think there are issues with paying for it, and I think there is the view that we don't have to put a tax on some sectors in order to make this whole, because it is stimulative, and I think we could work on something that would get the highway trust fund replenished but not have to then find the issue of how we pay for it—particularly, one of the things is the retroactive tax version which is a problem for some people.

With the highway trust fund, I think we are replenishing something we can all agree is necessary. If we can come to terms on paying for it and in what manner it will be paid for, that is an area we would like to discuss.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I don't know if I am closing or not. I want to offer this observation. I have been here virtually all day. I have had plenty of rest—very little talking and very little learning. What strikes me, as this day closes, is that the people who are objecting in various ways to taking a vote—there will be no votes from our side on this or that or whatever—are missing the whole point of the bill. I support the Durbin position on pensions because it is part of the written law. It is not very difficult.

Everybody wants their own little piece to win. I have heard almost no conversation today—and virtually none yesterday—about the perilous condition of our aviation industry, particularly the commercial aviation industry. There isn't any sense of urgency about the large matter. Maybe people have it in their hearts, but they don't choose to bring it out here because on the floor they want to win points or they have ideological considerations that we cannot raise taxes or whatever. But while we are sitting here doing nothing—and I am sure impressing the American people mightily with our vigor—we have an aviation industry that is on the verge of collapse.

I pointed out a number of times that one out of every six employees has been laid off by commercial airlines. The fastest growing part of the aviation industry is the general aviation industry. I have very strong feelings about that, but for the sake of the chairman of the Finance Committee, I backed off of my solution for a fee of $25 per flight for a high-end private or corporate jet. I never really figured out how the $25 was going to bring them to the feet of catastrophe. Most of the jets that are made at the high end are sold elsewhere, overseas.

So I am very frustrated, as chairman of the Aviation Subcommittee, that we are not really talking about how to fix aviation. We are talking about how to keep our turf, how you are going to get no votes on this until I get my votes on that. None of it is about the big picture. It is about little things inside the bill which people choose to put their feet down on and then not move.

That is very depressing to me because I am very keenly aware that aviation is not a subject that has a great deal of appeal broadly. Most of our meetings on the Commerce Committee are attended by relatively few. There are relatively few on the floor of the Senate who really understand the condition of the aviation industry or the details pertaining to its condition, the history of that condition, and what the future holds.

I hope that, as we go through this night of cooling down, we will become reflective about what the bill is about, which is trying to give the commercial aviation industry, as well as the general aviation industry, a chance to survive in one case and flourish in the other case.

I made enormous compromises with the chairman of the Finance Committee—monumental, from my point of view. But so what. That is not even the point. The point is commercial airlines. So many of them are closing down. So many of them are in chapter 11 bankruptcy, in and out of chapter 11. Some are headed toward chapter 7. It is a national catastrophe—not to speak of our air traffic control system where we are at this point behind Mongolia.

So these things are important, and evidently others don't think so because they want to win their points to keep their positions and let the aviation industry take care of itself. I have not heard anybody on the floor today discussing with any passion, any coherency, or logic the condition of our aviation industry. That is very disappointing to me.

So I put up that caution and say that I hope we will be a wiser group tomorrow and that we will reach an accommodation because if we don't, we will

not only not be the world class of aviation, we will be very far from it. It is not just the commercial airlines, it is the air traffic control system. And, yes, you do have to kind of raise taxes for that. You have to build a digital GPS satellite system at the same time as you maintain an analog system. It will take 10 or 12 years to build this modern air traffic control system which every other country in Europe has—Japan and probably China have it.

It is discouraging to me for people not to be keeping their eye on the central force of this bill, which is to preserve what we need to do in commerce, to stay in touch with each other, to visit a dying mother, and do all kinds of things that are in the American way of life. Our debate today has not reflected the American way of life. It has reflected kind of a much more parochial view than I am comfortable with. But I am managing the bill, so I have to deal with that.

So I just close by saying that I hope tomorrow will be a brighter day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I wasn't present on the floor when the maneuvering that just took place happened that puts this Senate in a very difficult position, but it gets us into a very bad and dangerous situation.

The maneuvering of the Democratic leader and floor manager that was just done is not used very often in the Senate. In fact, substituting—putting a modification of a substitute that was agreed to by two separate committees that jointly brought this to the floor is something that I think is very unprecedented. This process of filling the tree so that only the majority party can decide what amendments can come up is not only dangerous and can keep this very important piece of legislation from being passed, but it is dangerous for the whole process of the Senate's comity in getting the job done.

As I said, this substitute was the product of two committees—not one committee but two committees—and by the overwhelming support of people on those committees that we needed to not only reauthorize the Federal Aviation Administration and do everything we can to improve airport safety, as well as airport facilities, but also the financing of it, to make sure there is plenty of money available to get the job done.

On safety at the airports, we have the Commerce Committee doing their work. On financing it, we have the tax-writing Finance Committee making sure the money is available. These two committees do their work almost in a unanimous way, and it comes to the Senate floor. That ought to be a procedure that gets this bill through this body quickly, without a lot of controversy, and by an overwhelming vote that reflects the comity that went into it and that reflects the need of the airline industry, both for commerce and for the passenger.

These joint deals should not be taken lightly, and because one amendment is offered that a few powerful Senators do not like, and their unwillingness to set it aside so we could work on other amendments as we tried to work out a compromise was not accepted, they take this extraordinary measure that only a manager of a bill can do to ask to modify an amendment by taking out the provision of the bill which dealt with the Durbin amendment that was before the Senate. That is nothing else, just blatant political power to get around something that people did not want to deal with. This was something that was agreed to between the two committees. That move breaches the deal.

What is more, the Democratic leader has backstopped the breach of the deal by this procedure we call ''filling the tree'' so that only amendments can be offered that can get unanimous consent to offer them, and that is very difficult to do and is only done for the sole purpose of keeping the issue dealing with the Durbin amendment from debate and finality on the floor of the Senate.

All day long the floor managers could have set aside the Durbin amendment, as I said, and moved along to other business. That is what the Finance Committee does in similar situations. We have already heard speakers before me say there are very real possibilities of working out compromises on that amendment that the majority manager did not like.

Let it be clear that we could have processed other business if Senator DURBIN would have deferred action on his amendment, and we would have been moving along. We would not be in this position that is dangerous from two standpoints: dangerous whether or not this important legislation can be passed, and dangerous from the standpoint of working together on other legislation that needs to be done in future weeks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

(The remarks of Mr. BROWN are located in today's RECORD under ''Statements on Introduced bills and Joint Resolutions.'')

Mr. BROWN. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

IRAQ

Mr. CASEY. Mr. President, I rise tonight to talk about the war in Iraq, from two different vantage points. One, the first vantage point, is from the perspective of those who have served—some of our fighting men and women who happen to be in the Reserves. I also wish to talk about a victim of this war and some thoughts I have in my heart today about the war and about this particular victim and what it tells about our country. First of all, with regard to a particular problem and then some legislation I introduced to correct it.

We have a policy right now, which I would regard as unfair, that if it is fully implemented would hurt numerous Army Reserve members and consequently our national security. Last year, the Army implemented a new policy whereby Reserve members who were called to Active Duty for a period of time exceeding 180 days, will be given an option—an option of a permanent change in station assignment or a waiver request to receive a significantly reduced per diem rate for the locality to which they are temporarily assigned. This could tremendously disadvantage those who happen to be serving in the Army Reserves.

While on its face it might seem harmless because it gets fairly technical, its unintended ramifications could be very costly. Reserve Members from across Pennsylvania and across the country have described this policy as a hardship that could potentially cause future problems for retention and enlistment rates. For instance, under this new policy, an Army reservist living in Philadelphia who is deployed for a temporary mobilization, as short as 9 or 12 months, for example—and this is an increasingly common occurrence because of the strain the war in Iraq has placed on our military, but this particular example means that person could face the financial necessity of selling his or her home if he or she is unable to afford to maintain both their primary residence and their temporary housing on a reduced per diem rate. In other words, they are not being helped in that interim period of, say, 9 to 12 months. This is not only a story about Pennsylvania, but it is a story that could be replicated, unfortunately, across the country.

I introduced legislation yesterday entitled ''The Reserve Residence Protection Act of 2008,'' which would correct this fundamentally unfair policy. The legislation would provide a basic allowance for housing to cover the costs of maintaining the primary residence of National Guard or Reserve members when they are mobilized outside their local area.

In addition, it would pay a lower second basic allowance at their mission location, if onbase housing is not provided. In January, when we passed the fiscal year 2007 National Defense Authorization Act, we passed a provision providing for the second basic housing allowance to protect the residence of Reserve members without dependents, but we left out—it is hard to believe this but we did—this body left out members with dependents. So if you had dependents and you are in this dilemma, you were left out. This legislation corrects this very important oversight.

Our Nation today is relying more than ever on National Guard and Reserve troops to fulfill our missions around the world and especially to carry on the work these men and women are doing in Iraq. Without these citizen soldiers placing their lives on the line to contribute to our national security, we could not carry out all our vital missions. National Guard and Reserve members know the sacrifices they need to make whether they enlist, but no Reserve members should be forced to choose—as they are now, if this policy is implemented without the bill passing—no Reserve member should be forced to choose selling his or her primary residence in order to fulfill a temporary mobilization order or deciding not to reenlist due to this unnecessary burden. In addition to being unfair in the first instance, it acts as a disincentive to those who might want to give even more service to their country.

When citizen soldiers enlist, they sign agreements to train and deploy when they are called up. That is the commitment they make to us and to our national security. However, I do not believe, and no one in this Chamber believes, that this is a one-way street or a one-way deal. The Nation, at the end of this bargain, promises to acknowledge their unique role as citizen soldiers and to aid in the transition between Active and Reserve Duty.

I am proud to have introduced the Reserve Residence Protection Act of 2008 because it will ensure that America is keeping its promise, keeping our promise to those who serve in our National Guard and Reserve, and we are keeping our promise to their families as well.

In conclusion tonight, I wish to talk about the war for a few moments, from the perspective of one victim, but I think this one victim tells a very dear and sad story. Today's Washington Post had a picture on the front above the headline. The headline read: ''U.S. Role Deepens in Sadr City.'' The subheadline reads, ''Fierce Battle Against Shiite Militiamen Echoes First Years Of War.''

I would say this in the context of where we are today. Tomorrow is the fifth anniversary of President Bush declaring, ''Mission Accomplished.'' That is one thing we are thinking about today and tomorrow—all the time that has passed, all the trauma to our country and to the people of Iraq since then. But also we note, in yesterday's press, in the month of April, as of April 29, yesterday, 44 Americans died in Iraq, the highest number since September of 2007.

So why do I say that in the context of this story? The story, which is an ominous sign for what is happening in Sadr City with regard to our troops—and we have seen the loss of life this week. But above that story is this horrific picture. I know you may not be able to see it from a distance, but many have seen it today. I will read the caption before I show the picture.

The caption reads: ''Ali Hussein is pulled from the rubble of his home after a U.S. airstrike in Baghdad's Sadr City. The 2-year-old died at a hospital.''

The picture depicts two men, one holding this 2-year-old child above his head. The 2-year-old, this child, would look like any child in America with the kind of sandals you can connect with Velcro. He has shorts on and a shirt.

Unfortunately, I know you cannot see it from here, unfortunately for this child, who later died, apparently when this picture was taken he is still alive, he looks at that moment, in fact, dead. His eyes are closed, his mouth is open. You can see the soot or the dust from an explosion covering his body. So at that moment he had not died, but he died a short time after. And what does this mean? Well, it means a lot of things. It means this war grinds on, and that the lives of our soldiers, the effect on their families, and we see other victims—we do not see pictures like this very often of children dying in Iraq.

This is not the fault of any one person or any side of the aisle here. It is something we have got to be more cognizant of, especially in the context of this raging debate we are having in America about our economy. And it is so important that we have a debate about our economy. It is so important that we focus on those who have lost their jobs, focus on those who have been devastated by the loss of their homes, focus on the increasingly difficult challenge that people have paying to fill their gas tank; all of the horrific and traumatic economic circumstances we face.

But as that debate is taking place, we are still at war. We still have soldiers coming home who, as Lincoln said, in his second inaugural when he spoke of ''him who has borne the battle and his widow and his orphan.''

So many soldiers are coming home either maimed or coming home dead for their final rest. And even victims in Iraq, young victims such as this young boy, 2 years old. He lost his life in an airstrike. So whether it is a 2-year-old in Sadr City who happened to be Iraqi or whether it is a 2-year-old boy or girl here in America who lost their mother or their father in Iraq serving our country, we have to remind ourselves that this anniversary challenges all of us to do all we can to bring this conflict to an end.

No one has a corner on the market of truth. No one knows the only way to do this. But we have to continue to worry about it and think about this war and its victims, and we have to figure out a way to get our troops out of this civil war.

As we do that, unfortunately, these pictures of the victims, whether they are nameless and faceless, or whether they are, in fact, identified, as this poor child was identified, must be reminders to all of us that we have a lot of unfinished business in the Senate and in Washington when it comes to the policy that has led to the loss of life we have seen here in America.

In my home State of Pennsylvania, like the Presiding Officer's, Ohio, we are up to 184 deaths and more than 1,200 wounded, in many cases grievously, permanently, irreparably wounded.

So this picture reminds us that we have a lot of work to do when it comes to the policy as it relates to the war in Iraq.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AAA SCHOOL SAFETY PATROLLERS

Mr. REID. Mr. President, I rise today in recognition of three young Americans recently chosen by the American Automobile Association to receive the School Safety Patrol Lifesaving award.

In 1920, the American Automobile Association, AAA, began the School Safety Patrol Program in order to ensure that children across the country could commute to school in a safe manner. Today over 500,000 young people participate in this program, and every year since 1949, the AAA has recognized those patrollers who go above and beyond their duties.

For nearly 50 years, the AAA has given its highest School Safety Patrol honor, the Lifesaving Award, to those patrollers who have risked their own lives to save the life of another. Today I have the great honor of recognizing three courageous patrollers who, while on duty, showed the kind of clear-thinking, quick-acting skills that save lives.

Nicole Epstein participates in the School Safety Patrol Program at North Chevy Chase Elementary in Chevy Chase, MD, not far from where we stand today. In June of 2007, an 8-year-old boy watched the traffic light turn to green and began to cross a busy road, unaware that a car making a right-hand turn was heading directly toward him. Nicole, seeing the oncoming car, stepped off the curb and grabbed the boy's backpack to pull him to safety. The driver of the car must not have seen the boy, because the vehicle completed the turn and drove on

with out slowing down or acknowledging the children. Through her bravery and quick thinking, Nicole saved this young boy from being hit by that car.

Raul Valdez, a AAA school safety patroller at West Gate Elementary in Manassas, VA, showed great courage when he saved a young girl who ran out in front of an oncoming van on April 13, 2007. Following an adult guard's ''hold back'' instruction, Raul put his arms up to prevent students from crossing the busy area of the school drive where buses and daycare vans collect children. When a young girl attempted to run across the drive, Raul reached for her shoulder and swiftly pulled her out of the way of an approaching daycare van. Thanks to Raul's attentiveness and his speedy reaction time, that young girl was saved from harm.

Clarissa Sourada is a safety patroller at Union Mill Elementary in Clifton, VA. On a morning in February 2007, Clarissa was holding two children at the edge of a residential driveway near her post, waiting for the clear to cross, when she noticed a vehicle backing towards them. She alerted the children to the danger and called for them to move out of the way. When one child did not heed her warning, Clarissa pushed the child from the driveway to the sidewalk, safely out of the path of the car. That child's life was saved thanks to Clarissa's quick thinking and attentive supervision.

As these three exceptional young people have demonstrated, the participants in the AAA School Safety Patrol Program serve an important role in ensuring that our young people get to school safely. This program has helped save countless lives, and I thank the AAA and the program volunteers for making it all possible. I know I speak for every Member of the Senate in expressing our gratitude for their valuable work in our communities.

ONE YEAR AFTER VIRGINIA TECH

Mr. LEVIN. Mr. President, April 16 marked 1 year since the deadliest shooting rampage in our Nation's history, a tragedy that took the lives of 32 Virginia Tech students and faculty members and wounded 17 more. April 16 was a day that forever changed the lives of many and we struggle to make sense of this senseless tragedy.

In almost 32 States, and on at least 32 college campuses, survivors and family members of those killed or injured in that shooting recently joined students, parents, and concerned citizens to remember the lives lost on April 16, 2007. During remembrance events across the country, hundreds laid silently on the ground in groups of 32 to honor the 32 innocent victims murdered at Virginia Tech. In my home State of Michigan, people gathered in Detroit and Kalamazoo to ring bells, read names, and recite prayers, all to remember the victims of this horrible tragedy.

These commemorations also sought to remember the families and loved ones of the more than approximately 100,000 people who are killed or injured by a firearm every year in America. Hundreds joined in expressing their frustrations at the glaring gaps in our Nation's gun laws. In August 2007, a panel of experts, commissioned by Virginia Gov. Tim Kaine, issued a report based upon their independent review of the tragedy at Virginia Tech. Among other things, the report pointed to weak enforcement of and gaps in regulations regarding the purchase of guns, as well as holes in State and Federal laws. It also emphasized the critical need for improved background checks and the danger firearms can present on college campuses.

Despite these calls from experts and outcries from the American people, the Congress has yet to act to make it harder for dangerous people to obtain dangerous weapons. By strengthening our background check system, closing the gun show loophole, and renewing the assault weapons ban we could help put an end to the type of tragedies such as the one that occurred at Virginia Tech.

RECOGNITION OF THE SERVICE OF FORMER SENATOR WALTER ''FRITZ'' MONDALE

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to have printed in the RECORD a statement made by Senator LEAHY at the University of Minnesota on April 7, 2008.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. LEAHY. Thank you Senator Klobuchar. And what a joy it still is to say those two words together. Minnesota's new senator already is bringing even more distinction to the seat that Hubert Humphrey held. She is another star who was mentored by Fritz Mondale, and she is upholding that grand DFL tradition.

When I was asked if I could be here with you, I was more than glad to clear my calendar to do it. It is a special honor and a great pleasure to be here with you in recognition of the service, the historical significance, and the 80th anniversary year of a friend, a former colleague, and an American statesman.

In this room we know him as ''Fritz.'' Others call him Walter. When he was a halfback in high school, they called him ''Crazylegs Mondale'' for some reason. He has also gone by Mr. Attorney General, Senator, Mr. Vice President, Mr. Ambassador, and Dad. I think I like Crazylegs best. I can't wait to ask him about how that happened.

The history of the era of his public service has not yet taken full form for the ages, but even now Fritz Mondale looms large as a model and as a catalyst, in his roles in the Senate and as Vice President.

I have been asked to focus particularly on his time in the Senate.

Walter Mondale is sometimes described as the paradigm figure of the transition between two eras—the FDR Coalition up to the War in Vietnam, and the social ferment that came after the war. And perhaps this is so. But to me, who Fritz Mondale is, and what he stands for, are just as important as when he stood there. Deep echoes resonate throughout his service of the first principles of our Republic. The issues he led on then are as fresh as today's news, and as enduring as our founding documents.

Issues like the concentration and abuse of power. Or social and economic justice and the consolidation of wealth in the pockets and portfolios of just a few. Or the role of government in protecting the little guy when powerful market forces run roughshod. Or the tension between freedom and security. Or the challenge of achieving energy security. Or the very roles of both the Senate and the Office of the Vice President in the American system. Even the question of whether a woman ever could credibly assume the highest office in the land. Trace any of these issues back in time, and you will find Fritz Mondale at earlier decision points. For example, just imagine how loose from our moorings we might be right now without the guideposts of the FISA law, which resulted from the investigation that he, Frank Church and others launched into earlier abuses of the power of government to snoop into Americans' lives.

Here is something to which we all can attest. Fritz Mondale is a good man whose decency elevated every institution in which he served. Who he is has everything to do with what he achieved.

Clarence once said that his brother's politics were, as he put it, ''an extension of our father's preaching,'' and I can see that. Their father, the farmer-turned-minister, felt and saw the ravages of the Great Depression on the farms and the communities of the heartland. And when Fritz entered politics, he did it for the right reasons, to make life better for the people.

In the Senate we mostly chalked Fritz's personality up to clean air, clean living and Norwegian genes. He was and is well liked on both sides of the aisle. Fritz's dad taught him that your integrity is everything, and the lesson stuck. He kept his word and everyone trusted him. He was always well prepared. And he surrounded himself with good and competent people. He had one of the best staffs on the Hill, and it's a treat to see some of those staffers sprinkled around the room today.

I've known Fritz a long while, but you still pick up some new perspectives in preparing for an occasion like this. I knew he was avid about hunting and fishing in the North Woods, but I hadn't known his reputation for being such a good ''bull cook.''

I looked it up. A bull cook is the fellow stuck with doing the chores around camp, cutting fuel, cleaning up and cooking. But when he rings the bell in the morning, everyone has to get up. I think that after being in a place like the Senate where no one is able to give orders that stick, Fritz likes that sense of real power when he rings that bell.

One side of Fritz that the public did not see as readily as we did in the Senate was his sense of humor—one of the best I have ever known. In many a tense moment, his sense of humor often defused the tension and restored the spirit of comity that is so crucial in getting things done in the Senate.

I wish the American people had seen more of that side of Fritz Mondale. Mike Berman told Fritz's biographer Finlay Lewis that the staff was always urging Fritz to loosen up in public. Mike said, ''I can't count the number of lit cigars I have stuffed in my pocket over the years.''

He loved the Senate, and the Senate loved him back. He once said that he ''found his sweet spot'' in the Senate. He was a quick learner and craved learning new things. He said the Senate ''was like mainlining human nature.'' And it's true. You pick up any day's Congressional Record, and it's like America's newspaper. Whatever is happening in

the country or the world on any given day is being talked about and sometimes even acted on in the United States Senate.

His first major legislative achievement was a 1966 law to make automakers notify car owners of dangerous defects. He went on to win another victory for consumers by stepping up regulation of slaughterhouses that had been selling diseased and putrid meat.

But he really came into his own in mastering the legislative process with a key victory on his open housing bill. Part of his success in winning a key cloture vote, against great odds, was helped along by his earlier bonding with a crusty earlier chairman of the Judiciary Committee, James Eastland. I hasten to note that I haven't yet entered into my crusty phase. Fritz knew the art of being able to disagree without being disagreeable.

That was a heady and vibrant legislative era, and Fritz had a hand in virtually every major piece of civil rights, education and child care legislation that emerged from Congress during that period.

To me, part of his Senate legacy that is the most significant and timely—timely, even today—was his work on and after the Senate's investigation—headed by Senator Frank Church—into the abuses that led to the spying on the American people by their own government. The FBI's COINTELPRO operation, for instance, had spent more than two decades searching in vain for communist influence in the NAACP, and they had infiltrated domestic groups like organizations that advocated for women's rights.

More than any other member of the special committee, Fritz Mondale mastered the issues and dug into the research, which spanned testimony from 800 witnesses and more than one hundred thousand classified pages. The evidence added up, in his words, to ''a road map to the destruction of American democracy.'' Powerful government surveillance tools were misused against the American people. There had been little effective congressional oversight of these federal investigative and intelligence agencies, and too little judicial review.

Their work led to the creation of the Select Committee on Intelligence, and later, to the Foreign Intelligence Surveillance Act—the FISA law that only lately has entered the public lexicon.

Then, as now, in the name of security, some were willing to trade away the people's rights. Then, as now, some would have the United States of America stoop to the level of our enemies, giving them a victory over us that they could not achieve on their own.

The parallels with today are clear and so are the lessons, but Fritz freshened the bottom line for us in his address to Senators not long after 9/11, as part of the Senate's leaders lecture series. Even before Abu Ghraib, the disclosure of the torture memos, the revelations about unlawful surveillance of Americans, or White House political tampering with U.S. Attorneys, this is what he said in September, 2002: ''There is always the danger that our fears will overcome our faith in the power of justice and accountability. Whenever we have gone down that road, we have hurt the innocent and embarrassed ourselves. Justice and accountability make us better able to face our enemies. Justice strengthens us.'' Unquote, and amen.

Another of Fritz Mondale's most remarkable and lasting achievements in the Senate was to engineer a change in the Senate's rules, to curb the abuse of filibusters in thwarting the will of clear majorities of the American people. The difficulty in passing the civil rights laws of the 60s had gradually convinced more and more Senators that the bar for cutting off debate in the Senate was set too high.

That might not sound difficult, but changing the way the Senate operates is something akin to trying to change the weather.

As a freshman Senator, I had a front seat and a bit part in Fritz's highly organized campaign to change the cloture rule.

He and Republican Senator James Pearson of Kansas launched the effort to change cloture from two-thirds to three-fifths. Fritz preceded and followed that launch by carefully laying the groundwork, enlisting Senators one by one. When it finally reached the Senate Floor, the debate itself was protracted. Finlay Lewis set the scene well in describing part of the debate. Quoting him, ''To an uninitiated or casual visitor, the proceedings must have seemed arcane, even bizarre. Here was the world's greatest deliberative body solemnly voting to table the Lord's Prayer. At another point, the Senate became polarized over a murky motion to table a motion to reconsider a vote to table an appeal of a ruling that a point of order was NOT in order against a motion to table another point of order against a motion to bring to a vote a motion to call up a resolution that would change the rules. At least, that's what it sounded like.'' Unquote.

Late, late one night, at about this point in the debate, Fritz and Majority Leader Mike Mansfield enlisted me, a young whippersnapper, to play a role. They asked me to stay on the floor one night around two in the morning to take the gavel as the presiding officer. They expected that a lot of tight rulings were coming up. But I felt the honor of the calling drain away as Mansfield explained that they needed someone big who was still awake to be in the chair for those rulings. Sometimes a Senator is no more than a conscious body in the right place at the right time.

The debate went on and on and on, and so did the parliamentary and coalition-building by Fritz and by his opponents. Relationships and Senate comity were being tested. Before they reached the breaking point, Fritz rightly knew when to strike a compromise, and he worked one out with Russell Long.

He won the change in the cloture rule, and it is not an exaggeration to point out that his efforts probably saved the Senate as we know it, and he did it without changing the Senate's fundamental character. As difficult as it still is to get things done in the Senate, without the Mondale cloture rule the Senate by now would be largely unmanageable.

It is saddening and frustrating today to see that even the Mondale rule has been abused. Filibusters are used far more often than they used to be. We had to have 72 cloture votes last year, and with a razor thin majority like the current Democratic majority in the Senate, that usually is an insurmountable hurdle. As Fritz knows and as Fritz practiced, the Senate's machinery is oiled by good will and self restraint, and there is less and less of that around.

Through his public service, Fritz Mondale invested himself in the belief that our democracy offers civilizing power to all of us together as a community, through our representative government, to give each of us, and all of us, the opportunity to thrive, to make justice real, and to make the economy work for all and not just for some.

In a time when government is compiling more and more information about every American, every American deserves to know what their government is doing. Checks and balances and the kind of oversight that Fritz Mondale believes in and practiced makes government more accountable to the people. It helps make our system work as the Framers intended.

This is the way he put it in that address in 2002: ''What a paradise we would live in if trust were never abused. But our Founders knew better. They built our system on this deep insight into human nature. We are not perfect. We are, all of us, mixtures of the good and base, lofty and lowly, selfless and selfish. We are capable of sonatas, sonnets, and cathedrals. But we are also capable of greed, paranoia, and a dangerous thirst for power.'' Unquote. That insight of the Framers, he concluded, accounts for our unique system of checks and balances.

The Senate at its best can be the conscience of the nation. I have seen that when it happens, and I marvel in the fundamental soundness and wisdom of our system every time it does. But we cannot afford to put any part of the mechanism on automatic pilot. It takes constant work and vigilance to keep our system working as it should for the betterment of our society and its people. Keeping faith with these fundamentals accounts for much of the legacy of Fritz Mondale.

It is easy for politicians to appeal to our worst instincts and to our selfishness. Political leaders serve best when they appeal to the best in us, to lift our sights, summon our will and raise us to a higher level.

This year we celebrate our good fortune of knowing and benefiting from Fritz Mondale's ample service to the nation, and there is much to celebrate. His is the generous and optimistic spirit of the reformer, and of the patriot.

Thank you, Fritz. And Happy Birthday.

COMMISSION ON THE NATIONAL GUARD AND RESERVES

Mr. WARNER. Mr. President, I rise today to commend the work of the Commission on the National Guard and Reserves. Under the leadership of Arnold L. Punaro, the Commission has done this Nation a great service. It was my privilege as chairman of the Senate Armed Services Committee to include the legislation that established the Commission in the annual National Defense Authorization Act for Fiscal Year 2005.

On January 31, 2008, the Commission submitted its final report to the House and Senate Armed Services Committees and the Secretary of Defense. That report is thorough, is based on substantial and careful research and an extensive information-gathering process, and reflects many hours of deliberations by the Commission's members.

The 12 Commissioners, between them, brought 288 total years of military service, 186 total years of nonmilitary government service, and many years of private-sector experience to the task. In addition to Chairman Punaro, the Commission's members are William L. Ball, III; Les Brownlee; Rhett B. Dawson; Larry K. Eckles; Patricia L. Lewis; Dan McKinnon; Wade Rowley; James E. Sherrard, III; Donald L. Stockton; E. Gordon Stump; and J. Stanton Thompson.

The Commission was established by Public Law 108–375, the Ronald Reagan National Defense Authorization Act for fiscal year 2005, as amended by Public Law 109–163, to assess the reserve component of the U.S. military and to recommend changes to ensure that the National Guard and other reserve components are organized, trained, equipped, compensated, and supported

to best meet the needs of U.S. national security.

The Commission's first interim report, containing initial findings and the description of a strategic plan to complete its work, was delivered on June 5, 2006. The second interim report, delivered on March 1, 2007, was required by Public Law 109–364, the John Warner National Defense Authorization Act for Fiscal Year 2007, enacted on October 17, 2006. That second report examined 17 proposals contained in the National Defense Enhancement and National Guard Empowerment Act, and included 23 recommendations covering the broad spectrum of issues raised by the legislation.

The Commission's second report was thoroughly reviewed by both Congress and the Department of Defense, and careful consideration was given to the Commission's recommendations that have changed, in a fundamental way, the Department of Defense's role for domestic security, taking significant steps towards improvements to make the nation safer from man-made and natural disasters. Secretary of Defense Gates also has taken timely and decisive action to implement those recommendations not requiring legislation, and has advocated before Congress for those requiring legislation.

The final report of the Commission was constructed from 17 days of public hearings, involving 115 witnesses; 52 Commission meetings; more than 850 interviews; numerous site visits, forums, and panel discussions; and the detailed analysis of thousands of documents supplied at the Commission's request by the military services, government agencies, experts, and other stakeholders. It contains 6 major conclusions and 95 recommendations, supported by 163 findings. This prodigious, thorough effort met the expectations of Congress.

In conducting its work, the Commission gathered information, analyzed evidence, identified significant problems facing the reserve components, and sought to offer the best possible recommendations to solve the problems identified. The Commissioners stated clearly their belief that the problems identified in the report are systemic, have evolved over many years, and are not the product of any one official or administration. Many of the Commission's recommendations to solve those problems can now be implemented; however, a number of them will take years to reach full implementation and will require additional work by Congress and the executive branch.

At the core of these changes is the explicit recognition of the evolution of the reserve components from a purely strategic force, with lengthy mobilization times designed to meet threats from large nation-states, to an operational force. This operational reserve must be readily available for emergencies at home and abroad, and more fully integrated with active components. Simultaneously, this force must retain its own required strategic elements and capabilities.

The Commission concluded that there will be greater reliance on the reserve components as part of its operational force for missions at home and abroad. Moreover, the Commission also concluded that the change from the reserve components' historic Cold War posture necessitates fundamental reforms to reserve components' homeland roles and missions, to personnel management systems, to equipping and training policies, to policies affecting families and employers, and to the organizations and structures used to manage the reserves. These reforms are essential to ensure that this operational reserve is feasible in the short term while sustainable over the long term. In fact, the Commission believes that the future of the all-volunteer force depends upon the continued success of our implementation of needed reforms to ensure that the reserve components are ready, capable, and available for both operational and strategic missions.

In reviewing the past several decades of diverse use of the reserve components, as an integral part of operations in Iraq, Afghanistan, and the homeland, most notably the Commission has found indisputable and overwhelming evidence of the need for future policymakers and the military to break with outdated policies and processes and implement fundamental, thorough reforms in these areas.

The members of the Commission on the National Guard and Reserves share this view unanimously. The Commission notes that these recommendations will require the nation to reorder the priorities of the Department of Defense, thereby necessitating a major restructuring of laws and DOD's budget. While there are some costs associated with these recommendations, the Commission believes that the problems are serious, the need to address them is urgent, and the benefits of the reforms we identify more than exceed the expense of implementing them.

Clearly, the reserve force has proven itself to be a wise investment in our overall security structure and should be commended for their professional contributions to our Nation's defense. The Commission recognizes that these issues are extremely complex, and that there will be disagreement with some of the solutions it has proposed. That is to be expected. Commission members anticipate that this report will generate lively debate among the organizations and key policymakers responsible for protecting U.S. national security. With the submission of its last report, the Commission turns its findings, conclusions, and recommendations over to the legislative and executive branches, where Commission members feel confident that they will be carefully considered, improved upon, and implemented.

The Commission has provided America a blueprint for our work on the National Guard and Reserves this year and in the future. Each of its 95 recommendations merits our careful consideration. The Senate Armed Services and Homeland Security and Governmental Affairs Committees have already held hearings on the Commission's report, and we await the Department of Defense's formal response to its recommendations.

It is with profound admiration and gratitude that I extend our collective thanks for the service that this Commission has rendered to our nation and to our men and women in uniform. I know my colleagues will agree when I say that this Commission has made profound and substantive recommendations for reforming our National Guard and Reserves and that we look forward to working to address the issues raised by the Commission's final report.

ADDITIONAL STATEMENTS

TRIBUTE TO MICHAEL E. BAKER

• Mr. AKAKA. Mr. President, it is a privilege for me today to honor Mr. Michael E. Baker as he retires as president of Maryknoll School. I want to express a heartfelt mahalo nui loa—thank you very much—and best wishes with my warmest aloha as he retires after 11 years at the helm of the school with an unsurpassed record of achievements. He leaves a legacy which benefitted students and continues to do so and is appreciated by parents, alumni, and our educational community. His is a legacy of a great leader and educator.

As a former principal in our public school system, I agree wholeheartedly with the philosophy contained in Mr. Baker's ''President's Message'' in which he emphasize the critical importance of exceptional teachers in the commencement and development of students, intellectually and spiritually, and to inculcate them with these and all the other attributes necessary to develop into a valued member of our society. He has built on the solid foundation laid by his predecessors and attracted the very best faculty recognized for their excellence locally, regionally, and nationally.

As he retires from his stewardship of Maryknoll School to spend more time with his family, I also want to congratulate him for his leadership that made the Maryknoll School Community Center a reality. When completed, this much-needed first-rate center for the school's athletics program will be an important part of the school's curriculum as it continues to build success upon success for its students.

Mr. President, I join President Michael E. Baker's family, colleagues, friends, and the community in wishing him Godspeed as he enters the next phase of his life. He has earned the right to enjoy his family and the simple pleasures of life in retirement.•

TRIBUTE TO LOUISIANA WWII VETERANS

• Ms. LANDRIEU. Mr. President, I am proud to honor a group of 94 World War II veterans from Louisiana who are traveling to Washington, DC, this weekend to visit the various memorials and monuments that recognize the sacrifices of our Nation's invaluable service members.

Louisiana HonorAir, a group based in Lafayette, LA, is sponsoring this Saturday's trip to the Nation' s Capital. The organization is honoring each surviving World War II Louisiana veteran by giving them an opportunity to see the memorials dedicated to their service. On this trip, the veterans will visit the World War II, Korea, Vietnam and Iwo Jima memorials. They will also travel to Arlington National Cemetery to lay a wreath on the Tomb of the Unknowns.

This is the eighth flight Louisiana HonorAir has made to Washington, DC., and there will be one additional flight this spring.

World War II was one of America's greatest triumphs, but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American service members were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen and marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there remain today more than 40,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. Veterans in this HonorAir group range in age from 79 to 91. They began their service as early as 1939, before the bombing of Pearl Harbor, and some members of this group served as late as 1976. They served in various branches of the military—37 members in the Army; 17 in the Army Air Corps, including one in the Women's Air Corps; 28 in the Navy; 3 in the Naval Reserve; 4 in the Marines; 1 in the Marine Corps Reserve; 2 in the Merchant Marines; and 2 in the U.S. Coast Guard.

Our heroes served across the globe in the Pacific, Atlantic, Asiatic Pacific and China Burma India theaters. Others served in North Africa, Japan, Korea, the islands of the South Pacific and in other areas of Europe and stateside. Our service members battled at Iwo Jima, Guadalcanal, Okinawa, Saipan, Tinian and the Solomon Islands.

Many of these veterans earned Purple Hearts, Bronze Star Medals and Croix de Guerre medals. They served on famous battleships such as USS North Carolina, and they participated in the liberation of the Philippines.

I ask the Senate to join me in honoring these 94 veterans, all Louisiana heroes, that we welcome to Washington this weekend and Louisiana HonorAir for making these trips a reality.•

HONORING TRANS-TECH INDUSTRIES

• Ms. SNOWE. Mr. President, I rise today to commend the immeasurable contributions of a small Maine company both to its industry and community. Trans-Tech Industries is an innovative manufacturer of aluminum tanks and trailers which are used to transport fuel and petroleum products. In addition to leading its field, Trans-Tech has given back to the city of Brewer, ME, in countless ways.

Trans-Tech is a shining model for companies seeking to compete in the demanding global marketplace. Founded in 1984, the company set out with a simple goal: strengthen existing models of aluminum tanks to become safer and more convenient for the operator. Trans-Tech originally began operations in a converted storage unit in the seaside town of Southwest Harbor. During its early years, Trans-Tech manufactured tanks and trailers as well as aluminum boats. But company president Ken Peters found it difficult to produce the number of tanks for which he had hoped, and he continually increased efforts to make more tanks. In 1999, Trans-Tech finally moved to a location in Brewer's East-West Industrial Park that better suited the company's needs.

Since relocating to Brewer, Trans-Tech's tank production has soared. The company presently makes between 400 and 500 tanks each year, as opposed to the less than 100 it previously produced, and revenues have increased threefold. Moreover, the company continues to improve and expand. Besides its state-of-the-art 43,000 square foot production facility, Trans-Tech added an adjacent 7,200 square foot building in 2004, allowing it to focus on the manufacturing of specialty trailers. Trans-Tech was additionally able to realize its goal of developing aircraft refuelers that range from 1,000 to 10,000 gallons each which are now in use at airports across the country, showing how Trans-Tech has made the most of its new opportunities.

While Trans-Tech certainly produces high quality tanks and trailers, the firm and its over 60 employees are also a good neighbor, donating time and resources to many area organizations and charities. Trans-Tech's commitment to the community is visible with its assistance to The Salvation Army; the company's sponsoring a youth hockey team; and its major participation in the Brewer Days and Brewer Winterfest, two well-attended annual community events.

One of Trans-Tech's most recognizable efforts is its involvement with the Bangor Area Homeless Shelter. Mr. Peters serves on the shelter's board of directors, and he and Trans-Tech constantly provide the shelter with needed supplies such as furniture and food. They even donated a new air conditioner for the hot summer months. Mr. Peters also serves as a board member on the Brewer Economic Development Corporation and he is a founding member of the Penobscot Landing Committee, which is aimed at revitalizing the historic Brewer waterfront. He is also the 2008 recipient of the Governor's Service Award as chosen by the Maine Commission for Community Service, a fitting acknowledgement of the devotion he and Trans-Tech have shown to improving the well-being of Brewer.

Through its unyielding pledge to both business and community, Trans-Tech sets a high bar for companies seeking to succeed in all facets. Ken Peters inspires his employees, and they in turn help make Brewer a better community in which to live. He also gives back to his employees in numerous ways, including providing them with a raise to help them manage rising gas prices. The firm's magnanimous spirit truly flows from the top, and it is something to be celebrated. I congratulate Trans-Tech Industries on all it does, and wish the company well in the future.•

TRIBUTE TO MICHAEL J. BARTLETT

• Mr. SUNUNU. Mr. President, I wish to pay tribute to Michael J. Bartlett, supervisor of the U.S. Fish and Wildlife Service New England Field Office, who is retiring after four decades of exemplary public service. My home State of New Hampshire, the New England region, and our Nation have benefitted greatly from Mike's efforts as a tireless defender of our natural resources.

After completing military service over 37 years ago, Mike joined the U.S. Fish and Wildlife Service as a staff biologist. Prior to his current role, he served as a project leader in the New Jersey Ecological Services Office, Northeast regional chief of field operations, and Northeast deputy assistant regional director.

Like any good steward, Mike has left things better than he found them in each of these positions. Throughout his time with the Fish and Wildlife Service, Mike has fostered accountability, efficiency, and teamwork. For his accomplishments in strengthening employee-supervisor relationships and improving overall employee satisfaction, Mike was honored with the Fish and Wildlife Service Northeast Region's ''Invest in People'' award.

Mike's leadership and collaborative approach to natural resource protection are widely respected. As Supervisor of the New England Field Office, Mike has minimized the adversarial nature of his office's regulatory role and repeatedly brought parties together for mutually beneficial outcomes. At the same time, Mike has been unwavering in his dedication to natural resource protection.

Mike was instrumental in complex and lengthy negotiations with the

Maine aquaculture industry, the Army Corps of Engineers, the Environmental Protection Agency, and State of Maine that resulted in strong protections for endangered Atlantic salmon. Additionally, under his supervision, the New England Field Office has secured significant resource benefits by negotiating numerous settlement agreements on contentious hydroelectric project license renewals. For example, a mitigation fund created as part of the relicensing of the Fifteen Mile Falls hydroelectric project on the Connecticut River has allowed the restoration of 20 miles of river habitat, protection of over 25,000 acres of watershed lands, and fish passage improvements.

Under Mike's supervision, the New England Field Office has been a wise steward of natural resource damage assessment funds. Mike has insisted that such funds be used to obtain the greatest possible benefit for fish and wildlife impacted by oilspills and other environmental degradation. In Maine, settlement funds totaling $8 million were used to leverage over $100 million in additional investment to protect habitat for common loons and ducks that were impacted by the North Cape oilspill in Rhode Island. The combined funds secured the protection of 1.5 million acres and more than 200 lakes and ponds that provide nesting habitat for over 125 pairs of loons and 600 pairs of common eiders. In Massachusetts, settlement funds have been used to preserve endangered roseate tern colonies in Buzzards Bay, restore saltmarsh and eelgrass beds, and provide herring with spawning habitat on the Acushnet River.

Mike's emphasis on collaboration shines through in the exceptional work performed by his office through the Fish and Wildlife Service Partners program. During Mike's tenure as supervisor of the New England Field Office, the program has restored hundreds of miles of river access and thousands of acres of wetlands in the region. In New Hampshire, thanks to a highly successful dam removal program that Mike conceived and helped to create, I have witnessed improvements to our rivers such as the Contoocook and Souhegan. Meanwhile, the Partners program has restored coastal saltmarsh in Greenland, Newmarket, Newington, Hampton, Rye and North Hampton, New Hampshire. This and similar work throughout New England has enhanced landscapes and preserved critical habitat for Atlantic salmon, American shad, American eel, brook trout, and freshwater mussels.

Mike's work has also benefitted many species including Indiana bats, New England cottontail rabbits, and a variety of migratory birds such as piping plovers, bobolinks, eastern meadowlarks, loons, roseate terns, and bald eagles. His stewardship has even impacted the smallest of species. Mike's negotiation of an agreement with the city of Concord, the New Hampshire Department of Fish and Game, and private partners has ensured the protection of the federally endangered Karner blue butterfly through cooperative management of 300 acres of habitat at the Concord City Airport.

Mike plans to teach in his retirement, and this is fitting because he has already been a mentor, coach, and teacher for many individuals. Mike's dedication and his outgoing and gregarious personality, to which colleagues and friends attribute much of his success, are widely admired. The inspiration Mike provides for others will undoubtedly continue to be a catalyst for conservation.

Mike is to be commended for his extensive work on behalf of fish, wildlife, wetlands, and conservation in general. I am certain that Mike's retirement will be enjoyable, as some say that his professional and personal attributes may be equaled only by his aquatic resource collection skills with a fly rod. Mike's upcoming time for angling, hunting, kayaking, and relaxing with his wife, children, and grandchildren, is well-deserved. I wish Mike and his family great success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3490. An act to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes.

H.R. 3522. An act to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

H.R. 4332. An act to amend the Federal Financial Institutions Examination Council Act to require the Council to establish a single telephone number that consumers with complaints or inquiries could call and be routed to the appropriate Federal banking agency or State bank supervisor, and for other purposes.

H.R. 5631. An act to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building''.

The message also announced that the House has passed the following bills, without amendment:

S. 2457. An act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

S. 2739. An act to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 3196. An act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''.

H.R. 3468. An act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr. Post Office''.

H.R. 3532. An act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathan Millican Lula Post Office''.

H.R. 3720. An act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the ''Army PFC Juan Alonso Covarrubias Post Office Building''.

H.R. 3803. An act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the ''John Henry Wooten, Sr. Post Office Building''.

H.R. 3936. An act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the ''Sgt. Jason Harkins Post Office Building''.

H.R. 3988. An act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the ''Master Sergeant Kenneth N. Mack Post Office Building''.

H.R. 4166. An act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''.

H.R. 4203. An act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Specialist Jamaal RaShard Addison Post Office Building''.

H.R. 4211. An act to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the ''Judge Richard B. Allsbrook Post Office''.

H.R. 4240. An act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the ''Felix Sparks Post Office Building''.

H.R. 4286. An act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

H.R. 4454. An act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the ''Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building'', in honor of the service men and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. An act to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building''.

H.R. 5220. An act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the ''Major Arthur Chin Post Office Building''.

H.R. 5400. An act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''.

H.R. 5472. An act to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the ''Julia M. Carson Post Office Building''.

H.R. 5489. An act to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office.''

At 5:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3490. An act to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4332. An act to amend the Federal Financial Institutions Examination Council Act to require the Council to establish a single telephone number that consumers with complaints or inquiries could call and be routed to the appropriate Federal banking agency or State bank supervisor, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5631. An act to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5712. An act to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–339. A resolution adopted by the House of Representatives of the State of Alaska urging Congress to permanently repeal the federal estate tax; to the Committee on Finance.

HOUSE RESOLUTION NO. 7

Whereas the Economic Growth and Tax Relief Reconciliation Act of 2001 temporarily phased out but did not permanently eliminate the federal estate tax; and

Whereas our form of government is premised on the right to enjoy the fruit of one's labor, to own one's own possessions, and to pass on one's bounty to one's heirs; and

Whereas, when a person works for a lifetime to build assets, saving and investing money, building a business, or buying and developing land, that person has a moral right to pass those assets on to the person's family without being penalized with inheritance taxes; and

Whereas there is a fundamental problem of double taxation when a decedent's survivors are forced to pay an inheritance tax on assets acquired by the decedent with after-tax dollars; and

Whereas we need a tax system that encourages lifelong saving, investment, and business activity, and not one that can result in heirs liquidating or selling family businesses that are often asset rich but cash poor, thereby destroying those ongoing job-producing businesses simply to fund increased government consumption; and

Whereas the persistent uncertainty created by sec. 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001, which provides for the reinstatement of federal estate tax law for decedents dying after December 31, 2010, prevents families and small businesses from fully benefitting from the temporary repeal; be it

Resolved, That the House of Representatives strongly urges the United States Congress to support, work to pass, and vote for the immediate and permanent repeal of the federal estate tax.

POM–340. A resolution adopted by the Legislature of the State of Arizona urging Congress to authorize the Department of the Treasury to intercept federal tax refunds to pay overdue victim restitution; to the Committee on Finance.

SENATE CONCURRENT MEMORIAL NO. 1004

Whereas, between $500 million and $1 billion in victim restitution, fines, fees and surcharges are past due and owed to courts across Arizona; and

Whereas, under current law, the Internal Revenue Service is authorized to intercept tax refunds for child support debts, state and federal tax debt and federal agency debt, but not for the collection of court-ordered restitution, fines and fees; and

Whereas, Arizona law currently allows state tax refunds to be intercepted for past-due court obligations, and in fiscal year 2007, approximately $7.1 million was collected through this program and distributed to victims and various criminal justice agencies throughout the state; and

Whereas, legislation has been introduced in Congress, S. 1287, that would add state court debts to the list of debts that can be withheld from federal tax refunds. It is estimated that approximately $70 million could be collected for Arizona if federal tax refunds were subject to intercept by the Internal Revenue Service; and

Whereas, mechanisms already are in place to intercept this debt and such a plan would result in no loss to the federal budget. The federal tax intercept proposal is a fair and simple way to enforce debts owed without implementing a tax increase.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays.

1. That the United States Congress enact S. 1287 or other similar legislation that would authorize the United States Department of the Treasury to intercept federal tax refunds to pay overdue victim restitution and other financial obligations ordered by state and local criminal and traffic courts.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-341. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to extend the expiration deadline of the Gulf Opportunity Zone Act of 2005; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 20

Whereas, hurricanes Katrina and Rita struck the United States in August and September 2005, and were considered the most devastating natural disasters to hit the United States; and

Whereas, in response to these natural disasters Congress in December 2005, enacted the Gulf Opportunity Zone Act (GO Zone Act) of 2005 to provide desperately needed economic relief, and

Whereas, the GO Zone Act provides federal tax incentives and bonds to rebuild the economies of those areas impacted by hurricanes Katrina, Rita and Wilma; and

Whereas, even though the entire state of Louisiana was included in the hurricanes Katrina and Rita disaster areas, the provisions of the GO Zone Act apply only to certain designated parishes; and

Whereas, the GO Zone Act applies to the following parishes: Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, and West Feliciana; and

Whereas, the GO Zone Act provides low-income housing credits, rehabilitation tax credits for restoring commercial buildings, employer-provided housing benefits, fifty percent bonus depreciation on certain new property investments, deductions for demolition and clean-up costs, and net operating loss carrybacks; and

Whereas, many of the GO Zone Act provisions expired at the end of 2007 and other provisions are due to expire at the end of 2010 for certain parishes; and

Whereas, many Louisiana citizens and businesses can directly benefit from the Act's incentives if the GO Zone Act is extended; therefore, be it,

Resolved That the Legislature of Louisiana memorializes the Congress of the United States to extend the expiration deadline of the Gulf Opportunity Zone Act of 2005; be it further,

Resolved That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–342. A joint resolution adopted by the Legislature of the State of Idaho urging the Idaho congressional delegation to take measures to improve quality care in the skilled nursing facilities in Idaho; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT MEMORIAL NO. 6

Whereas, the federal survey process through which skilled nursing facilities are inspected is a federal process which is not available for significant state deviation or modification; and

Whereas, the federal survey process was developed in 1987 and was designed for typical residents in skilled nursing facilities at that time; and

Whereas, the acuity levels of patients now being cared for in skilled nursing facilities are significantly elevated from those of twenty years ago; and

Whereas, the federal survey process does not allow for trained, experienced surveyors to provide consulting of any kind when surveying a skilled nursing facility; and

Whereas, the punitive and negative design of the federal survey process often negatively impacts the morale, turnover and motivation of the workforce of the skilled nursing facility; and

Whereas, the costs of the very expensive federal survey process outweigh the benefits; and

Whereas, the state of Idaho has produced a survey process for assisted living providers which is not punitive, provides for significant consulting and, as current feedback indicates, a confidence building and learning experience for employees of the facility; now, therefore, be it,

Resolved by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That the Idaho Legislature urges the Idaho congressional delegation, the Idaho Department of Health and Welfare, the United States Department of Health and Human Services, resident advocate groups in Idaho and industry representatives to negotiate how to improve the survey process in skilled nursing facilities in Idaho and that the Idaho Legislature supports measures to improve quality care in the skilled nursing facilities in Idaho and the Idaho Legislature also affirms our desire to be efficient with tax dollars; be it further

Resolved, That the Idaho Legislature urges the Idaho congressional delegation to request support and necessary funding from the United States Congress for a pilot project in the state of Idaho to implement the changes negotiated by the aforementioned groups; be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the Secretary of the United States Department of Health and Human Services, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States.

POM–343. A resolution adopted by the Legislature of the State of Massachusetts urging Congress to create an office of the national nurse; to the Committee on Health, Education, Labor, and Pensions.

RESOLUTION

Whereas, nurses are highly valued and trusted by the public and, in addition to administering health care, are often called upon to deliver educational messages about health maintenance and disease prevention; and

Whereas, there are thousands of nurses and nurse educators currently living and working in the commmonwealth; and

Whereas, a national effort is underway to create an Office of the National Nurse; and

Whereas, on March 8, 2006, Congresswoman Lois Capps, a nurse representing the 23rd Congressional District of California, introduced H.R. 4903 in the House of Representatives to amend the Public Health Service Act to establish an Office of the National Nurse; and

Whereas, H.R. 4903 enjoyed bipartisan support and 42 Members of the House of Representatives signed on to the bill; and

Whereas, the Office of the National Nurse would raise awareness of health issues and promote good health through education and community outreach; and

Whereas, the Office of the National Nurse would effectively complement the Office of the Surgeon General of the United States; and

Whereas, the Office of the National Nurse would support valuable initiatives, such as producing weekly media broadcasts to promote health, increasing the number of nurse educators, facilitating the deployment of nurses to underserved areas, promoting volunteerism within the Medical Reserves Corps and partnering with existing agencies to deliver nursing assistance and education to communities, particularly communities in crisis; Therefore be it

Resolved, That the Massachusetts General Court memorializes the Congress of the United States to enact legislation to create an Office of the National Nurse as described in H.R. 4903 similar legislation; and be it further

Resolved, That copy of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, the presiding officer of each branch of Congress and the members thereof from the commonwealth.

POM–344. A concurrent resolution adopted by the Legislature of the State of Kansas expressing its support for the National Bio and Agro-Defense Facility; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 1624

Whereas, Homeland Security Presidential Directive Nine (HSPD–9) has tasked the Secretary of the Department of Homeland Security to coordinate, ''counter-measure research and development of new methods for detection, prevention technologies, agent characterization and dose response relationships for high-consequence agents''; and

Whereas, at present no facilities in the United States have adequate containment, security, equipment and infrastructure to meet the requirements identified in HSPD–9; and

Whereas, to meet this need, the Department of Homeland Security and its federal partners initiated plans for a National Bio and Agro-Defense Facility (NBAF); and

Whereas, the NBAF will enhance protection from both natural and intentional threats by providing and integrating high-biosecurity facilities, thus increasing our nation's capacity to assess potential threats to both human and animal life; and

Whereas, the Department of Homeland Security is seeking a location to build the $451 million, 500,000 square foot, NBAF facility; and

Whereas, A site on the campus of Kansas State University is one of six sites actively under consideration by the Department of Homeland Security as possible locations for the NBAF facility; and

Whereas, the State of Kansas recognizes the NBAF as a critical national investment and pledges its support for the funding and construction of the NBAF in order to protect human and animal health from both naturally occurring and intentionally introduced disease threats; and

Whereas, Kansas is the ideal location for the NBAF. Kansas is a world leader in bioscience, particularly in the areas of animal health and vaccines, infectious diseases, and food safety. Kansas also has in place an exceptionally well qualified workforce; and

Whereas, in demonstration of their zealous support for locating the NBAF in Kansas, Governor Kathleen Sebelius and the Kansas Bioscience Authority have initiated a task force to lead Kansas' bid for the NBAF. This task force consists of prominent industry leaders, public officials—including the entire Kansas congressional delegation—representatives from the Kansas legislature, producer groups and leaders of prominent academic institutions; and

Whereas, the State of Kansas is committed to partnering with the federal government to support biosecurity. As part of this commitment, Kansas—along with the federal government—invested $54 million in the nation's most modern biosecurity laboratory, the Biosecurity Research Institute at Kansas State University: Now, therefore, be it

Resolved, by the Senate of the State of Kansas, the House of Representatives concurring therein, That the Kansas legislature pledges its support for Kansas State University and the City of Manhattan, in their bid to have the U.S. Department of Homeland Security's National Bio and Agro-Defense Facility located in Kansas, and that the Legislature underscores its commitment to provide any and all support necessary to ensure the location of the NBAF in Kansas; and be it further

Resolved, That the Kansas Legislature purposefully encourages the U.S. Department of Homeland Security to consider Kansas' demonstrated expertise and experience with research, its existing facilities and security infrastructure, and the human resources already in place that make Kansas a natural fit for the location of this new federal laboratory; and be it further

Resolved, That copies of this resolution be provided to President Bush and Vice President Cheney, Secretary Chertoff of the U.S. Department of Homeland Security, Secretary Schafer of the U.S. Department of Agriculture, Secretary Leavitt of the U.S. Department of Health and Human Services, the Kansas congressional delegation and Governor Kathleen Sebelius.

POM–345. A resolution adopted by the Senate of the State of Michigan urging Congress to reverse funding cuts to the Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 165

Whereas, the grants funded through the Byrne Justice assistance Grant Program are used throughout Michigan for statewide and local law enforcement efforts. The Byrne program grants assist the apprehension, prosecution, adjudication, detention, and rehabilitation of offenders. The funding supports training, equipment, additional personnel, and other measures to increase the effectiveness of law enforcement and victim assistance; and

Whereas, the cuts in the fiscal year 2008 appropriations for the Byrne program that were approved by Congress and signed into law are staggering. Michigan will lose two-thirds of the funding received in the previous year, down to only $3.2 million. For programs such as the Office of Drug Control Policy, the slashing of the funds available will cripple the office and force the cancellation of many worthwhile programs. The effects on other state and local programs will

be similarly drastic. With the state's budget situation still in question due to negative trends in the national economy that threaten to overwhelm state efforts to restore growth, we clearly cannot replace the lost federal money; and

Whereas, as the federal government continues to grapple wih the budget and economic growth measures, there is still time for Congress to correct the looming crisis in law enforcement efforts in the states. We know that cuts in funding now, when the economic picture is growing bleak, will make the need to effective law enforcement an victim assistance more important than ever. Congress must restore funding to the Byrne program to fiscal year 2007 levels through a supplemental appropriations act in order to prevent the curtailment or cancellation of key criminal justice programs; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to reverse cuts to the Edward Byrne Memorial Justice Assistance Grant Program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–346. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to take the actions necessary to ensure adequate funding for veterans' health care; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 23

Whereas, the United States Department of Veterans Affairs provides medical care to veterans who have risked their lives to protect the security of the nation; and

Whereas, the United States Department of Veterans Affairs has the largest integrated health care system in the United States; and

Whereas, the missions of the United States Department of Veterans Affairs include providing health care to veterans, educating and training health care personnel, conducting medical research, serving as backup to the United States Department of Defense, and supporting communities in times of crisis; and

Whereas, the United States Department of Veterans Affairs provides a wide range of specialized services to meet the unique needs of veterans, including treatment and care for spinal cord injury, blindness, traumatic brain injury, post traumatic stress disorder, amputation injuries, mental health issues, substance abuse, and conditions requiring long-tern care; and

Whereas, federal discretionary funding for veterans' health care is controlled by the executive branch and congress through the budget and appropriations process; and

Whereas, the United States Governmental Accountability Office report in 2005 highlighted the lack of resources and staffing available to the United States Veterans Administration for processing an increasing backlog of veterans' claims; and

Whereas, discretionary funding for the United States Department of Veterans Affairs lags behind both medical inflation and the increased demands for services; and

Whereas, former United States Secretary of Veterans Affairs Anthony Principi has publicly stated that the United States Department of Veterans Affairs has been struggling to provide health care to the rapidly rising number of veterans who require health care; and

Whereas, it is imperative that the members of congress make funding health care for veterans a major priority. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the United States Congress to ensure adequate funding for veterans' health care. Be it further

Resolved, That the legislature does hereby express profound and enduring gratitude to veterans for sacrifices made while serving in the United States Armed Forces, particularly those who suffer as a result of injuries sustained during military service. Be it further

Resolved, That copies of this Resolution be transmitted to the president and vice president of the United States and to the members of Louisiana's congressional delegation.

POM–347. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to adopt and implement the recommendations of the Veterans' Disability Benefits Commission; to the Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION NO. 28

Whereas, the Veterans' Disability Benefits Commission was established by the Congress of the United States in Public Law 108–136, the National Defense Authorization Act of 2004; and

Whereas, between May 2005 and October 2007, the commission conducted an in-depth analysis of the benefits and services available to veterans, service members, their survivors, and their families to compensate and provide assistance for the effects of disabilities and deaths attributable to military service; and

Whereas, the commission examined the appropriateness and purpose of benefits, benefit levels and payment rates, and the processes and purposes used to determine eligibility for such services; and

Whereas, the commission reviewed past studies on these subjects, the legislative history of these benefit programs, and related issues that have been debated repeatedly over several decades; and

Whereas, in federal fiscal year 2006, the Department of Veterans' Affairs expended over forty billion dollars on a wide array of these benefits and services for veterans, service members, their survivors and their families; and

Whereas, the commission identified eight principles that it believes should guide the development and delivery of future benefits for veterans, service members, and their families; and

Whereas, the following are those eight principles:

(1) Benefits should recognize the often enormous sacrifices of military service as a continuing cost of war, and commend military service as the highest obligation of citizenship.

(2) The goal of disability benefits should be rehabilitation and reintegration into civilian life to the maximum extent possible and preservation of the veterans' dignity.

(3) Benefits should be uniformly based on severity of service-connected disability without regard to the circumstances of the disability (wartime vs. peacetime, combat vs. training. or geographical location).

(4) Benefits and services should be provided that collectively compensate for the consequence of service-connected disability on the average impairment of earnings capacity, the ability to engage in usual life activities, and quality of life.

(5) Benefits and standards for determining benefits should be updated or adapted frequently based on changes in the economic and social impact of disability and impairment, advances in medical knowledge and technology, and the evolving nature of warfare and military service.

(6) Benefits should include access to a full range of health care provided at no cost to service-disabled veterans. Priority for care must be based on service connection and degree of disability.

(7) Funding and resources to adequately meet the needs of service-disabled veterans and their families must be fully provided while being aware of the burden on current and future generations.

(8) Benefits to our nation's service-disabled veterans must be delivered in a consistent, fair, equitable, and timely manner; and

Whereas, with these principles clearly in mind, the commission has urged the nation to set a firm foundation upon which to shape and evolve a system of appropriate, and generous benefits for the disabled veterans of today and tomorrow. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to adopt and implement the recommendations of the Veterans' Disability Benefits Commission. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY:

S. 2939. A bill to expand and improve mental health care and reintegration programs for members of the National Guard and Reserve, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN:

S. 2940. A bill to promote green energy production, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG:

S. 2941. A bill to improve airport runway safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself and Mr. GRAHAM):

S. 2942. A bill to authorize funding for the National Advocacy Center; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2943. A bill to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mrs. CLINTON):

S. 2944. A bill to amend the Child Abuse Prevention and Treatment Act to examine and improve the child welfare workforce, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2945. A bill to amend title VII of the Civil Rights Act of 1964, to clarify that a discriminatory compensation decision or other practice occurs on the date on which the aggrieved person knew or should have known that the person was affected by the decision or practice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself and Mr. BROWNBACK):

S. 2946. A bill to amend title 38, United States Code, to make a stillborn child an insurable dependent for purposes for the Servicemembers' Group Life Insurance program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHUMER:

S. 2947. A bill to amend the Food Security Act of 1985 to encourage owners and operators of privately held farm, ranch, and forest land to voluntarily make their land available for access by the public for maple-tapping activities under programs administered by States and tribal governments; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN:

S. 2948. A bill to provide quality, affordable health insurance for small employers and individuals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH:

S. 2949. A bill to establish the Mark O. Hatfield Scholarship and Excellence in Tribal Governance Foundation and for other purposes; to the Committee on Indian Affairs.

By Mr. MENENDEZ:

S. 2950. A bill to increase housing, awareness, and navigation demonstration services (HANDS) for individuals with autism spectrum disorders; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for Mrs. CLINTON (for herself, Mr. MENENDEZ, Mr. FEINGOLD, and Mr. LAUTENBERG)):

S. Res. 542. A resolution designating April 2008 as ''National STD Awareness Month''; to the Committee on the Judiciary.

By Mr. THUNE (for himself, Mr. JOHNSON, and Mr. BINGAMAN):

S. Res. 543. A resolution designating the week beginning May 11, 2008, as ''National Nursing Home Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 796

At the request of Mr. BAYH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 796, a bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1232

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1340

At the request of Mrs. LINCOLN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1340, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes.

S. 1366

At the request of Mr. BUNNING, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies.

S. 1998

At the request of Mr. DURBIN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2161

At the request of Mr. ISAKSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2372

At the request of Mr. SMITH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2536

At the request of Mr. BAYH, his name was added as a cosponsor of S. 2536, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts to the United States in the case of veterans who die as a result of a service-connected disability incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2575

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2575, a bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes.

S. 2682

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2682, a bill to direct United States funding to the United Nations Population Fund for certain purposes.

S. 2704

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2704, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician.

S. 2705

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2705, a bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2774

At the request of Mr. LEAHY, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2775

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2775, a bill to amend the Internal Revenue Code of 1986 and the Social Security Act to treat certain domestically controlled foreign persons performing services under contract

with the United States Government as American employers for purposes of certain employment taxes and benefits.

S. 2777

At the request of Mr. MARTINEZ, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2777, a bill to award a Congressional Gold Medal to Dr. Oscar Elias Biscet, in recognition of his courageous and unwavering commitment to democracy, human rights, and peaceful change in Cuba.

S. 2785

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2812

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2812, a bill to amend title XVIII of the Social Security Act to improve the provision of telehealth services under the Medicare program.

S. 2822

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2822, a bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation or importation of natural gas.

S. 2867

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2867, a bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes.

S. 2928

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2928, a bill to ban bisphenol A in children's products.

S. 2934

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2934, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide a plot allowance for spouses and children of certain veterans who are buried in State cemeteries.

S. 2935

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2935, a bill to prevent the destruction of terrorist and criminal national instant criminal background check system records.

AMENDMENT NO. 4579

At the request of Mr. WYDEN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 4579 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4582

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 4582 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4584

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 4584 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY:

S. 2939. A bill to expand and improve mental health care and reintegration programs for members of the National Guard and Reserve, and for other purposes; to the Committee on Armed Services.

Mr. KENNEDY. Today, I introduce the National Guard and Reserve Mental Health Access Act, which provides greater access to mental health services for our members of the National Guard and Reserve.

The wars in Iraq and Afghanistan are taking an excruciatingly high toll on veterans and their families and the Nation obviously needs to give greater priority to their mental health needs, including the National Guard and the Reserve.

As of April 29, 2008, 31,848 servicemembers have been wounded in Iraq and Afghanistan. Thirty percent of our soldiers struggle with brain injuries, mental illnesses, including post-traumatic stress disorder and depression, or a combination of these physical and mental wounds.

Earlier this month, the RAND Corporation released a report documenting the alarmingly high numbers of veterans who struggle with mental health problems and brain injuries. One in 5 of these brave men and women report mental health problems.

These mental health problems take various forms, including post-traumatic stress disorder, depression, suicidal tendencies and substance abuse, and they can persist for months or even years after their service. Some will never be the same again.

It is our duty to give our National Guard and Reserves the best possible treatment, whatever their injury. Mental conditions should be treated with the same care and concern as physical conditions.

This bill calls for the implementation of the Yellow Ribbon Reintegration Program, which provides counseling, education and family services to returning members of the Guard and reservists. It establishes a Joint Psychological Health Program in the National Guard Bureau to oversee and coordinate support for Guard members with mental illness or brain injuries, and it creates a pilot project for providing new applications of technology in tele-mental health and anti-stigma treatment.

The National Guard and Reserve Mental Health Access Act is a three-part approach to targeting these mental health needs, which require specialized access to care and services.

Our National Guard and Reserves make incredible sacrifices for our country and we owe them the very best access to care possible.

By Mr. BROWN:

S. 2940. A bill to promote green energy production, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BROWN. Mr. President, energy independence is no longer an option for our Nation. It is an imperative. The clock is ticking. If we do not break the ties, our children and grandchildren will have to clean up our mess. It is not too late.

Today I introduced legislation to help U.S. companies and U.S. workers chart a new course. This is an energy bill. It is a jobs bill. It is an environment bill. It will help companies turn green energy research into green energy products. It will help workers build careers around green energy development and production. It will help our Nation break free of foreign oil and grow our economy by growing green energy. It is an important step that, along with comprehensive climate change legislation, will put our country on a path to energy independence.

While the first oil well in the United States was in the Presiding Officer's State of Pennsylvania, just a year later oil was being produced in Ohio. Before long, derricks dotted the landscape in every corner of our State. My bill begins to address what Ohio and Pennsylvania have known for years about energy.

The history of my State is also rich in coal. Frontiersmen discovered large deposits of coal in Tuscarawas County in the mid-1700s, long before Ohio became a State. Today, coal power is more than 90 percent of Ohio's electricity production.

Oil and coal powered this Nation through two World Wars. They helped

the United States win the Cold War. And they made America the world's largest economy. But today our economic future depends on our ability to move toward alternative energy development. Green energy just will not restore our energy independence, it will secure our global leadership.

In my 15 months in the Senate, I have held nearly 100 roundtables across Ohio learning about Ohio's capabilities and potential in leading the way in the alternative energy industry. From Ralph Dahl's farm in northwest Montgomery County and the technology he has employed, to high-tech companies in Cleveland looking for financing but fearing the so-called valley of death, to eager entrepreneurs in Athens who are installing solar panels and wind turbines all over their part of the State, to the work of Stark State on fuel cells. But we haven't gone nearly far enough. It is only the beginning.

The Germans have long supported the development of solar power, and today they lead the world in that technology. Just last week, China announced plans to set up trade protection laws, not to increase wind energy in China but to corner the market on wind-energy-related products.

While we are debating whether to punch more holes in the ground to drill for oil, the rest of the world is about to pass us by. But it is not too late. American ingenuity and innovation can and will give our Nation an edge over the competition. My bill creates an investment corporation for that purpose lead by the best and brightest from the business, labor, and environmental worlds. It will be charged with supporting the development and commercialization of new energy products.

Great ideas are being left on the drawing board these days or, worse yet, getting produced overseas. Investments will be aimed with this legislation at communities with high levels of unemployment, with excess manufacturing capacity, and with brownfield industrial cleanup sites—communities with enormous potential and significant needs. My State, as is Pennsylvania, is dotted with dozens of those communities.

Our green energy manufacturing future should build on our great manufacturing past, revitalizing flagging industries, and reenergizing manufacturing hubs.

This bill creates the Green Redevelopment Opportunity and Workforce Program that provides grants to companies a little further from commercialization than those that receive loans in the Green Markets Program.

These companies have green energy ideas that are a few years away from the market. Without these grants, they would never make it into production.

We cannot pick, and we should not pick, winners in the fight for the future of green energy, so we must explore as many ideas and inventions that get to the market as possible.

My bill would also establish grant money for pilot programs for green energy communities, colleges, and National Guard bases even. These pilot programs will serve as important resources for business interested in commercializing green technologies, as well as models for other communities that are trying to transition their economies to green energy.

The corporation will run a green energy internship and apprenticeship program that will help innovate green energy companies, hire new talent, and help students earn valuable industry experience in this new industry as it begins to take off.

My bill establishes a Green Energy Efficiency Grant Program that is a dollar-for-dollar match for energy producers, including municipal power companies and rural electric co-ops.

This provision helps by ending the conflict that energy producers often face with protecting the environment and growing their businesses. These energy producers try to encourage people to conserve, but at the same time they are saying don't buy our product, which obviously is not a good business decision. This provision in this legislation will help answer that.

By meeting these companies halfway, by matching their investment in energy efficiency, the Government cannot do it all, but it can help these responsible companies do right by the consumers and the environment.

Today, most of Ohio's oil wells are dry, coal production is literally only half what it was in 1970, and Ohio's manufacturing centers from Steubenville to Lima, from Ravenna to Springfield, from Xenia to Findlay, are struggling to remain competitive. Our Nation's green future is more than using green energy or living in green houses or putting in green light bulbs. All those things are good, but we must build the green energy and its components in the United States. We know green energy is inevitable, but importing green energy from China and Germany, like we do today with oil from Saudi Arabia and Venezuela, need not be inevitable, and it is not in our Nation's best interests. We need to end our foreign energy dependence, whether it is today, too much with Saudi Arabia, or in the future, too much with Germany.

The next green energy company that can change the world is out there waiting to happen. It could be the National Composite Center in Dayton, could be the cutting-edge fuel cell research ongoing in Mount Vernon, OH.

We can do this. If we do this right, if we wean ourselves from foreign oil, we can create good-paying jobs right here at home in the United States of America.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2943. A bill to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, my home State of Washington, and the Pacific Northwest in general, is home to some of the most pristine nature and breathtaking scenery this country has to offer. I rise today to recognize a well known local treasure that puts the priceless gems of our region within reach. The Pacific Northwest Trail, running from the Continental Divide to the Pacific Coast, is 1,200 miles long and ranks among the most scenic trails in the world. This carefully chosen path runs through the Rocky Mountains, Selkirk Mountains, Pasayten Wilderness, North Cascades, Olympic Mountains, and Wilderness Coast. From beginning to end it passes through three States, crosses three National Parks, and winds through seven National Forests. This trail is a national prize and should be recognized as such. That is why, today, I am introducing the Pacific Northwest National Scenic Trail Act of 2008 with my colleague from Washington State, Senator MURRAY.

The National Trails System was created in 1968 by the National Trails System Act. This act authorized a national system of trails to provide additional outdoor recreation opportunities and to promote the preservation of access to the outdoor areas and historic resources of the nation. Today there are eight National Scenic Trails that provide recreation, conservation, and enjoyment of significant scenic, historic, natural, or cultural qualities. Designating the Pacific Northwest Trail a National Scenic Trail will give it the proper recognition, bring benefits to countless neighboring communities, and promote its protection, development, and maintenance.

Adding the Pacific Northwest Trail to the National Trail System has gained the support of Commissioners in Clallam, Jefferson. Island, Skagit, Whatcom, Okanogan, Ferry, Stevens, and Pend Oreille Counties in Washington and Boundary County in Idaho. Mayors in numerous cities along the trail support the economic impact the trail has had on their communities

I urge my colleagues to support this bill and to come hike the Pacific Northwest Trail if ever given the opportunity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2943

There being no objection, the text of bhe bill was ordered to be printed in the RECORD, as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pacific Northwest National Scenic Trail Act of 2008''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in accordance with section 5(c)(22) of the National Trails System Act (16 U.S.C. 1244(c)(22)), a feasibility study of the proposed Pacific Northwest Trail was—

(A) conducted by the Director of the National Park Service and the Chief of the Forest Service; and

(B) completed in June 1980;

(2) the feasability study contained—

(A) a conclusion that the Pacific Northwest Trail ''would have the scenic and recreational qualities needed for designation as a National Scenic Trail''; but

(B) a recommendation against the designation of the Pacific Northwest Trail, citing as obstacles factors that are present in every other national scenic trail that has been designated under the National Trails System Act (16 U.S.C. 1241 et seq.);

(3) undaunted, the founder of the Pacific Northwest Trail and many supporters—

(A) moved forward with the creation of the Pacific Northwest Trail; and

(B) established a private volunteer organization to build, maintain, and promote the Pacific Northwest Trail;

(4) similar to each other national scenic trail designated under the National Trails System Act (16 U.S.C. 1241 et seq.), the Pacific Northwest Trail stands as an outstanding example of the recreational opportunities that can be provided through a partnership among the Federal Government, State and local governments, private nonprofit trail organizations, individual volunteers, and landowners;

(5) today, approximately 950 miles of the Pacific Northwest Trail are completed and provide significant outdoor recreational experiences to citizens and visitors of the United States, thus providing on-the-ground proof of the feasibility and desirability of designating the Pacific Northwest Trail as national scenic trail, as required under section 5(b) of the National Trails System Act (16 U.S.C. 1244(b));

(6) 3 segments of the Pacific Northwest Trail have already been designated by Congress as national recreation trails; and

(7) because the entire route of the Pacific Northwest Trail was found to qualify for designation as a national scenic trail, Congress should—

(A) designate the entire Pacific Northwest Trail as a national scenic trail; and

(B) provide administrative, technical, and financial assistance in accordance with the National Trails System Act (16 U.S.C. 1241 et seq.).

SEC. 3. DESIGNATION OF PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

''(26) PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.—

''(A) IN GENERAL.—The Pacific Northwest National Scenic Trail, a trail of approximately 1,200 miles, extending from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean Coast in Olympic National Park, Washington, following the route depicted on the map entitled 'Pacific Northwest National Scenic Trail: Proposed Trail', numbered T12/80,000, and dated February 2008 (referred to in this paragraph as the 'map').

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

''(C) ADMINISTRATION.—The Pacific Northwest National Scenic Trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—The United States shall not acquire for the Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.''.

By Mr. REID (for Mrs. CLINTON):

S. 2944. A bill to amend the Child Abuse Prevention and Treatment Act to examine and improve the child welfare workforce, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, today I am pleased to introduce a bill that will address a pressing need in our nation's child welfare system: improvements to the child welfare workforce. In 2006, the most recent year for which data are available, approximately 905,000 children were determined to be victims of abuse or neglect. Whether a child needs in-home support or foster care, family preservation or adoption, the child welfare workforce strives to meet the individual needs of children and families, so that safety and permanency are achieved as quickly as possible.

Unfortunately, the members of the child welfare workforce face a variety of barriers to their execution of this critically important work. Due to high caseloads and workloads, caseworkers have insufficient time to interact with children and families, prepare individualized plans, and provide services. Burnout and turnover are endemic to the child welfare system. The average tenure of a child welfare worker is just under 2 years, with staff citing high caseloads, a need for greater supervision, and few training opportunities as reasons for leaving their positions. This turnover leads to discontinuity of services, children's multiple placements in foster care, longer stays of children in care, and lower rates of finding permanent homes for children. There is evidence that turnover is lower among child welfare workers holding a degree in social work than among those who do not; yet, fewer than a third of child welfare workers hold these degrees.

Turnover is also expensive. The U.S. Department of Labor has estimated that the cost of worker turnover is equivalent to approximately one-third of the worker's annual salary. Therefore, it may cost agencies between $10,000 and $20,000 each time a worker leaves his or her position. Additionally, costs increase when turnover leads to children's extended stays in foster care, as maintaining children in foster care is more expensive than establishing permanency through reunification, adoption, or guardianship.

In addition to these obstacles, Federal support for training of child welfare workers is restricted. Title IV–E of the Social Security Act, the primary Federal source for child welfare training funds, is linked to an outdated income requirement. As a result, States may only access these dollars on behalf of a portion of the children in their care. Currently, Title IV–E funds may not be used to train child welfare staff employed by contracted nonprofit child welfare agencies, a huge barrier given the fact that many states rely on these agencies for providing necessary services. The Title IV–E training program does not address the essential role of non-child welfare professionals, such as substance abuse and domestic violence counselors, educators, and mental health providers, who work with children and families involved in the child welfare system. We must improve States' access to these funds in order to attract and maintain a trained and committed child welfare workforce.

Finally, Federal regulations limit the extent to which public child welfare agencies can partner with educational institutions to provide training to prospective and currently employed child welfare staff. Training programs implemented using Title IV–E university partnerships have shown great success. States running such programs show up to 90 percent retention of graduates in child welfare positions, even after their employment obligation period has expired. Unfortunately, because regulations prohibit private institutions from providing the state match for IV–E funded university training programs, state child welfare agencies are limited in the university partnerships they can create. As such, regions that have ready and willing private schools of social work, but few nearby public schools, are often unable to create these useful programs.

The Child Welfare Workforce Improvement Act tackles these challenges head on. This legislation calls on the National Academy of Sciences to conduct a study that assesses the child welfare workforce nationwide; makes recommendations regarding appropriate levels of caseload, workload, training, and supervision; and makes recommendations for linking workforce data to data on child outcomes. The bill requires the Department of Health and Human Services to devise a method for regularly collecting data on the child welfare workforce so that it can be linked to existing databases of child outcomes.

Additionally, the bill amends Title IV–E so that federal funds for training can be accessed by the full breadth of professionals responsible for children and families in the child welfare system. The legislation eliminates the 1996 AFDC ''look-back'' for IV–E training dollars so that a state can access training funds based on all of its children in foster care. It removes limitations so that funds may be used to train staff who provide support, preservation, or reunification services as well as foster care and adoption services. The bill allows related professionals access to short-term IV–E training in order to enhance their work with children and families in the child welfare system. Finally, the bill permits private nonprofit institutions of higher education to contribute matching dollars for IV–E funded training programs. This provision will allow State child welfare systems to set up university partnerships with a broader range of schools, thereby enhancing program quality, and helping to generate a cadre of professionally trained and committed child welfare workers.

We absolutely must support the members of the child welfare workforce if we want high quality services for our Nation's vulnerable children and families. I hope that my colleagues in the Senate will join me in this important effort.

By Mr. BROWN:

S. 2948. A bill to provide quality, affordable health insurance for small employers and individuals; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, earlier this week, I spoke on the Senate floor about Cover the Uninsured Week and a bill I was introducing that would increase access to health coverage for small businesses and self-employed individuals.

I will formally introduce the Small Business Empowerment Act today, and I would like to discuss the bill in a bit more depth.

First, why is it necessary?

It is necessary because 82 percent of the uninsured are workers, and the overwhelming majority work in small firms.

In Ohio, 99 percent of firms with more than 50 workers sponsor health coverage. About 44 percent of firms with less than 50 do.

And small employers that do offer coverage are struggling under the weight of it. According to the well-respected Rand Corporation, small businesses saw the economic burden of health insurance rise by 30 percent between 2000 and 2005.

The situation is even worse for the self-employed, who must contend with staggeringly high premiums for individual coverage, if, that is, they can find an insurer willing to cover them.

In the meantime, health insurers have been living large, their profits increasing by more than a third over the last 5 years. That's not revenue, it's profits.

Middle class families are shouldering the burden of skyrocketing gas prices and ballooning food prices, even as the equity in their homes erodes and the cost of putting their children through college explodes.

It would be ideal if they could also afford to pay a king's ransom for health insurance.

They can't. They shouldn't have to.

With those realities staring us in the face, inaction is the same as indifference.

My legislation attacks the issue of health coverage access from several directions.

To ensure widespread access, the bill would establish a national insurance pool modeled after the successful Federal Employees Health Benefits program.

FEHB, which enables enrollees to choose from a variety of health plans whose rates and benefits are negotiated by the federal Office of Personnel Management, has served members of Congress and federal employees well for many years now.

Under my bill, an independent contractor would manage a program that looks like FEHB, with a few modifications to accommodate the market segment it would serve.

A few of those modifications are designed to hold down costs:

The bill would establish a reinsurance program to pay claims that fall between $5,000 and $75,000. This approach minimizes premium spikes and makes coverage affordable for companies regardless of the age and health of their employees.

The bill would also establish what is called a ''loss-ratio'' standard for insurers. Basically this means that insurers would be required to spend most of their premium income on claims, and hold down their administrative costs.

And the bill would identify and apply strategies to ensure that providers employ ''best practices'' in health care, which means that they are providing the right care in the right amounts.

Finally, the bill would target ''price-gouging'' by drug manufacturers and other manufacturers of medical products. Price gouging occurs in U.S. health care when a company exploits American consumers by charging them dramatically higher prices than consumers in other wealthy nations.

Other modifications are designed to ensure that health coverage is non-discriminatory.

Think about it: If you develop a mental illness like clinical depression and I develop a medical illness like heart disease, why should you be denied health benefits while I receive them? We both have paid premiums to cover health care costs and we both need health care. Why is my condition more worthy of coverage than yours?

My bill charges a group representing providers, businesses, consumers, economists, and health policy experts with rethinking health care coverage to eliminate arbitrary differences in the coverage of equally disruptive, disabling, or dangerous health conditions.

The bottom-line is this. We have an opportunity to expand access to health coverage in a way that advances fundamental goals:

We can reach populations who can't find a home in the current insurance system.

We stand up for American consumers who are paying ridiculous prices for essential health care.

We can demand spending discipline on the part of insurers—they have chosen to play a pivotal role in the health of our nation; they can live with reasonable limits on their administrative costs.

We can clean up duplication and random variation in the delivery of health care services; and we can end arbitrary coverage rules that turn health protection into a health care crapshoot.

For the sake of small employers and their employees, for the sake of self-employed entrepreneurs, and for the sake of every American who didn't request a particular health problem and shouldn't be penalized for having it, I hope Members on both sides of the aisle will support my bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 542—DESIGNATING APRIL 2008 AS ''NATIONAL STD AWARENESS MONTH''

Mr. REID (for Mrs. CLINTON (for herself, Mr. MENENDEZ, Mr. FEINGOLD, and Mr. LAUTENBERG)) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 542

Whereas sexually transmitted diseases (STDs) pose a significant burden in the United States both in economic and human terms;

Whereas the United States has the highest rate of STD infection in the industrialized world, with an estimated 19,000,000 new cases of STDs occurring each year, and almost half of those infections occurring in young people between the ages of 15 to 24;

Whereas, according to the Centers for Disease Control and Prevention (CDC), STDs impose a tremendous economic burden on the United States, with direct medical costs as high as $15,300,000,000 per year;

Whereas, in 2008, the CDC estimated that 1 in 4 young women between the ages of 14 and 19 in the United States, or 3,200,000 teenage girls, is infected with at least 1 of the most common STDs, which are human papillomavirus (HPV), chlamydia, herpes simplex virus, and trichomoniasis;

Whereas poverty and lack of access to quality health care exacerbate the rate of infection with HIV and other STDs;

Whereas the CDC reports that 48 percent of young African-American women are infected with an STD, compared to 20 percent of young Caucasian women;

Whereas the CDC also reports that the 2 most common STDs among young women are HPV, with 18 percent infected, and chlamydia, with 4 percent infected;

Whereas the long-term health effects of STDs are especially severe for women and include infertility and cervical cancer;

Whereas HPV vaccination and the screening and early treatment of STDs can prevent some of the most devastating effects of untreated STDs;

Whereas the high STD infection rate among young women in the United States demonstrates the need to develop ways to reach those young women most at risk of infection;

Whereas the CDC recommends annual chlamydia screenings for sexually active women 25 years old and younger;

Whereas the CDC also recommends that girls and women between the ages of 11 and 26 who have not been vaccinated, or who have not completed the full series of shots, be fully vaccinated against HPV;

Whereas chlamydia can lead to chronic pain, infertility, and tubular pregnancies, which can affect a woman's health and well-being throughout her lifetime;

Whereas the harmful impact of STDs on infants leads to long-term emotional suffering and stress for families;

Whereas, unlike other diseases, STDs often cause stigma and feelings of shame for patients diagnosed with those diseases;

Whereas the Federal Government should help people protect themselves against STDs by supplying them with information about their options and funding screening and

treatment services through a variety of programs, including programs under title X of the Public Health Service Act (42 U.S.C. 300 et seq.) and the CDC's STD prevention program; and

Whereas STD screening, vaccination, and other prevention strategies for sexually active women should be among our highest public health priorities: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2008 as ''National STD Awareness Month'';

(2) requests the Federal Government, States, localities, and nonprofit organizations to observe the month with appropriate programs and activities, with the goal of increasing public knowledge of the risks of sexually transmitted diseases (STDs) and protecting people of all ages;

(3) recognizes the human toll of the STD epidemic and makes the prevention and cure of STDs a higher public health priority; and

(4) calls on all people in the United States to learn what screenings are recommended for them and their families and to seek appropriate care.

SENATE RESOLUTION 543—DESIGNATING THE WEEK BEGINNING MAY 11, 2008, AS ''NATIONAL NURSING HOME WEEK''

Mr. THUNE (for himself, Mr. JOHNSON, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 543

Whereas more than 1,500,000 elderly and disabled individuals live in the nearly 16,000 nursing facilities in the United States;

Whereas the annual celebration of National Nursing Home Week invites people in communities nationwide to recognize nursing home residents and staff for their contributions to their communities;

Whereas the theme for National Nursing Home Week in 2008 is ''Love is Ageless'', emphasizing that each person, caregiver, and community has an abundance of love, no matter what their age;

Whereas love can be celebrated in a variety of ways, such as through the telling of personal stories, traditions, friendship, and family; and

Whereas National Nursing Home Week recognizes the people who provide care to the Nation's most vulnerable population: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning May 11, 2008, as ''National Nursing Home Week'';

(2) recognizes that a majority of people in the United States, because of social needs, disability, trauma, or illness, will require long-term care services at some point in their lives;

(3) honors nursing home residents and the people who care for them each day, including family members, volunteers, and dedicated long-term care professionals, for their contributions to their communities and the United States; and

(4) encourages the people of the United States to observe National Nursing Home Week with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4587. Mr. DURBIN (for himself, Mrs. HUTCHISON, Mr. BROWN, Mr. INHOFE, Mr. LAUTENBERG, Mr. VOINOVICH, Mr. NELSON, of Florida, Mr. CORNYN, Mr. MENENDEZ, Mr. HARKIN, Mr. BOND, and Mr. BIDEN) proposed an amendment to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

SA 4588. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4589. Mr. DORGAN (for himself, Mr. SCHUMER, Mr. BINGAMAN, Mr. BROWN, Mrs. CLINTON, Ms. COLLINS, Mr. DOMENICI, Mr. FEINGOLD, Mr. HARKIN, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mrs. MCCASKILL, Mr. OBAMA, Mr. REED, Mr. SANDERS, Ms. STABENOW, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4590. Mrs. MCCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4591. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4592. Mr. DURBIN (for Mr. KENNEDY (for himself and Mr. ENZI)) proposed an amendment to the bill H.R. 5715, to ensure continued availability of access to the Federal student loan program for students and families.

SA 4593. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4594. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4595. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4596. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4597. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4598. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4599. Mr. CARPER (for himself, Mr. SPECTER, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4600. Mr. MENENDEZ (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4601. Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. SPECTER, Mr. CASEY, Mr. SCHUMER, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4602. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4603. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4604. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4605. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4606. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4607. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4608. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4609. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. MENENDEZ, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4610. Mr. SCHUMER (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4611. Mr. SCHUMER (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4612. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4613. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4614. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4615. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4616. Mr. ENSIGN (for himself, Mrs. BOXER, Mr. MCCAIN, Mr. KYL, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4617. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4618. Mr. SCHUMER (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4619. Mr. CASEY (for himself, Mr. BIDEN, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4620. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4621. Mr. ISAKSON submitted an amendment intended to be proposed by him

to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4622. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4623. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4624. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4625. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4626. Mr. NELSON, of Nebraska (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4627. Mr. ROCKEFELLER proposed an amendment to the bill H.R. 2881, supra.

SA 4628. Mr. REID proposed an amendment to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra.

SA 4629. Mr. REID proposed an amendment to amendment SA 4628 proposed by Mr. REID to the amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra.

SA 4630. Mr. REID proposed an amendment to the bill H.R. 2881, supra.

SA 4631. Mr. REID proposed an amendment to amendment SA 4630 proposed by Mr. REID to the bill H.R. 2881, supra.

SA 4632. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4633. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4634. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4587. Mr. DURBIN (for himself, Mrs. HUTCHISON, Mr. BROWN, Mr. INHOFE, Mr. LAUTENBERG, Mr. VOINOVICH, Mr. NELSON of Florida, Mr. CORNYN, Mr. MENENDEZ, Mr. HARKIN, Mr. BOND, and Mr. BIDEN) proposed an amendment to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

Strike section 808.

SA 4588. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 24, strike line 22 and all that follows through page 25, line 10, and insert the following:

(2) in subsection (c)(2)(A)(i), by striking ''purpose'' and inserting the following: ''purpose, which includes serving as noise buffer land that may be—

''(I) undeveloped; or

''(II) developed in a way that is compatible with using such land for noise buffering purposes;''.

(3) in subsection (c)(2)(B)(iii), by striking ''paid to the Secretary for deposit in the Fund if another eligible project does not exist.'' and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes; and''; and

(4) in subsection (c)—

(A) by redesignating paragraph (3) as paragraph (5);

(B) by inserting after paragraph (2) the following:

''(3)(A) A lease by an airport owner or operator of land acquired for a noise compatibility purpose with a grant provided under this subchapter shall not be considered a disposal for purposes of paragraph (2).

''(B) The airport owner or operator may use revenues from such lease for ongoing airport operational and capital purposes.

''(C) The Administrator of the Federal Aviation Administration shall coordinate with each airport owner or operator to ensure that such leases are consistent with noise buffering purposes.

''(D) The provisions of this paragraph apply to all land acquired before, on, or after the date of the enactment of this paragraph.

''(4) In approving the reinvestment or transfer of

SA 4589. Mr. DORGAN (for himself, Mr. SCHUMER, Mr. BINGAMAN, Mr. BROWN, Mrs. CLINTON, Ms. COLLINS, Mr. DOMENICI, Mr. FEINGOLD, Mr. HARKIN, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mrs. MCCASKILL, Mr. OBAMA, Mr. REED, Mr. SANDERS, Ms. STABENOW, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, insert the following:

SEC. 7___. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during calendar year 2008—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Not earlier than 30 days after the date on which the President notifies Congress that the President has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

SA 4590. Mrs. MCCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION _____. ENHANCED OVERSIGHT AND INSPECTION OF REPAIR STATIONS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102(a) of title 49, United States Code.

(3) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in such section 40102(a).

(4) AIRCRAFT.—The term ''aircraft'' has the meaning given that term in such section 40102(a).

(5) COVERED MAINTENANCE WORK.—The term ''covered maintenance work'' means maintenance work that is substantial, scheduled, or a required inspection item, as determined by the Administrator.

(6) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations (or any successor regulation).

(7) PART 145 REPAIR STATION.—The term ''part 145 repair station'' means a repair station that holds a certificate under part 145 of title 14, Code of Federal Regulations (or any successor regulation).

(8) UNITED STATES COMMERCIAL AIRCRAFT.—The term ''United States commercial aircraft'' means an aircraft registered in the United States and owned or leased by a commercial air carrier.

(b) REGULATION OF REPAIR STATIONS FOR SAFETY.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''SEC. 44730. REPAIR STATIONS.

''(a) DEFINITIONS.—In this section:

''(1) COVERED MAINTENANCE WORK.—The term 'covered maintenance work' means maintenance work that is substantial, scheduled, or a required inspection item, as determined by the Administrator.

''(2) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations (or any successor regulation).

''(3) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate under part 145 of title 14, Code of Federal Regulations (or any successor regulation).

''(4) UNITED STATES COMMERCIAL AIRCRAFT.—The term 'United States commercial aircraft' means an aircraft registered in the United States and owned or leased by a commercial air carrier.

''(b) REQUIREMENTS FOR MAINTENANCE PERSONNEL PROVIDING COVERED MAINTENANCE WORK.—Not later than 3 years after the date

of the enactment of this section, the Administrator shall prescribe regulations requiring all covered maintenance work on United States commercial aircraft to be performed by maintenance personnel employed by—

''(1) a part 145 repair station;

''(2) a part 121 air carrier; or

''(3) a person that provides contract maintenance personnel to a part 145 repair station or a part 121 air carrier, if such personnel—

''(A) meet the requirements of such repair station or air carrier, as the case may be;

''(B) work under the direct supervision and control of such repair station or air carrier, as the case may be; and

''(C) carry out their work in accordance with the quality control manuals of such repair station or the maintenance manual of such air carrier, as the case may be.

''(c) CERTIFICATION OF INSPECTION OF FOREIGN REPAIR STATIONS.—Not later than 2 years after the date of the enactment of this section, and annually thereafter, the Administrator shall certify to Congress that—

''(1) each certified foreign repair station that performs maintenance work on an aircraft or a component of an aircraft for a part 121 air carrier has been inspected not fewer than 2 times in the preceding calendar year by an aviation safety inspector of the Federal Aviation Administration; and

''(2) not fewer than 1 of the inspections required by paragraph (1) for each certified foreign repair station was carried out at such repair station without any advance notice to such foreign repair station.

''(d) DRUG AND ALCOHOL TESTING OF FOREIGN REPAIR STATION PERSONNEL.—Not later than 1 year after the date of the enactment of this section, the Administrator shall modify the certification requirements under part 145 of title 14, Code of Federal Regulations, to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of this title of any individual employed by a foreign repair station and performing a safety-sensitive function on a United States commercial aircraft for a foreign repair station.''.

(2) TEMPORARY PROGRAM OF IDENTIFICATION AND OVERSIGHT OF NONCERTIFIED REPAIR FACILITIES.—

(A) DEVELOP PLAN.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop a plan for a program—

(i) to require each part 121 air carrier to identify and submit to the Administrator a complete list of all noncertificated maintenance providers that perform covered maintenance work on United States commercial aircraft used by such part 121 air carriers to provide air transportation;

(ii) to validate lists described in clause (i) that are submitted by a part 121 air carrier to the Administrator by sampling the records of part 121 air carriers, such as maintenance activity reports and general vendor listings; and

(iii) to carry out surveillance and oversight by field inspectors of the Federal Aviation Administration of all noncertificated maintenance providers that perform covered maintenance work on United States commercial aircraft for part 121 air carriers.

(B) REPORT ON PLAN FOR PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report that contains the plan required by subparagraph (A).

(C) IMPLEMENTATION OF PLANNED PROGRAM.—Not later than 1 year after the date of the enactment of this Act and until regulations are prescribed under section 44730(b) of title 49, United States Code, as added by paragraph (1), the Administrator shall carry out the plan required by subparagraph (A).

(D) ANNUAL REPORT ON IMPLEMENTATION.—Not later than 180 days after the commencement of the plan under subparagraph (C) and each year thereafter until the regulations described in such subparagraph are prescribed, the Administrator shall submit to Congress a report on the implementation of the plan carried out under such subparagraph.

(3) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

''44730. Repairs stations.''.

(c) REGULATION OF FOREIGN REPAIR STATIONS FOR SECURITY.—Section 44924 is amended by adding at the end the following:

''(h) COMPLIANCE OF FOREIGN REPAIR STATIONS WITH SECURITY REGULATIONS.—

''(1) PROHIBITION ON CERTIFICATION OF FOREIGN REPAIR STATIONS THAT DO NOT COMPLY WITH SECURITY REGULATIONS.—The Administrator may not certify or recertify a foreign repair station under part 145 of title 14, Code of Federal Regulations, unless such foreign repair station is in compliance with all applicable final security regulations prescribed under subsection (f).

''(2) NOTIFICATION TO AIR CARRIERS OF NONCOMPLIANCE BY FOREIGN REPAIR STATIONS.—If the Under Secretary for Border and Transportation Security of the Department of Homeland Security is aware that a foreign repair station is not in compliance with a security regulation or that a security issue or vulnerability has been identified with respect to such foreign repair station in a security review or audit required under subsection (a) or any regulation prescribed under subsection (f), the Under Secretary shall provide notice to each air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations, of such noncompliance or security issue or vulnerability.''.

(d) UPDATE OF FOREIGN REPAIR FEE SCHEDULE.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall revise the methodology for computation of fees for certification services performed outside the United States under part 187 of title 14, Code of Federal Regulations, to cover fully the costs to the Federal Aviation Administration of such certification services, including—

(A) the costs of all related inspection services;

(B) all travel expenses, salary, and employment benefits of inspectors who provide such services; and

(C) any increased costs to the Administration resulting from requirements of this section.

(2) UPDATES.—The Administrator shall periodically revise such methodology to account for subsequent changes in such costs to the Administration.

(e) ANNUAL REPORT BY INSPECTOR GENERAL.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Inspector General of the Department of Transportation shall submit to Congress a report on the implementation of—

(1) section 44730 of title 49, United States Code, as added by subsection (b)(1) of this section;

(2) subsection (b)(2) of this section;

(3) subsection (h) of section 44924 of such title, as added by subsection (c) of this section;

(4) subsection (d) of this section; and

(5) the regulations prescribed or amended under the provisions described in this subsection.

SA 4591. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, insert the following:

SEC. 839. INCLUSION OF TRANSPORTATION BETWEEN HAWAII AND CALIFORNIA IN QUALIFIED ZONE DOMESTIC TRADE.

(a) IN GENERAL.—Subparagraph (B) of section 1355(g)(4) is amended to read as follows:

''(B) QUALIFIED ZONE.—The term 'qualified zone' means any of the following:

''(i) The Great Lakes Waterway and the St. Lawrence Seaway.

''(ii) The area between any port in Hawaii and any port in California.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1355(g)(4)(A) is amended by striking ''in the qualified zone'' and inserting ''in any one qualified zone''.

(2) The heading of subsection (g) of section 1355 is amended by striking ''GREAT LAKES'' and inserting ''CERTAIN''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 4592. Mr. DURBIN (for Mr. KENNEDY (for himself and Mr. ENZI)) proposed an amendment to the bill H.R. 5715, to ensure continued availability of access to the Federal student loan program for students and families; as follows:

Section 2 of the Ensuring Continued Access to Student Loans Act of 2008 is amended—

(1) in the section heading, by striking ''**AND GRADUATE**''; and

(2) in subsection (c), by striking ''issued'' and inserting ''first disbursed''.

Section 3(c) of the Ensuring Continued Access to Student Loans Act of 2008 is amended by striking ''issued'' and inserting ''first disbursed''.

In section 428B(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078–2(a)(3)), as amended by section 4 of the Ensuring Continued Access to Student Loans Act of 2008, strike subparagraph (B) and insert the following:

''(B)(i) EXTENUATING CIRCUMSTANCES.—An eligible lender may determine that extenuating circumstances exist under the regulations promulgated pursuant to paragraph (1)(A) if, during the period beginning January 1, 2007, and ending December 31, 2009, an applicant for a loan under this section—

''(I) is or has been delinquent for 180 days or fewer on mortgage loan payments or on medical bill payments during such period; and

''(II) is not and has not been more than 89 days delinquent on the repayment of any other debt during such period.

''(ii) DEFINITION OF MORTGAGE LOAN.—In this subparagraph, the term 'mortgage loan' means an extension of credit to a borrower that is secured by the primary residence of the borrower.

''(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to limit an eligible lender's authority under the regulations promulgated pursuant to paragraph (1)(A) to determine that extenuating circumstances exist.''.

Section 428(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(j)), as amended by section 5 of the Ensuring Continued Access to Student Loans Act of 2008, is amended—

(1) in paragraph (1), by inserting after the second sentence the following: ''No loan under section 428, 428B, or 428H that is made pursuant to this subsection shall be made with interest rates, origination or default fees, or other terms and conditions that are more favorable to the borrower than the maximum interest rates, origination or default fees, or other terms and conditions applicable to that type of loan under this part.'';

(2) in paragraph (5)(A), by striking ''lenders willing to make loans'' and inserting ''eligible lenders willing to make loans under this part''; and

(3) by adding at the end the following:

''(6) EXPIRATION OF AUTHORITY.—The Secretary's authority under paragraph (4) to designate institutions of higher education for participation in the program under this subsection shall expire on June 30, 2009.

''(7) EXPIRATION OF DESIGNATION.—The eligibility of an institution of higher education, or borrowers from such institution, to participate in the program under this subsection pursuant to a designation of the institution by the Secretary under paragraph (4) shall expire on June 30, 2009. After such date, borrowers from an institution designated under paragraph (4) shall be eligible to participate in the program under this subsection as such program existed on the day before the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008.

''(8) PROHIBITION ON INDUCEMENTS AND MARKETING.—Each guaranty agency or eligible lender that serves as a lender-of-last-resort under this subsection—

''(A) shall be subject to the prohibitions on inducements contained in subsection (b)(3) and the requirements of section 435(d)(5); and

''(B) shall not advertise, market, or otherwise promote loans under this subsection, except that nothing in this paragraph shall prohibit a guaranty agency from fulfilling its responsibilities under paragraph (2)(C).

''(9) DISSEMINATION AND REPORTING.—

''(A) IN GENERAL.—The Secretary shall—

''(i) broadly disseminate information regarding the availability of loans made under this subsection;

''(ii) during the period beginning July 1, 2008 and ending June 30, 2010, provide to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives and make available to the public—

''(I) copies of any new or revised plans or agreements made by guaranty agencies or the Department related to the authorities under this subsection;

''(II) quarterly reports on—

''(aa) the number and amounts of loans originated or approved pursuant to this subsection by each guaranty agency and eligible lender; and

''(bb) any related payments by the Department, a guaranty agency, or an eligible lender; and

''(III) a budget estimate of the costs to the Federal Government (including subsidy and administrative costs) for each 100 dollars loaned, of loans made pursuant to this subsection between the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008 and June 30, 2009, disaggregated by type of loan, compared to such costs to the Federal Government during such time period of comparable loans under this part and part D, disaggregated by part and by type of loan; and

''(iii) beginning July 1, 2010, provide to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives and make available to the public—

''(I) copies of any new or revised plans or agreements made by guaranty agencies or the Department related to the authorities under this subsection; and

''(II) annual reports on—

''(aa) the number and amounts of loans originated or approved pursuant to this subsection by each guaranty agency and eligible lender; and

''(bb) any related payments by the Department, a guaranty agency, or an eligible lender.

''(B) SEPARATE REPORTING.—The information required to be reported under subparagraph (A)(ii)(II) shall be reported separately for loans originated or approved pursuant to paragraph (4), or payments related to such loans, for the time period in which the Secretary is authorized to make designations under paragraph (4).''.

In section 5(c) of the Ensuring Continued Access to Student Loans Act of 2008, strike ''agency's'' and insert ''agencies''.

In section 6(a)(3) of the Ensuring Continued Access to Student Loans Act of 2008, strike ''adding at the end'' and insert ''inserting before the matter following paragraph (5)''.

Section 459A(a) of the Higher Education Act of 1965, as added by section 7(b) of the Ensuring Continued Access to Student Loans Act of 2008, is amended—

(1) in paragraph (1)—

(A) by striking ''loans originated'' and inserting ''loans first disbursed'';

(B) by inserting ''and before July 1, 2009,'' after ''October 1, 2003,''; and

(C) by inserting ''(including the cost of servicing the loans purchased)'' after ''Federal Government''; and

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

''(2) FEDERAL REGISTER NOTICE.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall jointly publish a notice in the Federal Register prior to any purchase of loans under this section that—

''(A) establishes the terms and conditions governing the purchases authorized by paragraph (1);

''(B) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, will jointly consider in evaluating the price at which to purchase loans made under section 428, 428B, or 428H; and

''(C) describes how the use of such methodology and consideration of such factors used to determine purchase price will ensure that loan purchases do not result in any net cost to the Federal Government (including the cost of servicing the loans purchased).''.

The Ensuring Continued Access to Student Loans Act of 2008 is amended by adding at the end the following:

SEC. 10. ACADEMIC COMPETITIVENESS GRANTS.

(a) AMENDMENTS.—Section 401A of the Higher Education Act of 1965 (20 U.S.C. 1070a–1) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ACADEMIC COMPETITIVENESS GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, in the amounts specified in subsection (d)(1), to eligible students to assist the eligible students in paying their college education expenses.'';

(2) in subsection (b)—

(A) by striking ''academic year'' each place it appears and inserting ''year''; and

(B) in paragraph (2), by striking ''third or fourth'' and inserting ''third, fourth, or fifth'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''full–time'';

(ii) by striking ''academic'' and inserting ''award''; and

(iii) by striking ''is made'' and inserting ''is made for a grant under this section'';

(B) by striking paragraphs (1) and (2) and inserting the following:

''(1) is eligible for a Federal Pell Grant;

''(2) is enrolled or accepted for enrollment in an institution of higher education on not less than a half-time basis; and''; and

(C) in paragraph (3)—

(i) by striking ''academic'' each place the term appears;

(ii) in subparagraph (A)—

(I) by striking the matter preceding clause (i) and inserting the following:

''(A) the first year of a program of undergraduate education at a two- or four-year degree-granting institution of higher education (including a program of not less than one year for which the institution awards a certificate)—'';

(II) by striking clause (i) and inserting the following:

''(i) has successfully completed, after January 1, 2006, a rigorous secondary school program of study that prepares students for college and is recognized as such by the State official designated for such recognition, or with respect to any private or home school, the school official designated for such recognition for such school, consistent with State law, which recognized program shall be reported to the Secretary; and''; and

(III) in clause (ii), by inserting '', except as part of a secondary school program of study'' before the semicolon;

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''year of'' and all that follows through ''higher education'' and inserting ''year of a program of undergraduate education at a two- or four-year degree-granting institution of higher education (including a program of not less than two years for which the institution awards a certificate)''; and

(II) in clause (ii), by striking ''or'' after the semicolon at the end;

(iv) in subparagraph (C)—

(I) in the matter preceding subclause (I) of clause (i), by inserting ''certified by the institution to be'' after ''is'';

(II) by striking clause (i)(II) and inserting the following:

''(II) a critical foreign language; and''; and

(III) in clause (ii), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

''(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)), is attending an institution that demonstrates, to the satisfaction of the Secretary, that the institution—

''(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and the student—

''(I)(aa) studies, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; and

''(bb) has obtained a cumulative grade point average of at least 3.0 (or the equivalent as determined under regulations prescribed by the Secretary) in the relevant coursework; or

''(II) is required, as part of the student's degree program, to undertake a rigorous course of study in mathematics, biology, chemistry, and physics, which consists of at least—

''(aa) 4 years of study in mathematics; and

''(bb) 3 years of study in the sciences, with a laboratory component in each of those years; and

''(ii) offered such curriculum prior to February 8, 2006; or

''(E) the fifth year of a program of undergraduate education that requires 5 full years of coursework, as certified by the appropriate official of the degree-granting institution of higher education, for which a baccalaureate degree is awarded by a degree-granting institution of higher education—

''(i) is certified by the institution of higher education to be pursuing a major in—

''(I) the physical, life, or computer sciences, mathematics, technology, or engineering (as determined by the Secretary pursuant to regulations); or

''(II) a critical foreign language; and

''(ii) has obtained a cumulative grade point average of at least 3.0 (or the equivalent, as determined under regulations prescribed by the Secretary) in the coursework required for the major described in clause (i).'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''The'' and inserting ''IN GENERAL.—The'';

(II) in clause (ii), by striking ''or'' after the semicolon at the end;

(III) in clause (iii), by striking ''subsection (c)(3)(C).'' and inserting ''subparagraph (C) or (D) of subsection (c)(3), for each of the two years described in such subparagraphs; or''; and

(IV) by adding at the end the following:

''(iv) $4,000 for an eligible student under subsection (c)(3)(E).''; and

(ii) in subparagraph (B)—

(I) by striking ''Notwithstanding'' and inserting ''LIMITATION; RATABLE REDUCTION.—Notwithstanding'';

(II) by redesignating clauses (i), (ii), and (iii), as clauses (ii), (iii), and (iv), respectively; and

(III) by inserting before clause (ii), as redesignated under subclause (II), the following:

''(i) in any case in which a student attends an institution of higher education on less than a full-time basis, the amount of the grant that such student may receive shall be reduced in the same manner as a Federal Pell Grant is reduced under section 401(b)(2)(B);'';

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

''(2) LIMITATIONS.—

''(A) NO GRANTS FOR PREVIOUS CREDIT.—The Secretary may not award a grant under this section to any student for any year of a program of undergraduate education for which the student received credit before the date of enactment of the Higher Education Reconciliation Act of 2005.

''(B) NUMBER OF GRANTS.—The Secretary may not award more than one grant to a student described in subsection (c)(3) for each year of study described in such subsection.''; and

(C) by adding at the end the following: and

''(3) CALCULATION OF GRANT PAYMENTS.—An institution of higher education shall make payments of a grant awarded under this section in the same manner, using the same payment periods, as such institution makes payments for Federal Pell Grants under section 401.'';

(5) by striking subsection (e)(2) and inserting the following:

''(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) for a fiscal year shall remain available for the succeeding fiscal year.'';

(6) in subsection (f)—

(A) by striking ''at least one'' and inserting ''not less than one''; and

(B) by striking ''subsection (c)(3)(A) and (B)'' and inserting ''subparagraphs (A) and (B) of subsection (c)(3)''; and

(7) in subsection (g), by striking ''academic'' and inserting ''award''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2009.

SEC. 11. INAPPLICABILITY OF MASTER CALENDAR AND NEGOTIATED RULEMAKING REQUIREMENTS.

Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to amendments made by sections 2 through 9 of this Act, or to any regulations promulgated under such amendments.

SA 4593. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7_____. OIL AND GAS LEASING IN NEW PRODUCING AREAS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PRODUCING STATE.—The term ''eligible producing State'' means—

(A) a new producing State; and

(B) any other producing State that has, within the offshore administrative boundaries beyond the submerged land of a State, areas available for oil and gas leasing.

(2) NEW PRODUCING AREA.—The term ''new producing area'' means an area that is—

(A) within the offshore administrative boundaries beyond the submerged land of a State; and

(B) not available for oil and gas leasing as of the date of enactment of this Act.

(3) NEW PRODUCING STATE.—The term ''new producing State'' means a State with respect to which a petition has been approved by the Secretary under subsection (b).

(4) QUALIFIED REVENUES.—The term ''qualified revenues'' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for new producing areas.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during any period in which the West Texas Intermediate daily price of crude oil (in dollars per barrel) exceeds 190 percent of the annual price of crude oil (in dollars per barrel) for calendar year 2006, the Governor of a State, with the concurrence of the State legislature, may submit to the Secretary a petition requesting that the Secretary make a new producing area of the State eligible for oil and gas leasing in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) ACTION BY SECRETARY.—As soon as practicable after the date on which the Secretary receives a petition under paragraph (1), the Secretary shall approve or disapprove the petition.

(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM ELIGIBLE PRODUCING STATES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 50 percent of qualified revenues in the general fund of the Treasury; and

(2) 50 percent of qualified revenues in a special account in the Treasury, from which the Secretary shall disburse—

(A) 37.5 percent to eligible producing States for new producing areas, to be allocated in accordance with subsection (d)(1); and

(B) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8).

(d) ALLOCATION TO ELIGIBLE PRODUCING STATES.—

(1) IN GENERAL.—The amount made available under subsection (c)(2)(A) shall be allocated to eligible producing States in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each eligible producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract, as determined by the Secretary.

(2) USE.—Amounts allocated to an eligible producing State under subparagraph (A) shall be used to address the impacts of oil and gas exploration and production activities under this section.

(e) EFFECT.—Nothing in this section affects—

(1) the amount of funds otherwise dedicated to the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5); or

(2) any authority that permits energy production under any other provision of law.

SA 4594. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. _____. INCOME AVERAGING FOR AMOUNTS RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan

of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the lesser of—

(A) $100,000 (reduced by the amount of qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection), or

(B) the amount of qualified settlement income received by the individual during the taxable year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in gross income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph, and

(D) section 408A(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(K)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in gross income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term ''eligible retirement plan'' has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term ''qualified taxpayer'' means—

(1) any individual who is a plaintiff in the civil action In re Exxon Valdez, No. 89–095–CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term ''qualified settlement income'' means any interest and punitive damage awards which are—

(1) otherwise includible in gross income (determined without regard to subsection (b)), and

(2) received (whether as lump sums or periodic payments) in connection with the civil action In re Exxon Valdez, No. 89–095–CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

SA 4595. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ———. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—Of the amount appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of fiscal years 2008 through 2011 to contribute to the establishment of a center of excellence for the research and development of Next Generation Air Transportation System technologies.

(b) FUNCTIONS.—The center established under subsection (a) shall—

(1) leverage the centers of excellence program of the Federal Aviation Administration, as well as other resources and partnerships, to enhance the development of Next Generation Air Transportation System technologies within academia and industry; and

(2) provide educational, technical, and analytical assistance to the Federal Aviation Administration and other Federal agencies with responsibilities to research and develop Next Generation Air Transportation System technologies.

SA 4596. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 414.

SA 4597. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT OIL ACQUISITION FINANCIAL ACCOUNTABILITY AND CONSUMER RELIEF.

(a) SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during any period in which the conditions described in paragraph (2) are not met—

(A) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(B) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(2) RESUMPTION.—

(A) IN GENERAL.—The Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program, and the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method, not earlier than 30 days after the date on which the President notifies Congress that the President has determined that, for the most recent consecutive 4-week period—

(i) the weighted average price of retail, regular, all formulations gasoline in the United States is $2.50 or less per gallon (as adjusted under subparagraph (B)); or

(ii) the weighted average price of retail, No. 2 diesel in the United States is $2.75 or less per gallon (as adjusted under subparagraph (B)).

(B) ADJUSTMENT.—For fiscal year 2009 and each subsequent fiscal year, the prices specified in clauses (i) and (ii) of subparagraph (A) for the preceding fiscal year shall be adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(b) ADDITIONAL ACQUISITION REQUIREMENTS.—Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended by inserting after subsection (c) the following:

''(d) ADDITIONAL ACQUISITION REQUIREMENTS.—

''(1) IN GENERAL.—To the maximum extent practicable, any acquisitions made by the Secretary of the Interior for the Strategic Petroleum Reserve through the royalty-in-kind program and any acquisitions made by the Secretary of Energy for the Reserve through any other acquisition method (referred to in this subsection as the 'respective Secretary') shall reflect a steady monthly dollar value of oil acquired through the royalty-in-kind program or any other acquisition method allowed by law.

''(2) PARTICULAR INCLUSION.—

''(A) DEFINITION OF HEAVY CRUDE OIL.—In this paragraph, the term 'heavy crude oil'

means oil with a gravity index of not more than 22 degrees.

''(B) REQUIREMENT.—To the extent technologically feasible, financially beneficial for the Treasury of the United States, and compatible with domestic refining requirements, the respective Secretary shall include at least 10 percent heavy crude oil in making any acquisitions of crude oil for the Reserve.

''(3) NEGOTIATION OF DELIVERY DATES.—Nothing in this subsection limits the ability of the respective Secretary to negotiate delivery dates for crude oil acquired for the Reserve.

''(4) NATIONAL SECURITY NEEDS.—The respective Secretary may waive any requirement under this subsection if the respective Secretary determines that the requirement is inconsistent with the national security needs of the United States.''.

SA 4598. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7___. OVERFLIGHTS OF NATIONAL PARKS.

Section 40128(b) of title 49, United States Code, is amended by adding at the end the following:

''(7) LIMITATION ON COMMERCIAL AIR TOUR OPERATIONS.—Notwithstanding any other provision of this section, beginning on the date that is 2 years after the date of enactment of this paragraph, no commercial air tour operations may be conducted over a national park unless an air tour management plan has been established for the national park in accordance with this subsection.''.

SA 4599. Mr. CARPER (for himself, Mr. SPECTER, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, between lines 7 and 8, insert the following:

(d) NOISE MITIGATION STUDY.—The Administrator of the Federal Aviation Administration shall—

(1) conduct a study of the current laws and regulations governing the evaluation and mitigation of airport noise;

(2) identify ways to improve the reporting and mitigation of noise impacts from airports, including—

(A) using the 65 DNL (Day/Night Noise Level) as the threshold for Federal noise abatement programs and

(B) determining whether frequent spikes in noise level above 65 decibels should be tracked and mitigated, even if such mitigation results in an average noise level below 65 DNL; and

(3) not later than September 30, 2009, submit a report to Congress that describes—

(A) the current process for evaluating airport noise impacts on surrounding communities;

(B) possible alternatives to the existing process and benchmarks; and

(C) the implications of adopting such alternatives.

SA 4600. Mr. MENENDEZ (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 126, strike line 23 and all that follows through page 127, line 9, and insert the following:

(a) CONFLICT OF INTEREST.—

(1) MODIFICATION OF POST EMPLOYMENT GUIDANCE ON EMPLOYMENT BY INSPECTED AIR CARRIERS.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding to revise the Administration's post employment guidance to prohibit an individual from representing an air carrier before the Federal Aviation Administration or participating in negotiations or other contacts with the Federal Aviation Administration on behalf of an air carrier for a period of 2 years beginning on the date of the termination of the employment of such individual with the Federal Aviation Administration if such individual—

(A) is employed by that air carrier and was the inspector responsible for inspecting that air carrier while employed by the Federal Aviation Administration;

(B) is employed by that air carrier and was a supervisor of inspectors responsible for inspecting that air carrier while employed by the Federal Aviation Administration; or

(C) is employed by that air carrier and was in a management position responsible for overseeing safety regulation of that air carrier while employed by the Federal Aviation Administration.

(2) LIMITATION ON EMPLOYMENT OF INDIVIDUALS WHO PREVIOUSLY WORKED FOR AN AIR CARRIER.—The Administrator of the Federal Aviation Administration shall prohibit any employee of the Administration who was employed by an air carrier before commencement of the employment of the individual with the Administration from personal and substantial involvement with the oversight of safety inspections or safety regulations of that air carrier for a period of 2 years beginning on the date of such commencement.

SA 4601. Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. SPECTER, Mr. CASEY, Mr. SCHUMER, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ON-GOING MONITORING OF AND REPORT ON THE NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.

Not later than 270 days after the date of the enactment of this Act and every 180 days thereafter until the completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator of the Federal Aviation Administration shall, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport—

(1) monitor the air noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign; and

(2) submit to Congress a report on the findings of the Administrator with respect to the monitoring described in paragraph (1).

SA 4602. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, for other purposes; which was ordered to lie on the table; as follows:

On page 135, strike lines 8 through 11, and insert the following:

(b) MEMBERSHIP.—The Advisory Committee shall consist of—

(1) the Administrator of the Federal Aviation Administration or the Administrator's designee;

(2) the Administrator of the National Aeronautics and Space Administration or the Administrator's designee; and

(3) 7 members appointed by the President from a list of 15 candidates proposed by the Director of the National Academy of Sciences.

SA 4603. Mrs. HUTCHISON submitted an amendment intended to be proposed to by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, line 7, strike ''2'' and insert ''3''.

SA 4604. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SCHEDULE REDUCTION.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall convene a conference of air carriers to voluntarily reduce operations described in paragraphs (1) and (2), in accordance with section 41722 of title 49, United States Code, to less than the maximum departure and arrival rate established by the Administrator for such operations, if the Administrator determines that—

(1) the aircraft operations of air carriers during any hour at an airport exceeds such hourly maximum departure and arrival rate; and

(2) the operations in excess of such maximum departure and arrival rate for such

hour at such airport are likely to have a significant adverse effect on the national or regional airspace system.

(b) NO AGREEMENT.—If the air carriers participating in a conference convened under subsection (a) with respect to an airport are not able to agree to a reduction in the number of flights to and from the airport to less than the maximum departure and arrival rate, the Administrator, in consultation with representatives of the affected airport, shall take such action as is necessary to ensure that the reduction described in subsection (a) is implemented.

(c) QUARTERLY REPORTS.—Not later than 3 months after the date of the enactment of this Act and every 3 months thereafter, the Administrator shall submit to Congress a report that describes—

(1) scheduling at the 35 airports that have the greatest number of passenger enplanements; and

(2) each occurrence in which hourly scheduled aircraft operations of air carriers at any such airport exceeded the maximum departure and arrival rate for such airport.

SA 4605. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATION ON USE OF DISPERSAL DEPARTURE HEADINGS AT PHILADELPHIA INTERNATIONAL AIRPORT.

The Federal Aviation Administration may not use dispersal departure headings at Philadelphia International Airport unless 10 or more aircraft are waiting to depart.

SA 4606. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by striking ''the harm'' and inserting ''(A) except in the case of subparagraph (B), the harm'';

(C) in subparagraph (A)(ii), as redesignated by this paragraph, by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(B) the volunteer—

''(i) was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit; and

''(ii) was properly licensed and insured for the operation of such aircraft.''; and

(2) in subsection (c)—

(A) by striking ''Nothing in this section'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section''; and

(B) by adding at the end the following:

''(2) EXCEPTION.—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a referring agency of such nonprofit organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

''(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

''(B) is properly licensed for the operation of such aircraft; and

''(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer's operation of such aircraft.''.

SA 4607. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AVIATION TRAVELER TASKFORCE.

(a) FINDINGS.—Congress makes the following findings:

(1) While the aircraft safety should be a top priority for the Federal Aviation Administration and air carriers, compliance with Federal safety regulations should not come at the expense of passenger convenience.

(2) One of the chief complaints of customers left stranded during April 2008 by massive cancellations was the lack of notification about the status of their flights.

(3) Commercial air flight cancellations were announced with little advance notice, causing many travelers to discover that their flight was cancelled after they arrived at the airport.

(4) Air carriers have also reduced the number of flights on their schedules, which has frustrated consumers' attempts to find replacement flights on other air carriers.

(b) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish an Aviation Traveler Taskforce, comprised of Federal Aviation Administration employees and representatives of the commercial aviation industry.

(c) FUNCTIONS.—The Aviation Traveler Taskforce shall—

(1) clarify interpretations of safety directives issued by the Federal Aviation Administration with which air carriers will soon need to comply;

(2) develop contingency plans in the event that additional aircraft—

(A) are found to be out of compliance with such safety directives; and

(B) need to be grounded;

(3) generate ideas for the best way to notify passengers on a massive scale that their flights have been cancelled; and

(4) design a notification system to alert passengers of potential service disruptions.

(d) INSPECTION PLANS.—The Administrator of the Federal Aviation Administration shall ensure that any standardized plan to perform inspections of commercial aircraft includes a plan to reduce groundings and other consequences resulting from such inspections.

SA 4608. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPLEMENTATION OF FAA RULE RELATING TO FUEL TANK FLAMMABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later 1 year after the date of the enactment of this Act, the Federal Aviation Administration shall finalize and implement, in accordance with paragraph (2), the rule proposed by the Federal Aviation Administration relating to the reduction of fuel tank flammability in transport category airplanes (70 Fed. Reg. 70922, dated November 23, 2005) and operators and manufacturers of airplanes shall take appropriate action to comply with the rule.

(b) MATCHING FUNDS.—For each of the fiscal years 2009 through 2018, the Administrator of the Federal Aviation Administration may provide financial assistance to operators and manufacturers of airplanes in an amount that does not exceed $1 for every $1 incurred by such operators and manufacturers for complying with the rule described in subsection (a).

(c) STUDY AND REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study and report to Congress regarding ways to improve the safety and reduce the flammability of fuel tanks that are located on the wings of airplanes.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $40,000,000 for each of the fiscal years 2009 through 2018, to carry out the provisions of subsection (b).

SA 4609. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. MENENDEZ, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NEW YORK INTEGRATION OFFICE.

(a) BUDGET AUTHORITY.—The Director of the New York Integration Office of the Federal Aviation Administration is authorized to transfer any amounts appropriated for the operations of such office to any function that the Director determines to be necessary to carry out any flight delay reduction project involving the airspace in the New York-New Jersey region.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Aviation Administration such sums as may be necessary to carry out the

responsibilities of the New York Integration Office, including hiring necessary support staff.

SA 4610. Mr. SCHUMER (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PLAN FOR SHARING MILITARY AND SPECIAL USE AIRSPACE.

The Administrator of the Federal Aviation Administration, in consultation with the Secretary of Transportation and the Secretary of Defense, shall develop—

(1) a plan to open up special use airspace for additional lanes of air traffic at specific choke points during the summer of 2008; and

(2) a permanent plan to share the military airspace off the eastern coast of the United States, which—

(A) creates a corridor for commercial flights seeking to avoid inclement weather or excessive air traffic; and

(B) provides for immediate reclamation of such airspace by the Department of Defense in the event of a national emergency.

SA 4611. Mr. SCHUMER (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 9, strike ''28'' and insert ''68''.

On page 99, line 17, strike ''beyond-perimeter''.

On page 99, line 19, insert ''and'' after the semicolon.

On page 98, strike lines 20 through 25 and insert the following:

(2) in paragraph (3)—

(A) in subparagraph (B), strike ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) the remaining 48 exemptions shall be distributed in accordance with criteria developed by the Secretary in a manner that—

''(i) promotes air transportation by new entrant air carriers and limited incumbent air carriers;

''(ii) will produce the maximum competitive benefits, including low fares; or

''(iii) will increase the presence of new entrant and limited incumbent air carriers, particularly in hub markets dominated by large incumbent air carriers.''.

SA 4612. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENHANCED PENALTIES FOR FLIGHT SCHOOLS THAT KNOWINGLY ACCEPT INELIGIBLE ALIENS.

(a) CIVIL PENALTIES.—Section 46301(a)(4) is amended—

(1) by striking ''Notwithstanding paragraph (1) of this subsection'' and inserting the following:

''(A) Notwithstanding paragraph (1) and except as provided under subparagraph (B)''; and

(2) by adding at the end the following:

''(B) The maximum civil penalty for knowingly providing flight training to an alien who is not eligible for such training in violation of section 44939 shall be—

''(i) $20,000; or

''(ii) $50,000 in the case of a person operating an aircraft for the transportation of passengers or property for compensation (except an individual serving as an airman).''.

(b) CRIMINAL PENALTIES.—Section 46317 is amended by adding at the end the following:

''(c) CRIMINAL PENALTY FOR PROVIDING FLIGHT TRAINING TO INELIGIBLE ALIENS.—In addition to any civil penalty imposed under section 46301(a)(4)(B), an individual shall be fined under title 18 if that individual knowingly provides flight training to an alien who is not eligible for such training in violation of section 44939.''.

SA 4613. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AVAILABILITY OF FLIGHT DELAY INFORMATION.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 714 of this Act, is further amended by adding at the end the following:

''§ 41725. Availability of flight delay information

''(a) REQUIREMENT TO MAKE INFORMATION AVAILABLE.—The Secretary of Transportation shall require each air carrier, foreign air carrier, or intrastate air carrier that provides air transportation or intrastate air transportation to make available to the public information regarding the delay of a scheduled passenger flight not later than 10 minutes after such information is available.

''(b) MANNER OF AVAILABILITY.—An air carrier, foreign air carrier, or intrastate air carrier shall make the information referred to in subsection (a) available through—

''(1) any Internet website of such air carrier, foreign air carrier, or intrastate air carrier;

''(2) any automated recording related to flight departure or arrival times maintained by such air carrier, foreign air carrier, or intrastate air carrier;

''(3) announcements at appropriate airports; and

''(4) flight information screens at appropriate airports.''.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall promulgate regulations to implement section 41725 of title 49, United States Code, as added by subsection (a).

(c) CONFORMING AMENDMENT.—The analysis for chapter 417 of title 49, United States Code, is amended by adding after the item relating to section 41724, as added by section 714 of this Act, the following:

''41725. Availability of flight delay information.''.

SA 4614. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRPORT SCREENING.

(a) AIRPORT EMPLOYEE AND CONTRACTOR SCREENING.—

(1) SCREENING AIR CARRIER EMPLOYEES.—Section 44901 is amended—

(A) in subsection (a), by inserting '', air carrier employees,'' after ''passengers''; and

(B) in subsection (b), by inserting '', air carrier employees,'' after ''passengers''.

(2) SCREENING EMPLOYEES WITH ACCESS TO SECURED AREAS.—Section 44903(h)(4)(A) is amended by inserting ''(including airport and air carrier employees, contractors, and vendors)'' after ''individuals''.

(b) AIRPORT SCREENING PLANS.—Section 44903(h) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

''(7) AIRPORT SCREENING PLANS.—

''(A) LARGE HUB AIRPORTS.—Not later than 180 days after the date of the enactment of the Aviation Investment and Modernization Act of 2008, the head of each large hub airport shall submit a plan for comprehensive screening of all individuals entering the secure area of such airport to the Administrator of the Transportation Security Administration.

''(B) MEDIUM HUB AIRPORTS.—Not later than September 30, 2009, the head of each medium hub airport shall submit a plan for comprehensive screening of all individuals entering the secure area of such airport to the Administrator of the Transportation Security Administration.

''(C) SMALL HUB AIRPORTS.—Not later than September 30, 2010, the head of each small hub airport shall submit a plan for comprehensive screening of all individuals entering the secure area of such airport to the Administrator of the Transportation Security Administration.

''(D) NONHUB AIRPORTS.—Not later than September 30, 2011, the head of each nonhub airport shall submit a plan for comprehensive screening of all individuals entering the secure area of such airport to the Administrator of the Transportation Security Administration.

''(E) IMPLEMENTATION OF PLANS.—Not later than 60 days after the submission of a comprehensive screening plan for an airport under this paragraph, the plan shall be implemented at such airport.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SA 4615. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FUNDING LIMITATION FOR INTEGRATED AIRSPACE ALTERNATIVE.

The Administrator of the Federal Aviation Administration may not expend any Federal funds to carry out the Integrated Airspace Alternative (IAA), the preferred alternative selected by the Federal Aviation Administration for the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign Project, until all the lawsuits challenging the legality of the IAA that were filed in a Federal court before the date of the enactment of this Act have been dismissed or otherwise reached a final resolution in favor of the Federal Aviation Administration.

SA 4616. Mr. ENSIGN (for himself, Mrs. BOXER, Mr. MCCAIN, Mr. KYL and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 414, add the following:

(d) EXTENDING THE LENGTH OF FLIGHTS FROM RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—Section 41718 is amended by adding at the end the following:

''(g) USE OF AIRPORT SLOTS FOR BEYOND PERIMETER FLIGHTS.—Notwithstanding section 49109 or any other provision of law, any air carrier that holds or operates air carrier slots at Ronald Reagan Washington National Airport as of January 1, 2008, pursuant to subparts K and S of part 93 of title 14, Code of Federal Regulations, which are being used as of that date for scheduled service between that airport and a large hub airport (as defined in section 40102(a)(29)), may use such slots for service between Ronald Reagan Washington National Airport and any airport located outside of the perimeter restriction described in section 49109.''.

SA 4617. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII add the following:

SEC. _____. CLARIFICATION OF APPLICABILITY OF INTEREST ON REFUNDS OF OVERPAYMENTS OF HARBOR MAINTENANCE TAX.

(a) IN GENERAL.—Paragraph (1) of section 4462(f) (relating to extension of provisions of law applicable to customs duty) is amended by inserting '', and any requirement to pay interest on refunds of excess moneys deposited as customs duties and fees shall be made applicable to a refund of the tax imposed by this subchapter and paid in respect of port use for cargo exported from the United States by deeming the refund of such tax to be a liquidation occurring on the date of such refund payment, and the persons who paid such tax to be importers'' after ''cargo''.

(b) EFFECTIVE DATE; TIMING OF ACTIONS FOR PAYMENT.—

(1) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the amendments made by section 11116(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

(2) TIMING OF ACTIONS FOR PAYMENT.—Notwithstanding any other provision of law, claims for interest on refunds of the tax imposed under subchapter A of chapter 36 of the Internal Revenue Code of 1986 and paid in respect of port use for cargo exported from the United States may be enforced in an action brought in the Court of International Trade by or on behalf of persons entitled to receive such interest not later than 90 days after the date of the enactment of this Act.

SA 4618. Mr. SCHUMER (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON AUCTIONS AND CONGESTION PRICING AT COMMERCIAL AIRPORTS.

(a) FEDERAL AVIATION ADMINISTRATION.—Title I of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008 (division K of Public Law 110–161) is amended by inserting ''or to promulgate any regulation or take any action to regulate or influence airway operations at any commercial airport in the United States, which involves Federal allocation of such operations based on the Federal implementation or approval of auctions, leasing, peak-hour pricing, or congestion pricing, or encourage, require, or permit an airport to take such action'' after ''the date of the enactment of this Act''.

(b) DEPARTMENT OF TRANSPORTATION.—Notwithstanding any other provision of law, the Secretary of Transportation may not promulgate any regulation or take any action to regulate or influence airway operations at any commercial airport in the United States, which involves Federal allocation of such operations based on the Federal implementation or approval of auctions, leasing, peak-hour pricing, or congestion pricing, or encourage, require, or permit an airport to take such action.

SA 4619. Mr. CASEY (for himself, Mr. BIDEN, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

(5) The Administrator may not consolidate any additional approach control facilities into the Philadelphia TRACON and Tower, and may not realign, relocate or reorganize any functions at the approach control facilities at the Philadelphia International Airport until the Board's recommendations are completed.

SA 4620. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, line 24, insert ''consolidate any TRACON in Michigan or'' after ''may not''.

SA 4621. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 149, strike lines 18 through 20 and insert the following:

(a) WAR RISK INSURANCE.—

(1) EXTENSION OF INSURANCE POLICIES.—Section 44302(f)(1) is amended by striking ''August 31, 2008, and may extend through December 31, 2008'' and inserting ''December 31, 2011''.

(2) THIRD PARTY CLAIMS ARISING FROM ACTS OF TERRORISM.—Section 44303(b) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2011''.

SA 4622. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, between lines 5 and 6, insert the following:

''(v) 1 representative that is a senior executive of an airframe manufacturer.

SA 4623. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation

safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, line 3, strike ''benefits.'' and insert the following: ''benefits. In making that determination, the research program shall include a life cycle analysis to assess the environmental benefits of using alternative fuels, including reductions of greenhouse gas emissions.''.

SA 4624. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, between lines 10 and 11, insert the following:

SEC. 317. NEXT GENERATION AIR TRANSPORTATION SYSTEM METRICS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall develop metrics—

(1) to measure the progress, over the near, intermediate, and long terms, of the Next Generation Air Transportation System toward achieving the operational performance goals of the system by 2025; and

(2) to allow for a practical assessment of the performance of the system with respect to safety, capacity, efficiency, and cost reduction.

(b) METRICS.—The metrics developed under subsection (a) shall include the following:

(1) The number and rate of fatal accidents each year associated with commercial air carriers and with general aviation.

(2) The average actual and scheduled gate-to-gate travel times on a set of routes that the Administrator determines are nationally representative.

(3) The number of useable operations per hour on runways at Operational Evolution Partnership airports.

(4) The number of new runways at existing, secondary, and new airports where additional runway capacity is needed.

(5) The average cost per flight per year.

(c) REPORT.—The Administrator shall include in the annual report required under section 709(d) of Vision 100–Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) an assessment of the progress of the system in the near, intermediate, and long terms based on the metrics developed under subsection (a).

(d) PUBLIC AVAILABILITY.—The Administrator shall post on the Internet website of the Federal Aviation Administration the metrics developed under subsection (a) and the assessment of the progress of the system required under subsection (c).

SA 4625. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 68, strike line 23 and all that follows through page 69, line 2, and insert the following:

''(5)(A) There is established the position of Associate Administrator for the Next Generation Air Transportation System, who shall be appointed by the Administrator of the Federal Aviation Administration and report to the Administrator.

''(B) The Associate Administrator for the Next Generation Air Transportation System shall—

''(i) be the head of the Office; and

''(ii) be a voting member of the Federal Aviation Administration's Joint Resources Council and the Air Traffic Organization's Executive Council.'';

SA 4626. Mr. NELSON of Nebraska (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CALCULATION OF HIGHWAY MILEAGE TO MEDIUM AND LARGE HUB AIRPORTS.

(a) IN GENERAL.—Section 41731 of title 49, United States Code, is amended by adding at the end the following:

''(c) CALCULATION OF HIGHWAY MILEAGE TO MEDIUM AND LARGE HUB AIRPORTS.—

''(1) IN GENERAL.—In any determination under this subchapter of compensation or eligibility for compensation for essential air service based on the highway mileage of an eligible place from the nearest medium hub airport or large hub airport, the highway mileage shall be that of the most commonly used route, as identified under paragraph (2).

''(2) MOST COMMONLY USED ROUTE.—The Secretary of Transportation shall identify the most commonly used route between an eligible place and the nearest medium hub airport or large hub airport by—

''(A) consulting with the Governor or a designee of the Governor in the State in which the eligible place is located; and

''(B) considering the certification of the Governor or a designee of the Governor as to the most commonly used route.

''(3) APPLICABILITY.—This subsection shall apply only to eligible places in the 48 contiguous States and the District of Columbia.''.

(b) CONFORMING AMENDMENT.—Section 409 of Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 41731 note) is repealed.

SA 4627. Mr. ROCKEFELLER proposed an amendment to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Aviation Investment and Modernization Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS AND FINANCING

Sec. 101. Operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Research and development.
Sec. 104. Airport planning and development and noise compatibility planning and programs.
Sec. 105. Other aviation programs.
Sec. 106. Delineation of next generation air transportation system projects.
Sec. 107. Funding for administrative expenses for airport programs.

TITLE II—AIRPORT IMPROVEMENTS

Sec. 201. Reform of passenger facility charge authority.
Sec. 202. Passenger facility charge pilot program.
Sec. 203. Amendments to grant assurances.
Sec. 204. Government share of project costs.
Sec. 205. Amendments to allowable costs.
Sec. 206. Sale of private airport to public sponsor.
Sec. 207. Pilot program for airport takeover of air navigation facilities.
Sec. 208. Government share of certain air project costs.
Sec. 209. Miscellaneous amendments.
Sec. 210. State block grant program.
Sec. 211. Airport funding of special studies or reviews.
Sec. 212. Grant eligibility for assessment of flight procedures.
Sec. 213. Safety-critical airports.
Sec. 214. Expanded passenger facility charge eligibility for noise compatibility projects.
Sec. 215. Environmental mitigation demonstration pilot program.
Sec. 216. Allowable project costs for airport development program.
Sec. 217. Glycol recovery vehicles.
Sec. 218. Research improvement for aircraft.

TITLE III—FAA ORGANIZATION AND REFORM

Sec. 301. Air Traffic Control Modernization Oversight Board.
Sec. 302. ADS–B support pilot program.
Sec. 303. Facilitation of next generation air traffic services.
Sec. 304. Clarification of authority to enter into reimbursable agreements.
Sec. 305. Clarification to acquisition reform authority.
Sec. 306. Assistance to other aviation authorities.
Sec. 307. Presidential rank award program.
Sec. 308. Next generation facilities needs assessment.
Sec. 309. Next generation air transportation system planning office.
Sec. 310. Definition of air navigation facility.
Sec. 311. Improved management of property inventory.
Sec. 312. Educational requirements.
Sec. 313. FAA personnel management system.
Sec. 314. Rulemaking and report on ADS-B implementation.
Sec. 315. FAA task force on air traffic control facility conditions.
Sec. 316. State ADS-B equipage bank pilot program.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

Sec. 401. Airline contingency service requirements.
Sec. 402. Publication of customer service data and flight delay history.
Sec. 403. EAS connectivity program.
Sec. 404. Extension of final order establishing mileage adjustment eligibility.

Sec. 405. EAS contract guidelines.
Sec. 406. Conversion of former EAS airports.
Sec. 407. EAS reform.
Sec. 408. Clarification of air carrier fee disputes.
Sec. 409. Small community air service.
Sec. 410. Contract tower program.
Sec. 411. Airfares for members of the armed forces.
Sec. 412. Expansion of DOT airline consumer complaint investigations.
Sec. 413. EAS marketing.
Sec. 414. Extraperimetal and intraperimetal slots at Ronald Reagan Washington National Airport.
Sec. 415. Establishment of advisory committee for aviation consumer protection.
Sec. 416. Rural aviation improvement.

TITLE V—AVIATION SAFETY

Sec. 501. Runway safety equipment plan.
Sec. 502. Aircraft fuel tank safety improvement.
Sec. 503. Judicial review of denial of airman certificates.
Sec. 504. Release of data relating to abandoned type certificates and supplemental type certificates.
Sec. 505. Design organization certificates.
Sec. 506. FAA access to criminal history records or database systems.
Sec. 507. Flight crew fatigue.
Sec. 508. Increasing safety for helicopter emergency medical service operators.
Sec. 509. Cabin crew communication.
Sec. 510. Clarification of memorandum of understanding with osha.
Sec. 511. Acceleration of development and implementation of required navigation performance approach procedures.
Sec. 512. Enhanced safety for airport operations.
Sec. 513. Improved safety information.
Sec. 514. Voluntary disclosure reporting process improvements.
Sec. 515. Procedural improvements for inspections.
Sec. 516. Independent review of safety issues.
Sec. 517. National review team.
Sec. 518. FAA Academy improvements.
Sec. 519. Reduction of runway incursions and operational errors.

TITLE VI—AVIATION RESEARCH

Sec. 601. Airport cooperative research program.
Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.
Sec. 603. Production of clean coal fuel technology for civilian aircraft.
Sec. 604. Advisory committee on future of aeronautics.
Sec. 605. Research program to improve airfield pavements.
Sec. 606. Wake turbulence, volcanic ash, and weather research.
Sec. 607. Incorporation of unmanned aerial systems into FAA plans and policies.
Sec. 608. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.
Sec. 609. Pilot program for zero emission airport vehicles.
Sec. 610. Reduction of emissions from airport power sources.

TITLE VII—MISCELLANEOUS

Sec. 701. General authority.
Sec. 702. Human intervention management study.
Sec. 703. Airport program modifications.
Sec. 704. Miscellaneous program extensions.
Sec. 705. Extension of competitive access reports.
Sec. 706. Update on overflights.
Sec. 707. Technical corrections.
Sec. 708. FAA technical training and staffing.
Sec. 709. Commercial air tour operators in national parks.
Sec. 710. Phaseout of stage 1 and 2 aircraft.
Sec. 711. Weight restrictions at teterboro airport.
Sec. 712. Pilot program for redevelopment of airport properties.
Sec. 713. Air carriage of international mail.
Sec. 714. Transporting musical instruments.
Sec. 715. Recycling plans for airports.
Sec. 716. Consumer information pamphlet.

TITLE VIII—AMERICAN INFRASTRUCTURE INVESTMENT AND IMPROVEMENT

Sec. 800. Short title, etc.

Subtitle A—Airport and Airway Trust Fund Provisions and Related Taxes

Sec. 801. Extension of taxes funding Airport and Airway Trust Fund.
Sec. 802. Extension of Airport and Airway Trust Fund expenditure authority.
Sec. 803. Modification of excise tax on kerosene used in aviation .
Sec. 804. Air Traffic Control System Modernization Account.
Sec. 805. Treatment of fractional aircraft ownership programs.
Sec. 806. Termination of exemption for small aircraft on nonestablished lines.
Sec. 807. Transparency in passenger tax disclosures.ier pension plans.

Subtitle B—Increased Funding for Highway Trust Fund

Sec. 811. Replenish emergency spending from Highway Trust Fund.
Sec. 812. Suspension of transfers from highway trust fund for certain repayments and credit.
Sec. 813. Taxation of taxable fuels in foreign trade zones.
Sec. 814. Clarification of penalty for sale of fuel failing to meet EPA regulations.
Sec. 815. Treatment of qualified alcohol fuel mixtures and qualified biodiesel fuel mixtures as taxable fuels.
Sec. 816. Calculation of volume of alcohol for fuel credits.
Sec. 817. Bulk transfer exception not to apply to finished gasoline.
Sec. 818. Increase and extension of Oil Spill Liability Trust Fund tax.
Sec. 819. Application of rules treating inverted corporations as domestic corporations to certain transactions occurring after March 20, 2002.
Sec. 820. Denial of deduction for punitive damages.
Sec. 821. Motor fuel tax enforcement advisory commission.
Sec. 822. Highway Trust Fund conforming expenditure amendment.

Subtitle C—Additional Infrastructure Modifications and Revenue Provisions

Sec. 831. Restructuring of New York Liberty Zone tax credits.
Sec. 832. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.
Sec. 833. Increased information return penalties.
Sec. 834. Exemption of certain commercial cargo from harbor maintenance tax.
Sec. 835. Credit to holders of qualified rail infrastructure bonds.
Sec. 836. Repeal of suspension of certain penalties and interest.
Sec. 837. Denial of deduction for certain fines, penalties, and other amounts.
Sec. 838. Revision of tax rules on expatriation.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment.

TITLE I—AUTHORIZATIONS AND FINANCING

SEC. 101. OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

''(A) $8,726,000,000 for fiscal year 2008;

''(B) $8,990,000,000 for fiscal year 2009;

''(C) $9,330,000,000 for fiscal year 2010; and

''(D) $9,620,000,000 for fiscal year 2011.''.

(b) SAFETY PROJECT.—Section 106(k)(2)(F) is amended by striking ''2007'' and inserting ''2011''.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) $2,572,000,000 for fiscal year 2008;

''(2) $2,923,000,000 for fiscal year 2009, of which $400,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund;

''(3) $3,079,000,000 for fiscal year 2010, of which $400,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund; and

''(4) $3,317,000,000 for fiscal year 2011, of which $400,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund.''.

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511 through 44513 of this title:

''(1) $140,000,000 for fiscal year 2008.

''(2) $191,000,000 for fiscal year 2009.

''(3) $191,000,000 for fiscal year 2010.

''(4) $194,000,000 for fiscal year 2011.'';

(2) by striking subsections (c) through (h); and

(3) by adding at the end the following:

''(c) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

''(1) research projects to be carried out at primarily undergraduate institutions and technical colleges;

''(2) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

''(3) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees; or

''(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.''.

SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 48103 is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) $3,800,000,000 for fiscal year 2008;

''(2) $3,900,000,000 for fiscal year 2009;

''(3) $4,000,000,000 for fiscal year 2010; and

''(4) $4,100,000,000 for fiscal year 2011.''.

SEC. 105. OTHER AVIATION PROGRAMS.

Section 48114 is amended—

(1) by striking ''2007'' in subsection (a)(1)(A) and inserting ''2011'';

(2) by striking ''2007,'' in subsection (a)(2) and inserting ''2011,''; and

(3) by striking ''2007'' in subsection (c)(2) and inserting ''2011''.

SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

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

(2) by striking ''defense.'' in paragraph (4) and inserting ''defense; and''; and

(3) by adding at the end thereof the following:

''(5) a list of projects that are part of the Next Generation Air Transportation System and do not have as a primary purpose to operate or maintain the current air traffic control system.''.

SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

''§ 48105. Airport programs administrative expenses

''Of the amount made available under section 48103 of this title, the following may be available for administrative expenses relating to the Airport Improvement Program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities (including airport technology research), to remain available until expended—

''(1) for fiscal year 2008, $80,676,000;

''(2) for fiscal year 2009, $85,000,000;

''(3) for fiscal year 2010, $89,000,000; and

''(4) for fiscal year 2011, $93,000,000.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

''48105. Airport programs administrative expenses.''.

TITLE II—AIRPORT IMPROVEMENTS

SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.

(a) PASSENGER FACILITY CHARGE STREAMLINING.—Section 40117(c) is amended to read as follows:

''(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.—

''(1) IN GENERAL.—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency's passenger facility charge program, including—

''(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;

''(B) the total amount of program revenue collected by the agency during the period covered by the report;

''(C) the amount of expenditures with program revenue made by the agency on each eligible airport-related project during the period covered by the report;

''(D) each airport-related project for which the agency plans to collect and use program revenue during the next 12-month period covered by the report, including the amount of revenue projected to be used for such project;

''(E) the level of program revenue the agency plans to collect during the next 12-month period covered by the report;

''(F) a description of the notice and consultation process with air carriers and foreign air carriers under paragraph (3), and with the public under paragraph (4), including a copy of any adverse comments received and how the agency responded; and

''(G) any other information on the program that the Secretary may require.

''(2) IMPLEMENTATION.—Subject to the requirements of paragraphs (3), (4), (5), and (6), the eligible agency may implement the planned collection and use of passenger facility charges in accordance with its report upon filing the report as required in paragraph (1).

''(3) CONSULTATION WITH CARRIERS FOR NEW PROJECTS.—

''(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was submitted in a prior year shall provide to air carriers and foreign air carriers operating at the airport reasonable notice, and an opportunity to comment on the planned collection and use of program revenue before providing the report required under paragraph (1). The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum include—

''(i) that the eligible agency provide to air carriers and foreign air carriers operating at the airport written notice of the planned collection and use of passenger facility charge revenue;

''(ii) that the notice include a full description and justification for a proposed project;

''(iii) that the notice include a detailed financial plan for the proposed project; and

''(iv) that the notice include the proposed level for the passenger facility charge.

''(B) An eligible agency providing notice and an opportunity for comment shall be deemed to have satisfied the requirements of this paragraph if the eligible agency provides such notice to air carriers and foreign air carriers that have a significant business interest at the airport. For purposes of this subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that—

''(i) had not less than 1.0 percent of passenger boardings at the airport in the prior calendar year;

''(ii) had at least 25,000 passenger boardings at the airport in the prior calendar year; or

''(iii) provides scheduled service at the airport.

''(C) Not later than 45 days after written notice is provided under subparagraph (A), each air carrier and foreign air carrier may provide written comments to the eligible agency indicating its agreement or disagreement with the project or, if applicable, the proposed level for a passenger facility charge.

''(D) The eligible agency may include, as part of the notice and comment process, a consultation meeting to discuss the proposed project or, if applicable, the proposed level for a passenger facility charge. If the agency provides a consultation meeting, the written comments specified in subparagraph (C) shall be due not later than 30 days after the meeting.

''(4) PUBLIC NOTICE AND COMMENT.—

''(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was filed in a prior year shall provide reasonable notice and an opportunity for public comment on the planned collection and use of program revenue before providing the report required in paragraph (1).

''(B) The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum require—

''(i) that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected;

''(ii) appropriate methods of publication, which may include notice in local newspapers of general circulation or other local media, or posting of the notice on the agency's Internet website; and

''(iii) submission of public comments no later than 45 days after the date of the publication of the notice.

''(5) OBJECTIONS.—

''(A) Any interested person may file with the Secretary a written objection to a proposed project included in a notice under this paragraph provided that the filing is made within 30 days after submission of the report specified in paragraph (1).

''(B) The Secretary shall provide not less than 30 days for the eligible agency to respond to any filed objection.

''(C) Not later than 90 days after receiving the eligible agency's response to a filed objection, the Secretary shall make a determination whether or not to terminate authority to collect the passenger facility charge for the project, based on the filed objection. The Secretary shall state the reasons for any determination. The Secretary may only terminate authority if—

''(i) the project is not an eligible airport related project;

''(ii) the eligible agency has not complied with the requirements of this section or the Secretary's implementing regulations in proposing the project;

''(iii) the eligible agency has been found to be in violation of section 47107(b) of this title and has failed to take corrective action, prior to the filing of the objection; or

''(iv) in the case of a proposed increase in the passenger facility charge level, the level is not authorized by this section.

''(D) Upon issuance of a decision terminating authority, the public agency shall prepare an accounting of passenger facility revenue collected under the terminated authority and restore the funds for use on other authorized projects.

''(E) Except as provided in subparagraph (C), the eligible agency may implement the planned collection and use of a passenger facility charge in accordance with its report upon filing the report as specified in paragraph (1)(A).

''(6) APPROVAL REQUIREMENT FOR INCREASED PASSENGER FACILITY CHARGE OR INTERMODAL GROUND ACCESS PROJECT.—

''(A) An eligible agency may not collect or use a passenger facility charge to finance an intermodal ground access project, or increase a passenger facility charge, unless the project is first approved by the Secretary in accordance with this paragraph.

''(B) The eligible agency may submit to the Secretary an application for authority to impose a passenger facility charge for an intermodal ground access project or to increase a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

''(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

''(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.''.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

(i) by striking ''FEE'' in the heading for paragraph (5) and inserting ''CHARGE''; and

(ii) by striking ''fee'' each place it appears in paragraphs (5) and (6) and inserting ''charge''.

(B) Subsections (b), and subsections (d) through (m), of section 40117 are amended—

(i) by striking ''fee'' or ''fees'' each place either appears and inserting ''charge'' or ''charges'', respectively; and

(ii) by striking ''FEE'' in the subsection caption for subsection (l), and ''FEES'' in the subsection captions for subsections (e) and (m), and inserting ''CHARGE'' and ''CHARGES'', respectively.

(C) The caption for section 40117 is amended to read as follows:

''§ 40117. Passenger facility charges''.

(D) The chapter analysis for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

''40117. Passenger facility charges.''.

(2) LIMITATIONS ON APPROVING APPLICATIONS.—Section 40117(d) is amended—

(A) by striking ''subsection (c) of this section to finance a specific'' and inserting ''subsection (c)(6) of this section to finance an intermodal ground access'';

(B) by striking ''specific'' in paragraph (1);

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

''(2) the project is an eligible airport-related project; and'';

(D) by striking ''each of the specific projects; and'' in paragraph (3) and inserting ''the project.''; and

(E) by striking paragraph (4).

(3) LIMITATIONS ON IMPOSING CHARGES.—Section 40117(e)(1) is amended to read as follows: ''(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.''.

(4) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—Section 40117(f)(2) is amended by striking ''long-term''.

(5) COMPLIANCE.—Section 40117(h) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

''(3) The Secretary may, on complaint of an interested person or on the Secretary's own initiative, conduct an investigation into an eligible agency's collection and use of passenger facility charge revenue to determine whether a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section. The Secretary shall prescribe regulations establishing procedures for complaints and investigations. The regulations may provide for the issuance of a final agency decision without resort to an oral evidentiary hearing. The Secretary shall not accept complaints filed under this paragraph until after the issuance of regulations establishing complaint procedures.''.

(6) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

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

(B) by striking ''date that is 3 years after the date of issuance of regulations to carry out this subsection.'' in paragraph (7) and inserting ''date of issuance of regulations to carry out subsection (c) of this section, as amended by the Aviation Investment and Modernization Act of 2008.''.

(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking ''sponsor'' the second place it appears in the first sentence and all that follows and inserting ''sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of section 40117(c) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.''.

SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.

Section 40117 is amended by adding at the end thereof the following:

''(n) ALTERNATIVE PASSENGER FACILITY CHARGE COLLECTION PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not more than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set forth in paragraph (1) or (4) of subsection (b) if the participating eligible agency meets the requirements of paragraph (2).

''(2) COLLECTION REQUIREMENTS.—

''(A) DIRECT COLLECTION.—An eligible agency participating in the pilot program—

''(i) may collect the charge from the passenger at the facility, via the Internet, or in any other reasonable manner; but

''(ii) may not require or permit the charge to be collected by an air carrier or foreign air carrier for the flight segment.

''(B) PFC COLLECTION REQUIREMENT NOT TO APPLY.—Subpart C of part 158 of title 14, Code of Federal Regulations, does not apply to the collection of the passenger facility charge imposed by an eligible agency participating in the pilot program.''.

SEC. 203. AMENDMENTS TO GRANT ASSURANCES.

Section 47107 is amended—

(1) by striking ''made;'' in subsection (a)(16)(D)(ii) and inserting ''made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator's control that requires the relocation or replacement of an existing airport facility, the Secretary, upon the request of the owner or operator, may grant funds available under section 47114 to pay the cost of relocating or replacing such facility;'';

(2) by striking ''purpose;'' in subsection (c)(2)(A)(i) and inserting ''purpose, which includes serving as noise buffer land;'';

(3) by striking ''paid to the Secretary for deposit in the Fund if another eligible project does not exist.'' in subsection (c)(2)(B)(iii) and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes.''; and

(4) by redesignating paragraph (3) of subsection (c) as paragraph (4) and inserting after paragraph (2) the following:

''(3) In approving the reinvestment or transfer of proceeds under paragraph (2)(C)(iii), the Secretary shall give preference, in descending order, to—

''(i) reinvestment in an approved noise compatibility project;

''(ii) reinvestment in an approved project that is eligible for funding under section 47117(e);

''(iii) reinvestment in an airport development project that is eligible for funding under section 47114, 47115, or 47117 and meets the requirements of this chapter;

''(iv) transfer to the sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport; and

''(v) payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).''.

SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.

(a) FEDERAL SHARE.—Section 47109 is amended—

(1) by striking ''subsection (b) or subsection (c)'' in subsection (a) and inserting ''subsection (b), (c), or (e)''; and

(2) by adding at the end the following:

''(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub primary airport changes to a medium hub primary airport, the United States Government's share of allowable project costs for the airport may not exceed 95 percent for 2 fiscal years following such change in hub status.''.

(b) TRANSITIONING AIRPORTS.—Section 47114(f)(3)(B) is amended by striking ''year 2004.'' and inserting ''years 2008, 2009, 2010, and 2011.''.

SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.

Section 47110 is amended—

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

''(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

''(1) the Government's share of such costs is paid with funds apportioned to the airport sponsor under sections 47114(c)(1) or 47114(d)(2);

''(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

''(3) the Secretary determines that the change is beyond the control of the airport sponsor.''; and

(2) by striking ''facilities, including fuel farms and hangars,'' in subsection (h) and inserting ''facilities, as defined by section 47102,''.

SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

Section 47133(b) is amended—

(1) by resetting the text of the subsection as an indented paragraph 2 ems from the left margin;

(2) by inserting ''(1)'' before ''Subsection''; and

(3) by adding at the end thereof the following:

''(2) In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

''(A) the sale is approved by the Secretary;

''(B) funding is provided under this title for the public sponsor's acquisition; and

''(C) an amount equal to the remaining unamortized portion of the original grant, amortized over a 20-year period, is repaid to the Secretary by the private owner for deposit in the Trust Fund for airport acquisitions.

''(3) This subsection shall apply to grants issued on or after October 1, 1996.''.

SEC. 207. PILOT PROGRAM FOR AIRPORT TAKEOVER OF AIR NAVIGATION FACILITIES.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following new section:

''§ 44518. Pilot program for airport takeover of terminal area air navigation equipment

''(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of the Federal Aviation Administrator may carry out a pilot program under which the Administrator may transfer ownership, operating, and maintenance responsibilities for airport terminal area air navigation equipment to sponsors of not more than 10 airports.

''(b) TERMS AND CONDITIONS OF TRANSFER FOR AIRPORT SPONSORS.—As a condition of participating in this pilot program the sponsor shall agree that the sponsor will—

''(1) operate and maintain all of the air navigation equipment that is subject to this section at the airport in accordance with standards established by the Administrator;

''(2) permit the Administrator or a person designated by the Administrator to conduct inspections of the air navigation equipment under a schedule established by the Administrator; and

''(3) acquire and maintain new air navigation equipment as needed to replace facilities that have to be replaced at the end of their useful life or to meet new standards established by the Administrator.

''(c) TERMS AND CONDITIONS OF TRANSFER FOR THE ADMINISTRATOR.—When the Administrator approves a sponsor's participation in this pilot program, the Administrator shall—

''(1) transfer, at no cost to the sponsor, the title and ownership of the air navigation equipment facilities approved for transfer under this program; and

''(2) transfer, at no cost to the sponsor, the government's property interest in the land on which the air navigation facilities transferred under paragraph (1) are located.

''(d) TREATMENT OF AIRPORT COSTS UNDER PILOT PROGRAM.—Upon transfer by the Administrator, any costs incurred by the airport for ownership and maintenance of the equipment transferred under this section shall be considered a cost of providing airfield facilities and services under standards and guidelines issued by the Secretary under section 47129(b)(2) and may be recovered in rates and charges assessed for use of the airfield.

''(e) DEFINITIONS.—In this section:

''(1) SPONSOR.—The term 'sponsor' has the meaning given that term in section 40102.

''(2) TERMINAL AREA AIR NAVIGATION EQUIPMENT.—The term 'terminal area air navigation equipment' means an air navigation facility under section 40102, other than buildings used for air traffic control functions, that exists to provide approach and landing guidance to aircraft.

''(f) GUIDELINES.—The Administrator shall issue advisory guidelines on the implementation of the program. The guidelines shall not be subject to administrative rulemaking requirements under subchapter II of chapter 5 of title 5.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 445 is amended by inserting after the item relating to section 44517 the following:

''44518. Pilot program for airport takeover of terminal area air navigation equipment.''.

SEC. 208. GOVERNMENT SHARE OF CERTAIN AIR PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Federal government's share of allowable project costs for a grant made in fiscal year 2008, 2009, 2010, or 2011 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 209. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) by striking ''each airport to—'' in subsection (a) and inserting ''the airport system to—'';

(2) by striking ''system in the particular area;'' in subsection (a)(1) and inserting ''system, including connection to the surface transportation network; and'';

(3) by striking ''aeronautics; and'' in subsection (a)(2) and inserting ''aeronautics.'';

(4) by striking subsection (a)(3);

(5) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) as paragraph (2);

(6) by striking ''operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,'' in subsection (b)(2), as redesignated, and inserting ''operations''; and

(7) by striking ''status of the'' in subsection (d).

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) by striking ''separated from'' in paragraph (1)(B) and inserting ''discharged or released from active duty in'';

(2) by adding at the end of paragraph (1) the following:

''(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.''; and

(3) by striking ''veterans and'' in paragraph (2) and inserting ''veterans, Afghanistan-Iraq war veterans, and''.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking ''April 1'' and inserting ''June 1''; and

(2) by striking paragraphs (1) through (4) and inserting the following:

''(1) a summary of airport development and planning completed;

''(2) a summary of individual grants issued;

''(3) an accounting of discretionary and apportioned funds allocated;

''(4) the allocation of appropriations; and''.

(d) SUNSET OF PROGRAM.—Section 47137 is repealed effective September 30, 2008.

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) by striking ''47102(3)(F),'' in subsection (a);

(2) by striking ''47102(3)(F),'' in subsection (b);

(3) by striking ''47102(3)(L), or 47140'' in subsection (b) and inserting ''or 47102(3)(L),'';

(4) by striking ''47103(3)(F), in subsection (b);

(5) by striking ''47102(3)(L), or 47140,'' in subsection (b) and inserting ''or 47102(3)(L),''.

(f) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking ''(other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note),''.

(g) AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.—Section 47175 is amended—

(1) by striking ''Airport Capacity Benchmark Report 2001.'' in paragraph (2) and inserting ''2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report.''; and

(2) by adding at the end thereof the following:

''(7) JOINT USE AIRPORT.—The term 'joint use airport' means an airport owned by the United States Department of Defense, at which both military and civilian aircraft make shared use of the airfield.''.

(h) CARGO AIRPORTS.—Section 47114(c)(2)(A) is amended by striking ''3.5 percent'' and inserting ''4.0 percent''.

(i) USE OF APPORTIONED AMOUNTS.—Section 47117(e)(1)(A) is amended—

(1) by striking ''35 percent'' in the first sentence and inserting ''$300,000,000'';

(2) by striking ''and'' after ''47141,'';

(3) by striking ''et seq.).'' and inserting ''et seq.), and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.) approved in an environmental record of decision for an airport development project under this title.''; and

(4) by striking ''such 35 percent requirement is'' in the second sentence and inserting ''the requirements of the preceding sentence are''.

(j) USE OF APPORTIONED AMOUNTS.—An amount apportioned under section 47114 of title 49, United States Code, or made available under section 47115 of that title, to the sponsor of a reliever airport the crosswind runway of which was closed as a result of a Record of Decision dated September 3, 2004, shall be available for project costs associated with the establishment of a new crosswind runway.

(k) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Section 47114(c)(1) is amended—

(1) by striking ''airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.'' in subparagraph (E)(iii) and inserting ''airport—

''(I) if it is included in the essential air service program in the calendar year in which the passenger boardings fall below 9,700;

''(II) if at the airport the total passenger boardings from large certificated air carriers (as defined in part 241 of title 14, Code of Federal Regulations) conducting scheduled plus nonscheduled service totals 10,000 or more in the calendar year in which the airport does not meet the criteria for a primary airport under section 47102 of this title; or

''(III) if the documented interruption to scheduled service at the airport was equal to 4 percent of the scheduled flights in calendar year 2006, exclusive of cancellations due to severe weather conditions, and the airport is served by a single air carrier.'';

(2) by redesignating subparagraphs (F) and (G) as (G) and (H), respectively, and inserting after subparagraph (E) the following:

''(F) For fiscal years 2009 through 2012, with regard to an airport that meets the criteria described in paragraph (E)(iii), if the calendar year passenger boardings for the

calculation of apportionments under this section fall below 10,000 passenger boardings, the Secretary may use the passenger boardings for the last fiscal year in which passenger boardings exceeded 10,000 for calculating apportionments.''.

(l) Section 47102(3) is amended by adding at the end the following:

''(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.''.

(m) Section 47115(g)(1) is amended by striking ''of—'' and all that follows and inserting ''of $520,000,000. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.''.

(n) Section 47114(c) is amended by adding at the end thereof the following:

''(3) AIRPORTS SERVED BY LARGE CERTIFICATED CARRIERS.—

''(A) APPORTIONMENT.—The Secretary shall apportion to the sponsor of an airport that received scheduled air service from a large certificated air carrier (as defined in part 241 of title 14, Code of Federal Regulations) an amount equal to the minimum apportionment specified in paragraph (1) of this subsection.

''(B) LIMITATION.—The apportionment under subparagraph (A) shall be made available to an airport sponsor only if—

''(i) the large certificated air carrier began scheduled air service at the airport in May 2006 and ceased scheduled air service at the airport in October 2006; and

''(ii) the Secretary determines that the airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.''.

(o) Subparagraph (H) of section 47114(c)(1), as redesignated by subsection (k)(2) of this section, is amended—

(1) by striking ''FISCAL YEAR 2006'' in the subparagraph heading and inserting ''FISCAL YEARS 2008 THROUGH 2011.—'';

(2) by striking ''fiscal year 2006'' and inserting ''each of fiscal years 2008 through 2011''; and

(3) by striking clause (i) and inserting the following:

''(i) the average annual passenger boardings at the airport for calendar years 2004 through 2006 were below 10,000 per year;''; and

(4) by striking ''2000 or 2001;'' in clause (ii) and inserting ''2003''.

(p) Section 47114 is amended by adding at the end thereof the following:

''(g) APPROACH LIGHTING SYSTEM.—Any amount apportioned for airport 03-02-0133 under the National Plan of Integrated Airport Systems may be utilized in any fiscal year for approach lighting systems including a medium intensity approach lighting system with runway alignment lights.''.

SEC. 210. STATE BLOCK GRANT PROGRAM.

Section 47128 is amended—

(1) by striking ''regulations'' each place it appears in subsection (a) and inserting ''guidance'';

(2) by striking ''grant;'' in subsection (b)(4) and inserting ''grant, including Federal environmental requirements or an agreed upon equivalent;'';

(3) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

''(c) PROJECT ANALYSIS AND COORDINATION REQUIREMENTS.—Any Federal agency that must approve, license, or permit a proposed action by a participating State shall coordinate and consult with the State. The agency shall utilize the environmental analysis prepared by the State, provided it is adequate, or supplement that analysis as necessary to meet applicable Federal requirements.''; and

(4) by adding at the end the following:

''(e) PILOT PROGRAM.—The Secretary shall establish a pilot program for up to 3 States that do not participate in the program established under subsection (a) that is consistent with the program under subsection (a).''.

SEC. 211. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking ''project.'' and inserting ''project, or to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environmental mitigation in a Federal Aviation Administration Record of Decision or Finding of No Significant Impact.''.

SEC. 212. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

''(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

''(1) The Secretary is authorized in accordance with subsection (c)(1) to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures that have been approved for airport noise compatibility planning purposes under subsection (b).

''(2) The Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review and completion of environmental activities associated with proposals to implement flight procedures submitted and approved for airport noise compatibility planning purposes in accordance with this section. Funds received under this authority shall not be subject to the procedures applicable to the receipt of gifts by the Administrator.''.

SEC. 213. SAFETY-CRITICAL AIRPORTS.

Section 47118(c) is amended—

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

(2) by striking ''delays.'' in paragraph (2) and inserting ''delays; or''; and

(3) by adding at the end the following:

''(3) be critical to the safety of commercial, military, or general aviation in transoceanic flights.''.

SEC. 214. EXPANDED PASSENGER FACILITY CHARGE ELIGIBILITY FOR NOISE COMPATIBILITY PROJECTS.

Section 40117(b) is amended by adding at the end the following:

''(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

''(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility charge imposed under paragraph (1) or (4) at a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

''(i) the Secretary determines that the building is adversely affected by airport noise;

''(ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;

''(iii) the project is for a school identified in 1 of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;

''(iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

''(v) the project otherwise meets the requirements of this section for authorization of a passenger facility charge.

''(B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term 'eligible project costs' means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.''.

SEC. 215. ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM.

(a) PILOT PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

''§ 47143. Environmental mitigation demonstration pilot program

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program involving not more than 6 projects at public-use airports under which the Secretary may make grants to sponsors of such airports from funds apportioned under paragraph 47117(e)(1)(A) for use at such airports for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport. Notwithstanding any other provision of this subchapter, an environmental mitigation demonstration project approved under this section shall be treated as eligible for assistance under this subchapter.

''(b) PARTICIPATION IN PILOT PROGRAM.—A public-use airport shall be eligible for participation in the pilot.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary may give priority consideration to environmental mitigation demonstration projects that—

''(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis, or on a per-dollar-of-funds expended basis; and

''(2) will be implemented by an eligible consortium.

''(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under this section shall be 50 percent.

''(e) MAXIMUM AMOUNT.—Not more than $2,500,000 may be made available by the Secretary in grants under this section for any single project.

''(f) IDENTIFYING BEST PRACTICES.—The Administrator may develop and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports, based on the projects carried out under the pilot program.

''(g) DEFINITIONS.—In this section:

''(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means a consortium that comprises 2 or more of the following entities:

''(A) Businesses incorporated in the United States.

''(B) Public or private educational or research organizations located in the United States.

''(C) Entities of State or local governments in the United States.

''(D) Federal laboratories.

''(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term 'environmental mitigation demonstration project' means a project that—

''(A) introduces new conceptual environmental mitigation techniques or technology with associated benefits, which have already been proven in laboratory demonstrations;

''(B) proposes methods for efficient adaptation or integration of new concepts to airport operations; and

''(C) will demonstrate whether new techniques or technology for environmental mitigation identified in research are—

''(i) practical to implement at or near multiple public use airports; and

''(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47142 the following:

''47143. Environmental mitigation demonstration pilot program''.

SEC. 216. ALLOWABLE PROJECT COSTS FOR AIRPORT DEVELOPMENT PROGRAM.

Section 47110(c) of title 49, United States Code, is amended—

(1) by striking ''; or'' in paragraph (1) and inserting a semicolon;

(2) by striking ''project.'' in paragraph (2) and inserting ''project; or''; and

(3) by adding at the end the following:

''(3) necessarily incurred in anticipation of severe weather.''.

SEC. 217. GLYCOL RECOVERY VEHICLES.

Section 47102(3)(G) is amended by inserting ''including acquiring glycol recovery vehicles,'' after ''aircraft,''.

SEC. 218. RESEARCH IMPROVEMENT FOR AIRCRAFT.

Section 44504(b) is amended—

(1) by striking ''and'' after the semicolon in paragraph (6);

(2) by striking ''aircraft.'' in paragraph (7) and inserting ''aircraft; and''; and

(3) by adding at the end thereof the following:

''(8) to conduct research to support programs designed to reduce gases and particulates emitted.''.

TITLE III—FAA ORGANIZATION AND REFORM

SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.

Section 106(p) is amended to read as follows:

''(p) AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.—

''(1) ESTABLISHMENT.—Within 90 days after the date of enactment of the Aviation Investment and Modernization Act of 2008, the Secretary shall establish and appoint the members of an advisory Board which shall be known as the Air Traffic Control Modernization Oversight Board.

''(2) MEMBERSHIP.—The Board shall be comprised of 7 members, who shall consist of—

''(A) the Administrator of the Federal Aviation Administration and a representative from the Department of Defense;

''(B) 1 member who shall have a fiduciary responsibility to represent the public interest; and

''(C) 4 members representing aviation interests, as follows:

''(i) 1 representative that is the chief executive officer of an airport.

''(ii) 1 representative that is the chief executive officer of a passenger or cargo air carrier.

''(iii) 1 representative of a labor organization representing employees at the Federal Aviation Administration that are involved with the operation, maintenance or procurement of the air traffic control system.

''(iv) 1 representative with extensive operational experience in the general aviation community.

''(3) APPOINTMENT AND QUALIFICATIONS.—

''(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.

''(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—

''(i) management of large service organizations;

''(ii) customer service;

''(iii) management of large procurements;

''(iv) information and communications technology;

''(v) organizational development; and

''(vi) labor relations.

''(4) FUNCTIONS.—

''(A) IN GENERAL.—The Board shall—

''(i) review and provide advice on the Administration's modernization programs, budget, and cost accounting system;

''(ii) review the Administration's strategic plan and make recommendations on the nonsafety program portions of the plan, and provide advice on the safety programs of the plan;

''(iii) review the operational efficiency of the air traffic control system and make recommendations on the operational and performance metrics for that system;

''(iv) approve procurements of air traffic control equipment in excess of $100,000,000;

''(v) approve by July 31 of each year the Administrator's budget request for facilities and equipment prior to its submission to the Office of Management and budget, including which programs are proposed to be funded from the Air Traffic control system Modernization Account of the Airport and Airway Trust Fund;

''(vi) approve the Federal Aviation Administration's Capital Investment Plan prior to its submission to the Congress;

''(vii) annually approve the Operational Evolution Plan;

''(viii) approve the Administrator's selection of a Chief Operating Officer for the Air Traffic Organization and on the appointment and compensation of its managers; and

''(ix) approve the selection of the head of the Joint Planning Development Office.

''(B) MEETINGS.—The Board shall meet on a regular and periodic basis or at the call of the Chairman or of the Administrator.

''(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Board appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic control systems. Any member of the Board who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

''(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or such rulemaking committees as the Administrator shall designate.

''(6) ADMINISTRATIVE MATTERS.—

''(A) TERMS OF MEMBERS.—Members of the Board appointed under paragraph (2)(B) and (2)(C) shall be appointed for a term of 4 years.

''(B) REAPPOINTMENT.—No individual may be appointed to the Board for more than 8 years total.

''(C) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original position. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for a term of 4 years.

''(D) CONTINUATION IN OFFICE.—A member of the Board whose term expires shall continue to serve until the date on which the member's successor takes office.

''(E) REMOVAL.—Any member of the Board appointed under paragraph (2)(B) or (2)(C) may be removed by the President for cause.

''(F) CLAIMS AGAINST MEMBERS OF THE BOARD.—

''(i) IN GENERAL.—A member appointed to the Board shall have no personal liability under State or Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Board.

''(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

''(I) to affect any other immunity or protection that may be available to a member of the Board under applicable law with respect to such transactions;

''(II) to affect any other right or remedy against the United States under applicable law; or

''(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

''(G) ETHICAL CONSIDERATIONS.—Each member of the Board appointed under paragraph (2)(B) must certify that he or she—

''(i) does not have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

''(ii) does not engage in another business related to aviation or aeronautics; and

''(iii) is not a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

''(H) CHAIRMAN; VICE CHAIRMAN.—The Board shall elect a chair and a vice chair from among its members, each of whom shall serve for a term of 2 years. The vice chair shall perform the duties of the chairman in the absence of the chairman.

''(I) COMPENSATON.—No member shall receive any compensation or other benefits from the Federal Government for serving on the Board, except for compensation benefits for injuries under subchapter I of chapter 81 of title 5 and except as provided under subparagraph (J).

''(J) EXPENSES.—Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

''(K) BOARD RESOURCES.—From resources otherwise available to the Administrator, the Chairman shall appoint such staff to assist the board and provide impartial analysis, and the Administrator shall make available to the Board such information and administrative services and assistance, as may reasonably be required to enable the Board to carry out its responsibilities under this subsection.

''(L) QUORUM AND VOTING.—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

''(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this subsection, the term 'air traffic control system' has the meaning given that term in section 40102(a).''.

SEC. 302. ADS–B SUPPORT PILOT PROGRAM.

(a) IN GENERAL.—Chapter 445, as amended by section 207, is amended by adding at the end the following:

''§ 44519. ADS–B support pilot program

''(a) IN GENERAL.—The Secretary may carry out a pilot program to support non-Federal acquisition of National Airspace System compliant Automatic Dependent Surveillance-Broadcast (ADS–B) ground stations if—

''(1) the Secretary determines that acquisition of the ground stations benefits the improvement of safety or capacity in the National Airspace System;

''(2) the ground stations provide the required transmit and receive data formats consistent with the National Airspace System architecture at the appropriate service delivery point; and

''(3) the ground stations acquired under this program are supplemental to ground stations established under programs administered by the Administrator of the Federal Aviation Administration.

''(b) PROJECT GRANTS.—

''(1) For purposes of carrying out the pilot program and notwithstanding the requirements of section 47114(d), the Secretary may make a project grant out of funds apportioned under section 47114(d)(2) to not more than 10 eligible sponsors to acquire and install ADS–B ground stations in order to serve any public-use airport.

''(2) The Secretary shall establish procurement procedures applicable to grants issued under this section. The procedures shall permit the sponsor to carry out the project using Federal Aviation Administration contracts. The procedures established by the Secretary may provide for the direct reimbursement (including administrative costs) of the Administrator by the sponsor using grant funds under this section, for the ordering of such equipment and its installation, or for the direct ordering of such equipment and its installation by the sponsor, using such grant funds, from the suppliers with which the Administrator has contracted.

''(c) MATCHING REQUIREMENT.—The amount of a grant to an eligible sponsor under subsection (b) may not exceed 90 percent of the costs of the acquisition and installation of the ground support equipment.

''(d) DEFINITIONS.—In this section:

''(1) ADS–B GROUND STATION.—The term 'ADS–B ground station' means electronic equipment that provides for ADS–B reception and broadcast services.

''(2) ELIGIBLE SPONSOR.—The term 'eligible sponsor' means a State or any consortium of 2 or more State or local governments meeting the definition of a sponsor under section 47102 of this title.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 445 is amended by inserting after the item relating to section 44518 the following:

''44519. ADS–B support pilot program.''.

SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAFFIC SERVICES.

Section 106(l) is amended by adding at the end the following:

''(7) AIR TRAFFIC SERVICES.—In determining what actions to take, by rule or through an agreement or transaction under paragraph (6) or under section 44502, to permit non-government providers of communications, navigation, surveillance or other services to provide such services in the National Airspace System, or to require the usage of such services, the Administrator shall consider whether such actions would—

''(A) promote the safety of life and property;

''(B) improve the efficiency of the National Airspace System and reduce the regulatory burden upon National Airspace System users, based upon sound engineering principles, user operational requirements, and marketplace demands;

''(C) encourage competition and provide services to the largest feasible number of users; and

''(D) take into account the unique role served by general aviation.''.

SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended by striking ''without'' in the last sentence and inserting ''with or without''.

SEC. 305. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting ''and'' after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) by inserting ''(whether public or private)'' in paragraph (1) after ''authorities'';

(2) by striking ''safety.'' in paragraph (1) and inserting ''safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with the provisions under section 106(l)(6) of this title. The Administrator is also authorized, notwithstanding any other provision of law or policy, to accept payments in arrears.''; and

(3) by striking ''appropriation from which expenses were incurred in providing such services.'' in paragraph (3) and inserting ''appropriation current when the expenditures are or were paid, or the appropriation current when the amount is received.''.

SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (G);

(2) by striking ''Board.'' in subparagraph (H) and inserting ''Board;''; and

(3) by inserting at the end the following new subparagraph:

''(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards), and section subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank-awards), except that—

''(i) for purposes of applying such provisions to the personnel management system—

''(I) the term 'agency' means the Department of Transportation;

''(II) the term 'senior executive' means an Federal Aviation Administration executive;

''(III) the term 'career appointee' means an Federal Aviation Administration career executive; and

''(IV) the term 'senior career employee' means an Federal Aviation Administration career senior professional;

''(ii) receipt by a career appointee of the rank of Meritorious Executive or Meritorious Senior Professional entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

''(iii) receipt by a career appointee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.''.

SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESSMENT.

(a) FAA CRITERIA FOR FACILITIES REALIGNMENT.—Within 9 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, after providing an opportunity for public comment, shall publish final criteria to be used in making the Administrator's recommendations for the realignment of services and facilities to assist in the transition to next generation facilities and help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(b) REALIGNMENT RECOMMENDATIONS.—Within 9 months after publication of the criteria, the Administrator shall publish a list of the services and facilities that the Administrator recommends for realignment, including a justification for each recommendation, and a description of the costs and savings of such transition.

(c) REALIGNMENT DEFINED.—As used in this section, the term ''realignment'' includes any action which relocates or reorganizes functions, services, and personnel positions but does not include a reduction in personnel resulting from workload adjustments.

(d) STUDY BY BOARD.—The Air Traffic Control Modernization Oversight Board established by section 106(p) of title 49, United States Code, shall study the Administrator's recommendations for realignment and the opportunities, risks, and benefits of realigning services and facilities of the Federal Aviation Administration to help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(e) REVIEW AND RECOMMENDATIONS.—

(1) After receiving the recommendations from the Administrator pursuant to subsection (b), the Board shall provide opportunity for public comment on such recommendations.

(2) Based on its review and analysis of the Administrator's recommendations and any public comment it may receive, the Board shall make its independent recommendations for realignment of aviation services or facilities and submit its recommendations in a report to the President, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

(3) The Board shall explain and justify in its report any recommendation made by the Board that is different from the recommendations made by the Administrator pursuant to subsection (b).

(4) The Administrator may not consolidate any additional approach control facilities into the Southern California TRACON, or the Memphis TRACON until the Board's recommendations are completed.

SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYSTEM PLANNING OFFICE.

(a) IMPROVED COOPERATION AND COORDINATION AMONG PARTICIPATING AGENCIES.—Section 709 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended—

(1) by inserting ''(A)'' after ''(3)'' in subsection (a)(3);

(2) by inserting after subsection (a)(3) the following:

''(B) The Administrator of the Federal Aviation Administration, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Department or Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate an implementation office to be responsible for—

''(i) carrying out the Department or agency's Next Generation Air Transportation System implementation activities with the Office; and

''(ii) liaison and coordination with other Departments and agencies involved in Next Generation Air Transportation System activities; and

''(iii) managing all Next Generation Air Transportation System programs for the Department or agency, including necessary budgetary and staff resources, including, for the Federal Aviation Administration, those projects described in section 44501(b)(5) of title 49, United States Code).

''(C) The head of any such Department or agency shall ensure that—

''(i) the Department's or agency's Next Generation Air Transportation System responsibilities are clearly communicated to the designated office; and

''(ii) the performance of supervisory personnel in that office in carrying out the Department's or agency's Next Generation Air Transportation System responsibilities is reflected in their annual performance evaluations and compensation decisions.

''(D)(i) Within 6 months after the date of enactment of the Aviation Investment and Modernization Act of 2008, the head of each such Department or agency shall execute a memorandum of understanding with the Office and with the other Departments and agencies participating in the Next Generation Air Transportation System project that—

''(I) describes the respective responsibilities of each such Department and agency, including budgetary commitments; and

''(II) the budgetary and staff resources committed to the project.

''(ii) The memorandum shall be revised as necessary to reflect any changes in such responsibilities or commitments and be reflected in each Department or agency's budget request.'';

(3) by adding at the end of subsection (a) the following:

''(5) The Director of the Office shall be a voting member of the Federal Aviation Administration's Joint Resources Council and the Air Traffic Organization's Executive Council.'';

(4) by striking ''beyond those currently included in the Federal Aviation Administration's Operational Evolution Plan'' in subsection (b);

(5) by striking ''research and development roadmap'' in subsection (b)(3) and inserting ''implementation plan'';

(6) by striking ''and'' after the semicolon in subsection (b)(3)(B);

(7) by inserting after subsection (b)(3)(C) the following:

''(D) a schedule of rulemakings required to issue regulations and guidelines for implementation of the Next Generation Air Transportation System within a timeframe consistent with the integrated plan; and'';

(8) by inserting ''and key technologies'' after ''concepts'' in subsection (b)(4);

(9) by striking ''users'' in subsection (b)(4) and inserting ''users, an implementation plan,'';

(10) by adding at the end of subsection (b) the following:

''Within 6 months after the date of enactment of the Aviation Investment and Modernization Act of 2008, the Administrator shall develop the implementation plan described in paragraph (3) of this subsection and shall update it annually thereafter.''; and

(11) by striking ''2010.'' in subsection (e) and inserting ''2011.''.

(b) SENIOR POLICY COMMITTEE MEETINGS.—Section 710(a) of such Act (49 U.S.C. 40101 note) is amended by striking ''Secretary.'' and inserting ''Secretary and shall meet at least once each quarter.''.

SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by striking subparagraph (B) and inserting the following:

''(B) runway lighting and airport surface visual and other navigation aids;'';

(2) by striking ''weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and'' in subparagraph (C) and inserting ''aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications;'';

(3) by striking ''another structure'' in subparagraph (D) and inserting ''any structure or equipment'';

(4) by striking ''aircraft.'' in subparagraph (D) and inserting ''aircraft; and''; and

(5) by adding at the end the following:

''(E) buildings, equipment and systems dedicated to the National Airspace System.''.

SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking ''compensation; and'' and inserting ''compensation, and the amount received may be credited to the appropriation current when the amount is received; and''.

SEC. 312. EDUCATIONAL REQUIREMENTS.

The Administrator of the Federal Aviation Administration shall make payments to the Department of Defense for the education of dependent children of those Federal Aviation Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a)(2) is amended to read as follows:

''(2) DISPUTE RESOLUTION.—

''(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

''(B) BINDING ARBITRATION.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) does not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members in accordance with section 2471.6(a)(2)(ii) of title 5, Code of Federal Regulations. The executive director of the Panel shall request a list of not less than 15 names of arbitrators with Federal sector experience from the director of the Federal Mediation and Conciliation Service to be provided to the Administrator and the bargaining representatives. Within 10 days after receiving the list, the parties shall each select 1 person. The 2 arbitrators shall then select a third person from the list within 7 days. If the 2 arbitrators are unable to agree on the third person, the parties shall select the third person by alternately striking names from the list until only 1 name remains. If the parties do not agree on the framing of the issues to be submitted, the arbitration board shall frame the issues. The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 90 days after its appointment. The Administrator and the bargaining representative shall share costs of the arbitration equally. The arbitration board shall take into consideration the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce and the Federal Aviation Administration's budget.

''(C) EFFECT.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subparagraph (B) above, the final agreement, except for those matters decided by the arbitration board, shall be subject to ratification by the exclusive representative, if so requested by the exclusive representative, and approval by the head of the agency in accordance with subsection (g)(2)(C).

''(D) ENFORCEMENT.—Enforcement of the provisions of this paragraph, and any agreement hereunder, shall be in the United States District Court for the District of Columbia.''.

SEC. 314. RULEMAKING AND REPORT ON ADS-B IMPLEMENTATION.

(a) REPORT.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure detailing the Administration program and schedule for integrating ADS-B technology into the National Airspace System. The report shall include—

(1) Phase 1 and Phase 2 activity to purchase and install necessary ADS-B ground stations; and

(2) detailed plans and schedules for implementation of advanced operational procedures and ADS-B air-to-air applications.

(b) RULEMAKING.—Not later than 12 months after the date of enactment of this Act the Administrator shall issue guidelines and regulations required for the implementation of ADS-B, including—

(1) the type of avionics (e.g., ADS-B avionics) required of aircraft for all classes of airspace;

(2) a schedule outlining when aircraft will be required to be equipped with such avionics;

(3) the expected costs associated with the avionics; and

(4) the expected uses and benefits of the avionics.

SEC. 315. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall

establish a special task force to be known as the ''FAA Task Force on Air Traffic Control Facility Conditions''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 11 members of whom—

(A) 7 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, ''sick building syndrome,'' and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically-approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICES.—The Task Force shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the facility condition indices under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days after receipt of the Task Force report under subsection (h), the Administrator shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) is submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 316. STATE ADS-B EQUIPAGE BANK PILOT PROGRAM.

(a) IN GENERAL.—

(1) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary of Transportation may enter into cooperative agreements with not to exceed 5 States for the establishment of State ADS-B equipage banks for making loans and providing other assistance to public entities for projects eligible for assistance under this section.

(b) FUNDING.—

(1) SEPARATE ACCOUNT.—An ADS-B equipage bank established under this section shall maintain a separate aviation trust fund account for Federal funds contributed to the bank under paragraph (2). No Federal funds contributed or credited to an account of an ADS-B equipage bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

(2) AUTHORIZATION.—There are authorized to be appropriated to the Secretary $25,000,000 for each of fiscal years 2009 through 2013.

(c) FORMS OF ASSISTANCE FROM ADS-B EQUIPAGE BANKS.—An ADS-B equipage bank established under this section may make loans or provide other assistance to a public entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project.

(d) QUALIFYING PROJECTS.—Federal funds in the ADS-B equipage account of an ADS-B equipage bank established under this section may be used only to provide assistance with respect to aircraft ADS-B avionics equipage.

(e) REQUIREMENTS.—In order to establish an ADS-B equipage bank under this section, each State establishing such a bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 50 percent of the amount of each capitalization grant made to the State and contributed to the bank;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(5) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(6) ensure that the term for repaying any loan will not exceed 10 years after the date of the first payment on the loan; and

(7) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year for which funds are made available under this section, and to make such other reports as the Secretary may require by guidelines.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SEC. 401. AIRLINE CONTINGENCY SERVICE REQUIREMENTS.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

''SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

''§ 41781. AIRLINE CONTINGENCY SERVICE REQUIREMENTS.

''(a) IN GENERAL.—Not later than 60 days after the date of enactment of the Aviation Investment and Modernization Act of 2008, each air carrier shall submit a contingency service plan to the Secretary of Transportation for review and approval. The plan shall require the air carrier to implement, at a minimum, the following practices:

''(1) PROVISION OF FOOD AND WATER.—If the departure of a flight of an air carrier is substantially delayed, or disembarkation of passengers on an arriving flight that has landed is substantially delayed, the air carrier shall provide—

''(A) adequate food and potable water to passengers on such flight during such delay; and

''(B) adequate restroom facilities to passengers on such flight during such delay.

''(2) RIGHT TO DEPLANE.—

''(A) IN GENERAL.—An air carrier shall develop a plan, that incorporates medical considerations, to ensure that passengers are provided a clear timeframe under which they

will be permitted to deplane a delayed aircraft. The air carrier shall provide a copy of the plan to the Secretary of Transportation, who shall make the plan available to the public. In the absence of such a plan, except as provided in subparagraph (B), if more than 3 hours after passengers have boarded a flight, the aircraft doors are closed and the aircraft has not departed, the air carrier shall provide passengers with the option to deplane safely before the departure of such aircraft. Such option shall be provided to passengers not less often than once during each 3-hour period that the plane remains on the ground.

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply—

''(i) if the pilot of such flight reasonably determines that such flight will depart not later than 30 minutes after the 3 hour delay; or

''(ii) if the pilot of such flight reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

''(C) APPLICATION TO DIVERTED FLIGHTS.—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

''(b) POSTING CONSUMER RIGHTS ON WEBSITE.—An air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall publish conspicuously and update monthly on the Internet website of the air carrier a statement of the air carrier's customer service policy and of air carrier customers' consumer rights under Federal and State law.

''(c) REVIEW AND APPROVAL; MINIMUM STANDARDS.—The Secretary of Transportation shall review the contingency service plan submitted by an air carrier under subsection (a) and may approve it or disapprove it and return it to the carrier for modification and resubmittal. The Secretary may establish minimum standards for such plans and require air carriers to meet those standards.

''(d) AIR CARRIER.—In this section the term 'air carrier' means an air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation.''.

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate such regulations as the Secretary determines necessary to carry out the amendment made by subsection (a).

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 is amended by adding at the end the following:

SUBCHAPTER IV. AIRLINE CUSTOMER SERVICE

''41781. Airline contingency service requirements.''.

SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND FLIGHT DELAY HISTORY.

Section 41722 is amended by adding at the end the following:

''(f) CHRONICALLY DELAYED FLIGHTS.—

''(1) PUBLICATION OF LIST OF FLIGHTS.—An air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall publish and update monthly on the Internet website of the air carrier, or provide on request, a list of chronically delayed flights operated by the air carrier.

''(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—An air carrier shall disclose the following information prominently to an individual before that individual books transportation on the air carrier's Internet website for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, and for which the air carrier has primary responsibility for inventory control:

''(A) The on-time performance for the flight if it is a chronically delayed flight.

''(B) The cancellation rate for the flight if it is a chronically canceled flight.

''(3) CHRONICALLY DELAYED; CHRONICALLY CANCELED.—The Secretary of Transportation shall define the terms 'chronically delayed flight' and 'chronically canceled flight' for purposes of this subsection.''.

SEC. 403. EAS CONNECTIVITY PROGRAM.

Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking ''may'' and inserting ''shall''.

SEC. 404. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking ''September 30, 2007.'' and inserting ''September 30, 2011.''.

SEC. 405. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking ''provided.'' in subparagraph (C) and inserting ''provided;''; and

(3) by adding at the end the following:

''(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

''(E) include provisions under which the Secretary may execute long-term essential air service contracts to encourage carriers to provide air service to small and rural communities where it would be in the public interest to do so.''.

SEC. 406. CONVERSION OF FORMER EAS AIRPORTS.

(a) IN GENERAL.—Section 41745 is amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following:

''(c) CONVERSION OF LOST ELIGIBILITY AIRPORTS.—

''(1) IN GENERAL.—The Secretary shall establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify for a subsidy.

''(2) GRANTS.—A grant under this subsection—

''(A) may not exceed twice the compensation paid to provide essential air service to the airport in the fiscal year preceding the fiscal year in which the Secretary determines that the place served by the airport is no longer an eligible place; and

''(B) may be used—

''(i) for airport development (as defined in section 47102(3)) that will enhance general aviation capacity at the airport;

''(ii) to defray operating expenses, if such use is approved by the Secretary; or

''(iii) to develop innovative air service options, such as on-demand or air taxi operations, if such use is approved by the Secretary.

''(3) AIP REQUIREMENTS.—An airport sponsor that uses funds provided under this subsection for an airport development project shall comply with the requirements of subchapter I of chapter 471 applicable to airport development projects funded under that subchapter with respect to the project funded under this subsection.

''(4) LIMITATION.—The sponsor of an airport receiving funding under this subsection is not eligible for funding under section 41736.''.

(b) CONFORMING AMENDMENT.—Section 41745(f), as redesignated, is amended—

(1) by striking ''An eligible place'' and inserting ''Neither an eligible place, nor a place to which subsection (c) applies,''; and

(2) by striking ''not''.

SEC. 407. EAS REFORM.

Section 41742(a) is amended—

(1) by adding at the end of paragraph (1) ''Any amount in excess of $50,000,000 credited for any fiscal year to the account established under section 45303(c) shall be obligated for programs under section 406 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) and section 41745 of this title. Amounts appropriated pursuant to this section shall remain available until expended.''; and

(2) by striking ''$77,000,000'' in paragraph (2) and inserting ''$125,000,000''.

SEC. 408. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

''§ 47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees'' ;

(2) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the subsection caption for subsection (d);

(3) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the paragraph caption for subsection (d)(2);

(4) by striking ''air carrier'' each place it appears and inserting ''air carrier or foreign air carrier'';

(5) by striking ''air carrier's'' each place it appears and inserting ''air carrier's or foreign air carrier's'';

(6) by striking ''air carriers'' and inserting ''air carriers or foreign air carriers''; and

(7) by striking ''(as defined in section 40102 of this title)'' in subsection (a) and inserting ''(as those terms are defined in section 40102 of this title)''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

''47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees.''.

SEC. 409. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (D);

(2) by striking ''fashion.'' in subparagraph (E) and inserting ''fashion; and''; and

(3) by adding at the end the following:

''(F) multiple communities cooperate to submit a region or multistate application to improve air service.''.

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended by striking ''2008'' and inserting ''2011''.

SEC. 410. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b)(1) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following:

''(B) If the Secretary determines that a tower already operating under this program has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

''(C) If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use during such fiscal year the

amount not so required to carry out the program established under paragraph (3) of this section.''.

(b) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking ''and'' after ''2006,''; and

(2) by inserting ''$8,500,000 for fiscal year 2008, $9,000,000 for fiscal year 2009, $9,500,000 for fiscal year 2010, and $10,000,000 for fiscal year 2011'' after ''2007,''; and

(3) by inserting after ''paragraph.'' the following: ''If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under paragraph (b)(1) of this section.''.

(c) FEDERAL SHARE.—Subparagraph (C) of section 47124(b)(4) is amended by striking ''$1,500,000.'' and inserting ''$2,000,000.''.

(d) SAFETY AUDITS.—Section 41724 is amended by adding at the end the following:

''(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section in accordance with the Administration's safety management system.''.

SEC. 411. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—The Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

SEC. 412. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—The Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles, or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 413. EAS MARKETING.

The Secretary of Transportation shall require all applications to provide service under subchapter II of chapter 417 of title 49, United States Code, include a marketing plan.

SEC. 414. EXTRAPERIMETAL AND INTRAPERIMETAL SLOTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) BEYOND PERIMETER EXEMPTIONS.—Section 41718 (a) is amended by striking ''24'' and inserting ''36''.

(b) WITHIN PERIMETER EXEMPTIONS.—Section 41718 (b) is amended by striking ''20'' and inserting ''28''.

(c) LIMITATIONS.—Section 41718(c) is amended—

(1) by striking ''3 operations.'' in paragraph (2) and inserting ''5 operations. Operations conducted by new entrant and limited incumbent air carriers shall be afforded a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to section 41718 with the highest scheduling priority afforded to beyond-perimeter operations conducted by new entrant and limited incumbent air carriers.'';

(2) by striking ''six'' in paragraph (3)(A) and inserting ''8'';

(3) by striking ''ten'' in paragraph (3)(B) and inserting ''12''; and

(4) by striking ''four'' in paragraph (3)(C) and inserting ''8''.

SEC. 415. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out air passenger service improvements, including those required by chapter 423 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint members of the advisory committee comprised of one representative each of—

(1) air carriers;

(2) airport operators;

(3) State or local governments who has expertise in consumer protection matters; and

(4) a nonprofit public interest group who has expertise in consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include—

(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

(2) providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) the recommendations made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 416. RURAL AVIATION IMPROVEMENT.

(a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY CAP.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

''§ 41749. Essential air service for eligible places above per passenger subsidy cap

''(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for an air carrier to provide air transportation to a place described in subsection (b).

''(b) PLACE DESCRIBED.—A place described in this subsection is a place—

''(1) that is otherwise an eligible place; and

''(2) for which the per passenger subsidy exceeds the dollar amount allowable under this subchapter.

''(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for an air carrier to provide air transportation to a place described in subsection (b), the Secretary shall—

''(1) decide whether to provide compensation for the air carrier to provide air transportation to the place; and

''(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

''(A) the per passenger subsidy; and

''(B) the dollar amount allowable for such subsidy under this subchapter.

''(d) COMPENSATION PAYMENTS.—

''(1) IN GENERAL—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

''(2) DURATION OF PAYMENTS—The Secretary shall continue to pay compensation under this section only as long as—

''(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

''(B) the Secretary decides the compensation is necessary to maintain air transportation to the place.

''(e) REVIEW—

''(1) IN GENERAL—The Secretary shall periodically review the type and level of air service provided under this section.

''(2) CONSULTATION—The Secretary may make appropriate adjustments in the type and level of air service to a place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

''(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION—An air carrier providing air transportation to a place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the air carrier provides notice of the intent of the air carrier to end, suspend, or reduce such air transportation to—

''(1) the Secretary;

''(2) the affected community; and

''(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).''.

(2) CLERICAL AMENDMENT—The chapter analysis for chapter 417 is amended by adding after the item relating to section 41748 the following new item:

''41749. Essential air service for eligible places above per passenger subsidy cap.''.

(b) PREFERRED ESSENTIAL AIR SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 417, as amended by subsection (a), is further amended by adding after section 41749 the following:

''§ 41750. Preferred essential air service

''(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place.

''(b) PREFERRED AIR CARRIER DESCRIBED—A preferred air carrier described in this subsection is an air carrier that—

''(1) submits an application under section 41733(c) to provide air transportation to an eligible place;

''(2) is not the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

''(3) is an air carrier that the affected community prefers to provide air transportation to the eligible place instead of the air carrier that submits the lowest cost bid.

''(c) DECISIONS—Not later than 90 days after receiving a proposal under subsection (a) for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place, the Secretary shall—

''(1) decide whether to provide compensation for the preferred air carrier to provide air transportation to the eligible place; and

''(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

''(A) the rate of compensation the Secretary would provide to the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

''(B) the rate of compensation the preferred air carrier estimates to be necessary to provide air transportation to the eligible place.

''(d) COMPENSATION PAYMENTS—

''(1) IN GENERAL—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

''(2) DURATION OF PAYMENTS—The Secretary shall continue to pay compensation under this section only as long as—

''(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

''(B) the Secretary decides the compensation is necessary to maintain air transportation to the eligible place.

''(e) REVIEW—

''(1) IN GENERAL—The Secretary shall periodically review the type and level of air service provided under this section.

''(2) CONSULTATION—The Secretary may make appropriate adjustments in the type and level of air service to an eligible place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

''(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION—A preferred air carrier providing air transportation to an eligible place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the preferred air carrier provides notice of the intent of the preferred air carrier to end, suspend, or reduce such air transportation to—

''(1) the Secretary;

''(2) the affected community; and

''(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).''.

(2) CLERICAL AMENDMENT—The chapter analysis for chapter 417, as amended by subsection (a), is further amended by adding after the item relating to section 41749 the following new item:

''41750. Preferred essential air service.'.

(c) RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.——Section 41733 is amended by adding at the end the following new subsection:

''(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE—

''(1) IN GENERAL—If the Secretary of Transportation terminates the eligibility of an otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c), a State or local government may submit to the Secretary a proposal for restoring such eligibility.

''(2) DETERMINATION BY SECRETARY—If the per passenger subsidy required by the proposal submitted by a State or local government under paragraph (1) does not exceed the per passenger subsidy cap provided under this subchapter, the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).'.

(d) OFFICE OF RURAL AVIATION.—

(1) ESTABLISHMENT—There is established within the Office of the Secretary of Transportation the Office of Rural Aviation.

(b) FUNCTIONS—The functions of the Office are—

(1) to develop a uniform 4-year contract for air carriers providing essential air service to communities under subchapter II of chapter 417 of title 49, United States Code;

(2) to develop a mechanism for comparing applications submitted by air carriers under section 41733(c) to provide essential air service to communities, including comparing—

(A) estimates from air carriers on—

(i) the cost of providing essential air service; and

(ii) the revenues air carriers expect to receive when providing essential air service; and

(B) estimated schedules for air transportation; and

(3) to select an air carrier from among air carriers applying to provide essential air service, based on the criteria described in paragraph (2).

(e) EXTENSION OF AUTHORITY TO MAKE AGREEMENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.—Section 41743(e)(2) is amended by striking ''2008'' and inserting ''2011''.

(f) ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS—Section 41737 is amended—

(1) by striking ''and'' after the semicolon in subsection (a)(1)(B);

(2) by striking ''provided.'' in subsection (a)(1)(C) and inserting ''provided; and'';

(3) by adding at the end of subsection (a)(1) the following:

''(D) provide for an adjustment in compensation, for service or transportation to a place that was an eligible place as of November 1, 2007, to account for significant increases in fuel costs, in accordance with subsection (e).''; and

(4) by adding at the end thereof the following:

''(f) FUEL COST SUBSIDY DISREGARD.—Any amount provided as an adjustment in compensation pursuant to subsection (a)(1)(D) shall be disregarded for the purpose of determining whether the amount of compensation provided under this subchapter with respect to an eligible place exceeds the per passenger subsidy exceeds the dollar amount allowable under this subchapter.''.

(f) CONTINUED ELIGIBILITY.—Notwithstanding any provision of subchapter II of chapter 417 of title 49, United States Code, to the contrary, a community that was receiving service or transportation under that subchapter as an eligible place (as defined in section 41731(a)(1) of such title) as of November 1, 2007, shall continue to be eligible to receive service or transportation under that subchapter without regard to whether the per passenger subsidy required exceeds the per passenger subsidy cap provided under that subchapter.

TITLE V—AVIATION SAFETY

SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.

Not later than December 31, 2008, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan shall be integrated into the annual Federal Aviation Administration operational evolution plan.

SEC. 502. AIRCRAFT FUEL TANK SAFETY IMPROVEMENT.

Not later than December 31, 2008, the Federal Aviation Administration shall issue a final rule regarding the reduction of fuel tank flammability in transport category aircraft.

SEC. 503. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

''(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.''.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking ''section 44709 or'' and inserting ''section 44703(d), 44709, or''.

SEC. 504. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

''(5) RELEASE OF DATA.—

''(A) Notwithstanding any other provision of law, the Administrator may designate, without the consent of the owner of record, engineering data in the agency's possession related to a type certificate or a supplemental type certificate for an aircraft, engine, propeller or appliance as public data, and therefore releasable, upon request, to a person seeking to maintain the airworthiness of such product, if the Administrator determines that—

''(i) the certificate containing the requested data has been inactive for 3 years;

''(ii) the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate has not been located despite a search of due diligence by the agency; and

''(iii) the designation of such data as public data will enhance aviation safety.

''(B) In this section, the term 'engineering data' means type design drawings and specifications for the entire product or change to the product, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular aeronautical product certificate.''.

SEC. 505. DESIGN ORGANIZATION CERTIFICATES.

Section 44704(e) is amended—

(1) by striking ''Beginning 7 years after the date of enactment of this subsection,'' in paragraph (1) and inserting ''Effective January 1, 2013,'';

(2) by striking ''testing'' in paragraph (2) and inserting ''production''; and

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

''(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on the Design Organization for certification of compliance under this section.''.

SEC. 506. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end thereof the following:

''§ 40130. FAA access to criminal history records or databases systems

''(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

''(1) Notwithstanding section 534 of title 28 and the implementing regulations for such section (28 C.F.R. part 20), the Administrator of the Federal Aviation Administration is authorized to access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out its civil and administrative responsibilities to protect the safety and security of the National Airspace System or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies. The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.

''(2) The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall, by order, designate those employees of the Administration who shall carry out the authority described in subsection (a). Such designated employees may—

''(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

''(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

''(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

''(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section the term 'system of documented criminal justice information' means any law enforcement databases, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 401 is amended by inserting after the item relating to section 40129 the following:

''40130. FAA access to criminal history records or databases systems.''.

SEC. 507. FLIGHT CREW FATIGUE.

(a) IN GENERAL.—Within 3 months after the date of enactment of this Act the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

(b) STUDY.—The study shall include consideration of—

(1) research on fatigue, sleep, and circadian rhythms;

(2) sleep and rest requirements recommended by the National Transportation Safety Board; and

(3) international standards.

(c) REPORT.—Within 18 months after initiating the study, the National Academy shall submit a report to the Administrator containing its findings and recommendations, including recommendations with respect to Federal Aviation Regulations governing flight limitation and rest requirements.

(d) RULEMAKING.—After the Administrator receives the National Academy's report, the Federal Aviation Administration shall consider the findings of the National Academy in its rulemaking proceeding on flight time limitations and rest requirements.

(e) IMPLEMENTATION OF FLIGHT ATTENDANT FATIGUE STUDY RECOMMENDATIONS.—Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a process to carry out the recommendations of the CAMI study on flight attendant fatigue.

SEC. 508. INCREASING SAFETY FOR HELICOPTER EMERGENCY MEDICAL SERVICE OPERATORS.

(a) COMPLIANCE WITH 14 CFR PART 135 REGULATIONS.—No later than 18 months after the date of enactment of this Act, all helicopter emergency medical service operators shall comply with the regulations in part 135 of title 14, Code of Federal Regulations whenever there is a medical crew on board, without regard to whether there are patients on board the helicopter.

(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—Within 60 days after the date of enactment of this Act, the Federal Aviation Administration shall initiate, and complete within 18 months, a rulemaking—

(1) to create a standardized checklist of risk evaluation factors based on its Notice 8000.301, issued in August, 2005; and

(2) to require helicopter emergency medical service operators to use the checklist to determine whether a mission should be accepted.

(c) COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.—Within 60 days after the date of enactment of this Act, the Federal Aviation Administration shall initiate, and complete within 18 months, a rulemaking—

(1) to create standardized flight dispatch procedures for helicopter emergency medical service operators based on the regulations in part 121 of title 14, Code of Federal Regulations; and

(2) to require such operators to use those procedures for flights.

(d) IMPROVING SITUATIONAL AWARENESS.—Any helicopter used for helicopter emergency medical service operations that is ordered, purchased, or otherwise obtained after the date of enactment of this Act shall have on board an operational terrain awareness and warning system that meets the technical specifications of section 135.154 of the Federal Aviation Regulations (14 C.F.R. 135.154).

(e) IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.—

(1) STUDY.—Within 1 year after the date of enactment of this Act, the Federal Aviation Administration shall complete a feasibility study of requiring flight data and cockpit voice recorders on new and existing helicopters used for emergency medical service operations. The study shall address, at a minimum, issues related to survivability, weight, and financial considerations of such a requirement.

(2) RULEMAKING.—Within 2 years after the date of enactment of this Act, the Federal Aviation Administration shall complete a rulemaking to require flight data and cockpit voice recorders on board such helicopters.

SEC. 509. CABIN CREW COMMUNICATION.

(a) IN GENERAL.—Section 44728 is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) MINIMUM LANGUAGE SKILLS.—

''(1) IN GENERAL.—No certificate holder may use any person to serve, nor may any person serve, as a flight attendant under this part, unless that person has the ability to read, speak, and write English well enough to—

''(A) read material written in English and comprehend the information;

''(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

''(C) write incident reports and statements and log entries and statements; and

''(D) carry out written and oral instructions regarding the proper performance of their duties.

''(2) FOREIGN FLIGHTS.—The requirements of paragraph (1) do not apply to service as a flight attendant on a flight operated by a certificate holder solely between points outside the United States.''.

(b) ADMINISTRATION.—The Administrator of the Federal Aviation Administration shall work with certificate holders to which section 44728(f) of title 49, United States Code, applies to facilitate compliance with the requirements of section 44728(f)(1) of that title.

SEC. 510. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) establish milestones, in consultation with the Occupational Safety and Health Administration, through a report to Congress for the completion of work begun under the August 2000 memorandum of understanding between the 2 Administrations and to address issues needing further action in the Administrations' joint report in December 2000; and

(2) initiate development of a policy statement to set forth the circumstances in which Occupational Safety and Health Administration requirements may be applied to crewmembers while working in the aircraft cabin.

(b) POLICY STATEMENT.—The policy statement to be developed under subsection (a)(2) shall satisfy the following principles:

(1) The establishment of a coordinating body similar to the Aviation Safety and

Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations—

(A) to examine the applicability of current and future Occupational Safety and Health Administration regulations;

(B) to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and

(C) to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

SEC. 511. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria.

(b) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.

SEC. 512. ENHANCED SAFETY FOR AIRPORT OPERATIONS.

From amounts appropriated for fiscal years 2009 through 2011 pursuant to section 48101(a) of title 49, United States Code, the Secretary shall make available such sums as may be necessary for use in relocating the radar facility at National Plan of Integrated Airport Systems airport number 54–0026 to improve the safety, efficiency, and security of air traffic control, navigation, low altitude communications and surveillance, and weather. The Administrator of the Federal Aviation Administration shall ensure that the radar is relocated before September 30, 2011.

SEC. 513. IMPROVED SAFETY INFORMATION.

Not later than December 31, 2008, the Administrator of the Federal Aviation Administration shall issue a final rule in docket No. FAA–2008–0188, *Re-registration and Renewal of Aircraft Registration*. The final rule shall include—

(1) provision for the expiration of a certificate for an aircraft registered as of the date of enactment of this Act, with re-registration requirements for those aircraft that remain eligible for registration;

(2) provision for the periodic expiration of all certificates issued after the effective date of the rule with a registration renewal process; and

(3) other measures to promote the accuracy and efficient operation and value of the Administration's aircraft registry.

SEC. 514. VOLUNTARY DISCLOSURE REPORTING PROCESS IMPROVEMENTS.

Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) take such action as may be necessary to ensure that the Voluntary Disclosure Reporting Process requires inspectors—

(A) to evaluate corrective action proposed by an air carrier with respect to a matter disclosed by that air carrier is sufficiently comprehensive in scope and application and applies to all affected aircraft operated by that air carrier before accepting the proposed voluntary disclosure; and

(B) to verify that corrective action so identified by an air carrier is completed within the timeframe proposed; and

(C) to verify by inspection that the carrier's corrective action adequately corrects the problem that was disclosed; and

(2) establish a second level supervisory review of disclosures under the Voluntary Disclosure Reporting Process before any proposed disclosure is accepted and closed that will ensure that a matter disclosed by an air carrier—

(A) has not been previously identified by a Federal Aviation Administration inspector; and

(B) has not been previously disclosed by the carrier in the preceding 5 years.

SEC. 515. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.

(a) EMPLOYMENT BY INSPECTED AIR CARRIERS.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding to revise its post-employment guidance to prohibit an inspector employed by an air carrier the inspector was responsible for inspecting from representing that air carrier before the Federal Aviation Administration or participating in negotiations or other contacts with the Federal Aviation Administration on behalf of that air carrier for a period of 2 years after terminating employment by the Federal Aviation Administration.

(b) INSPECTION TRACKING.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall implement a process for tracking field office review of air carrier compliance with Federal Aviation Administration air worthiness directives. In tracking air worthiness directive compliance, the Administrator shall ensure that—

(1) each air carriers under the Administration's air transportation oversight system is reviewed for 100 percent compliance on a 5-year cycle;

(2) Compliance reviews include physical inspections at each applicable carrier of a sample of the aircraft to which the air worthiness certificate applies; and

(3) the appropriate local and regional offices, and the Administrator, are alerted whenever a carrier is no longer in compliance with an air worthiness directive.

SEC. 516. INDEPENDENT REVIEW OF SAFETY ISSUES.

Within 30 days after the date of enactment of this Act, the Comptroller General shall initate a review and investigation of air safety issues identified by Federal Aviation Administration employees and reported to the Administrator. The Comptroller General shall report the Government Accountability Office's findings and recommendations to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on an annual basis.

SEC. 517. NATIONAL REVIEW TEAM.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a national review team within the Administration to conduct periodic, random reviews of the Administration's oversight of air carriers and report annually its findings and recommendations to the Administrator, the Senate Commerce, Science, and Transportation Committee, and the House of Representatives Committee on Transportation and Infrastructure.

(b) INSPECTOR GENERAL REPORTS.—The Inspector General of the Department of Transportation shall provide progress reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the review teams and their effectiveness.

(c) ADDITIONAL SAFETY INSPECTORS.—From amounts appropriated pursuant to section 106(k)(1) of title 49, United States Code, the Administrator of the Federal Aviation Administration may hire a net increase of 200 additional safety inspectors.

SEC. 518. FAA ACADEMY IMPROVEMENTS.

(a) REVIEW.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a comprehensive review and evaluation of its Academy and facility training efforts.

(b) FACILITY TRAINING PROGRAM.—The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job-training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

SEC. 519. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.

(a) PLAN.—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.

(b) PROCESS.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—

(1) identifying the office responsible for establishing regulations regarding operational errors and runway incursions;

(2) identifying who is responsible for tracking and investigating operational errors and runway incursions and taking remedial actions;

(3) identifying who is responsible for tracking operational errors and runway incursions, including a process for lower level employees to report to higher supervisory levels; and

(4) periodic random audits of the oversight process.

TITLE VI—AVIATION RESEARCH

SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 44511(f) is amended—

(1) by striking ''establish a 4-year pilot'' in paragraph (1) and inserting ''maintain an''; and

(2) by inserting ''pilot'' in paragraph (4) before ''program'' the first time it appears; and

(3) by striking ''program, including recommendations as to the need for establishing a permanent airport cooperative research program.'' in paragraph (4) and inserting ''program.''.

(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Not more than $15,000,000 per year for fiscal years 2008, 2009, 2010, and 2011 may be

appropriated to the Secretary of Transportation from the amounts made available each year under subsection (a) for the Airport Cooperative Research Program under section 44511 of this title, of which not less than $5,000,000 per year shall be for research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.

SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY CONSUMPTION FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft source noise and emissions through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation of educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions and energy reduction engine and aircraft technology, and developing alternative fuels.

(b) ESTABLISHING A CONSORTIUM.—Within 6 months after the date of enactment of this Act, the Administrator shall designate, using a competitive process, an institution, entity, or consortium described in subsection (a) as a Consortium for Aviation Noise, Emissions, and Energy Technology Research to perform research in accordance with this section. The Consortium shall conduct the research program in coordination with the National Aeronautics and Space Administration and other relevant agencies.

(c) PERFORMANCE OBJECTIVES.—By January 1, 2015, the research program shall accomplish the following objectives:

(1) Certifiable aircraft technology that increases aircraft fuel efficiency by 25 percent relative to 1997 subsonic aircraft technology.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 50 percent, without increasing other gaseous or particle emissions, over the International Civil Aviation Organization standard adopted in 2004.

(3) Certifiable aircraft technology that reduces noise levels by 10 dB (30 dB cumulative) relative to 1997 subsonic jet aircraft technology.

(4) Determination of the feasibility of use of alternative fuels in aircraft systems, including successful demonstration and quantification of benefits.

(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft so as to increase the level of penetration into the commercial fleet.

SEC. 603. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.

(b) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel Research.

SEC. 604. ADVISORY COMMITTEE ON FUTURE OF AERONAUTICS.

(a) ESTABLISHMENT.—There is established an advisory committee to be know as the ''Advisory Committee on the Future of Aeronautics''.

(b) MEMBERSHIP.—The Advisory Committee shall consist of 7 members appointed by the President from a list of 15 candidates proposed by the Director of the National Academy of Sciences.

(c) CHAIRPERSON.—The Advisory Committee members shall elect 1 member to serve as chairperson of the Advisory Committee.

(d) FUNCTIONS.—The Advisory Committee shall examine the best governmental and organizational structures for the conduct of civil aeronautics research and development, including options and recommendations for consolidating such research to ensure continued United States leadership in civil aeronautics. The Committee shall consider transferring responsibility for civil aeronautics research and development from the National Aeronautics and Space Administration to other existing departments or agencies of the Federal government or to a non-governmental organization such as academic consortia or not-for-profit organizations. In developing its recommendations, the Advisory Committee shall consider, as appropriate, the aeronautics research policies developed pursuant to section 101(d) of Public Law 109–155 and the requirements and priorities for aeronautics research established by title IV of Public Law 109–155.

(e) REPORT.—Not later than 12 months after the date on which the full membership of the Advisory Committee is appointed, the Advisory Committee shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committees on Science and Technology and on Transportation and Infrastructure on its findings and recommendations. The report may recommend a rank ordered list of acceptable solutions.

(f) TERMINATION.—The Advisory Committee shall terminate 60 days after the date on which it submits the report to the Congress.

SEC. 605. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

SEC. 606. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) initiate evaluation of proposals that would increase capacity throughout the air transportation system by reducing existing spacing requirements between aircraft of all sizes, including research on the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

SEC. 607. INCORPORATION OF UNMANNED AERIAL SYSTEMS INTO FAA PLANS AND POLICIES.

(a) RESEARCH.—

(1) EQUIPMENT.—Section 44504 is amended—

(A) by inserting ''unmanned and manned'' in subsection (a) after ''improve'';

(B) by striking ''and'' after the semicolon in subsection (b)(6);

(C) by striking ''aircraft.'' in subsection (b)(7) and inserting ''aircraft; and''; and

(D) by adding at the end of subsection (b) the following:

''(8) in conjunction with other Federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aerial systems that could result in a catastrophic failure.''.

(2) HUMAN FACTORS; SIMULATIONS.—Section 44505(b) is amended—

(A) by striking ''and'' after the semicolon in paragraph (4);

(B) by striking ''programs.'' in paragraph (5)(C) and inserting ''programs; and''; and

(C) by adding at the end thereof the following:

''(6) to develop a better understanding of the relationship between human factors and unmanned aerial systems air safety; and

''(7) to develop dynamic simulation models of integrating all classes of unmanned aerial systems into the National Air Space.''.

(b) NATIONAL ACADEMY OF SCIENCES ASSESSMENT.—

(1) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academy of Science for an assessment of unmanned aerial systems that shall include consideration of—

(A) human factors regarding unmanned aerial systems operation;

(B) ''detect, sense and avoid technologies'' with respect to both cooperative and non-cooperative aircraft;

(C) spectrum issues and bandwidth requirements;

(D) operation in suboptimal winds and adverse weather conditions;

(E) mechanisms for letter others know where the unmanned aerial system is flying;

(F) airworthiness and system redundancy;

(G) flight termination systems for safety and security;

(H) privacy issues;

(I) technologies for unmanned aerial systems flight control;

(J) technologies for unmanned aerial systems propulsion;

(K) unmanned aerial systems operator qualifications, medical standards, and training requirements;

(L) unmanned aerial systems maintenance requirements and training requirements; and

(M) any other unmanned aerial systems-related issue the Administrator believes should be addressed.

(2) REPORT.—Within 12 months after initiating the study, the National Academy shall submit its report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation

and Infrastructure containing its findings and recommendations.

(c) PILOT PROJECTS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish 3 2-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace to conduct experiments and collect data in order to accelerate the safe integration of unmanned aerial systems into the National Airspace System as follows:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aerial systems.

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aerial systems.

(C) 1 project shall address operational issues required for integration of Category 3 unmanned aerial systems.

(2) USE OF CONSORTIA.—In conducting the pilot projects, the Administrator shall encourage the formation of consortia from the public and private sectors, educational institutions, and non-profit organization.

(3) REPORT.—Within 60 days after completing the pilot projects, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the Administrator's findings and conclusions concerning the projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for fiscal years 2008 and 2009 such sums as may be necessary to conduct the pilot projects.

(d) FAA TASK LIST.—

(1) STREAMLINE UNMANNED AERIAL SYSTEMS CERTIFICATION PROCESS.—Within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and transmit an unmanned aerial systems ''roadmap'' to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(2) UPDATE POLICY STATEMENT.—Within 45 days after the date of enactment of this Act, the Administrator shall issue an updated policy statement on unmanned aerial systems under Docket No. FAA–2006–25714; Notice No. 07–01.

(3) ISSUE NPRM FOR CERTIFICATES.—Within 90 days after the date of enactment of this Act, the Administrator shall publish a notice of proposed rulemaking on issuing airworthiness certificates and experimental certificates to unmanned aerial systems operators for compensation or hire. The Administrator shall promulgate a final rule 90 days after the date on which the notice is published.

(4) NOTICE TO CONGRESS ON BASING UNMANNED AERIAL SYSTEMS REGULATIONS ON ULTRALIGHT REGULATIONS.—Within 90 days after the date of enactment of this Act, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential of using part 103 of title 14, Code of Federal Regulations (relating to Ultralight Aircraft), as the regulatory basis for regulations on lightweight unmanned aerial systems.

(e) CONSOLIDATED RULEMAKING DEADLINE.—No later than April 30, 2010, the Federal Aviation Administration and other affected Federal agencies shall have initiated all of the rule makings regarding vehicle design requirements, operational requirements, airworthiness requirements, and flight crew certifications requirements necessary for integrating all categories of unmanned aerial systems into the national air space, taking into consideration the recommendations the Administrator receives from the National Academy of Sciences report under subsection (b), the unmanned aerial systems ''roadmap'' developed by the Administrator under subsection (d)(1), the recommendations of the Radio Technical Committee Aeronautics Special Committee 203 (RTCA–SC 203), and the data generated from the 3 pilot projects conducted under subsection (c).

SEC. 608. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking ''$500,000 for fiscal year 2004'' and inserting ''$1,000,000 for each of fiscal years 2008 through 2012''.

SEC. 609. PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47136 the following:

''§ 47136A. Zero emission airport vehicles and infrastructure

''(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airports or passenger facility revenue (as defined in section 40117(a)(6)) to carry out activities associated with the acquisition and operation of zero emission vehicles (as defined in section 88.120–94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles. Any use of funds authorized by the preceding sentence shall be considered to be an authorized use of funds under section 47117 or section 48103, or an authorized use of passenger facility revenue (as defined in section 40117(a)(6)), as the case may be.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

''(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).

''(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

''(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

''(e) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

''(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

''(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources.''.

(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not later than 18 months after the date of enactment of this section, the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation the House of Representatives Committee on Transportation and Infrastructure containing—

(1) an evaluation of the effectiveness of the pilot program;

(2) an identification of all public-use airports that expressed an interest in participating in the program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47136 the following:

''47136A. Zero emission airport vehicles and infrastructure''.

SEC. 610. REDUCTION OF EMISSIONS FROM AIRPORT POWER SOURCES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47140 the following:

''§ 47140A. Reduction of emissions from airport power sources

''(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the sponsor of each airport eligible to receive grants under section 48103 is encouraged to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to reduce harmful emissions and increase energy efficiency at the airport.

''(b) GRANTS.—The Secretary may make grants under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will reduce harmful emissions and increase energy efficiency at the airport. To be eligible for such a grant, the sponsor of such an airport shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47140 the following:

''47140A. Reduction of emissions from airport power sources''.

TITLE VII—MISCELLANEOUS

SEC. 701. GENERAL AUTHORITY.

(a) THIRD PARTY LIABILITY.—Section 44303(b) is amended by striking ''December 31, 2006,'' and inserting ''December 31, 2012,''.

(b) EXTENSION OF PROGRAM AUTHORITY.—Section 44310 is amended by striking ''March 30, 2008.'' and inserting ''October 1, 2017.''.

SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Management Study program for cabin crews employed by commercial air carriers in the United States.

SEC. 703. AIRPORT PROGRAM MODIFICATIONS.

The Administrator of the Federal Aviation Administration—

(1) shall establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program; and

(2) may appoint 3 additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.

SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.

(a) EXTENSION OF METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49108 is amended by striking ''2008,'' and inserting ''2011,''.

(b) MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PALAU.—Section 47115(j) is amended by striking ''2007,'' and inserting ''2011,''.

(c) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (17 Stat. 2518) is amended by striking ''October 1, 2007,'' and inserting ''October 1, 2011,''.

SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s) is amended by striking paragraph (3).

SEC. 706. UPDATE ON OVERFLIGHTS.

(a) IN GENERAL.—Section 45301(b) is amended to read as follows:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—In establishing fees under subsection (a), the Administrator shall ensure that the fees required by subsection (a) are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor land in the United States. The determination of such costs by the Administrator is not subject to judicial review.

''(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2009. In developing the adjusted overflight fees, the Administrator shall seek and consider the recommendations, if any, offered by the Aviation Rulemaking Committee for Overflight Fees that are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights. In addition, the Administrator may periodically modify the fees established under this section either on the Administrator's own initiative or on a recommendation from the Air Traffic Control Modernization Board.

''(3) COST DATA.—The adjustment of overflight fees under paragraph (2) shall be based on the costs to the Administration of providing the air traffic control and related activities, services, facilities, and equipment using the available data derived from the Administration's cost accounting system and cost allocation system to users, as well as budget and operational data.

''(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

''(5) COSTS DEFINED.—In this subsection, the term 'costs' means those costs associated with the operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

''(6) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as a proposed rule, pursuant to which public comment will be sought and a final rule issued.''.

(b) ADMINISTRATIVE PROVISION.—Section 45303(c)(2) is amended to read as follows:

''(2) shall be available to the Administrator for expenditure for purposes authorized by Congress for the Federal Aviation Administration, however, fees established by section 45301(a)(1) of title 49 of the United States Code shall be available only to pay the cost of activities and services for which the fee is imposed, including the costs to determine, assess, review, and collect the fee; and''.

SEC. 707. TECHNICAL CORRECTIONS.

Section 40122(g), as amended by section 307 of this Act, is further amended—

(1) by striking ''2302(b), relating to whistleblower protection,'' in paragraph (2)(A) and inserting ''2302,'';

(2) by striking ''and'' after the semicolon in paragraph (2)(H).

(3) by striking ''Plan.'' in paragraph (2)(I)(iii) and inserting ''Plan; and'';

(4) by adding at the end of paragraph (2) the following:

''(J) sections 6381 through 6387, relating to Family and Medical Leave.''; and

(5) by adding at the end of paragraph (3) ''Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.''.

SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of airway transportation systems specialists of the Federal Aviation Administration that includes—

(A) an analysis of the type of training provided to such specialists;

(B) an analysis of the type of training that such specialists need to be proficient in the maintenance of the latest technologies;

(C) actions that the Administration has undertaken to ensure that such specialists receive up-to-date training on such technologies;

(D) the amount and cost of training provided by vendors for such specialists;

(E) the amount and cost of training provided by the Administration after developing in-house training courses for such specialists;

(F) the amount and cost of travel required of such specialists in receiving training; and

(G) a recommendation regarding the most cost-effective approach to providing such training.

(2) REPORT.—Within 1 year after the date of enactment of this Act, the Comptroller General shall transmit a report on the study containing the Comptroller General's findings and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall contract with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for Federal Aviation Administration air traffic controllers, system specialists, and engineers to ensure proper maintenance, certification, and operation of the National Airspace System. The National Academy of Sciences shall consult with the Exclusive Bargaining Representative certified under section 7111 of title 5, United States Code, and the Administration (including the Civil Aeronautical Medical Institute) and examine data entailing human factors, traffic activity, and the technology at each facility.

(2) CONTENTS.—The study shall include—

(A) recommendations for objective staffing standards that maintain the safety of the National Airspace System; and

(B) the approximate length of time for developing such standards.

(3) REPORT.—Not later than 24 months after executing a contract under subsection (a), the National Academy of Sciences shall transmit a report containing its findings and recommendations to the Congress.

(c) SAFETY STAFFING MODEL.—Within 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall consult with representatives of the aviation safety inspectors and other interested parties.

SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NATIONAL PARKS.

(a) SECRETARY OF THE INTERIOR AND OVERFLIGHTS OF NATIONAL PARKS.—

(1) Section 40128 is amended—

(A) by striking paragraph (8) of subsection (f);

(B) by striking ''Director'' each place it appears and inserting ''Secretary of the Interior'';

(C) by striking ''National Park Service'' in subsection (a)(2)(B)(vi) and inserting ''Department of the Interior''; and

(D) by striking ''National Park Service'' in subsection (b)(4)(C) and inserting ''Department of the Interior''.

(2) The National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended—

(A) by striking ''Director'' in section 804(b) and inserting ''Secretary of the Interior'';

(B) in section 805—

(i) by striking ''Director of the National Park Service'' in subsection (a) and inserting ''Secretary of the Interior'';

(ii) by striking ''Director'' each place it appears and inserting ''Secretary of the Interior'';

(iii) by striking ''National Park Service'' each place it appears in subsection (b) and inserting ''Department of the Interior'';

(iv) by striking ''National Park Service'' in subsection (d)(2) and inserting ''Department of the Interior''; and

(C) in section 807—

(i) by striking ''National Park Service'' in subsection (a)(1) and inserting ''Department of the Interior''; and

(ii) by striking ''Director of the National Park Service'' in subsection (b) and inserting ''Secretary of the Interior''.

(b) ALLOWING OVERFLIGHTS IN CASE OF AGREEMENT.—Paragraph (1) of subsection (a) of section 40128 is amended—

(1) by striking ''and'' in subparagraph (B);

(2) by striking ''lands.'' in subparagraph (C) and inserting ''lands; and''; and

(3) by adding at the end the following:

''(D) in accordance with a voluntary agreement between the commercial air tour operator and appropriate representatives of the national park or tribal lands, as the case may be.''.

(c) ADDITIONAL EXEMPTIONS TO AIR TOUR MANAGEMENT PLANS.—Subsection (a) of section 40128 is further amended by adding at the end the following:

''(5) WAIVER FOR NATIONAL PARKS WITH 100 OR FEWER COMMERCIAL AIR TOUR OPERATIONS PER YEAR.—

''(A) IN GENERAL.—Subject to subparagraph (B), and without further administrative or environmental process, the Secretary may waive the requirements of this section with respect to a national park over which 100 or fewer commercial air tour operations are conducted in a year.

''(B) EXCEPTION TO WAIVER IF NECESSARY TO PROTECT PARK RESOURCES.—

''(i) IN GENERAL.—The Secretary may not waive the requirements of this section if the Secretary determines that an air tour management plan is necessary to protect park resources and values.

''(ii) NOTICE AND PUBLICATION.—The Secretary shall inform the Administrator in writing of the determinations under clause (i), and the Secretary and the Administrator shall publish in the Federal Register a list of the national parks that fall under this subparagraph.

''(6) WAIVER WITH RESPECT TO VOLUNTARY AGREEMENTS.—

''(A) IN GENERAL.—The Secretary may waive the requirements of this section if a commercial air tour operator enters into a voluntary agreement with a national park to manage commercial air tour operations over the national park.

''(B) PURPOSE OF VOLUNTARY AGREEMENTS.—A voluntary agreement described in subparagraph (A) shall seek to protect park resources and visitor experiences without compromising aviation safety, and may—

''(i) include provisions described in subparagraph (B) through (E) of subsection (b)(3);

''(ii) include provisions to ensure the stability of, and compliance with, the provisions of the voluntary agreement; and

''(iii) set forth a fee schedule for operating over the national park.

''(C) CONSULTATION.—Before entering into a voluntary agreement described in subparagraph (A), a national park shall consult with any Indian tribe over whose tribal lands a commercial air tour operator may conduct commercial air tour operations pursuant to the voluntary agreement.

''(D) REVIEW AND APPROVAL BY THE SECRETARY AND THE ADMINISTRATOR.—

''(i) REVIEW.—Before executing a voluntary agreement described in subparagraph (A), a national park shall submit the voluntary agreement to the Secretary and the Administrator for review and approval.

''(ii) APPROVAL.—Not later than 60 days after receiving the agreement from the national park, the Secretary and the Administrator shall inform the national park of the determination of the Secretary and the Administrator regarding the approval of the agreement.

''(E) RESCISSION OF VOLUNTARY AGREEMENT.—

''(i) BY THE SECRETARY.—The Secretary may rescind a voluntary agreement described in subparagraph (A) if the Secretary determines that the agreement does not adequately protect park resources or visitor experiences.

''(ii) BY THE ADMINISTRATOR.—The Administrator may rescind a voluntary agreement described in subparagraph (A) if the Administrator determines that the agreement adversely affects aviation safety or the management of the national airspace system.

''(iii) EFFECT OF RESCISSION.—If the Secretary or the Administrator rescinds a voluntary agreement described in subparagraph (A), the commercial air tour operator that was a party to the agreement shall operate under the requirements for interim operating authority of subsection (c) until an air tour management plan for the national park becomes effective.''.

(d) MODIFICATION OF INTERIM OPERATING AUTHORITY.—Subsection (c)(2)(I) of section 40128 is amended to read as follows:

''(I) may allow for modifications of the interim operating authority without further environmental process, if—

''(i) adequate information on the existing and proposed operations of the commercial air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;

''(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and

''(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.''.

(e) REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation Administration and the Secretary of the Interior on—

(A) the number of commercial air tour operations conducted by such operator over the national park each day;

(B) any relevant characteristics of commercial air tour operations, including the routes, altitudes, duration, and time of day of flights; and

(C) such other information as the Administrator and the Secretary may determine necessary to administer the provisions of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note).

(2) FORMAT.—The report required by paragraph (1) shall be submitted in such form as the Administrator and the Secretary determine to be appropriate.

(3) EFFECT OF FAILURE TO REPORT.—The Administrator shall rescind the operating authority of a commercial air tour operator that fails to file a report not later than 180 days after the date for the submittal of the report described in paragraph (1).

(4) AUDIT OF REPORTS.—Not later than 2 years after the date of the enactment of this Act, and at such times thereafter as the Inspector General of the Department of Transportation determines necessary, the Inspector General shall audit the reports required by paragraph (1).

(f) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—

(1) IN GENERAL.—The Secretary of the Interior may assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.

(2) AMOUNT OF FEE.—In determining the amount of the fee assessed under paragraph (1), the Secretary shall consider the cost of developing air tour management plans for each national park.

(3) EFFECT OF FAILURE TO PAY FEE.—The Administrator of the Federal Aviation Administration shall revoke the operating authority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.

(g) AUTHORIZATION OF APPROPRIATIONS FOR AIR TOUR MANAGEMENT PLANS.—

(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 to the Secretary of the Interior for the development of air tour management plans under section 40128(b) of title 49, United States Code.

(2) USE OF FUNDS.—The funds authorized to be appropriated by paragraph (1) shall be used to develop air tour management plans for the national parks the Secretary determines would most benefit from such a plan.

(h) GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL AIR TOUR OPERATORS.—The Administrator of the Federal Aviation Administration shall provide to the Administration's district offices clear guidance on the ability of commercial air tour operators to obtain—

(1) increased safety certifications;

(2) exemptions from regulations requiring safety certifications; and

(3) other information regarding compliance with the requirements of this Act and other Federal and State laws and regulations.

(i) OPERATING AUTHORITY OF COMMERCIAL AIR TOUR OPERATORS.—

(1) TRANSFER OF OPERATING AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a commercial air tour operator that obtains operating authority from the Administrator under section 40128 of title 49, United States Code, to conduct commercial air tour operations may transfer such authority to another commercial air tour operator at any time.

(B) NOTICE.—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.

(C) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).

(2) TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—

(A) the operator submits an application; or

(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.

(3) INCREASE IN INTERIM OPERATING AUTHORITY.—The Administrator and the Secretary may increase the interim operating authority while an air tour management plan is being developed for a park if—

(A) the Secretary determines that such an increase does not adversely impact park resources or visitor experiences; and

(B) the Administrator determines that granting interim operating authority does not adversely affect aviation safety or the management of the national airspace system.

(4) ENFORCEMENT OF OPERATING AUTHORITY.—The Administrator is authorized and directed to enforce the requirements of this Act and any agency rules or regulations related to operating authority.

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

''§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels

''(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that

the aircraft complies with stage 3 noise levels.

''(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

''(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

''(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

''(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

''(2) to scrap the aircraft;

''(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

''(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

''(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

''(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

''(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

''(e) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended by striking ''47529, or 47530'' and inserting ''47529, 47530, or 47534''.

(2) Section 47532 is amended by striking ''47528-47531'' and inserting ''47528 through 47531 or 47534''.

(3) The chapter analysis for chapter 475 is amended by inserting after the item relating to section 47533 the following:

''47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 5 years after the date of enactment of this Act.

SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

On and after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports for airport sponsors that have submitted a noise compatibility program to the Federal Aviation Administration, from funds apportioned under section 47504 or section 40117 of title 49, United States Code, in partnership with affected neighboring local jurisdictions, to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility charge funds, to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

(b) NOISE COMPATABILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (D);

(2) by striking ''operations.'' in subparagraph (E) and inserting ''operations;''; and

(3) by adding at the end the following:

''(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interests acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential; and

''(G) utility upgrades and other site preparation efforts.''.

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under subsection (a) unless the grant is made—

(1) to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts;

(2) subject to a requirement that the local jurisdiction governing the property interests in question has adopted zoning regulations that permit airport compatible redevelopment; and

(3) subject to a requirement that, in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section shall be added to the amount of any grants issued for acquisition of land.

(d) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Administrator shall provide grants under subsection (a) for demonstration projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community; and

(B) the probability of clear economic benefit to the local community and financial return to the airport through the implementation of the redevelopment plan.

(2) FEDERAL SHARE.—

(A) Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(B) In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (a) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under the pilot program at any single public-use airport.

(4) EXCEPTION.—Amounts paid to the Administrator under subsection (c)(3)—

(A) shall be in addition to amounts authorized under section 48203 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(e) USE OF PASSENGER REVENUE.—An airport sponsor that owns or operates an airport participating in the pilot program may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay any project cost described in subsection (a) that is not financed by a grant under the program.

(f) SUNSET.—This section, other than the amendments made by subsections (b), shall not be in effect after September 30, 2011.

(g) REPORT TO CONGRESS.—The Administrator shall report to Congress within 18 months after making the first grant under this section on the effectiveness of this program on returning Part 150 lands to productive use.

SEC. 713. AIR CARRIAGE OF INTERNATIONAL MAIL.

(a) CONTRACTING AUTHORITY.—Section 5402 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

''(b) INTERNATIONAL MAIL.—

''(1) IN GENERAL.—

''(A) Except as otherwise provided in this subsection, the Postal Service may contract for the transportation of mail by aircraft between any of the points in foreign air transportation only with certificated air carriers. A contract may be awarded to a certificated air carrier to transport mail by air between any of the points in foreign air transportation that the Secretary of Transportation has authorized the carrier to serve either directly or through a code-share relationship with one or more foreign air carriers.

''(B) If the Postal Service has sought offers or proposals from certificated air carriers to transport mail in foreign air transportation between points, or pairs of points within a geographic region or regions, and has not received offers or proposals that meet Postal Service requirements at a fair and reasonable price from at least 2 such carriers, the Postal Service may seek offers or proposals from foreign air carriers. Where service in foreign air transportation meeting the Postal Service's requirements is unavailable at a fair and reasonable price from at least 2 certificated air carriers, either directly or through a code-share relationship with one or more foreign air carriers, the Postal Service may contract with foreign air carriers to provide the service sought if, when the Postal Service seeks offers or proposals from foreign air carriers, it also seeks an offer or proposal to provide that service from any certificated air carrier providing service between those points, or pairs of points within a geographic region or regions, on the same terms and conditions that are being sought from foreign air carriers.

''(C) For purposes of this subsection, the Postal Service shall use a methodology for determining fair and reasonable prices for the Postal Service designated region or regions developed in consultation with, and with the concurrence of, certificated air carriers representing at least 51 percent of available ton miles in the markets of interest.

''(D) For purposes of this subsection, ceiling prices determined pursuant to the methodology used under subparagraph (C) shall be presumed to be fair and reasonable if they do not exceed the ceiling prices derived from—

''(i) a weighted average based on market rate data furnished by the International Air

Transport Association or a subsidiary unit thereof; or

''(ii) if such data are not available from those sources, such other neutral, regularly updated set of weighted average market rates as the Postal Service, with the concurrence of certificated air carriers representing at least 51 percent of available ton miles in the markets of interest, may designate.

''(E) If, for purposes of subparagraph (D)(ii), concurrence cannot be attained, then the most recently available market rate data described in this subparagraph shall continue to apply for the relevant market or markets.

''(2) CONTRACT PROCESS.—The Postal Service shall contract for foreign air transportation as set forth in paragraph (1) through an open procurement process that will provide—

''(A) potential offerors with timely notice of business opportunities in sufficient detail to allow them to make a proposal;

''(B) requirements, proposed terms and conditions, and evaluation criteria to potential offerors; and

''(C) an opportunity for unsuccessful offerors to receive prompt feedback upon request.

''(3) EMERGENCY OR UNANTICIPATED CONDITIONS; INADEQUATE LIFT SPACE.—The Postal Service may enter into contracts to transport mail by air in foreign air transportation with a certificated air carrier or a foreign air carrier without complying with the requirements of paragraphs (b)(1) and (2) if—

''(A) emergency or unanticipated conditions exist that make it impractical for the Postal Service to comply with such requirements; or

''(B) its demand for lift exceeds the space available to it under existing contracts and—

''(i) there is insufficient time available to seek additional lift using procedures that comply with those requirements without compromising the Postal Service's service commitments to its own customers; and

''(ii) the Postal Service first offers any certificated air carrier holding a contract to carry mail between the relevant points the opportunity to carry such excess volumes under the terms of its existing contract.

''(c) GOOD FAITH EFFORT REQUIRED.—The Postal Service and potential offerors shall put a good-faith effort into resolving disputes concerning the award of contracts made under subsection (b).''.

(b) CONFORMING AMENDMENTS TO TITLE 49.—

(1) Section 41901(a) is amended by striking ''39.'' and inserting ''39, and in foreign air transportation under section 5402(b) and (c) of title 39.''.

(2) Section 41901(b)(1) is amended by striking ''in foreign air transportation or''.

(3) Section 41902 is amended—

(A) by striking ''in foreign air transportation or'' in subsection (a);

(B) by striking subsection (b) and inserting the following:

''(b) STATEMENTS ON PLACES AND SCHEDULES.—Every air carrier shall file with the United States Postal Service a statement showing—

''(1) the places between which the carrier is authorized to transport mail in Alaska;

''(2) every schedule of aircraft regularly operated by the carrier between places described in paragraph (1) and every change in each schedule; and

''(3) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each such place.'';

(C) by striking ''subsection (b)(3)'' each place it appears in subsections (c)(1) and (d) and inserting ''subsection (b)(2)''; and

(D) by striking subsections (e) and (f).

(4) Section 41903 is amended by striking ''in foreign air transportation or'' each place it appears.

(5) Section 41904 is amended—

(A) by striking ''**to or in foreign countries**'' in the section heading;

(B) by striking ''to or in a foreign country'' and inserting ''between two points outside the United States''; and

(C) by inserrting after ''transportation.'' the following: ''Nothing in this section shall affect the authority of the Postal Service to make arrangements with noncitizens for the carriage of mail in foreign air transportation under subsections 5402(b) and (c) of title 39.''.

(6) Section 41910 is amended by striking the first sentence and inserting ''The United States Postal Service may weigh mail transported by aircraft between places in Alaska and make statistical and –administrative computations necessary in the interest of mail service.''.

(7) Chapter 419 is amended—

(A) by striking sections 41905, 41907, 41908, and 41911; and

(B) redesignating sections 41906, 41909, 41910, and 49112 as sections 41905, 41906, 41907, and 41908, respectively.

(8) The chapter analysis for chapter 419 is amended by redesignating the items relating to sections 41906, 41909, 41910, and 49112 as relating to sections 41905, 41906, 41907, and 41908, respectively.

(9) Section 101(f) of title 39, United States Code, is amended by striking ''mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service.'' and inserting ''mail.''.

(9) Subsections (b) and (c) of section 3401 of title 39, United States Code, are amended—

(A) by striking ''at rates fixed and determined by the Secretary of Transportation in accordance with section 41901 of title 49'' and inserting ''or, for carriage of mail in foreign air transportation, other air carriers, air taxi operators or foreign air carriers as permitted by section 5402 of this title'';

(B) by striking ''at rates not to exceed those so fixed and determined for scheduled United States air carriers'';

(C) by striking ''scheduled'' each place it appears and inserting ''certificated''; and

(D) by striking the last sentence in each such subsection.

(10) Section 5402(a) of title 39, United States Code, is amended—

(A) by inserting '' 'foreign air carrier'. '' after '' 'interstate air transportation', '' in paragraph (2);

(B) by redesignating paragraphs (7) through (23) as paragraphs (8) through (24) and inserting after paragraph (6) the following:

''(7) the term 'certificated air carrier' means an air carrier that holds a ——certificate of public convenience and necessity issued under section 41102(a) of ——title 49;''; and

(C) by redesignating paragraphs (9) through (24), as redesignated, as paragraphs (10) through (25), respectively, and inserting after paragraph (8) the following:

''(9) the term 'code-share relationship' means a relationship pursuant to which any certificated air carrier or foreign air carrier's designation code is used to identify a flight operated by another air carrier or foreign air carrier;''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 714. TRANSPORTING MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

''§ 41724. Musical instruments

''(a) IN GENERAL.—

''(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin without charge if—

''(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat; and

''(B) there is space for such stowage at the time the passenger boards the aircraft.

''(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin without charge if—

''(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

''(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds;

''(C) the instrument can be secured by a seat belt to avoid shifting during flight;

''(D) the instrument does not restrict access to, or use of, any required emergency exit, regular exit, or aisle;

''(E) the instrument does not obscure any passenger's view of any illuminated exit, warning, or other informational sign;

''(F) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

''(G) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

''(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage, without charge, a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

''(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 120 inches; and

''(B) the weight of the instrument does not exceed 100 pounds.

''(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 is amended by inserting after the item relating to section 41723 the following:

''41724. Musical instruments''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 715. RECYCLING PLANS FOR AIRPORTS.

(a) AIRPORT PLANNING.—section 47102(5) is amended by striking ''planning.'' and inserting ''planning and a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.''.

(b) MASTER PLAN.—Section 47106(a) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking ''proposed.'' in paragraph (5) and inserting ''proposed; and''; and

(3) by adding at the end the following:

''(6) if the project is for an airport that has an airport master plan, the master plan addresses—

''(A) the feasibility of solid waste recycling at the airport;

''(B) minimizing the generation of solid waste at the airport;

''(C) operation and maintenance requirements;

''(D) the review of waste management contracts;

''(E) the potential for cost savings or the generation of revenue; and

''(F) training and education requirements.''.

SEC. 716. CONSUMER INFORMATION PAMPHLET.

Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall develop and make available to the public in written and electronic form a consumer and parental information pamphlet that includes—

(1) a summary of the unaccompanied minor policies of major air carriers serving United States airports;

(2) a summary of such carriers' policies pertaining to passenger air travel by children aged 17 and under;

(3) recommendations to parents about who the appropriate authorities are to notify if a minor is traveling unsupervised and without parental consent on a major air carrier; and

(4) any additional recommendations the Secretary deems appropriate or necessary.

TITLE VIII—AMERICAN INFRASTRUCTURE INVESTMENT AND IMPROVEMENT

SECTION 800. SHORT TITLE, ETC.

(a) SHORT TITLE; AMENDMENT OF 1986 CODE.—This title may be cited as the ''American Infrastructure Investment and Improvement Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Airport and Airway Trust Fund Provisions and Related Taxes

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking ''June 30, 2008'' and inserting ''September 30, 2011''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking ''June 30, 2008'' and inserting ''September 30, 2011''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking ''June 30, 2008'' and inserting ''September 30, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—

(1) by striking ''July 1, 2008'' in the matter preceding subparagraph (A) and inserting ''October 1, 2011'', and

(2) by striking the semicolon at the end of subparagraph (A) and inserting ''or the Aviation Investment and Modernization Act of 2008;''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking ''July 1, 2008'' and inserting ''October 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) (relating to rates of tax) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.''.

(2) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(3) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 is amended—

(A) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(B) by striking ''section 4081(a)(2)(A)(iii)'' and inserting ''section 4081(a)(2)(A)(iv)'', and

(C) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting ''other than aviation-grade kerosene'' after ''kerosene''.

(B) The following provisions are each amended by striking ''kerosene'' and inserting ''aviation-grade kerosene'':

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) is amended—

(i) by striking ''paragraph (2)(C)(i)'' in clause (i) and inserting ''paragraph (2)(C)'', and

(ii) by striking ''paragraph (2)(C)(ii)'' in clause (ii) and inserting ''paragraph (2)(A)(iv)''.

(D) Section 4081(a)(4) is amended—

(i) in the heading by striking ''KEROSENE'' and inserting ''AVIATION-GRADE KEROSENE'', and

(ii) by striking ''paragraph (2)(C)(i)'' and inserting ''paragraph (2)(C)''.

(E) Section 4081(d)(2) is amended by striking ''(a)(2)(C)(ii)'' and inserting ''(a)(2)(A)(iv)''.

(b) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) is amended by inserting ''at the rate specified in subsection (a)(2)(A)(iv) thereof'' after ''section 4081''.

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) is amended to read as follows:

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).''.

(c) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) is amended by striking ''specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,'' and inserting ''so imposed''.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

''(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.''.

(4) CONFORMING AMENDMENTS.—

(A) Section 4082(d)(2)(B) is amended by striking ''6427(l)(5)(B)'' and inserting ''6427(l)(6)(B)''.

(B) Section 6427(i)(4) is amended—

(i) by striking ''(4)(C)'' the first two places it occurs and inserting ''(4)(B)'', and

(ii) by striking '', (l)(4)(C)(ii), and'' and inserting ''and''.

(C) The heading of section 6427(l) is amended by striking ''DIESEL FUEL AND KEROSENE'' and inserting ''DIESEL FUEL, KEROSENE, AND AVIATION FUEL''.

(D) Section 6427(l)(1) is amended by striking ''paragraph (4)(C)(i)'' and inserting ''paragraph (4)(B)''.

(E) Section 6427(l)(4) is amended—

(i) by striking ''KEROSENE USED IN AVIATION'' in the heading and inserting ''AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION'', and

(ii) in subparagraph (A)—

(I) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(II) by striking ''KEROSENE USED IN COMMERCIAL AVIATION'' in the heading and inserting ''IN GENERAL''.

(d) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subparagraph (C) of section 9502(b)(1) is amended to read as follows:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 is amended—

(i) in paragraph (2) by striking ''(other than subsection (l)(4) thereof)'', and

(ii) in paragraph (3) by striking ''(other than payments made by reason of paragraph (4) of section 6427(l))''.

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

''(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

''(F) section 4041(c).''.

(ii) Section 9503(c) is amended by striking the last paragraph (relating to transfers from the Trust Fund for certain aviation fuel taxes).

(iii) Section 9502(a) is amended—

(I) by striking ''appropriated, credited, or paid into'' and inserting ''appropriated or credited to'', and

(II) by striking '', section 9503(c)(7),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2008.

(f) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on January 1, 2009, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on January 1, 2009, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION FUEL.—The term ''aviation fuel'' means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on January 1, 2009, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (6).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 (relating to the Airport and Airway Trust Fund) is amended by adding at the end the following new subsection:

''(g) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Airport and Airway Trust Fund a separate account to be known as the 'Air Traffic Control System Modernization Account' consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2008, and annually thereafter, the Secretary shall transfer to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene an amount equal to $400,000,000.

''(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).''.

(b) CONFORMING AMENDMENT.—Section 9502(d)(1) is amended by striking ''Amounts'' and inserting ''Except as provided in subsection (g), amounts''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

''SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

''(a) IN GENERAL.—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

''(1) registered in the United States, and

''(2) part of a fractional ownership aircraft program.

''(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

''(c) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—For purposes of this section—

''(1) IN GENERAL.—The term 'fractional ownership aircraft program' means a program under which—

''(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

''(B) 2 or more airworthy aircraft are part of the program,

''(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

''(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

''(E) there exists a dry-lease exchange arrangement among all of the fractional owners, and

''(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

''(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—The term 'minimum fractional ownership interest' means, with respect to each type of aircraft—

''(A) a fractional ownership interest equal to or greater than 1/16 of at least 1 subsonic, fixed wing or powered lift program aircraft, or

''(B) a fractional ownership interest equal to or greater than 1/32 of a least 1 rotorcraft program aircraft.

''(3) DRY-LEASE EXCHANGE ARRANGEMENT.—A 'dry-lease aircraft exchange' means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

''(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2011.''.

(2) CONFORMING AMENDMENT.—Section 4082(e) is amended by inserting ''(other than an aircraft described in section 4043(a))'' after ''an aircraft''.

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(b)(1) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),''.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

''Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.''.

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: ''Such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsections (a) shall apply to fuel used after December 31, 2008.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after December 31, 2008.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after December 31, 2008.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL AIRCRAFT ON NONESTABLISHED LINES.

(a) IN GENERAL.—Section 4281 is amended to read as follows:

"SEC. 4281. SMALL AIRCRAFT OPERATED SOLELY FOR SIGHTSEEING.

''The taxes imposed by sections 4261 and 4271 shall not apply to transportation by an aircraft having a maximum certificated takeoff weight of 6,000 pounds or less at any time during which such aircraft is being operated on a flight the sole purpose of which is sightseeing. For purposes of the preceding sentence, the term 'maximum certificated takeoff weight' means the maximum such weight contained in the type certificate or airworthiness certificate.''.

(b) CONFORMING AMENDMENT.—The item relating to section 4281 in the table of sections for part III of subchapter C of chapter 33 is amended by striking ''on nonestablished lines'' and inserting ''operated solely for sightseeing''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after December 31, 2008.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking ''subsection (a) or (b)'' in subsection (d), as so redesignated, and inserting ''subsection (a), (b), or (c)'', and

(3) by inserting after subsection (b) the following new subsection:

''(c) NON-TAX CHARGES.—

''(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), it shall be unlawful for the disclosure of the amount of such taxes on such ticket or advertising to include any amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261.

''(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after December 31, 2008.

Subtitle B—Increased Funding for Highway Trust Fund

SEC. 811. REPLENISH EMERGENCY SPENDING FROM HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(b) is amended—

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

''(7) EMERGENCY SPENDING REPLENISHMENT.—There is hereby appropriated to the Highway Trust Fund $3,400,000,000.'', and

(2) by striking ''AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES'' in the heading and inserting ''CERTAIN AMOUNTS''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 812. SUSPENSION OF TRANSFERS FROM HIGHWAY TRUST FUND FOR CERTAIN REPAYMENTS AND CREDIT.

Section 9503(c)(2) is amended by adding at the end the following new subparagraph:

''(D) TEMPORARY SUSPENSION.—This paragraph shall not apply to 85 percent of the amounts estimated by the Secretary to be attributable to the 6-month period beginning on the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008.''.

SEC. 813. TAXATION OF TAXABLE FUELS IN FOREIGN TRADE ZONES.

(a) TAX IMPOSED ON REMOVALS AND ENTRIES IN FOREIGN TRADE ZONES.—

(1) IN GENERAL.—Subsection (a) of section 4083 (relating to definitions) is amended by adding at the end the following new paragraph:

''(4) UNITED STATES.—The term 'United States' includes any foreign trade zone or bonded warehouse located in the United States.''.

(2) CONFORMING AMENDMENT.—Section 4081(a)(1)(A) (relating to imposition of tax) is amended—

(A) in clause (i), by inserting ''in the United States'' after ''refinery''; and

(B) in clause (ii), by inserting ''in the United States'' after ''terminal''.

(b) TREATMENT OF TAXABLE FUEL IN FOREIGN TRADE ZONES.—Paragraph (2) of section 81c(a) of title 19, United States Code, is amended by inserting ''(other than the provisions relating to taxable fuel (as defined under section 4083(a) of the Internal Revenue Code of 1986))'' after ''thereunder''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to removals and entries after December 31, 2008.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall take effect on January 1, 2009.

SEC. 814. CLARIFICATION OF PENALTY FOR SALE OF FUEL FAILING TO MEET EPA REGULATIONS.

(a) IN GENERAL.—Subsection (a) of section 6720A (relating to penalty with respect to certain adulterated fuels) is amended by striking ''applicable EPA regulations (as defined in section 45H(c)(3))'' and inserting ''the requirements for diesel fuel under section 211 of the Clean Air Act, as determined by the Secretary,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any transfer, sale, or holding out for sale or resale occurring after the date of the enactment of this Act.

SEC. 815. TREATMENT OF QUALIFIED ALCOHOL FUEL MIXTURES AND QUALIFIED BIODIESEL FUEL MIXTURES AS TAXABLE FUELS.

(a) IN GENERAL.—

(1) QUALIFIED ALCOHOL FUEL MIXTURES.—Paragraph (2) of section 4083(a) (relating to gasoline) is amended—

(A) by striking ''and'' at the end of subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (C), and

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

''(B) includes any qualified mixture (as defined in section 40(b)(1)(B)) which is a mixture of alcohol and special fuel, and''.

(2) QUALIFIED BIODIESEL FUEL MIXTURES.—Subparagraph (A) of section 4083(a)(3) (relating to diesel fuel) is amended by striking ''and'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and inserting after clause (ii) the following new clause:

''(iii) any qualified biodiesel mixture (as defined in section 40A(b)(1)(B)), and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2008.

SEC. 816. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking ''5 percent'' and inserting ''2 percent''.

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2008.

SEC. 817. BULK TRANSFER EXCEPTION NOT TO APPLY TO FINISHED GASOLINE.

(a) IN GENERAL.—Subparagraph (B) of section 4081(a)(1) (relating to tax on removal, entry, or sale) is amended by adding at the end the following new clause:

''(iii) EXCEPTION FOR FINISHED GASOLINE.—Clause (i) shall not apply to any finished gasoline.''.

(b) EXCEPTION TO TAX ON FINISHED GASOLINE FOR PRIOR TAXABLE REMOVALS.—Paragraph (1) of section 4081(a) is amended by adding at the end the following new subparagraph:

''(C) EXEMPTION FOR PREVIOUSLY TAXED FINISHED GASOLINE.—The tax imposed by this paragraph shall not apply to the removal of gasoline described in subparagraph (B)(iii) from any terminal if there was a prior taxable removal or entry of such fuel under clause (i), (ii), or (iii) of subparagraph (A). The preceding sentence shall not apply to the volume of any product added to such gasoline at the terminal unless there was a prior taxable removal or entry of such product under clause (i), (ii), or (iii) of subparagraph (A).''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel removed, entered, or sold after December 31, 2008.

SEC. 818. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.

(a) INCREASE IN RATE.—

(1) IN GENERAL.—Section 4611(c)(2)(B) (relating to rates) is amended by striking ''5 cents'' and inserting ''10 cents''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) EXTENSION.—

(1) IN GENERAL.—Section 4611(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

''(2) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after September 30, 2018.''.

(2) CONFORMING AMENDMENT.—Section 4611(f)(1) is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 819. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) IN GENERAL.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

''(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

''(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection

(a)(2) were applied by substituting '80 percent' for '60 percent'.

''(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

''(A) IN GENERAL.—If—

''(i) paragraph (1) does not apply to a foreign corporation, but

''(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008.

''(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

''(i) the corporation shall be treated, as of the close of its first taxable year ending after the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

''(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

''(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

''(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

''(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 820. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

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

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).''.

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

''SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

''(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 821. MOTOR FUEL TAX ENFORCEMENT ADVISORY COMMISSION.

(a) IN GENERAL.—Section 11141 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is amended to read as follows:

''SEC. 11141. MOTOR FUEL TAX ENFORCEMENT ADVISORY COMMISSION.

''(a) ESTABLISHMENT.—There is established a Motor Fuel Tax Enforcement Advisory Commission (in this section referred to as the 'Commission').

''(b) MEMBERSHIP.—

''(1) APPOINTMENT.—The Commission shall be composed of 14 members, of which—

''(A) 1 shall be appointed by the Administrator of the Federal Highway Administration as a representative of the Federal Highway Administration,

''(B) 1 shall be appointed by the Inspector General for the Department of Transportation as a representative the Office of Inspector General for the Department of Transportation,

''(C) 1 shall be appointed by the Secretary of Transportation as a representative of the Department of Transportation,

''(D) 1 shall be appointed by the Secretary of Homeland Security to be a representative of the Department of Homeland Security,

''(E) 1 shall be appointed by the Secretary of Defense to be a representative of the Department of Defense,

''(F) 1 shall be appointed by the Attorney General to be a representative of the Department of Justice,

''(G) 2 shall be appointed by the Chairman of the Committee on Finance of the Senate,

''(H) 2 shall be appointed by the Ranking Member of the Committee on Finance of the Senate,

''(I) 2 shall be appointed by Chairman of the Committee on Ways and Means of the House of Representatives, and

''(J) 2 shall be appointed by Ranking Member of the Committee on Ways and Means of the House of Representatives.

''(2) QUALIFICATION FOR CERTAIN MEMBERS.—Of the members appointed under subparagraphs (G), (H), (I) and (J)—

''(A) at least 1 shall be representative from the Federation of State Tax Administrators,

''(B) at least 1 shall be a representative from any State department of transportation,

''(C) at least 1 shall be a representative from the retail fuel industry, and

''(D) at least 1 shall be a representative from industries relating to fuel distribution (such a refiners, distributors, pipeline operators, and terminal operators).

''(3) TERMS.—Members shall be appointed for the life of the Commission.

''(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

''(5) TRAVEL EXPENSES.—Members of the Commission shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(6) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

''(c) DUTIES.—

''(1) IN GENERAL.—The Commission shall—

''(A) review motor fuel revenue collections, historical and current;

''(B) review the progress of investigations;

''(C) develop and review legislative proposals with respect to motor fuel taxes;

''(D) monitor the progress of administrative regulation projects relating to motor fuel taxes;

''(E) evaluate and make recommendations to the President and Congress regarding—

''(i) the effectiveness of existing Federal enforcement programs regarding motor fuel taxes,

''(ii) enforcement personnel allocation, and

''(iii) proposals for regulatory projects, legislation, and funding.

''(2) REPORT.—Not later than September 30, 2009, the Commission shall submit to Congress a final report that contains a detailed statement on the findings and conclusions of the Commission, together with recommendations for such legislation and administrative action as the Commission considers appropriate or necessary.

''(d) POWERS.—

''(1) HEARINGS.—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

''(2) OBTAINING DATA.—The Commission may secure directly from any department or agency of the United States, information (other than information required by any law to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission. The Commission shall also gather evidence through such means as it may determine appropriate, including through holding hearings and soliciting comments by means of Federal Register notices.

''(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(4) GIFTS.—The Commission may accept, hold, administer, and utilize gifts, donations, and requests of property, both real and personal, for the purposes of aiding or facilitating the work of the Commission. Gifts and bequests of money, and the proceeds from the sale of any other property received as gifts or bequests, shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Commission. For purposes of Federal income, estate, and gift taxation, property accepted under this section shall be considered as a gift or bequest to or for the use of the United States.

''(e) SUPPORT SERVICES.—

''(1) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Secretary of Transportation shall provide to

the Commission administrative support services necessary to enable the Commission to carry out its duties under this Act.

''(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(3) VOLUNTARY SERVICES.—

''(A) IN GENERAL.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. 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, United States Code.

''(B) TREATMENT OF VOLUNTEERS.—A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of the following provisions of law:

''(i) chapter 81 of title 5, United States Code, relating to compensation for work-related injuries;

''(ii) chapter 171 of title 28, United States Code, relating to tort claims; and

''(iii) chapter 11 of title 18, United States Code, relating to conflicts of interest.

''(4) CONSULTATION.—Upon request of the Commission, representatives of the Department of the Treasury and the Internal Revenue Service shall be available for consultation to assist the Commission in carrying out its duties under this section.

''(5) COOPERATION.—The staff of the Department of Transportation, the Department of Homeland Security, the Department of Justice, and the Department of Defense shall cooperate with the Commission as necessary.

''(f) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

''(g) TERMINATION.—

''(1) IN GENERAL.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the report required under subsection (c)(2).

''(2) RECORDS.—Not later than the date on which the Commission terminates, the Commission shall transmit all records of the Commission to the National Archives.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 822. HIGHWAY TRUST FUND CONFORMING EXPENDITURE AMENDMENT.

(a) IN GENERAL.—Subsections (c)(1) and (e)(3) of section 9503 are each amended by inserting '', as amended by An Act to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes,'' after ''Users''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of An Act to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

Subtitle C—Additional Infrastructure Modifications and Revenue Provisions

SEC. 831. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as 1400K and by adding at the end the following new section:

''SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

''(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

''(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

''(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

''(B) any such expenditures—

''(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

''(ii) not previously allocated under paragraph (3).

''(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

''(3) GENERAL ALLOCATION.—

''(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

''(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

''(C) ANNUAL LIMIT.—

''(i) IN GENERAL.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

''(I) the applicable limit, plus

''(II) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

''(ii) APPLICABLE LIMIT.—For purposes of clause (i), the applicable limit for any calendar year in the credit period is $169,000,000 and in the case of any calendar year after 2020, zero.

''(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

''(i) the lesser of—

''(I) such excess, or

''(II) the qualifying project expenditure amount for such calendar year, reduced by

''(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

''(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

''(c) CARRYOVER OF UNUSED ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year. No amount may be carried under the preceding sentence to a calendar year after 2025.

''(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

''(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

''(A) the State of New York,

''(B) the City of New York, New York, and

''(C) any agency or instrumentality of such State or City.

''(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

''(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

''(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

''(1) which certifies—

''(A) the qualifying project expenditure amount for the calendar year, and

''(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

''(2) includes such other information as the Secretary may require to carry out this section.

''(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.

''(g) TERMINATION.—No credit shall be allowed under subsection (a) for any calender year after 2025.''.

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Section 1400K(b)(2)(A)(v), as redesignated by subsection (a), is amended by striking ''the termination date'' and inserting ''the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008 or the termination date if pursuant to a binding contract in effect on such enactment date''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking ''section 1400L(a)'' and inserting ''section 1400K(a)''.

(2) Section 168(k)(2)(D)(ii) is amended by striking ''section 1400L(c)(2)'' and inserting ''1400K(c)(2)''.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by striking ''1400L'' and inserting ''1400K''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to periods beginning after December 31, 2008.

(2) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 832. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 833. INCREASED INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) (relating to imposition of penalty) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$250,000'' and inserting ''$3,000,000''.

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking ''$15'' and inserting ''$50'',

(ii) by striking ''in lieu of $50'' and inserting ''in lieu of $250'', and

(iii) by striking ''$75,000'' and inserting ''$500,000''.

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking ''$30'' and inserting ''$100'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$150,000'' and inserting ''$1,500,000''.

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking ''$100,000'' and inserting ''$1,000,000'', and

(ii) by striking ''$250,000'' and inserting ''$3,000,000'',

(B) in subparagraph (B)—

(i) by striking ''$25,000'' and inserting ''$175,000'', and

(ii) by striking ''$75,000'' and inserting ''$500,000'', and

(C) in subparagraph (C)—

(i) by striking ''$50,000'' and inserting ''$500,000'', and

(ii) by striking ''$150,000'' and inserting ''$1,500,000''.

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking ''$100'' in paragraph (2) and inserting ''$500'',

(B) by striking ''$250,000'' in paragraph (3)(A) and inserting ''$3,000,000''.

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$100,000'' and inserting ''$1,000,000''.

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking ''$100'' in paragraph (1) and inserting ''$500'', and

(B) by striking ''$100,000'' in paragraph (2)(A) and inserting ''$1,000,000''.

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking ''$50'' and inserting ''$250'', and

(2) by striking ''$100,000'' and inserting ''$1,000,000''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2009.

SEC. 834. EXEMPTION OF CERTAIN COMMERCIAL CARGO FROM HARBOR MAINTENANCE TAX.

(a) IN GENERAL.—Section 4462 is amended—

(1) by redesignating subsection (i) as subsection (j), and

(2) by inserting after subsection (h) the following new subsection:

''(i) EXEMPTION FOR CERTAIN CARGO TRANSPORTED ON THE GREAT LAKES SAINT LAWRENCE SEAWAY SYSTEM.—

''(1) IN GENERAL.—No tax shall be imposed under section 4461(a) with respect to—

''(A) commercial cargo (other than bulk cargo) loaded at a port in the United States located in the Great Lakes Saint Lawrence Seaway System and unloaded at another port in the United States located in such system, and

''(B) commercial cargo (other than bulk cargo) unloaded at a port in the United States located in the Great Lakes Saint Lawrence Seaway System which was loaded at a port in Canada located in such system.

''(2) BULK CARGO.—For purposes of this subsection, the term 'bulk cargo' shall have the meaning given such term by section 53101(1) of title 46, United States Code (as in effect on the date of the enactment of this section).

''(3) GREAT LAKES SAINT LAWRENCE SEAWAY SYSTEM.—For purposes of this subsection, the term 'Great Lakes Saint Lawrence Seaway System' means the waterway between Duluth, Minnesota and Sept. Iles, Quebec, encompassing the five Great Lakes, their connecting channels, and the Saint Lawrence River.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 835. CREDIT TO HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS.

(a) IN GENERAL.—Subpart H of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new section:

''SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS.

''(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified rail infrastructure bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified rail infrastructure bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified rail infrastructure bond is the product of—

''(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

''(B) the outstanding face amount of the bond.

''(3) DETERMINATION.—For purposes of paragraph (2), with respect to any qualified rail infrastructure bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of qualified rail infrastructure bonds with a specified maturity or redemption date, without discount and without interest cost to the qualified issuer.

''(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term also includes the last day on which the bond is outstanding.

''(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under this part (other than this subpart, subpart C, and section 1400N(l)).

''(d) QUALIFIED RAIL INFRASTRUCTURE BOND.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rail infrastructure bond' means any bond issued as part of an issue if—

''(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national qualified rail infrastructure bond annual limitation under subsection (f)(2) by not later than the end of the calendar year following the year of such allocation,

''(B) 95 percent or more of the proceeds of such issue are to be used for capital expenditures incurred for 1 or more qualified projects,

''(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

''(D) the issue meets the requirements of subsection (h).

''(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

''(A) IN GENERAL.—The term 'qualified project' means a project eligible under section 26101(b) of title 49, United States Code (determined without regard to paragraph (2) thereof), which the Secretary determines was selected using the criteria of subsection (c) of such section 26101 by the Secretary of Transportation, that makes a substantial contribution to improving a rail transportation corridor for intercity passenger rail use.

''(B) CERTIFICATION REQUIRED REGARDING CERTAIN PROJECTS.—The Secretary shall not consider a project to be a qualified project unless an applicant certifies to the Secretary that—

''(i) if a project involves a rail transportation corridor which includes the use of rights-of-way owned by a freight railroad, the applicant has entered into a written agreement with such freight railroad regarding the use of the rights-of-way and has received assurances that collective bargaining agreements between such freight railroad and its employees (including terms regarding the contracting of work performed on such corridor) shall remain in full force and effect during the term of such written agreement,

''(ii) any person which provides railroad transportation over infrastructure improved or acquired pursuant to this section, is a rail carrier as defined by section 10102 of title 49, United States Code, and

''(iii) the applicant shall, with respect to improvements to rail infrastructure made pursuant to this section, comply with the standards applicable to construction work in such title 49, in the same manner in which the National Railroad Passenger Corporation is required to comply with such standards.

''(C) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a qualified rail infrastructure bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred after the date of the enactment of this section.

''(D) REIMBURSEMENT.—For purposes of paragraph (1)(B), a qualified rail infrastructure bond may be issued to reimburse for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

''(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified rail infrastructure bond,

''(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

''(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

''(E) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a qualified rail infrastructure bond.

''(e) MATURITY LIMITATIONS.—

''(1) DURATION OF TERM.—A bond shall not be treated as a qualified rail infrastructure bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

''(2) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined without regard to the requirements of paragraph (3) and using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

''(3) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a qualified rail infrastructure bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).

''(f) ANNUAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL ANNUAL LIMITATION.—There is a national qualified rail infrastructure bond annual limitation for each calendar year. Such limitation is $900,000,000 for 2009, 2010, and 2011, and, except as provided in paragraph (3), zero thereafter.

''(2) ALLOCATION BY SECRETARY.—The national qualified rail infrastructure bond annual limitation for a calendar year shall be allocated by the Secretary among qualified projects in such manner as the Secretary determines appropriate.

''(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year, the national qualified rail infrastructure bond annual limitation for such year exceeds the amount of bonds allocated during such year, such limitation for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation shall be treated as used on a first-in first-out basis.

''(g) CREDIT TREATED AS INTEREST.—For purposes of this title, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

''(h) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

''(A) at least 95 percent of the proceeds of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the qualified rail infrastructure bond,

''(B) a binding commitment with a third party to spend at least 10 percent of the proceeds of the issue will be incurred within the 6-month period beginning on the date of issuance of the qualified rail infrastructure bond, and

''(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

''(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

''(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a qualified rail infrastructure bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

''(j) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

''(k) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

''(3) QUALIFIED ISSUER.—The term 'qualified issuer' means 1 or more States or an interstate compact of States.

''(4) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

''(5) S CORPORATIONS AND PARTNERSHIPS.—In the case of a qualified rail infrastructure bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of the corporation or partners of such partnership shall be treated as a distribution.

''(6) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified rail infrastructure bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(7) REPORTING.—Issuers of qualified rail infrastructure bonds shall submit reports similar to the reports required under section 149(e).

''(8) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2013.''.

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(9) REPORTING OF CREDIT ON QUALIFIED RAIL INFRASTRUCTURE BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(b)(4)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the

purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart H of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54A. Credit to holders of qualified rail infrastructure bonds.''.

(2) Section 54(c)(2) is amended by inserting '', section 54A,'' after ''subpart C''.

(d) ISSUANCE OF REGULATIONS.—The Secretary of Treasury shall issue regulations required under section 54A of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 836. REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Section 6404 is amended by striking subsection (g).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.

(2) EXCEPTION FOR CERTAIN TAXPAYERS.—The amendments made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or other amount is in effect on the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.

SEC. 837. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

''(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to—

''(A) the violation of any law, or

''(B) an investigation or inquiry into the potential violation of any law which is initiated by such government or entity.

''(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

''(A) the taxpayer establishes—

''(i) constitutes restitution (or remediation of property) for damage or harm caused by, or which may be caused by, the violation of any law or the potential violation of any law, or

''(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

''(B) is identified as an amount described in clause (i) or (ii) of subparagraph (A), as the case may be, in the court order or settlement agreement, except that the requirement of this subparagraph shall not apply in the case of any settlement agreement which requires the taxpayer to pay or incur an amount not greater than $1,000,000.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation unless such amount is paid or incurred for a cost or fee regularly charged for any routine audit or other customary review performed by the government or entity.

''(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

''(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

''(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

''(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

''(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.''.

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

''SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

''(a) REQUIREMENT OF REPORTING.—

''(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

''(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

''(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

''(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

''(2) SUIT OR AGREEMENT DESCRIBED.—

''(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

''(i) it is—

''(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

''(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

''(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

''(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

''(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

''(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

''(B) the date specified by the Secretary.

''(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

''(1) the name of the government or entity, and

''(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

''(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.''.

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

''Sec. 6050W. Information with respect to certain fines, penalties, and other amounts.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 838. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

''(B) ADJUSTMENT FOR INFLATION.—

''(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000,

such amount shall be rounded to the nearest multiple of $1,000.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

''(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

''(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

''(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

''(1) any deferred compensation item (as defined in subsection (d)(4)),

''(2) any specified tax deferred account (as defined in subsection (e)(2)), and

''(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

''(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

''(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

''(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

''(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

''(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

''(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

''(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

''(B) no early distribution tax shall apply by reason of such treatment, and

''(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

''(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

''(A) the payor of such item is—

''(i) a United States person, or

''(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

''(B) the covered expatriate—

''(i) notifies the payor of his status as a covered expatriate, and

''(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

''(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

''(A) any interest in a plan or arrangement described in section 219(g)(5),

''(B) any interest in a foreign pension plan or similar retirement arrangement or program,

''(C) any item of deferred compensation, and

''(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

''(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

''(6) SPECIAL RULES.—

''(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

''(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

''(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

''(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

''(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

''(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

''(B) no early distribution tax shall apply by reason of such treatment, and

''(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

''(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

''(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

''(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

''(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

''(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

''(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

''(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

''(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

''(A) rules similar to the rules of subsection (d)(6) shall apply, and

''(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies.

''(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

''(1) COVERED EXPATRIATE.—

''(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

''(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

''(i) the individual—

''(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

''(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

''(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

''(2) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes his citizenship, and

''(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

''(3) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

''(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

''(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

''(h) OTHER RULES.—

''(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

''(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

''(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

''(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

''CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

''Sec. 2801. Imposition of tax.

''SEC. 2801. IMPOSITION OF TAX.

''(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

''(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

''(2) the value of such covered gift or bequest.

''(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

''(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds $10,000.

''(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

''(e) COVERED GIFT OR BEQUEST.—

''(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

''(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

''(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

''(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

''(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

''(3) TRANSFERS IN TRUST.—

''(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

''(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

''(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

''(B) FOREIGN TRUSTS.—

''(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

''(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

''(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

''(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).''.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

''CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

''(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.''.

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

''An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty

applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.''.

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting ''or 877A'' after ''section 877(b)'' in subsection (a), and

(2) by inserting ''or 877A'' after ''section 877(a)'' in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act, regardless of when the transferor expatriated.

SA 4628. Mr. REID proposed an amendment to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

At the end add the following:

The provisions shall become effective 5 days after enactment.

SA 4629. Mr. REID proposed an amendment to amendment SA 4628 proposed by Mr. REID to the amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

In the amendment, strike ''5'' and insert ''4''.

SA 4630. Mr. REID proposed an amendment to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

At the end of the bill, add the following:

The provision shall become effective 3 days upon enactment.

SA 4631. Mr. REID proposed an amendment to amendment SA 4630 proposed by Mr. REID to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

In the amendment, strike ''3'' and insert ''2''.

SA 4632. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, strike lines 16 through 24, and insert the following:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aerial systems, which are analogous to RC models covered in AC 91-57).

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aerial systems, which are nonstandard aircraft that perform special purpose operations and for which operators have provided evidence of airworthiness and operator qualifications.

(C) 1 project shall address operational issues required for integration of Category 3 unmanned aerial systems, which are capable of flying throughout all categories of airspace and conforms to part 91 of title 14, Code of Federal Regulations.

SA 4633. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, strike lines 1 through 13, and insert the following:

SEC. 511. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall set a target of implementing at least 200 Required Navigation Performance (RNP) procedures for each of the fiscal years 2009 through 2012.

(b) DEVELOPMENT OF STANDARDS AND GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall develop standards and issue guidance under sections 91, 121, 135, and 129 of title 14, Code of Federal Regulations, to accelerate and streamline the development and implementation of RNP procedures.

(c) DEMONSTRATION PROJECT.—The Administrator shall authorize an air carrier to demonstrate the benefits of implementing RNP procedures in gate-to-gate operations through a project that includes not fewer than 75 daily flights between 2 airports which are more than 275 miles apart.

(d) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement RNP procedures.

(e) PROTECTION OF PROPRIETARY DATA.—Notwithstanding any other provision of law, the Administrator shall not require the disclosure of proprietary data used in the development, implementation, or maintenance of RNP procedures, except as required for flight safety.

(f) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the progress made by the Federal Aviation Administration in implementing subsection (b).

SA 4634. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REVIEW OF DE-ICING AND ANTI-ICING PROGRAMS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a review of the de-icing and anti-icing programs of each air carrier (as that term is defined in section 40102(a)(2) of title 49, United States Code) to ensure that those programs comply with the policies of the Federal Aviation Administration.

(b) DE-ICING AND ANTI-ICING PROGRAMS DEFINED.—For purposes of this section, the term ''de-icing and anti-icing program'' includes—

(1) the procedures of an air carrier or a contractor of an air carrier for removing ice from aircraft and preventing the formation of ice on aircraft; and

(2) the training of—

(A) employees of the air carrier with respect to the procedures described in paragraph (1); and

(B) contractors of the air carrier or any other persons providing de-icing or anti-icing services for aircraft of the air carrier with respect to such procedures.

(c) CONSEQUENCES OF NONCOMPLIANCE.—If the Administrator determines that the de-icing and anti-icing programs of an air carrier do not comply with the policies of the Federal Aviation Administration, the Administrator shall require the air carrier to submit a plan, as soon as practicable—

(1) to ensure that the de-icing and anti-icing programs of the air carrier comply with the policies of the Administration—

(A) in the case of a program being carried out in the United States, by not later than 90 days after the Administrator determines that the program is not in compliance; and

(B) in the case of a program being carried out outside of the United States, by not later than October 1, 2008; and

(2) to ensure the safe de-icing and anti-icing of the aircraft of the air carrier in the period before the de-icing and anti-icing programs of the air carrier can be brought into compliance.

(d) REPORT.—Not later than October 1, 2008, the Administrator shall submit to Congress a report setting forth the results of the review required under subsection (a).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Commiitee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 30, 2008, at 2:30 p.m., in closed session to mark up the National Defense Authorization Act for fiscal year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Wednesday, April 30, 2008, at 3:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 30, 2008, at 10 a.m., in closed session to mark up the Airland programs and provisions contained in the National Defense Authorization Act for Fiscal Year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Secret Law and the Threat to Democratic and Accountable Government'' on Wednesday, April 30, 2008, at 9 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 30, 2008, at 9:30 a.m., in closed session to mark up the Strategic Forces Programs and Provisions contained in the National Defense Authorization Act for Fiscal Year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, April 30, 2008, from 3–5 p.m., in Hart 216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows and interns of the Finance Committee be allowed floor privileges during consideration of the FAA bill: Ben Miller, Bridget Mallon, Damian Kudelka, Emily Schwartz, Ezana Teferra, Mary Baker, Tamara Clay, and Tom Louthan.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Leighton Quon of my staff be granted the privileges of the floor during consideration of the FAA bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 722, H.R. 5715.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, with each passing day, families are confronted with growing challenges stemming from our lagging economy. We have had a surge of bad news, and there is almost certainly more to come. People have done everything right. They have worked hard all their lives. They have been good citizens and they cared for their communities. Many have served in the military. They have bought homes in which to raise their families and have dutifully paid the mortgage every month.

But now they are seeing everything they have worked for, everything they have saved for and sacrificed for placed at risk. Families are stretched to the limit by stagnant wages and soaring prices. They have seen the value of their homes and retirement savings plunge. They wonder if they can afford to put gas in the tank in order to get to work.

Now there is a danger that their children will be the next victims of the economic crisis.

What started as a crisis in the housing market has spread to the banks and beyond. We must draw a line there and not let the crisis in the credit markets become a crisis for students struggling to pay for college and access to the American dream.

If we allow that to happen, we not only limit the horizon for a new generation of Americans, but we will damage the long-term economic health of America as well. More than ever, a college degree is the key to the door of opportunity for individual students. Sending more of our students to college is key to our international competitiveness in the global economy.

Yet students are facing new obstacles as they pay for their education. The credit crisis in the mortgage market has rippled throughout the lending industry and has begun to affect student loans.

The full scope of the problem isn't clear yet, but we cannot afford to wait for a full-blown crisis before we act. Students are applying now for loans to cover the fall term. I am very pleased the Senate acted earlier today to ensure that the loans they need will be available, and I look forward to prompt action by the House.

Already, almost 50 lenders have completely dropped out of the Federal program. Together, they make up almost 14 percent of the Federal student loan market. We need to make sure we have done everything we can to protect students in case that downturn continues.

The first line of defense for students and families is the Direct Loan Program. It is insulated from the turbulence of the credit markets because the Federal Government provides the capital directly to students, without having to pay a bank or other middleman. I have urged colleges across the country to sign up to participate in this program to protect them from any problems in the credit markets.

We need to take additional steps to shore up the alternative federally subsidized loan program—the FFEL program—in the short term as an additional backstop against unacceptable disruptions in the financial aid process later this year.

The legislation the Senate passed today will protect students from the problems in the credit markets by ensuring they will be able to access federally subsidized loans.

First, Mr. President, it ensures that private lenders will continue to participate in the federally subsidized program by giving the Secretary of Education the authority to buy outstanding Federal loans in order to provide lenders with the capital needed to make new loans to students for the upcoming school year.

Second, as a backup for students who still have trouble obtaining a loan, the bill facilitates students' access to ''lender of last resort'' loans. These loans are provided to students through existing State-operated guaranty agencies, using capital advanced by the Secretary of Education.

Third, the bill assists students who rely on higher cost, non-federally guaranteed loans by making additional low-cost Federal options available to them and their families.

The bill raises Federal loan limits for undergraduate students by $2,000. This legislation also makes it easier for parents to take out low-cost federally subsidized loans on behalf of their children through the PLUS loan program. The bill ensures that parents affected by

the current mortgage crisis can still obtain these loans, and it allows parents to delay repayment on these loans until after their child graduates from school. This is very important—the fact that it would delay repayment until after graduation. That is a major assistance to families.

We are increasing the amount that will be available at the lower rates to college students, and we are extending the period of time that will help the families in terms of the repayment schedule.

Finally, this bill helps students decrease student loan debt levels by expanding access to an existing grant program, the Academic Competitiveness Grants. Under this bill, an additional 100,000 students can receive up to $4,000 more a year in grant aid.

We need to get these safety nets in place now before we are hit with a problem that is beyond our control. College affordability should not be determined by the quarterly profits or losses of the banks.

The student aid system is not about banks' bottom lines. As the cost of college has tripled over the past 20 years, the Federal student aid system of grants and loans has made the dream of college a reality for millions of students who could not otherwise afford it.

In 1993, less than half of all graduates had to take out college loans, but in 2004 nearly two-thirds had to borrow to finance their education. This chart reflects that. This chart reflects the students taking out the loans in 1993. Here it reflects those who took out loans for 2004. Years ago, when we passed the student loan program—back in 1965—these were effectively all grant programs; about 80 percent are grants, and only 20 percent are loans. We have seen this dramatic shift over the period of recent years now to the loan program. That has all kinds of implications in terms of indebtedness to students. Too often many of the students are now working one or two jobs, and they are also trying to pay off their debts in the future years. This has a very important adverse impact in terms of students and their ability to pursue careers, the careers that are lower paying, but so critical to our society, such as teaching, public health or social work.

In the 2004–2005 school year in Massachusetts, 86 percent of students relied on Federal student loans. The average debt of these students was over $18,000. So the best way to help students and families afford college is to increase the grant aid. More aid up front means fewer loans and less debt on graduation day. That is why Congress acted last year on our promise to raise the maximum Pell grant to $5,400 by 2012, an increase of $1,350 under the level at which it stagnated under this Administration. As a result, students eligible for the maximum Pell grant will have to borrow $6,000 less in loans over the course of their college career.

That is a very important relief to those families. The legislation we enacted last year also made Federal loans less costly for students by cutting the interest rates in half for undergraduates. In addition, we helped students manage debt by capping monthly loan payments at 15 percent of their income. If they go into public service, their loans would be completely forgiven as long as they stay in public service for a period of years. All of these benefits would be meaningless if students cannot obtain the loans they need to pay for college.

So I thank my Senate colleagues for supporting this legislation, and I urge our colleagues in the House of Representatives, and the President, to act quickly so our Nation's college students don't become the next victims of our slumping economy. Together we can ensure that the students get the assistance they need to go to school so their dreams don't turn into nightmares, caused by the volatilities of our credit markets.

Mr. President, I am very grateful to my colleague and friend, Senator ENZI, the ranking Republican member, and the members of our Education Committee for their help and assistance during this period of time. We have had hearings on this legislation. We also had field hearings on this subject matter and gained a good deal of information. We have worked very closely with the Administration, with Secretary Spellings. We are grateful to her for her involvement and help and assistance. We worked very closely with the House, with both Chairman MILLER and Mr. MCKEON, the ranking minority member as well.

In the Senate, we have followed a longstanding tradition of trying to work and find common ground in education policy to benefit students. I think we have done a good job on that over a period of years.

This legislation, which is basically the stopgap legislation meant to deal with the challenges we are facing in the credit markets and that students will face in the credit markets, will respond to that need. We are on alert for any additional changes that are going to be necessary as we move along.

We are going to be monitoring this very closely in the days and weeks ahead, and we welcome ideas and suggestions and recommendations from students and from parents, as well as from all others, about how we can best ensure that we will be able to make sure that the a college education is going to be available to the young people in this country.

Mr. ENZI. Mr. President, I rise to speak about the importance of the Ensuring Continued Access to Student Loans Act of 2008. In a time when there is great concern about turmoil in our credit markets, the action we are taking today addresses an important segment of those markets. What began as a problem within the mortgage market has threatened to disrupt the market that students and their parents rely on to obtain student loans. This bill is a necessary step to providing students access to the loans they need for college this fall.

While not perfect, this bill will go a long way toward restoring the confidence needed for the student loan market to work. And this is being accomplished at no cost to the Government.

The Secretary of Education can now take actions that will increase loan limits for students and provide parents with greater access to federally guaranteed loans. Both provisions will decrease reliance on private loans which cost more and are becoming less available.

This bill demonstrates our commitment to maintaining the availability of loans through the Federal Family Education Loan, FFEL, program as well as the Federal Direct Loan program. Currently FFEL serves 80 percent of postsecondary students who take out student loans, while the Federal Direct Loan program serves 20 percent. Both loan programs must remain strong.

With the passage of this bill, we create the means to stabilize the college loan market in the coming months. However, I realize that this is a short-term solution. We must preserve the long-term viability of the FFEL program for the students and parents who rely on it to achieve their educational goals.

Additionally, in this bill we have increased grant support for Pell-eligible students who take rigorous high school courses and major in science, technology, engineering, math and critical foreign languages. At a time when our economy needs more individuals with knowledge and skills in these areas, this bill provides low-income college students with the means to be successful in these high-need, high-reward fields.

I appreciate the opportunity to work with Senator KENNEDY on this bill to help students. However, the job is not yet done. We need to finish our work on the comprehensive reauthorization of the Higher Education Act as a lot has changed since it was reauthorized 10 years ago. It is a much more competitive world today. We need a stronger, more relevant system of higher education in this country to compete and win in the global economy.

Last July we passed the Senate bill by a vote of 95–0. We are now working with the House to get an agreement to the President before Memorial Day. I look forward to continuing to work with Senator KENNEDY to get the best bill possible for students and their families.

As we finish our work on the reauthorization of the Higher Education Act, we will continue to monitor the bill we passed today and its impact on the availability of student loans to ensure that it accomplishes what we intended. Our students are our future and we have to make sure that we provide them with every opportunity to be successful.

Mr. REED. Mr. President, I strongly support passage of H.R. 5715, the Ensuring Continued Access to Student Loans Act.

As an original cosponsor of the Senate companion of this legislation, I am pleased that this bipartisan bill seeks to proactively address the impact of the credit crunch on the student loan market, and ensure that students attending college this fall have sustained, uninterrupted access to affordable Federal grant and loan aid.

In an effort to increase college access and affordability, last fall Congress passed the College Cost Reduction and Access Act, to provide over $20 billion in new student financial aid. I was glad to help write this law. It increased the maximum Pell Grant by nearly $500 this year and to $5,400 by 2012, providing Rhode Island students with $7.8 million in additional grant aid this year and nearly $85 million over the next 5 years. To help students and families borrowing for college, this law also cut the interest rate on Federal loans in half for undergraduate students over 4 years; capped monthly payments on Federal student loans at 15 percent of a borrower's discretionary income; and encouraged public service by forgiving loan debt for those like nurses, teachers, and librarians after 10 years.

However, the current instability of the credit markets has raised concern in my home State of Rhode Island and across the country regarding the availability this spring of Federal loans and how parents will be able to pay tuition for their sons and daughters to attend college in the fall. Although we have not heard of a single student or parent unable to receive a Federal loan yet, the busy time of year for borrowing has only just begun as most student loan applications are not due until the beginning of May. Additionally, we know that over 50 lenders nationwide have stopped offering federally subsidized loans.

As such, this bill takes important initial steps to ensuring that students and their families have the necessary financial means to attend and succeed in college. It provides additional grant aid opportunities for low-income students to reduce their reliance on student loans by directing savings generated by the bill into increased Academic Competitiveness and National SMART Grants. These two grant programs provided nearly 2,100 Rhode Island students with over $2.2 million in additional grant aid in 2006–07. It also reduces student reliance on costlier private loans by expanding the amount a student may borrow through a modest raise in the Federal Stafford loan limits. The bill also improves the availability of lower-interest federally subsidized PLUS loans for parent borrowers by providing an option to defer repayment of these loans until after their child graduates college, and ensuring that parents recently impacted by the downturn in the housing market can continue to qualify for these loans.

The bill also takes a number of actions to provide an overall Federal backstop so students do not have to borrow higher cost private loans. First, to ensure lenders have the necessary capital to make new Federal loans, the bill gives temporary authority to the Department of Education to act as a secondary market for loans originated in the federally subsidized student loan market. It also eases the process by which a guaranty agency or institution may be deemed eligible as a lender of last resort, ensuring the further availability of Federal student loans. And the direct loan program is on stand-by for institutions concerned that their students may experience difficulty finding a Federal loan this year. Direct loans are directly originated by the Federal Government and as such, not subject to credit market instability and fluctuation.

I thank Senators KENNEDY and ENZI, and their staffs, for their work and leadership on this bill. I will continue to very closely monitor this situation and explore any additional necessary options in the coming weeks to ensure that the credit crunch does not prevent deserving students from attending college.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Kennedy-Enzi amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid on the table with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4592) was agreed to.

(The amendment is printed in today's RECORD under (''Text of Amendments.'')

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

The bill (H.R. 5715), as amended, was read the third time and passed.

HEALTHY START REAUTHORIZATION ACT OF 2007

Mr. BROWN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 723, S. 1760.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1760) to amend the Public Health Service Act with respect to the Healthy Start Initiative.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Healthy Start Reauthorization Act of 2007''.

SEC. 2. AMENDMENTS TO HEALTHY START INITIATIVE.

(a) CONSIDERATIONS IN MAKING GRANTS.—Section 330H(b) of the Public Health Service Act (42 U.S.C. 254c–8(b)) is amended—

(1) by striking ''(b) REQUIREMENTS'' and all that follows through ''In making grants under subsection (a)'' and inserting the following:

''(b) CONSIDERATIONS IN MAKING GRANTS.—

''(1) REQUIREMENTS.—In making grants under subsection (a)''; and

(2) by adding at the end the following paragraphs:

''(2) OTHER CONSIDERATIONS.—In making grants under subsection (a), the Secretary shall take into consideration the following:

''(A) Factors that contribute to infant mortality, such as low birthweight.

''(B) The extent to which applicants for such grants facilitate—

''(i) a community-based approach to the delivery of services; and

''(ii) a comprehensive approach to women's health care to improve perinatal outcomes.

''(3) SPECIAL PROJECTS.—Nothing in paragraph (2) shall be construed to prevent the Secretary from awarding grants under subsection (a) for special projects that are intended to address significant disparities in perinatal health indicators in communities along the United States-Mexico border or in Alaska or Hawaii.''.

(b) OTHER GRANTS.—Section 330H of the Public Health Service Act (42 U.S.C. 254c–8) is amended—

(1) in subsection (a), by striking paragraph (3); and

(2) by striking subsections (e) and (f).

(c) FUNDING.—Section 330H of the Public Health Service Act, as amended by subsection (b) of this section, is amended by adding at the end the following subsection:

''(e) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated—

''(A) $120,000,000 for fiscal year 2008; and

''(B) for each of fiscal years 2009 through 2013, the amount authorized for the preceding fiscal year increased by the percentage increase in the Consumer Price Index for all urban consumers for such year.

''(2) ALLOCATION.—

''(A) PROGRAM ADMINISTRATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may reserve up to 5 percent for coordination, dissemination, technical assistance, and data activities that are determined by the Secretary to be appropriate for carrying out the program under this section.

''(B) EVALUATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may reserve up to 1 percent for evaluations of projects carried out under subsection (a). Each such evaluation shall include a determination of whether such projects have been effective in reducing the disparity in health status between the general population and individuals who are members of racial or ethnic minority groups.''.

Mr. BROWN. Mr. President, I ask unanimous consent the substitute be agreed to; the bill as amended, be read a third time; the motion to reconsider be laid on the table with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Committee amendment in the nature of a substitute was agreed to.

The bill (S. 1760), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

JOHN S. MCCAIN, III CITIZENSHIP

Mr. BROWN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 715, S. Res 511.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 511) recognizing that John Sidney McCain, III, is a natural born citizen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, today we are considering a bipartisan resolution to express the common sense of all in this Chamber that Senator MCCAIN is a ''natural born Citizen,'' as the term is used in the Constitution of the United States. Last week the Judiciary Committee voted unanimously to report this resolution to the Senate. I urge Senators to come together to pass this bipartisan resolution without delay.

Our Constitution contains three requirements for a person to be eligible to be President—the person must have reached the age of 35; must have resided in America for 14 years; and must be a ''natural born Citizen'' of the United States. Certainly there is no doubt that Senator MCCAIN is of sufficient years on this Earth and in this country given that he has been serving in Washington for over 25 years. ''However, some have raised the question whether he is a ''natural born Citizen'' because he was born outside of the United States.

JOHN SIDNEY MCCAIN, III, was born to American citizens on an American Naval base in the Panama Canal Zone in 1936. His father was serving in the Navy at that time.

It is possible that at the time of our Nation's founding, the Framers of our Constitution could not imagine how pronounced our commitments overseas would become but it would make no sense to limit the careers of children born to military families simply because they were stationed overseas. Similarly, it would not make sense to punish children born to foreign service families or Ambassadors stationed overseas or children born overseas to American missionaries. They are all American citizens at the time of their birth.

Numerous legal scholars have looked into the purpose and intent of the ''natural born Citizen'' requirement. As far as I am aware, no one has discovered any reason to think that the Framers would have wanted to limit the rights of children born to Americans abroad or that such a limited view would serve any noble purpose enshrined in our founding document. Based on the understanding of the pertinent sources of constitutional meaning, it is widely believed that if someone is born to American citizens anywhere in the world they are natural born citizens.

It is interesting to note that another previous Presidential candidate, George Romney, was also born outside of the United States. He was widely understood to be eligible to be President. Senator Barry Goldwater was born in a U.S territory that later became the State of Arizona. Certainly those who voted for these two Republican candidates believed that they were eligible to assume the office of the President.

Because he was born to American citizens, there is no doubt in my mind that Senator MCCAIN is a ''natural born Citizen''. I recently asked Secretary of Homeland Security Michael Chertoff, a former Federal judge, if he had any doubts in his mind. He did not.

Former Solicitor General Theodore Olson and Harvard Law School Professor Laurence Tribe also analyzed the issue and came to the same conclusion—that Senator MCCAIN is a natural born citizen eligible to serve as President.

Our bipartisan resolution would make it clear that Senator MCCAIN, born in 1936 on an American Naval base to U.S. citizens, is a ''natural born Citizen. We should act today on a bipartisan basis to erase any doubt that Senator MCCAIN is eligible to run for President because of his citizenship status.

I ask unanimous consent that the legal analysis of Theodore Olson and Laurence Tribe be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GIBSON, DUNN & CRUTCHER LLP,
Washington, DC, April 8, 2008.

Re legal analysis of question whether Senator John McCain is a natural born citizen eligible to hold the office of President.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: Pursuant to a request received from the staff of your Committee, I enclose for your and your Committee's consideration a copy of my and Professor Laurence Tribe's analysis of the question whether Senator John McCain is a natural-born citizen eligible, under Article II of the Constitution, to hold the office of President of the United States. Professor Tribe and I are in agreement that the circumstances of Senator McCain's birth to American parents in the Panama Canal Zone make him a natural-born citizen within the meaning of the Constitution.

Please do not hesitate to contact me if I can be of further assistance in this matter.

Very truly yours,

THEODORE B. OLSON.

GIBSON, DUNN & CRUTCHER LLP
Washington, DC, April 8, 2008.

Re legal analysis of question whether Senator John McCain is a natural born citizen eligible to hold the office of President.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: Pursuant to a request received from Democratic Committee staff, I enclose for your consideration a copy of my and Professor Laurence Tribe's analysis of the question whether Senator John McCain is a ''natural born citizen'' eligible, under Article II of the Constitution, to hold the office of President of the United States. Professor Tribe and I are in agreement that the circumstances of Senator McCain's birth to American parents in the Panama Canal Zone make him a natural born citizen within the meaning of the Constitution.

Please do not hesitate to contact me if I can be of further assistance in this matter.

Very truly yours,

THEODORE B. OLSON.

MARCH 19, 2008.

We have analyzed whether Senator John McCain is eligible for the U.S. Presidency, in light of the requirement under Article II of the U.S. Constitution that only ''natural born Citizen[s] . . . shall be eligible to the Office of President.'' U.S. Const. art. II, §1, cl. 5. We conclude that Senator McCain is a ''natural born Citizen'' by virtue of his birth in 1936 to U.S. citizen parents who were serving their country on a U.S. military base in the Panama Canal Zone. The circumstances of Senator McCain's birth satisfy the original meaning and intent of the Natural Born Citizen Clause, as confirmed by subsequent legal precedent and historical practice.

The Constitution does not define the meaning of ''natural born Citizen.'' The U.S. Supreme Court gives meaning to terms that are not expressly defined in the Constitution by looking to the context in which those terms are used; to statutes enacted by the First Congress, Marsh v. Chambers, 463 U.S. 783, 790–91 (1983); and to the common law at the time of the Founding. United States v. Wong Kim Ark, 169 U.S. 649, 655 (1898). These sources all confirm that the phrase ''natural born'' includes both birth abroad to parents who were citizens, and birth within a nation's territory and allegiance. Thus, regardless of the sovereign status of the Panama Canal Zone at the time of Senator McCain's birth, he is a ''natural born'' citizen because he was born to parents who were U.S. citizens.

Congress has recognized in successive federal statutes since the Nation's Founding that children born abroad to U.S. citizens are themselves U.S. citizens. 8 U.S.C. §1401(c); see also Act of May 24, 1934, Pub. L. No. 73–250, §1, 48 Stat. 797, 797. Indeed, the statute that the First Congress enacted on this subject not only established that such children are U.S. citizens, but also expressly referred to them as ''natural born citizens.'' Act of Mar. 26, 1790, ch. 3, §1, 1 Stat. 103, 104.

Senator McCain's status as a ''natural born'' citizen by virtue of his birth to U.S. citizen parents is consistent with British statutes in force when the Constitution was drafted, which undoubtedly informed the Framers' understanding of the Natural Born Citizen Clause. Those statutes provided, for example, that children born abroad to parents who were ''natural-born Subjects'' were also ''natural-born Subjects . . . to all Intents, Constructions and Purposes whatsoever.'' British Nationality Act, 1730, 4 Geol. 2, c. 21. The Framers substituted the word ''citizen'' for ''subject'' to reflect the shift from monarchy to democracy, but the Supreme Court has recognized that the two terms are otherwise identical. See, e.g., Hennessy v. Richardson Drug Co., 189 U.S. 25, 34–35 (1903). Thus, the First Congress's statutory recognition that persons born abroad to U.S. citizens were ''natural born'' citizens fully conformed to British tradition, whereby citizenship conferred by statute based on the circumstances of one's birth made one natural born.

There is a second and independent basis for concluding that Senator McCain is a ''natural born'' citizen within the meaning of the Constitution. If the Panama Canal Zone was sovereign U.S. territory at the time of Senator McCain's birth, then that fact alone

would make him a ''natural born'' citizen under the well-established principle that ''natural born'' citizenship includes birth within the territory and allegiance of the United States. See, e.g., Wong Kim Ark, 169 U.S. at 655–66. The Fourteenth Amendment expressly enshrines this connection between birthplace and citizenship in the text of the Constitution. U.S. Const. amend. XIV, §1 (''All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States. * * *'') (emphases added). Premising ''natural born'' citizenship on the character of the territory in which one is born is rooted in the common-law understanding that persons born within the British kingdom and under loyalty to the British Crown—including most of the Framers themselves, who were born in the American colonies—were deemed ''natural born subjects.'' See, e.g., 1 William Blackstone, Commentaries on the Laws of England 354 (Legal Classics Library 1983) (1765) (''Natural-born subjects are such as are born within the dominions of the crown of England, that is, within the ligeance, or as it is generally called, the allegiance of the king.* * *'').

There is substantial legal support for the proposition that the Panama Canal Zone was indeed sovereign U.S. territory when Senator McCain was born there in 1936. The U.S. Supreme Court has explained that, ''[f]rom 1904 to 1979, the United States exercised sovereignty over the Panama Canal and the surrounding 10-mile-wide Panama Canal Zone.'' *0'Connor* v. *United States*, 479 U.S. 27, 28 (1986). Congress and the executive branch similarly suggested that the Canal Zone was subject to the sovereignty of the United States. See, e.g., The President—Government of the Canal Zone, 26 Op. Att'y Gen. 113, 116 (1907) (recognizing that the 1904 treaty between the United States and Panama ''imposed upon the United States the obligations as well as the powers of a sovereign within the [Canal Zone]''); Panama Canal Act of 1912, Pub. L. No. 62–337, §1, 37 Stat. 560, 560 (recognizing that ''the use, occupancy, or control'' of the Canal Zone had been ''granted to the United States by the treaty between the United States and the Republic of Panama''). Thus, although Senator McCain was not born within a State, there is a significant body of legal authority indicating that he was nevertheless born within the sovereign territory of the United States.

Historical practice confirms that birth on soil that is under the sovereignty of the United States, but not within a State, satisfies the Natural Born Citizen Clause. For example, Vice President Charles Curtis was born in the territory of Kansas on January 25, 1860—one year before Kansas became a State. Because the Twelfth Amendment requires that Vice Presidents possess the same qualifications as Presidents, the service of Vice President Curtis verifies that the phrase ''natural born Citizen'' includes birth outside of any State but within U.S. territory. Similarly, Senator Barry Goldwater was born in Arizona before its statehood, yet attained the Republican Party's presidential nomination in 1964. And Senator Barack Obama was born in Hawaii on August 4, 1961—not long after its admission to the Union on August 21, 1959. We find it inconceivable that Senator Obama would have been ineligible for the Presidency had he been born two years earlier.

Senator McCain's candidacy for the Presidency is consistent not only with the accepted meaning of ''natural born Citizen,'' but also with the Framers' intentions when adopting that language. The Natural Born Citizen Clause was added to the Constitution shortly after John Jay sent a letter to George Washington expressing concern about ''Foreigners'' attaining the position of Commander in Chief. 3 Max Farrand, The Records of the Federal Convention of 1787, at 61 (1911). It goes without saying that the Framers did not intend to exclude a person from the office of the President simply because he or she was born to U.S. citizens serving in the U.S. military outside of the continental United States; Senator McCain is certainly not the hypothetical ''Foreigner'' who John Jay and George Washington were concerned might usurp the role of Commander in Chief.

Therefore, based on the original meaning of the Constitution, the Framers' intentions, and subsequent legal and historical precedent, Senator McCain's birth to parents who were U.S. citizens, serving on a U.S. military base in the Panama Canal Zone in 1936, makes him a ''natural born Citizen'' within the meaning of the Constitution.

LAURENCE H. TRIBE.
THEODORE B. OLSON.

Mr. BROWN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. 511) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 511

Whereas the Constitution of the United States requires that, to be eligible for the Office of the President, a person must be a ''natural born Citizen'' of the United States;

Whereas the term ''natural born Citizen'', as that term appears in Article II, Section 1, is not defined in the Constitution of the United States;

Whereas there is no evidence of the intention of the Framers or any Congress to limit the constitutional rights of children born to Americans serving in the military nor to prevent those children from serving as their country's President;

Whereas such limitations would be inconsistent with the purpose and intent of the ''natural born Citizen'' clause of the Constitution of the United States, as evidenced by the First Congress's own statute defining the term ''natural born Citizen'';

Whereas the well-being of all citizens of the United States is preserved and enhanced by the men and women who are assigned to serve our country outside of our national borders;

Whereas previous presidential candidates were born outside of the United States of America and were understood to be eligible to be President; and

Whereas John Sidney McCain, III, was born to American citizens on an American military base in the Panama Canal Zone in 1936: Now, therefore, be it

Resolved, That John Sidney McCain, III, is a ''natural born Citizen'' under Article II, Section 1, of the Constitution of the United States.

ORDER FOR AUTHORITY TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. BROWN. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the Second Session of the 110th Congress: the Honorable GEORGE V. VOINOVICH of Ohio, and the Honorable LISA A. MURKOWSKI of Alaska.

ORDERS FOR THURSDAY, APRIL 30, 2008

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Thursday, May 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, there then be a period of morning business for up to 1 hour with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the second half; and following morning business, the Senate resume consideration of H.R. 2881, the FAA reauthorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BROWN. If there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order, following the remarks of the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA REAUTHORIZATION

Mr. REID. Mr. President, as we close tonight, I want everyone within the sound of my voice to understand this: We are working on a very important piece of legislation, the reauthorization of the Federal Aviation Administration—the agency responsible for making sure aircraft is safe and reliable.

Right now, we have an antiquated system. This legislation will do what has been needed for a long time to change the way we do aviation in this country. All the experts say it is long past due. We have had hard work for a

long period of time. This bill is way overdue. Senator ROCKEFELLER has worked very hard in bringing the product to the floor. It is a good product.

We had an issue today that came up, and Senator ROCKEFELLER offered an amendment which takes away that as an issue. My friends, the Republicans, obviously, want to kill this bill to add to the other list they have sent to the graveyard. They are using an excuse: Well, we don't have the ability to offer amendments.

Mr. President, I have offered them anything possible to make sure they can offer all the amendments they want. The distinguished Senator from Texas, Mrs. KAY BAILEY HUTCHISON, obviously does not like some of the tax portions of this bill. Offer an amendment to try to take them out. I have offered the Republican leader: Give us a list of the amendments you want to offer. This is very standard procedure around here. No response to that.

It is very obvious to me this is an effort to kill this bill. Let's be logical. We are on the floor. I have said: Any amendments you want to offer that are germane or relevant to this bill, you can do that. Now, that is very wide. It allows anything that relates basically to transportation to be offered on this bill. But they have turned that down.

They have broken all records for filibuster—they, the Republicans. On this one, on the motion to proceed, I said on the floor earlier this week, this was not their fault. We did not have the substitute Senators ROCKEFELLER and BAUCUS had worked on. It was not ready until Monday night. But it was ready Tuesday morning, and they had every opportunity to work at that time and give us a list of amendments they wanted to do. We would give them ours.

I was told today, when the Durbin amendment was filed, that they wanted to offer the next amendment. They wanted to offer it from Senator BUNNING. No problem. We have been waiting all day for the language of that amendment, which is probably nonexistent.

We have been fair. We have been reasonable. But, obviously, we are now at a point where they are back to their old tricks and just killing the bill. They should just tell us this rather than play the games. They should say: We do not want this bill.

I have spoken to the Republican leader saying: If we really want to get this bill done, why don't I file cloture then, because no one seems to be wanting to offer any amendments. He said: No, it's too early. You have not allowed us to offer any amendments. I say: Offer amendments.

So this is really, Mr. President, a typical procedure around here, that the minority, wanting to maintain the status quo with air travel, as everything else, puts us in a position where we have no alternative but to either pull the bill or file cloture, and they said they will not give us the extra nine votes we need.

Remember, Mr. President, this bill has, for example, the Passenger Bill of Rights in it so that when people are held up on a flight—you are on a runway for hours at a time—there are certain rights passengers have. All those things that cause so much consternation when you are trying to travel on an airplane—the Passenger Bill of Rights addresses many of those. But with Republicans that will go down the tubes with everything else in this bill.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. REID. Mr. President, I am happy to yield.

Mr. DURBIN. Mr. President, I know the Senator and I spoke earlier, and I heard his conversation on the floor earlier.

I would say, through the Chair, if the Republican minority came forward, in the morning, with a list of germane amendments to this bill, it is my understanding the majority leader has said we will entertain and consider those amendments. This is open for an amendment process, for deliberation, and for votes on this important aviation safety bill. Is that correct?

Mr. REID. Mr. President, I even went one step further. I said the distinguished Republican leader would have the right to look at our amendments. It would not be just me; I want him in on the deal.

Mr. DURBIN. Mr. President, if I can further ask the majority leader: The Senator from Texas, Mrs. HUTCHISON—who has put a lot of time in this, along with Senator ROCKEFELLER—has objected to two or three provisions in the bill from the Finance Committee related to transportation and financing. I have said I support those provisions. But if the Senator from Texas, Mrs. HUTCHISON, wants to offer a motion in the morning to strike those provisions, is the majority leader saying—I ask through the Chair—is the majority leader saying it is her right to offer that motion to strike?

Mr. REID. Mr. President, I say to my friend from Illinois, I asked our staff: When we close today, let's not have morning business. Let's go directly to the bill. But we found that was fruitless. They did not want us to go to the bill. I have said so many different times, in so many different ways, that we want to finish this legislation. We want to work with Republicans to finish this legislation.

And I say to my friend, the Senator from Texas, it is my understanding, has asked other people: Why don't you offer the amendment to strike all this stuff? For whatever reason, she does not want to have her fingerprints on eliminating this amendment, obviously. I just think it is really too bad.

I want this bill to go forward. The main thing I want is to make sure everyone understands we Democrats want to change things. We want change. We need change in a lot of different places, but one place we need change is the way air traffic is handled today. And the Republicans, obviously, want it to stay the same; let's keep it the same; let's maintain the status quo.

Mr. DURBIN. Mr. President, if I could ask the majority leader to yield for one other question.

It is my understanding, so far in this session, the Republicans have initiated 68 filibusters, which is an attempt to slow down or stop the business of the Senate. But that breaks all records in the Senate, and they are on course, if they continue at this pace, to offer over 100 filibusters before the end of the year, maybe even more.

I would like to ask the majority leader, if they continue trying to stop us from even bringing bills to the floor, debating them, amending them, and bringing them to a vote—I would like to ask the majority leader how we could reach a point where we actually do change things for the better, where we can see the progress that the American people expect.

Mr. REID. Mr. President, there are things we need to do. The No. 1 issue in America today: gas prices. We cannot go to gas prices because we are stuck on this thing that they will not let us move on, and that is the way it has been going since we took the majority. That is something they have had trouble getting over, that we are in the majority. It is a slim majority, but it is the majority, and because of that, we have the opportunity to determine what issues come to the floor. The issue that was long past due was FAA reauthorization. But they are stopping us from doing virtually anything that needs to be done for this country.

I have trouble understanding why they want to continue to up the record they have already broken. They broke the 2-year filibuster record in 10 months. But now I guess they want to keep adding to their record to see how many filibusters they can conduct. And they have been fairly successful stopping us from passing things that the American people want, such as the matter now on the floor. But energy legislation—they stopped us on that. That is to go to alternative energy so we do not have to use 21 million barrels of oil every day. We have wanted to do things dealing with education. We have not been able to do that. Health care, we haven't been able to do that. Things that the American people want are being stopped because of the Republicans' love of the status quo.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is nothing more to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:01 p.m, adjourned until Thursday, May 1, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAVID H. PETRAEUS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF OF THE ARMY AND TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

LT. GEN. PETER W. CHIARELLI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. RAYMOND T. ODIERNO

THE JUDICIARY

MICHAEL M. ANELLO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE NAPOLEON A. JONES, RETIRED.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on April 30, 2008 withdrawing from further Senate consideration the following nomination:

ARMY NOMINATION OF LT. GEN. RAYMOND T. ODIERNO, TO BE GENERAL, FOR APPOINTMENT AS THE VICE CHIEF OF STAFF, UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034, WHICH WAS SENT TO THE SENATE ON FEBRUARY 5, 2008.

EXTENSIONS OF REMARKS

IN RECOGNITION OF MS. LAUREN EWING

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Lauren Ewing, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their Club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the Club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the Local Youth of the Year award, Lauren moved onto the state level competition, where she refined her essay and prepared for the next round of interviews. Lauren was a highly qualified candidate for the Youth of the Year 2008. Lauren actively participates in her local Boys & Girls Club, Simon Circle, where she is the President of the Keystone Club and a member of the Torch Club. Lauren is involved in various organizations, including ROTC, Dover Caring Community Youth Coalition, and Cooperative Extension Nutrition Program.

Once again, I would like to commend Lauren Ewing for being nominated as the Boys & Girls Club of Delaware's Youth of the Year.

IN MEMORY OF JACK GIBSON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend and former colleague in the Arkansas State Senate, Jack Gibson of Boydell, Arkansas, who passed away April 24, 2008.

I will forever remember Jack Gibson as a good friend, a devoted public servant and someone who cared deeply about improving the quality of life in southeast Arkansas. As a natural born leader, he excelled at every task he took on and was an inspiration to all of us who knew him.

Jack Gibson served his country in the U.S. Navy during World War II as a decorated naval pilot, and has been recognized for shooting down the last enemy aircraft of the war. After the war, he returned home to southeast Arkansas to pursue his true passion of agriculture. His advocacy for the industry began while working with his father at their family-owned farm, cotton gin and agricultural spraying service, where he learned the importance of farming to our economy. As a member of the Farm Bureau for over 50 years, as well as his affiliation with numerous other agricultural organizations, he relentlessly promoted the value and resources the agriculture community contributes to the fabric of our State and Nation.

Jack Gibson was also a distinguished State senator representing Arkansas State Senate District 35 for 12 years. He was a thoughtful and diligent senator who admirably represented all those he was elected to serve. I was honored to serve with him in the Arkansas Senate where I experienced his tireless and dedicated work on agriculture and economic development issues facing Arkansas. His leadership in the Senate, whether as a Chairman or Member of a committee or council, was guided by his dedication to the State of Arkansas and to all of those who work and reside in our beloved State. The opportunity to get to know and work with Jack Gibson will forever be etched fondly into my memory.

Jack Gibson will always be known for his outstanding service to our country and his community. Above all, he will sorely be missed as a friend. I extend my deepest condolences to his wife, Elizabeth Haniken Gibson; his son, Stephen Anderson Gibson of Boydell, Arkansas; his daughter Marcie Elizabeth Gibson of Little Rock, Arkansas; his sister, Mary Jane Bowman of Dermott, Arkansas; and to his nephews, grandchildren, great-grandchildren and friends. Jack Gibson will be greatly missed in southeast Arkansas and throughout the State, and I am truly saddened by this loss.

HONORING DR. CHARLES GRANT ON HIS COMMUNITY SERVICE

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to commend Dr. Charles Grant for his community service and his friendship for over 20 years. Dr. Grant has been an educator for 35 years and for 25 years has served at San Jacinto College North. His positions have included: instructor of Management Development, director of Continuing Education, dean of Continuing Education, and vice president of Instruction and for the last 10 years, he has served as president of San Jacinto College North.

Dr. Grant is a graduate of the first class from North Shore High School, in Texas, and received his degree from San Jacinto College. Dr. Grant has been an active part of the North Channel Area chamber of Commerce for many years, where he was chairman of the board in 1997 and was selected board member of the year for 1995.

Dr. Grant is a member of North Shore Rotary Club since 1987, serving as president for the 2002–03 year, named a Paul Harris fellow, and was awarded rotarian of the year for 2004–05. Dr. Grant is a charter sponsor of San Jacinto College North Rotaract Club for 25 years; Rotary District 5890 Rotaract chair for seven years; serving on the Rotary International Rotaract Committee for three years and as the Rotary International Rotaract chair for 2005–06. Dr. Grant has served as the college coordinator for CDS International's German-American Youth Exchange Program for 24 years and has hosted, along with his wife, Gail, a German exchange student.

And so it is with great pleasure that I recognize Dr. Charles Grant, for his service to San Jacinto College North and I congratulate him on his continued commitment to community service.

CHIEF LARRY SHIFLET: TEXAS LAWMAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. POE. Madam Speaker, Texas is known for its legendary Lawmen that bring criminals to justice. Today, I want to recognize the life of Assistant Chief Deputy Larry Shiflet. He is a lifetime member of what is referred to in my part of Texas as the Poe-leece. It is an informal organization made up of my long-time friends in the Texas law enforcement community. It is an honor to pay tribute to him today as he retires from public service.

Larry Eugene Shiflet was born in Houston on Sept. 2, 1940 and was destined to be a Texas Lawman. At the age of 17, he joined the U.S. Air Force. After serving his country for four years, a friend got him a job in the Union Pacific Railroad Police Department.

He got to do what most boys from Texas only dream about doing: being a real cowboy that protected railroad cars from bandits. He worked in the special investigative unit that tracked down thieves, drug smugglers and hobo stowaways. He later became the head of the investigative unit and had jurisdiction over four states. He worked for 20 years with the railroad before retiring for the first time.

After leaving the rail road police, he obtained additional police training and he was soon hired by the Harris County Precinct 4

Constable's Office in Houston, Texas. His attitude as a deputy was to enforce the spirit of the law rather than the letter of the law. Chief Shiflet's personality and professionalism earned him respect from both those he worked with and with those he arrested. He inspired many young deputies to strive for excellence and they credit his leadership as the reason for their professional success.

His boss and close friend, Constable Ron Hickman, described Chief Shiflet as being a part of the backbone of the organization. "Chief Shiflet's keen sense of community involvement, understanding of law enforcement responsibility, leadership skills, wisdom and experience have made him an indispensable part of our organization," said Hickman. "His fair, but firm hand has provided a stalwart position that many of us have looked to for resolution during difficult times. I have had the distinct pleasure of working alongside Larry for 25 years and count him among my best friends."

Hickman also described Chief Shiflet as a man that is fully aware of the real dangers of police work, but at the same time is deathly afraid of snakes. Even after working for years along the Texas border for the railroad police, Hickman said that Chief Shiflet is still very likely to shoot somebody to get out of the way of a snake.

Along the way during his career in the Constable's office, Chief Shiflet met his wife Cynthia Calvert when he worked in Atascocita. She was the editor of a local newspaper at the time and called him to ask about the violent crime wave of bicycle thefts in Kingwood. Chief Shiflet suggested that it would be best to discuss the bike thefts over a cup of coffee. That face to face meeting request was the beginning of a relationship that later led to their marriage.

In addition to his law enforcement career, Chief Shiflet had a brief stint as an unofficial U.S. Ambassador to Ireland during a family vacation. At every pub his family stopped at for a meal and a drink, Chief Shiflet would have to defend America and President George W. Bush's foreign policies. As soon as the natives heard the warm, southern drawl in Chief Shiflet's voice, they knew he was from Texas and would launch into anti-American foreign policy tirades.

Chief Shiflet patiently, respectfully and eloquently explained that they were wrong and America was right. As only a true American patriot would, Chief Shiflet spent his entire family vacation defending America and our President from Irish criticism.

Ironically, even though he has spent 50 years in public service through the military and law enforcement, Chief Shiflet started his working career in the newspaper business and it looks like he will end it with newspapers. When he was 10 years old he delivered newspapers by hand from his bike for an old city paper called the Houston Press. In 2007, he and his wife started a community newspaper company called the Tribune newspapers. Instead of delivering papers on a bicycle, he will soon be delivering issues of the Tribune from his red Corvette.

As Chief Shiflet retires today from the Harris County Precinct 4 Constable's Office, I am honored to recognize his lifetime of law enforcement service. For 46 years, he has put on a badge and a gun to protect and serve the people and communities that he loves. As he hangs up his gun for the last time today and turns in his badge, he can ride off into the sunset in his Corvette knowing that he is loved, respected and appreciated by so many.

Happy Trails to you, Chief Shiflet. Thank you for a job well done and for all your hard work to make our Texas neighborhoods safer.

And that's just the way it is.

HONORING FIRST LIEUTENANT MATTHEW RYAN VANDEGRIFT

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. TANCREDO. Madam Speaker, I rise today to honor the sacrifice of a fallen hero and Marine from my district, First Lieutenant Matthew Ryan Vandegrift, of Littleton, Colorado. First Lieutenant Vandegrift was killed while conducting combat operations in Basra, Iraq, just four days after celebrating his 28th birthday.

First Lieutenant Vandegrift, stationed in Iraq since August 2007, was assigned to the 2nd Battalion, 10th Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force out of Camp Lejeune, NC. Matthew was part of a team responsible for training Iraqi security forces. Through his service, Matthew played a critical role in establishing Iraqi sovereignty by preparing Iraqi security outfits with the knowledge and expertise necessary to survive as a free and independent democracy.

Born and raised in Austin, Texas, First Lieutenant Vandegrift found his home in Colorado, when his family moved while Matthew was studying international business at Texas A&M University. While at Texas A&M, Matthew maintained a perfect 4.0 grade point average, and participated in the Midshipmen Battalion NROTC program. Following graduation, Matthew returned to Littleton, when in 2005 he courageously decided to continue the Vandegrift family tradition of serving America, by joining the United States Marine Corps.

First Lieutenant Vandegrift fought to protect and preserve the freedom and democracy that we as Americans enjoy. First Lieutenant Vandegrift exemplified what it is to be an American, and he will forever be remembered for his sacrifice and patriotism.

Madam Speaker, my most heartfelt condolences go out to Matthew's family and friends. He will be missed by all those who knew and loved him.

TRIBUTE TO CHARLES "CHARLIE" NILES

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. McHUGH. Madam Speaker, I rise today with sadness to note the recent passing of a constituent, Mr. Charles "Charlie" Niles, a resident of Plattsburgh, New York, who died at the age of 85 on April 2, 2008.

I greatly appreciate the service Charlie provided to our Nation as a member of the U.S. Army during World War II and for his 33 years of service as a part-time immigration inspector at the Port of Champlain in Champlain, New York. In addition to that service, Charlie also served the community of Champlain, New York. Specifically, he taught English at Northeastern Clinton Central School. Charlie retired in 1988 and was a member of the New York State Retired Teacher's Association. I am advised that he made Shakespeare, Steinbeck, and other classics come alive for his students while teaching them to speak and write the "King's English."

Accordingly, I now wish to extend my deepest sympathies to his wife of 62 years Elizabeth L. Niles, sons Charles A. Niles, Jr. and John Niles, daughter Marilyn Donohue and grandchildren Adam C. Niles, Jennifer L. Niles, Ryan J. Donohue, and Timothy B. Donohue.

IN RECOGNITION OF MR. GREGORY HENRY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. Gregory Henry, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state-level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the Local Youth of the Year award, Gregory moved onto the state-level competition, where he refined his essay and prepared for the next round of interviews. Gregory was a highly qualified candidate for the Youth of the Year 2008. He volunteers with the Smyrna Police Department and plans to become a Citizen Auxiliary Policeman, being the youngest member of the department. At the awards ceremony, Gregory was honored with the Best Essay Award.

Once again, I would like to commend Gregory Henry for being nominated as the Boys & Girls Club of Delaware's Youth of the Year and winning the Best Essay Award.

H.R. 493, TO PROHIBIT DISCRIMINATION BASED ON GENETIC INFORMATION WITH RESPECT TO HEALTH INSURANCE AND EMPLOYMENT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. BACA. Madam Speaker, I rise today in strong support of H.R. 493, to prohibit discrimination based on genetic information with respect to health insurance and employment. Thanks to breakthroughs in science we are able to genetically test for potential health problems. This is information about ''potential'' health problems that an individual can use to reduce the likelihood of contracting an illness.

Awareness of potential health problems is the first step; but individuals still need health care coverage to access the proper testing and treatments.

During the 1970s, the sickle-cell anemia craze led to discrimination against African Americans and unnecessary public fear. To prevent this type of public fear and discrimination against any individual, this bill bars employers and health insurance companies from discriminating against an individual based on genetic information about potential health problems. The bill protects the consumer, by denying health insurance companies from setting higher premiums based on genetic tests.

Individuals should not be penalized because of their genetic make-up; this is something no one has control of. Just because an individual is Hispanic and a likelier candidate for heart disease, should not lead to a higher insurance premium based on the results of a genetic test. Higher premiums are unrealistic and harmful to American families that already are struggling to pay for health care coverage for themselves and their children.

Parents should not skip out on vital fact-finding genetic tests about potential health problems because of fear of loss of health care coverage or loss of their job.

We need to protect our families and protect their health care coverage. I urge my Colleagues to support H.R. 493.

HONORING THE SERVICE AND ACCOMPLISHMENTS OF DR. ZENIA CHERNYK

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. GERLACH. Madam Speaker, I rise today to acknowledge and honor Dr. Zenia Chernyk of Huntingdon Valley, Pennsylvania for her many years of service to the Ukrainian people and to the Ukrainian-American community. Throughout the years I have worked closely with Dr. Chernyk, I have seen up close her dedication and unbridled energy that has resulted in tremendous accomplishments.

Originally born in Ukraine, Dr. Chernyk lived in Poland during her childhood years and attended the Medical School of Wroclaw University. In 1964, she was invited to work on kidney and pancreas transplant research at Hahnemann Hospital in Philadelphia. Since this time, Dr. Chernyk has worked closely with the Ukrainian Embassy, members of Congress, and national and international organizations and institutions to advocate on behalf of the healthcare needs of Ukrainian children with specialized medical needs.

For the past 17 years, Dr. Chernyk has been the Chair of the Healthcare Program of the Ukrainian Federation of America. Through this program, Dr. Chernyk has overseen the development and implementation of a variety of healthcare programs in Ukraine, including the education of healthcare providers and increasing the level of medical technology and research support available to Ukrainian healthcare programs. In addition to this position, Dr. Chernyk also serves as the director of Project Lifeline, a healthcare reform project aimed at establishing rural practice clinics in Ukraine. These programs are a valuable asset in the efforts to improve the quality of healthcare for the children of Ukraine and the Ukrainian community.

Madam Speaker, I ask that my colleagues join me today in honoring Dr. Zenia Chernyk for her tireless efforts and service to Ukraine and the Philadelphia area Ukrainian-American community. May her continued service be an inspiration to us all.

TRIBUTE TO CLARE M. ALBOM

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. COURTNEY. Madam Speaker, I rise today to recognize the life of Clare M. Albom a consummate leader in physical education, safety, senior and women's issues in eastern Connecticut. On April 26, 2008, Clare passed away.

Clare was born in Ellington, Connecticut, on June 17, 1919. She attended Rockville High School and subsequently earned a B.A. in health, physical education and recreation from Arnold College in New Haven. After graduation, Clare moved to Pasadena, California, and assumed a position with the Aerojet Engineering Corporation, drafting blue prints for jet engines. After 2 years in Pasadena, Clare and her husband, Milton, returned to Rockville to raise a family.

Following the birth of her three children and the untimely death of her beloved husband, she began teaching with her alma mater, Rockville High School. For 15 years, she remained dedicated to girls' physical education at Rockville High School, teaching sports curriculum and forming the Girls' Athletic Activities Club (GAAC). The GAAC, which was a huge success, offered girls in the community an unprecedented opportunity to explore interests in individual and team sports. In 1971, the GAAC received national accolades, when the program was recognized as the most outstanding in the U.S.

Over the course of her career, Clare worked with the Connecticut State Department of Education, evaluating the quality of physical education programs across the State and conducting teacher workshops. Highlights included serving as a master bowling clinician for the Lifetime Sports Education Project and conducting bowling workshops for special education teachers withthe acclaimed Kennedy Institute. Her work in physical education has also been solidified in physical education textbooks and national manuals.

In addition to her work in the physical education community, Clare was a passionate advocate for children's safety. Between 1970 and 1979, she served as the supervisor of Health, Elementary and Girls' Physical Education in the Vernon school system. In 1974, she developed a safety education program which was recognized at the State level by the Connecticut Safety Commission. In 1978, she produced a film on bus safety, ''Alert and Alive,'' which also received State recognition by the Connecticut Department of Motor Vehicles and national recognition at the National Highway Transportation Convention in Washington, D.C.

After retiring, Clare was asked by the Vernon mayor, Marie Herbst, to head up the Vernon Senior Center, which at the time was a very small program. Clare transformed the center into one of the most successful municipal senior centers in Connecticut. The center sponsored group trips in the U.S. and abroad, started ''The Golden Steppers'' dance program, a golf league, a bridge club, holiday events—the list goes on. Even more importantly, the center became an advocate in Vernon, the State capital, and Washington, DC, to create innovative assistance for seniors—ConnPACE, circuit breaks property tax relief and improvements to Social Security and Medicare.

As a State Representative for the town of Vernon I had the privilege to know and work with Clare for the last 22 years. She was a tireless advocate for the center, but even more importantly, for her progressive, compassionate vision of the Vernon community.

Madam Speaker, Clare lived an extraordinary life. Her advocacy and leadership roles in often overlooked issues, including girls' physical education, children's safety and opportunities for senior citizens, improved the lives of our friends and neighbors in Connecticut and across the Nation, and would change the status quo for future generations. I ask my colleagues to join with me and my constituents in recognizing her life and legacy and offering condolences to her family.

IN RECOGNITION OF MR. WILL TOWNSVILLE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. Will Townsville, who was named the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their Club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to

home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the Club means to them. Additionally, students had to prepare a 3–5-minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the Local Youth of the Year award, Will moved onto the state level competition, where he refined his essay and prepared for the next round of interviews. Will was an extremely qualified candidate for the Youth of the Year 2008. He served as President of the Greater Newark Boys & Girls Club's Keystone Club for 2 years. At school, Will participates in a variety of activities, including boys' basketball and baseball, Leaders of America, and the yearbook committee. Will volunteers with the Jefferson Finance Awards committee and Adopt-A-Family.

Once again, I commend Will Townsville for being named as the Boys & Girls Club of Delaware's Youth of the Year.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. ANDREWS. Madam Speaker, I was not present on April 24, 2008. Had I been present, I would have voted yea on the following rollcall votes: Rollcall 220, rollcall 221, rollcall 223.

I would have voted ''nay'' on the following: Rollcall 222.

IN RECOGNITION OF CLEAN AIR CHAMPIONS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mrs. MATSUI. Madam Speaker, I rise today to recognize many of Sacramento's outstanding individuals and businesses as members of the Sacramento community gather at the 32nd Annual Clean Air Awards Luncheon hosted by Breathe California of Sacramento Emigrant Trails. The men and women being honored this afternoon are dedicated to the success of Sacramento and have worked tirelessly to advance the region's environmental conditions. I ask all my colleagues to join me in honoring these fine Sacramentans.

Gary Federico and the Federico Beauty Institute will be presented with the ''Business Award.'' Gary has partnered with Sacramento Municipal Utility District to implement a recycling program, changed his light bulbs to energy efficient compact fluorescent lights, established a photovoltaic carport system, and installed occupancy sensors to save energy. These changes will reduce carbon dioxide emissions by 165,643 pounds, which is equivalent to annually removing 14 cars from the road. Gary and the Federico Beauty Institute are an example of how even individuals and small businesses can truly make a difference.

Tony Powers is receiving the Clean Air ''Individual Award,'' for his tireless dedication to air quality by focusing on bicycle-friendly alternatives to driving. Tony has worked with the City of Folsom to build a new Lake Natoma Crossing and has inspired people to trade in their cars for bicycles. Tony has made bicycling easier and safer for the Sacramento community. Due to his efforts, Sacramento is ranked among the top 10 cities in the Nation for bicycle commuting.

The Natomas Unified School District is receiving the Clean Air ''Government Award'' for its dedication to air quality and energy-saving techniques. These techniques include solar panel use, conversion of school buses to biodiesel, synthetic turf playing fields and promoting walking and bicycling to school with the Safe Routes to School program. This program reduces traffic and encourages safe driving. The Natomas Unified School District has also been designated as the State's only ''Climate Action Leader'' due to their participation in voluntary greenhouse gas emissions reporting programs.

The Clean Air ''Regional Award'' will be presented to the Million Mile May Program. This program challenges individuals in the Sacramento Region to not only bike to work, but also to use their bicycles for their errands and leisure time as well. So far this year, over 2,500 individuals have pledged to ride over 600,000 miles and this number continues to rise. In 2007, the Million Mile May Program nearly reached its 1 million mile goal and saved nearly 19,000 gallons of gasoline. I would like to commend this program for its dedication to promoting clean air and exercise.

9onF is being awarded the Clean Air ''Smart Growth Award'' for their work in developing more eco-friendly homes in the Sacramento area. These homes feature state-of-the art energy performance combined with environmental responsibility. They come equipped with geothermal heating and cooling systems, the SMUD ''Solar Smart'' Program and they are LEED-for-Homes certified. This project improves air quality in building design and construction materials as well as in its location. 9onF is built within walking distances of restaurants, stores, entertainment venues, and employment bases.

Keelan Shaw-Connelly is receiving the Clean Air ''Youth Leadership Award'' for her involvement in air quality issues. Keelan joined the Breathe California Youth Advisory Board as a freshman in high school and has done a wonderful job giving her peers a voice in all of the organization's outreach activities. Now as a Sacramento Country Day School junior, Keelan has become a role model for others. Active in her community, Keelan organized a tree planting day at Arcade Middle School, bringing together student volunteers from Muslim, Jewish and Christian faiths.

Madam Speaker, as we celebrate the Clean Air Champions, I am honored to recognize these individuals and businesses for their contributions to the environment and to the Sacramento region. On behalf of the people of Sacramento and the Fifth Congressional District of California, I ask all my colleagues to join me in honoring their unwavering commitment to our region.

TRIBUTE TO MR. ALAN S. WEYMAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize an outstanding public servant, Alan S. Weyman, as he completes more than 39 years of continuous service within the civilian leadership of the Department of Defense. He began his public service life in naval shipbuilding in 1969 as an engineer in training in the New Construction Program Office for the USS *Virginia* Class Cruiser and is ending it as NAVSEA's Executive Director for Surface Warfare. Throughout his career, he worked tirelessly to serve America and our Navy.

Mr. Weyman joined NAVSEA in 1979 as Assistant Program Manager for New Construction. In 1987 he was appointed to the Senior Executive Service and assigned as the Deputy in the Gas Turbine Combatant Ship Program Office where he shared responsibility for fleet support and modernization of all non-Aegis gas turbine ships, acquisition of FFG 7 Class ships, and execution of the Australian and Taiwanese foreign military sales programs.

He was designated as Director of Corporate Operations at NAVSEA in June 1995. While in this position, Mr. Weyman successfully led the organization through a continuing downsizing and restructuring of monumental proportions. Under his leadership, the organization reduced by 45 percent to meet downsizing workforce goals, with minimal mission impact and involuntary separations. Mr. Weyman was a natural leader in this Navy initiative, educating the organization and developing actions to meet a major budget reduction of $1 billion over 5 years. Through his determination, Mr. Weyman developed a plan to eliminate any negative impact on the fleet, core equities, or mission organizational objectives. The process he developed has been adopted as the standard for the Navy.

In 1999, Mr. Weyman was assigned to the Assistant Secretary of the Navy (R,D&A) as the Executive Director for the Program Executive Officer for Theater Surface Combatants which consisted of nearly 400 managers, engineers, logisticians, and financial managers. He was directly responsible to the PEO for the development and execution of a wide variety of Navy programs, including *Arleigh Burke* Destroyer Class shipbuilding, Navy Area and Theater Wide Ballistic Missile Defense, the AEGIS program, and life cycle fleet support of the 115 surface ship combatant fleet.

As Executive Director, New Construction-Current Ship Fleet Support and Inactive Ships, he was instrumental in the successful restructuring of the PEO organization, phasing out PEO Theater Surface Combatants, primarily responsible for the Aegis Shipbuilding Program, and standing up a new organization, PEO Ships, that is responsible for all surface ship shipbuilding and modernization. He initiated an integrated Fleet Support Group for all surface ships and executed that structure within the Commander Fleet Forces Command SHIPMAIN initiative.

Mr. Weyman has far exceeded expected results of his duties as Executive Director for In-

Service Ships. He was instrumental in the successful operations of the PEO, primarily responsible for the in-service support for all surface ships, including destroyer and cruiser modernization programs, the ships inactivation program and the FMS Ship Transfer Program. Under his leadership, the In-Service Ship Team was the horsepower behind the SHIPMAIN Modernization Initiative, CFT 4 which prioritized alterations across classes of ships, removed non-valve alterations with a savings to the navy of over $500M, and instituted a drum beat for alteration accomplishment. He supported SHIPMAIN CFT's 1, 2 and 3, and the development of the Surface Warfare Enterprise. He achieved success in the implementation of a Multi-Ship Multi-Option contract approach for all surface ships maintenance and modernization. MSMO contracts have stabilized the repair industrial base and reduced costs to the fleet OM&N accounts. The achieved successes in the re-activation of the ex-*Kidd* Class destroyers for the Taiwanese Ship Transfer program were extremely impressive; four ships were re-activated for the Taiwanese Navy several months early and tens of millions under budget. Planning for follow-on ship transfer work for the MHC's, ex-*Trenton*, and ex-*Coronado* are already in place. The ship Inactivation Programs still continues to make great strides in reducing the size of the inactive fleet through the development of innovative processes and continuous improvements of existing methods.

Mr. Weyman's visionary approach to challenges allows for the transformation from a ''business as usual'' mentality into actions that permit innovative improvements in the way the Government and its private industry partners achieve best value products and services. It is, therefore, a pleasure to recognize Mr. Alan S. Weyman for his many contributions in a life devoted to our Nation's security as he leaves the Department of the Navy. I know my colleagues join me in wishing him and his wife Barbara much happiness and fair winds and following seas as they begin a new chapter in their lives.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to recognize the 60th anniversary of the independence of the State of Israel and to reaffirm the steadfast relationship between our two strong democratic allies.

May 14, 2008, marks the 60th anniversary of the establishment of the sovereign and independent State of Israel. With little resources and seemingly insurmountable obstacles, Israel has become a thriving and prosperous democracy, and has made significant worldwide contributions in technology, medicine, agriculture, and environmental innovation. Additionally, eight Israelis have been awarded the Nobel Prize.

When we speak about Israel, too often we focus on Israel's troubles and don't focus enough attention on her beauty and her spirit. But what I want to focus on today is her resolve.

Since its independence in 1948, Israel has continually overcome every conceivable roadblock placed in her way. She has beaten back hostile neighbors during war and now she endures terrible economic hardship from terrorist cowards who perpetrate hideous violence against innocent victims.

As a critical partner in our fight against terror and as the only democracy in the region, Israel's strength and security is paramount. Therefore, I encourage this House to continue to pass bipartisan bills in support of Israel and her ability to protect herself from hostile neighbors.

The blossoming of a nation that grew from desert sand into a thriving example of democracy, economic progress, and cultural diversity is a magnificent achievement for this strong and vibrant country.

I want to congratulate Israel on all she has achieved in just 60 years, and I look forward to the future of this extraordinary Nation.

IN RECOGNITION OF MS. KI'ARA RUFUS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Ki'Ara Rufus, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the local Youth of the Year award, Ki'Ara moved onto the state level competition, where she refined her essay and prepared for the next round of interviews. Ki'Ara was an extremely qualified candidate for the Youth of the Year 2008. She has been an active member of the Great Milford Club since she was 6. Throughout her time with the Boys & Girls Club, Ki'Ara has been a member of the Torch Club and the Youth Respond program. She also served as treasurer for the African American Heritage Club at Milford High School.

Once again, I would like to commend Ki'Ara Rufus for being nominated as the Boys & Girls Club of Delaware's Youth of the Year.

SALUTING THE SOUTHEASTERN PENNSYLVANIA RED CROSS AND ITS VOLUNTEERS

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. SESTAK. Madam Speaker, I rise before you to salute the southeastern Pennsylvania Red Cross and its outstanding volunteers during National Volunteer Week.

April 27 through May 3 is National Volunteer Week. Last year in southeastern Pennsylvania, 7,664 Red Cross volunteers helped victims of disaster, taught their neighbors how to save a life, mentored school kids on the meaning of community, and connected military families separated by war and thousands of miles.

The Red Cross in southeastern Pennsylvania is the place where:

Someone you do not recognize puts your family to bed the night you have been burned out of your home—72,000 fires in America last year, 905 of them in southeastern Pennsylvania. Red Cross volunteers answered the call every night when 5,292 of our neighbors—over 40% of them children—suddenly found themselves without a place to live.

A total stranger will give you their blood—four million donors across America, 175,000 of them in southeastern Pennsylvania. Over 1,600 local Red Cross volunteers run over 240 blood drives every month.

Someone you never knew will help save your child from drowning—11 million Americans were trained last year in life saving techniques, 111,739 in southeastern Pennsylvania in over 8,000 classes.

You call to speak to a friendly voice when you have an emergency that involves a serviceman or woman overseas. 3,253 times, the Red Cross received those calls on its 24–7 hotline last year.

400 kids from 18 Philadelphia public high schools gather to learn how to save a life, to help out at the ''Kids Carnival'' on Martin Luther King Day, and to organize blood drives, food drives or toy drives in their schools and their communities.

And Red Cross volunteers are people like:

Martin Strom: During the day he is a SEPTA bus driver, but at night ''Big Marty'' turns up at the burning homes of people he has never met—starting them on the road to recovery from what for many is the worst night of their lives.

Wilma Yeakel: Wilma has worked over 2,000 blood drives in 25 years, and she will tell you that volunteers are paid in six figures—s-m-i-l-e-s.

Tom Warner: this septuagenarian still turns up at his neighborhood ''Y'' in Germantown to teach lifeguard classes—as he has every year for 57 years—and he will tell you that his lungs are in better shape than many of his students.

Carol Barnett: longtime Eagles fan Carol has been helping military families for the last 17 years, working at least two ten-hour shifts like clockwork, every single week. And Carol volunteers on holidays so that others can take a break.

Cornelius Moody: Franklin Learning Center junior Cornelius said it best in his essay on the honor of wearing his Red Cross Shirt:

"Our Red Cross Club is not just another school program, it's a mindset. A mindset to help anyone in need in any way you can, not because you know them, not for privileges, not for awards, but because in your heart you know you can help this person, you should help this person, so you will help this person."

Thomas Jefferson wrote, "It is part of the American character to consider nothing as desperate." Surely what Jefferson envisioned for his America were people like Janice Lufkin and Andrew Brownstein in Montgomery County; Dan Hagen and Edna Hendricks in Delaware County; and Ed Bittner and Debbie Dorito in Chester County—who have together put in over one century of service to people they will probably never see again, but who desperately needed their help, their shoulder, their kind words in their time of greatest need. These volunteers have served in every corner of this region, and in places like Biloxi, Pascagoola and New Orleans, at wildfires in California, tornadoes in the Midwest, bridge collapses in Minnesota, and hurricanes in Florida.

Jefferson was right—nothing is desperate, when you live in a country with people like them and the other 7,664 volunteers here at the southeastern Pennsylvania Chapter of the American Red Cross.

RECOGNIZING THE 25TH ANNUAL MEETING OF THE COMMITTEE ON PIPE AND TUBE IMPORTS

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. ALTMIRE. Madam Speaker, I rise today to recognize the 25th Annual Meeting of the Committee on Pipe and Tube Imports, known to many as the "voice of the industry" in Washington, DC.

The Committee on Pipe and Tube Imports has strong roots in western Pennsylvania. In fact, a number of local steel pipe and tube industry leaders—including Mr. James Feeney, formerly of Wheatland Tube Co.; Mr. Joseph Nowak, formerly of Cyclops Corporation; and individuals from Allied Tube and Conduit—created the vision of the Committee. Since its beginning, the Committee has worked closely with leaders in Congress to develop sound and fair trade policies that ensure U.S. trade laws are strengthened and maintained.

Throughout its 25-year history, the Committee on Pipe and Tube Imports has had many notable achievements, including the filing of over 100 antidumping and countervailing duty cases challenging unfairly traded imports; inclusion of steel pipe and tube in the President's Steel Voluntary Restraint Agreement program; and work on the enactment of trade legislation. It is obvious that this organization has made a significant and lasting impact on our nation's trade policies and through its advocacy has ensured a future for this important segment of the steel industry and its workers across the country.

I am honored to have this opportunity to thank the Committee's founding members, past chairmen, and staff for all of the amazing work they have accomplished on behalf of the United States steel pipe, tube and fittings industry and wish them continued success in the years to come.

HONORING JENNIFER AND JAMES GRIFFIN ON THE OCCASION OF THEIR MARRIAGE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor two of my constituents who were married Saturday, March 8, 2008. Jennifer Lewis Fowlkes and James Sean Griffin celebrated their commitment to each other at a wedding ceremony held at the Griffin home in Land O'Lakes, Florida. A couple firmly dedicated to the Pasco County region, Jennifer works for Verizon, and Jeff is an entrepreneur.

As George Eliot once said, "What greater thing is there for two human souls than to feel that they are joined together to strengthen each other in all labour, to minister to each other in all sorrow, to share with each other in all gladness, to be one with each other in the silent unspoken memories?" Having known the Griffin family for many years, I know Jennifer and James' will have a lifetime of wedded joy ahead of them. I can only hope that their marriage is as long lasting and full of love as that of James' parents, Danielle and Jeff Griffin.

Madam Speaker, we should all be jealous of newlyweds like Jennifer and Jeff. Their lifelong journey began with the first step of a marriage ceremony, and they have yet to see the ups and downs and joys and sorrows that come with every union of man and woman. Their commitment to each other is one to be celebrated and commended and one in which I offer my congratulations and wish them well as they begin their new life together.

OPERATION IRAQI HEALING

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. WILSON of South Carolina. Madam Speaker, I wish to recognize the non-governmental organization Severus Worldwide and the work they are doing on behalf of the health and well-being of the Iraqi people through their project, "Operation Iraqi Healing."

Prior to the fall of Saddam Hussein's regime, Iraqi citizens suffered from a humanitarian crisis perpetrated by a totalitarian dictatorship focused on preserving power rather than providing for the citizenry. Following the liberation of Iraq, remnants of that broken system and the emergence of destabilizing violence created a scenario where the Iraqi people are in dire need of medical supplies and medical facilities to support a healthy nation.

While the American military and our coalition partners have worked hard to help build an infrastructure in the face of ongoing violence, our efforts have been impeded by an enemy that targets Iraqi infrastructure and an Iraqi medical community that has not been fully engaged. Thankfully, private organizations are stepping up and providing invaluable assistance.

Severus Worldwide's "Operation Iraqi Healing" brings together Iraqi physicians and medical personnel along with civil affairs officers from both the U.S. Army and U.S. Marine Corps to provide the necessary funding and infrastructure to build, staff, and equip hospitals and clinics to serve the people of Iraq. This type of comprehensive strategy is needed, and I am grateful for Severus Worldwide's tremendous efforts on behalf of the Iraqi people.

The time to act is now. The success that can be achieved by strengthening the healthcare system of Iraq is two-fold. The people of Iraq will have the tools and resources to treat the sick and wounded. But, just as important, the stability that a strong and growing infrastructure can bring to this nation will be invaluable in helping the young democracy of Iraq flourish. The men and women of Severus Worldwide and the numerous other private and public organizations that have continued to contribute to a stable Iraq should be commended for their compassion.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mrs. DAVIS of California. Mr. Speaker, I rise in strong support of the contribution of the State of Israel as it celebrates its 60th anniversary as a vibrant and open democratic society.

Madam Speaker, my colleagues have already gone into detail about the accomplishments of the State of Israel, and how Israel has gone through an astonishing evolution since 1948. I echo many of their remarks.

I had the great privilege to live and work in Israel in the mid-1960s and celebrated Israel's 22nd anniversary by taking part in a 3-day walk from the shores of Tel Aviv to the hills of Jerusalem. Now I marvel with every visit at the extraordinary changes that have taken place.

With every visit to Israel and each article I read about events on the ground, I am reminded of the enormous complexities and challenges Israel faces—internal as well as external. So we must ask ourselves, what will the future bring for Israel? How can Israel reconcile the great contradictions that its victories from the 1967 war delivered and address the occupation of Palestinian territories that now threatens Israel's very existence as a democratic state with a Jewish majority?

Israel has sought peace with its neighbors and made some progress toward peace with neighboring Arab states. Today, with Gaza controlled by HAMAS and the West Bank by the Palestinian Authority, Israel still lacks a real partner for peace. However, this does not mean efforts for peace should not continue. . . . and this does not mean that the United States should not play an active leadership role in the region.

We must continue our strong support for Israel's very right to exist while continuing to bring life to the peace process between Israel and its neighbors. Our assistance must be a sustained diplomatic effort, on the ground in both Israel and the territories, so we can maximize every effort for dialogue and concrete negotiations.

Addressing these concerns will not be easy, but I remain hopeful that Israel, her neighbors, and the U.S. can get the peace process back on track and that Israel will continue to thrive as a vibrant and open democratic society.

I join my colleagues in recognizing Israel's 60th Anniversary.

IN RECOGNITION OF MR. DEVONG PECK

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. Castle. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. DeVong Peck, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the local Youth of the Year award, DeVong moved onto the state level competition, where he refined his essay and prepared for the next round of interviews. DeVong was a highly qualified candidate for the Youth of the Year 2008. He won the Governor's Youth Volunteer Service Award, the Robert Taylor Character and Leadership Award, and the Dover High School Superstar Award. At the Welsey College Boys & Girls Club, DeVong is a member of the Keystone Club and an active volunteer with numerous other organizations.

Once again, I would like to commend DeVong Peck for being nominated as the Boys & Girls Club of Delaware's Youth of the Year.

JOINT SESSION ADDRESS BY IRISH TAOISEACH BERTIE AHERN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. WALSH of New York. Madam Speaker, I was deeply honored to accompany my good friend and partner in peace Bertie Ahern before one of his last and most prestigious official engagements, less than a week before he stands down from office.

Taoiseach Ahern is one of the finest public servants I have ever known. For more than 30 years he has served his community and the people of Ireland valiantly and with a prevailing sense of civic duty. Bertie Ahern's persistence led to the signing of the Good Friday Accord, the St. Andrews Agreement and more than a decade of prosperity for Ireland. I believe that will be the hallmark of his legacy: commitment to peace, prosperity and progress.

As a fellow elected official who will also be transitioning back into private life, I wish him and his family well in whatever future endeavors they choose to undertake.

IN RECOGNITION OF THE INAUGURAL FLIGHT OF EMERALD COAST HONOR FLIGHT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. MILLER of Florida. Madam Speaker, it is a great honor for me to rise today to recognize the Inaugural Mission of Emerald Coast Honor Flight on April 30, 2008. The organization's efforts serve as a much-deserved tribute to our Nation's veterans.

Emerald Coast Honor Flight was established as a regional program in my district in Northwest Florida to fly World War II veterans to Washington, DC, for one day and give them a chance to see the memorials specifically dedicated to the conflicts in which they bravely served. The organization is privately funded, and with the support of individuals and businesses alike, the trip is made at absolutely no cost to the veteran.

The Emerald Coast is well-known for its unwavering support for our men and women in uniform in both current and past conflicts. With a strong military presence and nearly 110,000 veterans, there is a tremendous appreciation in the area for those who put their lives on the line to defend liberty. It is therefore of little surprise to me that people throughout Florida's First Congressional District came together so willingly and eagerly to make this day a reality. For many of our veterans, especially World War II veterans who have waited so long for a memorial, this will be a once-in-a-lifetime opportunity. The Greatest Generation made our world a better place because they fought for what was right, and it is right for us to show them our gratitude at every opportunity.

Our men and women in uniform have always stood ready to defend liberty, and for that we owe them an eternal debt of gratitude. I am deeply moved by Emerald Coast Honor Flight's efforts to convey to these veterans the knowledge that their service will be long remembered and appreciated.

Madam Speaker, on behalf of the United States Congress, I would like to recognize the efforts of all who worked toward making this inaugural flight possible. The goal of Emerald Coast Honor Flight is noble and commendable, and I look forward to many more flights being made by this organization.

HONORING THE LIFE OF DANE BRITTON

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. MORAN of Kansas. Madam Speaker, I rise today to honor the life of a man who positively influenced the future of central Kansas and in the process touched the lives of thousands of his fellow citizens.

It is a privilege for me to pay tribute to the life of Mr. Dane Britton of Ellsworth, Kansas.

As Kansans, we are dutifully aware of our State motto, Ad Astra Per Aspera, which translates, ''To the Stars Through Difficulties.'' Dane lived this theme with passion.

In 1975, at only 23 years of age, Dane was named Police Officer of the Year for Houston, Texas. Five years later, Dane returned home to Ellsworth to serve as president and chief executive officer of Citizens State Bank—representing the third generation of his family's leadership at the bank. At the same time, Dane stepped forward as a civic leader in his hometown. He was instrumental in securing construction and expansion of the Ellsworth Correctional Facility. His efforts helped bring Cashco, a manufacturing firm, to the community and helped prevent closure of the Independent Salt Company in Kanopolis, Kansas. Dane also provided leadership for construction of the local Performing Arts Center and the Ellsworth Fire Station. As a member of the Ellsworth City Council, Dane led an effort to establish 911 emergency services to the community. He also served as chairman of the board for Smoky Hills Public Television.

In 1988, Dane was appointed Director of Security and Drug Enforcement for the U.S. Department of the Interior. In that role, he oversaw law enforcement responsibilities for all interior department lands—including two presidential emergency centers. In 1992, Dane was selected as one of two Eisenhower Fellows and in so doing became the first Kansan ever chosen for this honor.

Later, Dane moved to Salina, Kansas, where he worked as a stock broker and again established a leadership presence in the community. Dane was elected chairman of the Salina Planning Commission and served on the Salina Community Theater Board of Directors.

Dane touched the lives of many people. His civic leadership was marked by strategic thinking, passion and a willingness to work to make certain that good things happen.

''What he did for Ellsworth was incredible,'' said Nick Slechta, director of the Ellsworth Chamber of Commerce and a longtime friend of Dane's. ''He was very proficient in everything he did. He put so much gusto into every part of his work.'' I can think of no finer tribute.

Dane's dedication to his community, the State of Kansas and our country was exceptional. I join Dane's many friends and admirers in extending my deepest sympathies to his family during their time of loss.

HONORING TEXAS DEPARTMENT OF PUBLIC SAFETY TROOPER LARRY BUXTON FOR RECEIVING A PURPLE HEART

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. BURGESS. Madam Speaker, I rise today to honor the bravery of Texas Department of Public Safety Trooper Larry Buxton. Mr. Buxton, who is stationed in Denton, Texas, in Texas' 26th District, is a recent recipient of the department's Purple Heart Award.

Trooper Buxton suffered life-threatening injuries April 6, 2007, at a roadside park in Denton County after he pulled over a suspected drunken driver. While performing routine checks he was injured when a car driven by another suspected drunken driver veered off the highway into the park. Despite his severe injuries, Buxton managed to check on the condition of the drivers while also calling for help.

Trooper Buxton has been with the Texas Department of Public Safety for 13 years, and has since returned to duty. The Purple Heart Award which he was justly awarded honors the sacrifices of troopers while performing their duties. The Texas Department of Public Safety provides public safety services to the people of the State of Texas.

Madam Speaker, it is with great honor that I rise today to recognize a dedicated public servant. Trooper Larry Buxton is a fine example of what the Texas Department of Public Safety requires in an officer and is truly deserving of the Purple Heart Award. I am glad to know that the 26th District of Texas has the best of the best protecting its citizens and am truly grateful for the commitments and sacrifices Larry Buxton has made to protect his community. It is an honor to represent him in the United States House of Representatives.

IN RECOGNITION OF MS. MELANIE STALLWORTH

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Melanie Stallworth, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year and awarded the Future Leaders Award.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their Club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the Club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the Local Youth of the Year award, Melanie moved onto the state level competition, where she refined her essay and prepared for the next round of interviews. Melanie was an extremely qualified candidate for the Youth of the Year 2008. Melanie actively volunteered through her club with Habitat for Humanity. Melanie serves as a mentor to younger members and she is a member of Torch Club, Caesar Rodney High School Kick Butts anti-smoking club, and the Spanish Club. Melanie's activism did not go unnoticed, and she was awarded the Future Leaders Award.

Once again, I would like to commend Melanie Stallworth for being nominated as the Boys & Girls Club of Delaware's Youth of the Year and winning the Future Leaders Award.

PAYING TRIBUTE TO ROGER HALL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. PORTER. Madam Speaker, I rise today to honor my dear friend Roger Hall, the Director of the Boulder City Parks and Recreation Department for his outstanding achievements throughout the Boulder City community.

Roger was born in Arlington, Virginia in 1952 when his parents were in the military working at the Pentagon. His father was in the Air Force, which required his family to travel. Roger attended various schools in Japan and Germany, where he graduated from Munich American High School in 1971. In high school, he was the captain of both the football and basketball teams, and was an All-Conference soccer player. He received an Associates of Arts Degree from the University of Maryland Campus in Germany, and Bachelor of Science Degree in Recreation Administration from the University of Northern Colorado in Greely. In college, Roger was the starting point guard on the University of Maryland Basketball Team in which he graced the cover of a recent Boulder City local newspaper decked out in a short 70's inspired uniform complete with long flowing hair and a matching headband. At this time he was a player and coach for their football team, and was an avid soccer player. Upon graduation, Roger worked at the Air Force Academy for the summer, before moving to Boulder City, Nevada.

While working in Boulder City, Roger established the soccer program, and was the first Pool Manager of Boulder City Pool and Racquetball Complex which was built in 1980. In 1984, Roger was promoted to the Director for the Boulder City Parks and Recreation Department, which he has proudly held for 23 years. In addition to his professional duties, Roger is very active within the Boulder City community. He has served as President of the Boulder City Rotary Club and has been a member for the past 16 years. In his free time Roger is a true outdoorsman, and an avid hunter.

Madam Speaker, I am proud to honor the accomplishments of Roger Hall. He is a passionate and dedicated, civic-minded, individual and an integral force within the community. I congratulate Roger, his wife Tracey, his four children, and two grandchildren for his contributions to the people of Boulder City.

HOUSE ESTABLISHING A LETTER CARRIERS APPRECIATION DAY

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. HOLT. Mr. Speaker, I rise today in support of H. Res. 49, which expresses the sense of the House of Representatives that there should be established a National Letter Carriers Appreciation Day.

In 1775, Members of the Second Continental Congress established the Post Office Department, the predecessor of the Postal Service and the second oldest Federal department or agency in the United States. For the past two centuries, the United States Postal Service has evolved and changed as the United States has grown. Today, the Postal Service delivers hundreds of millions of messages each day to more than 141 million homes and businesses. Behind the delivery of each of these letters is the hard work and dedication of a letter carrier.

Letter carriers deliver more than 43 tons of mail per year, which averages out to about 2,300 letters, cards, and circulars per carrier per day. Six days a week, rain or shine, hurricane or blizzard, our Nation's 705,000 carrier letter carriers and 98,000 non-carrier employees faithfully contribute to our economic strength and vitality through their timely and efficient delivery of mail.

I have spent hours walking mail routes with the letter carriers in New Jersey. I have seen first hand how dedicated postal employees are to ensuring the timely and safe delivery of mail and tying together our local communities. These letter carriers should be applauded for their service to all Americans.

I urge all of my colleagues to support H. Res. 49 and acknowledge the hard work and dedication of the letter carriers in your congressional district.

IN RECOGNITION OF MR. BRIAN ROSARIO

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. Brian Rosario, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their Club, community, school, and family. More than 32,000

youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and State level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the Club means to them. Additionally, students had to prepare a 3–5-minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the Local Youth of the Year Award, Brian moved onto the State level competition, where he refined his essay and prepared for the next round of interviews. Brian was an extremely qualified candidate for the Youth of the Year 2008. As a member of the Appoquinimink Boys & Girls Club, Brian learned communication skills and how one can better service his community. Besides volunteering and participating in the Boys & Girls Club, Brian is a member of the Japanese and Art Clubs, Middletown High School Track Team, and performed in his school's plays and musicals.

Once again, I would like to commend Brian Rosario for being nominated as the Boys & Girls Club of Delaware's Youth of the Year.

CELEBRATING DON BROWN'S LEADERSHIP IN YOUNG LIFE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. BURGESS. Madam Speaker, I rise today to recognize Don Brown for his contribution to the Young Life organization. Following many years of passionate, devoted service to the high school students of North Texas, Mr. Brown is retiring.

Don Brown served as a volunteer for Young Life for seven years prior to taking over as director of the Lewisville/Flower Mound area branch of the organization. Whereas the standard tenure for a leader is five years, Don served as the local director for 30 outstanding years.

Young Life is a non-denominational Christian youth outreach ministry for high school students. In 1938, youth leader Jim Rayburn started a weekly Christian club in Gainesville, Texas; by 1941, it had evolved into a motivational and inspirational group called Young Life. The goal of the organization is to introduce young people to Jesus Christ and to help them grow in their faith. This occurs by creating an atmosphere in which caring adults can build genuine friendships and a connection of faith with the young group members. Young Life depends on the relationships between the leaders and the students to create a strong fellowship within the group, and there is no better example of a successful and devoted Young Life leader than Don Brown.

Mr. Brown facilitates the Young Life assemblies, during which attendees watch skits, sing songs, and learn about Christ. Don also serves as a confidante, mentor and friend to the students, proving time and again that he is a reliable source of information, advice, and compassion for those interested in learning.

I extend my sincerest congratulations to Mr. Brown on his retirement and commend his dedication and desire to serve the Young Life community. It is an honor to represent such a selfless and civic-minded individual in the 26th District of Texas. I know his commitment to the youth of North Texas will inspire others to follow his lead.

INTRODUCTION OF THE TRUST IN RELIABLE UNDERSTANDING OF CONSUMER COSTS ACT (TRUCC ACT) TO RESTORE FAIRNESS FOR SMALL AND INDEPENDENT TRUCKERS

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. PETRI. Madam Speaker, today I am introducing legislation that would require that fuel surcharges collected by a motor carrier, broker or freight forwarder be passed through to the person responsible for bearing the cost of the fuel. This is similar to legislation introduced in the Senate by Senators OLYMPIA SNOWE and SHERROD BROWN.

I am introducing this bill in response to comments I have heard from independent truckers and small trucking companies in my district and the State of Wisconsin. They tell me that there are occasions where they must pay for the cost of fuel but the broker or carrier they are working with is not passing on to them fuel charges that are being billed to the shipper.

In normal circumstances, this seems patently unfair, but in this day of $4.00-plus per gallon diesel fuel, it is unconscionable that a fuel surcharge is being assessed but not passed on to the one actually paying the fuel bill. I have been told by one of my constituents who is an independent trucker who will be appearing in bankruptcy court next month that this inequity contributed to his financial problems. It is not right and it should be corrected.

Diesel is now the largest operating expense that truckers are facing. According to the American Trucking Associations, it is expected that the annual diesel bill for the trucking industry will increase by more than $22 billion in 2008—from $112 billion in 2007 to $135 billion this year.

The trucking industry is primarily small businesses and we have 325,000 independent owner-operators that collectively operate 525,000 trucks in the United States. They are crucial to our economic vitality in delivering goods across the country, but are facing ever-increasing challenges in terms of regulation and costs. The TRUCC Act is the least we can do to send the message and be clear that they should not be disadvantaged from the payments they deserve.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. PASCRELL. Madam Speaker, I was unavoidably detained yesterday during the rollcall votes for the following three bills considered under suspension: H. Res. 1079, Supporting the goals and ideals of Financial Literacy Month 2008; HR 4332, Financial Consumer Hotline Act of 2007; S. 2739, Consolidated Natural Resources Act of 2008.

Had I been present, I would have voted: "Yes" on rollcall vote 224 (H. Res. 1079, Supporting the goals and ideals of Financial Literacy Month 2008); "Yes" on rollcall vote 225 (H.R. 4332, Financial Consumer Hotline Act of 2007); "Yes" on rollcall vote 226 (S. 2739, Consolidated Natural Resources Act of 2008).

IN RECOGNITION OF MR. JEREL BREECE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. Jerel Breece, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their Club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the Club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the local Youth of the Year award, Jerel moved on to the state level competition, where he refined his essay and prepared for the next round of interviews. Jerel was an extremely qualified candidate for the Youth of the Year 2008. Jerel is a member of Claymont Boys & Girls Club Keystone Club, Brandywine High School track team, and participates in Claymont Community Center's Green Day. Jerel was also selected as Claymont Boys & Girls Club's representative at the Northeast Regional Keystone Conference.

Once again, I would like to commend Jerel Breece for being nominated as the Boys & Girls Club of Delaware's Youth of the Year.

TRIBUTE TO THE NATIONAL INSTITUTES OF HEALTH

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to the National Institutes of

Health (NIH) and the important research it is doing. There are few investments the Federal Government makes that regularly pay dividends to the American taxpayer. The National Institutes of Health, the lead government agency tasked with preventing and curing diseases and disorders, is one such investment. NIH conducts biomedical research at its Maryland campus and also supports biomedical research at medical centers, independent research laboratories and colleges and universities across our country. I would like to highlight one example of research that NIH is supporting to improve our constituents' overall health and well-being through the Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD).

Premature birth is a major public health priority for the United States and a major research priority for the NICHD. In 2003, one out of every eight infants was born premature—resulting in more than $18 billion in hospital expenditures. Premature infants are at high risk for a variety of disorders, including mental retardation, cerebral palsy, and vision impairment.

The primary goal of prematurity research is to find a way to prevent births from occurring before an infant is strong enough to survive outside of the womb. Because women who have one premature birth are considered to be at high risk for another premature birth, NICHD investigators have focused their attention on trying to prevent premature birth among these high-risk women. Researchers in an NICHD funded Maternal-Fetal Medicine Network set out to test the use of a specific type of progesterone called 17P that the body makes to support pregnancy. The results were remarkable—for women who have a history of premature delivery that are carrying one baby, injections of 17P reduced premature birth by one-third. The results of this research are currently being translated into real world results as obstetricians across the country are putting them into practice with their patients. This research is a clear and important step towards achieving our goal of bringing healthy babies into the world.

This is just one example of how the research funded with taxpayer dollars at the NIH is improving the health and well-being of all Americans.

TRIBUTE TO 2008 NATIONAL TEACHER OF THE YEAR MIKE GEISEN

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. WALDEN of Oregon. Madam Speaker, it is my privilege to rise today to recognize the 2008 National Teacher of the Year, Mr. Mike Geisen, whom I am proud to represent in Congress. I want to take the opportunity to draw the attention of our colleagues in the United States House of Representatives and our Nation's citizens to the tremendous contributions Mike has made to his students, the State of Oregon, and the profession of teaching. This morning, I have the great privilege to join Mike at the White House where the President will acknowledge his outstanding achievement.

Mike and his wife, Jennifer, have two children, Johanna and Aspen, and together they make their home in beautiful Crook County, Oregon. Mike is a native of Washington State and made his way to Oregon's Second Congressional District by way of a job with the United States Forest Service, which took him to Grants Pass, Oregon. Fortunately for Oregon's students, Mike decided to translate his love of nature and desire to give into a career as a science teacher. After working as a student teacher at Crook County Middle School in Prineville, Oregon, he was hired as a seventh grade science teacher and has made a tremendously positive impact there for the past 7 years. It is remarkable that someone who began teaching such a short time ago could rise so rapidly to an honor such as the National Teacher of the Year.

The Crook County School District is located in Central Oregon and includes all of Crook County and much of southeast Deschutes County, an area totaling approximately 3,000 square miles—the size of Rhode Island and Delaware combined. It is a rural district with its main offices located in Prineville, the oldest town in central Oregon. The school district itself has 3,200 students and Crook County Middle School, where Mike teaches, has 700 students.

Mike is known for his extraordinary dedication and creative ways of engaging his students. For example, he and his students turned the dead grass, weeds and peeling paint of their school's courtyard into an outdoor learning lab. This "naturescape" is an area that students maintain and use to conduct experiments. He makes use of every resource available to him to engage his students and inspire them to learn. He is known for designing fun review games, performing demonstrations, helping students get involved with hands-on labs, acting out scientific principles, and even bringing his guitar to school and singing songs about the lesson at hand, such as gravity, atoms, and "The Bacteria Blues." Mike's dedication to his students goes beyond just his science classroom curriculum; he fundraised to have a climbing wall installed at the school for the students. Mike's philosophy, in his own words: "Teaching just doesn't happen inside the classroom, it happens all over the community."

As chair of the science department at Crook County Middle School, Mike helps create assessments and design curriculum, and has earned the high respect of his colleagues. Mike's passion for teaching and engaging lessons makes learning fun for students and has led to increased test scores. Prior to Mike becoming science department chair, the school had reached a plateau, with 55 percent of students meeting the State's science benchmark. During his first 2 years as department chair, scores jumped from an average of 55 percent to 72 percent, meeting the State science benchmark. Mike's formula for success is putting a bit of himself, a bit of Prineville, and a good dose of humor and creativity into each activity, project, and assignment.

The National Teacher of the Year must serve as an inspiration to students of all backgrounds and abilities to learn, have the respect and admiration of students, parents, and colleagues, play an active and positive role in the community as well as in the school, and be poised, articulate, and possess the energy to withstand a taxing schedule. Recipients of this rare honor are knowledgeable and skilled. Above all, they are exceptionally dedicated. Mike Geisen certainly exceeds each of these characteristics.

The National Teacher of the Year award is obviously a tremendous honor, and I couldn't be more pleased that Mike has achieved this top status in our country. While he will surely be missed at Crook County Middle School during his year of national service as a spokesman for the teaching profession, Oregon's temporary loss of Mike in the classroom will be a significant gain for the United States as a whole. As the first Oregon teacher to be awarded this prestigious honor since 1973, I know that when Mike returns home to Prineville, he will bring a host of new experiences and ideas to share with his colleagues and students and will continue to excel and make learning fun for generations of Oregonians to come.

Please join me in congratulating Mike Geisen for being chosen as the 2008 National Teacher of the Year and in thanking him for his deep commitment to educating our children.

IN RECOGNITION OF MS. BRITTANY CUPERY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Brittany Cupery, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the Local Youth of the Year award, Brittany moved onto the state level competition, where she refined her essay and prepared for the next round of interviews. Brittany was a highly qualified candidate for the Youth of the Year 2008. She volunteers daily at the Oak Orchard Boys & Girls Club where she is a mentor and big sister to many of the members. She also actively participates at her local volunteer fire company house.

Once again, I would like to commend Brittany Cupery for being nominated as the Boys & Girls Club of Delaware's Youth of the Year.

HONORING THE LOUISIANA HONORAIR VETERANS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. BOUSTANY. Madam Speaker, I rise today to recognize and honor a very special group from South Louisiana.

On May 3, 2008 a group of 96 veterans and their guardians will fly to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these veterans from my home state of Louisiana to visit Washington, DC on a chartered flight free of charge. During their visit, they will visit Arlington National Cemetery and the World War II Memorial. For many, this will be their first and only opportunity to see these sights dedicated to the great service they have provided for our nation.

Today I ask my colleagues to join me in honoring these great Americans and thanking them for their unselfish service.

HONORING JOSE DE ARMAS Y CARDENAS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to posthumously honor Jose de Armas y Cardenas, a prominent Cuban journalist who wrote under the pseudonym Justo de Lara.

From the time of his birth in 1866 in Guanabacoa, Cuba, Mr. de Armas y Cardenas was taught the fundamentals of journalism and literature by his parents Jose de Armas y Cespedes, the editor of La Nación newspaper and his mother Fermina de Cardenas, a noted feminist, who founded and was the editor of the Pink Pages newspaper.

After being educated as a lawyer Mr. de Armas y Cardenas began his remarkable and prolific journalistic career at his father's newspaper, La Nación. He then went on to found El Peregrino magazine in Madrid, Spain, and La Avispa magazine in Havana and New York. He also served as a journalist for The New York Sun and New York Herald newspapers. While working for The Sun during Cuban War of Independence and later during the Spanish-American War he became an official translator of conversations between Cuban General Calixto Garcia and U.S. Lt. Colonel Theodore Roosevelt.

But his career as a journalist was not enough to satisfy Mr. de Armas y Cardenas' intellectual curiosity. Mr. de Armas y Cardenas was fluent in Spanish, Italian, French and English. He also became a distinguished Cervantes scholar and in 1916 was the only Spanish-speaking person to be named by the Government of the United Kingdom to be a member of a commission responsible for the celebration of the life and work of William Shakespeare.

Although Mr. de Armas y Cardenas passed away in 1919 he continues to posthumously serve as an example to all true journalists throughout the world. So much so that the Florida House of Representatives recently honored Mr. de Armas y Cardenas by designating March 28, 2008 as "Spanish Language Journalism Day in Honor of Justo de Lara."

Madam Speaker, I am proud to join my fellow Floridians in honoring Mr. de Armas y Cardenas for being an exemplary model for journalists of calling everywhere.

PERSONAL EXPLANATION

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CARSON of Indiana. Madam Speaker, I rise today to speak on a resolution that was passed in the House on April 14, 2008. H. Res. 994 expresses support for designation of a National Glanzmann's Thrombasthenia Awareness Day.

Glanzmann's Thrombasthenia is an inherited, rare bleeding disorder that affects many men, women and children. The disease can present symptoms in these patients ranging from minimal bleeding to life-threatening hemorrhages. This serious disease deserves careful attention within the medical community and I am pleased this resolution brought attention to this issue.

I was regrettably detained from casting my vote, but had I been present, I would have voted "yes" on the resolution.

IN SUPPORT OF GO SKATEBOARDING DAY, JUNE 21, 2008

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Ms. MATSUI. Madam Speaker, I rise today to recognize the International Association of Skateboarding Companies for their work promoting increased participation and safety in skateboarding among children and adults alike. The association, and skaters across the country, will recognize and celebrate National Go Skateboarding Day on June 21, 2008.

Skateboarding, a native sport of my home State of California, continues to attract new riders every day and has grown into a major domestic industry and employer. Today, we see the sport throughout our country. From major metropolitan cities to small heartland towns, we see skateboard shops and skateboard parks creating opportunities for outdoor recreation, at a time when the health and physical activity of our citizens is in crisis.

This truly unique sport has grown up with our younger Americans, and has influenced untold aspects of our culture and society. While once thought of as a sport for the young, many of the top tier skateboarders are now older than many top tier athletes in more traditional sports, proving it is simply a sport for the young at heart.

Anyone who has seen skateboarding in the media or watched a skateboarder perfect their trade knows that it is a sport of intense discipline. As is true with traditional sports, many skateboarders learn larger life lessons from the activity. Persistence, discipline, creativity, individuality, community, risk-taking skills, and accomplishing one's goals are all important character traits that can carry over into real world success.

Go Skateboarding Day will further promote this worthwhile sport. According to the association, "Go Skateboarding Day, an international event, began in 2004. Each year the holiday grows bigger and better than last. Skateboard parks, skateboard shops, cities and skateboarders plan events such as barbeques, fundraisers, contests, or simply took to the streets."

The work of the International Association of Skateboarding Companies has promoted skateboarding and encouraged young people to enjoy the outdoors and exercise while strengthening their coordination, focus, and cardiovascular health. Skateboarding builds confidence and self-esteem while promoting teamwork and group participation. As a representative in Congress, one of my most important priorities is promoting and maintaining healthy living opportunities, and I thank the International Association of Skateboarding Companies for their efforts toward this important goal.

I ask my colleagues to join me in acknowledgement and support of Go Skateboarding Day, this June 21st.

SAGEN BLACKWELL

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. INGLIS. Madam Speaker, I rise to highlight the accomplishments of Sagen Blackwell, a 15-year-old from Woodruff, South Carolina.

In 2006, Sagen visited Walter Reed with her family and saw the sacrifices made by America's heroic servicemembers. She felt called to service, so she started by sending care packages to Walter Reed.

In April 2007, Sagen became President of the South Carolina Society of Children of the American Revolution. For her State project, she chose to raise funds for the Wounded Warrior Project.

So far, Sagen has raised over $50,000 through a variety of fundraising initiatives, including the Carolinas Challenge Soldier Ride. She has touched the lives of over 500 families. Sagen's service is an example to us all.

She shows us the difference that one person can make, when we answer the call to service that we feel in our hearts. America's future is bright in the hands of a generation of Sagens.

JICARILLA APACHE RESERVATION CONVEYANCE

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. UDALL of New Mexico. Mr. Speaker, today the House will take one of the final steps in securing a long overdue resolution to a dispute between the Jicarilla Apache Nation and Rio Arriba County in the State of New

Mexico. After 20 years of negotiation and effort, I am pleased that the House is moving this bill forward.

In September of 1988, a parcel of land formerly referred to as the Theis Ranch became part of the Jicarilla Nation Reservation. Since that land transfer, there has been continued dispute between the Jicarilla Nation and the County of Rio Arriba over the ownership of a particular road on this land.

A lawsuit was filed in October of 1987 to determine the ownership status of the disputed road. In the original lawsuit, Rio Arriba County sought to establish that the County acquired the disputed road by prescription and, therefore, that the County was the road's rightful owner. However, the Jicarilla Nation contended that the Nation owned the road because the road was, and continues to be, within the boundaries of the expanded 1988 Jicarilla reservation. On December 10, 2001, the District Court found in favor of the Jicarilla Nation, determining that the disputed road traversed the Jicarilla reservation in several locations. Rio Arriba County appealed the District Court decision, and the appeal is currently pending before the Court of Appeals of the State of New Mexico.

In an effort to settle the road dispute amicably, the Jicarilla Nation and Rio Arriba County entered into mediation, and the parties successfully reached a settlement. Representatives of the Secretary of the Interior approved the settlement on June 18, 2003. The settlement agreement, which would be implemented by this legislation, provides that the Jicarilla Nation will transfer approximately 70.5 acres of land located with the expanded 1988 Jicarilla reservation to Rio Arriba County. In exchange for the Jicarilla Nation's land conveyance, Rio Arriba County agreed to permanently abandon any and all claims to the disputed road. The settlement also provides that the terms of the agreement do not take effect until all parties complete their respective promises in the agreement and the United States, pursuant to federal law, approves of the conveyance of this particular Jicarilla trust land to Rio Arriba County.

I commend both parties and the Secretary of the Interior for having already executed the terms agreed to within the settlement agreement. All that stands between the parties to this dispute and long overdue resolution is Congressional approval.

The legislation we are voting on today upholds Congress' trust responsibility to the Jicarilla Nation by placing restrictive covenants on the trust land transferred to the County. As a result of the transferred land's proximity to the reservation, certain uses of the transferred land would have a detrimental effect on the remaining reservation. Therefore, this legislation allows the County to use the land only for "governmental purposes" and specifically prohibits the County from using the land for prisons, jails, or other incarcerated persons, and other purposes.

In the 109th Congress, this bill received broad support and passed the House by voice vote. Unfortunately, the bill was then held up in the Senate, but the provisions that raised minor objections have been resolved and I expect bicameral support and passage of this long overdue legislation.

The Jicarilla Nation and Rio Arriba County have done their part; they have found a fair solution. Today, the House will do its part. I urge my colleagues to support passage of this important legislation. Both the Nation and the County have waited years for this agreement to be implemented.

FINANCIAL LITERACY MONTH 2008

SPEECH OF

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. CARSON. Mr. Speaker, I rise in strong support of H.R. 1079, a resolution supporting the goals and ideals of Financial Literacy Month 2008. It is fitting that in April, the month that our taxes are due, we bring attention to the important issue of financial literacy.

As citizens face their taxes this year, they have also been facing the burden of increased financial difficulties as foreclosure rates soar, health care and energy costs continue to rise, and substantial numbers of jobs are cut. During this time of economic strain, it is especially crucial that consumers become knowledgeable about their own financial situation and that we take steps to ensure our children receive proper financial education to plan for their future.

In my district, groups such as the Indianapolis Asset Building Campaign are working to increase financial literacy in the city, especially among moderate and low income individuals. The campaign was spearheaded by my grandmother, Representative Julia Carson, former Mayor Bart Peterson, Momentive, Purdue Cooperative Extension, Indianapolis Neighborhood Housing Partnership, the Boner Center, Junior Achievement, the Internal Revenue Service and the Annie E. Casey Foundation.

It has been proactive in connecting taxpayers with financial literacy information such as free preparation services, tax credit information, the availability of low or no cost savings accounts and predatory lending. These kinds of efforts are critical to stem the cyclical debt low and moderate income individuals frequently become trapped in.

I want to thank Chairman FRANK for bringing light to this issue by holding a hearing in the Financial Services Committee and I want to also note Congressman HINOJOSA's strong leadership in this issue and his dedication to educating consumers on the importance of debt management and asset building.

We must continue working on this issue to help consumers become savvy on the complex financial products we have in the marketplace today and prevent them from becoming dependent on credit or victims of predatory lending.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. BECERRA. Madam Speaker, on Tuesday, April 29, 2008, I was unable to cast my floor vote on rollcall vote 224.

Had I been present for the votes, I would have voted "aye" for rollcall vote 224.

IN RECOGNITION OF MS. REBEKAH STIEGLER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Rebekah Stiegler, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the local Youth of the Year award, Rebekah moved onto the state level competition, where she refined her essay and prepared for the next round of interviews. Rebekah was a highly qualified candidate for the Youth of the Year 2008. Rebekah actively participates at her high school, as a band member, Flag Team Captain, and Spanish Club member. At the awards ceremony, Rebekah was awarded with the Demonstrates Best Service to Club Award.

Once again, I would like to commend Rebekah Stiegler for being nominated as the Boys & Girls Club of Delaware's Youth of the Year and being awarded Demonstrates Best Service to Club Award.

IN HONOR OF DR. ROBERT O. COLLINS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. WOLF. Madam Speaker, I rise today to honor the memory of Dr. Robert Collins, esteemed author and expert on Africa's Upper Nile Valley, particularly Sudan.

Dr. Collins' expertise in Sudan was a tremendous asset to academia and policymakers alike. First traveling to Sudan in 1956, the year Sudan achieved independence from Great Britain, Dr. Collins spent literally decades traveling in and writing about Sudan and its many wars. I had the honor of knowing Dr. Collins and am deeply saddened by his death.

Dr. Collins' seminal works included Alms for Jihad, which he co-authored with J. Millard Burr. This critical analysis details the use of Islamic charities to fund terrorist activity around

the world. It reaches back into history, particularly into Sudan where much of the activities of fundamentalist Islamist groups found their origins, and traces them to the modern-day struggle against extremist forces around the world. We cannot understand the current war on tenor, which extends far beyond the terrible events of September 11, without examining this important book by Collins and Burr.

I have attached Dr. Collins' obituary printed in the Los Angeles Times. The loss of this bright mind will be felt acutely by all whose lives Dr. Collins touched with his scholarship. I extend my condolences to his family and friends.

[From the Los Angeles Times, Apr. 25, 2008]

ROBERT O. COLLINS, 75; UC SCHOLAR'S BIN LADEN BOOK WAS WITHDRAWN BY PUBLISHER

(By Jocelyn Y. Stewart)

In a career devoted to the study of Africa's Upper Nile Valley, particularly Sudan, historian Robert O. Collins wrote books and articles that were considered required reading for scholars and students of Africa.

The U.S. government sought his insight on the conflict in Darfur and on Osama bin Laden. Hollywood filmmakers asked his advice in depicting the region on screen. A former president of Sudan presented Collins with a distinguished award for scholarship.

But when Collins and a colleague wrote the 2006 book ''Alms for Jihad: Charity and Terrorism in the Islamic World,'' the two historians found themselves in the middle of what the New York Times called an international cause celebre.

To avoid a defamation lawsuit in British courts—where the burden of proof is on the defendant—the publisher of ''Alms'' apologized to a wealthy Saudi mentioned in the book, Sheikh Khalid bin Mahfouz, and paid a settlement. The publisher, Cambridge University Press, also destroyed all unsold copies of ''Alms,'' an act of pure heresy to Collins and other scholars,

Until his death from cancer in Santa Barbara on April 11, the 75-year-old Collins maintained that he and J. Millard Burr had written a good book that deserved to exist. ''The Shaykh can burn the books in Britain, but he cannot prevent the recovery of the copyright by the authors nor their search for a U.S. publisher to reprint a new edition of 'Alms for Jihad,' '' Collins said in an essay posted online at George Mason University's History News Network.

The ''Alms'' debacle was a rare incident in the life of the professor emeritus who was a preeminent scholar in his field.

Robert Oakley Collins was born in Waukegan, Ill., on April 1, 1933. His interest in Africa was ignited while browsing the library at Dartmouth University in the 1950s.

He found the Africa area and he just became enthralled,'' said his daughter, Catharine Collins Kristian. ''At the time, it was an emerging area. All the colonial countries were either leaving or talking about granting independence.''

Collins traveled to Sudan in 1956, the year the country gained independence. It was the first of many trips and the beginning of a lifelong relationship with the nation, Kristian said.

After earning a bachelor's degree from Dartmouth in 1954, Collins earned many other degrees in history: bachelor's and master's degrees from Oxford University's Balliol College in 1956 and 1960, as well as a master's degree and a doctorate from Yale University in 1958 and 1959. He was fluent in Arabic.

Collins taught for brief periods at Williams College in Massachusetts and at Columbia University in New York before joining the faculty of UC Santa Barbara in 1965.

For 10 years Collins served as dean of the graduate division. After his retirement in 1994 he continued to teach, write and mentor. With his doctoral students he was demanding, affable and always available.

''He wanted us to have a holistic understanding of African history from the beginning of times to modern times. And he was tough,'' said Scopas S. Poggo, a native of Sudan who is now an assistant professor of African American and African studies at Ohio State University.

Collins wrote or co-wrote at least 30 books and many articles. His book ''Shadows in the Grass: Britain in the Southern Sudan, 1918–1956'' won the John Ben Snow Foundation Prize for the best book in British studies in 1984.

An eloquent public speaker, Collins brought strong storytelling skills to his writing, melding them with meticulous research. ''Alms'' was also thoroughly researched, ''our interpretations judicious, our conclusions made in good faith on the available evidence,'' Collins wrote in his online essay.

But ''Alms'' may be on the shelf again with a new publisher, Kristian said. Collins' book ''A History of Modern Sudan'' is scheduled for release in May. The book traces Sudan's history over 200 years and reveals the link between tragedies of today and events of the past.

''I wish all of his books could be reprinted,'' Poggo said. ''He has made very significant contributions to the history of southern Sudan. He left a very strong legacy.''

In addition to his daughter, Collins is survived by two sons, Randolph William Collins of Healdsburg, Calif., and Robert Ware Collins of San Jose; two brothers, Jack Gore Collins of Portland, Ore., and George William Collins II of Chesterland, Ohio; and five grandchildren.

There will be no public memorial service. Memorial donations may be sent to the Sudan-American Foundation for Education (SAFE), 141 N. Henderson Road, No. 1205, Arlington, VA 22203.

HONORING LEWIS CHAPPELEAR

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. SHERMAN. Madam Speaker, today I rise to commend and congratulate an outstanding California teacher, Lewis Chappelear, for being named a finalist for the National Teacher of the Year award.

Mr. Chappelear is an accomplished scholar, receiving his Bachelor of Science degree in biomedical engineering from Boston University in 1994, a Master of Science degree in mechanical engineering from Columbia University in 1995, and a California Clear Teaching Credential in math, physics, and electronics in 2001. He received a National Board Certification in 2005. Highly praised by both his students and the community, he has received several awards including: Los Angeles Unified School District, LAUSD, Teacher of the Year, Los Angeles County Teacher of the Year, and California Teacher of the Year, and is California's nominee for the National Teacher of the Year Award.

Most importantly, Mr. Chappelear is a renowned teacher. He developed Monroe's School of Engineering and Design—an extremely successful hands-on learning environment which has received several prestigious awards. The school's mission is to prepare students for hightech jobs by placing students in internships through collaboration with local organizations and businesses. Students work on projects related to careers in engineering and jobs skills such as how to write a resume or business letter. He encourages learning by incorporating the most recent computer software and technology into his classroom lectures in a way that inspires all of his students.

Realizing that robotics is one of the most effective ways to teach science and math, Mr. Chappelear has recruited and trained teachers from all over California to begin similar robotics programs. In 2007, his students took first place in a regional robotics championship held at California State University, Northridge.

Mr. Chappelear's work extends beyond the classroom. After noticing that students in his classes were having problems with drugs and alcohol, he facilitated groups to help students during his breaks. He considers himself an important part of the community: His students are his family. His philosophy on teaching is to make emotional connections with each student and to make their learning relevant. He believes that everything in the classroom should be interdisciplinary. In his words, "I am not just an Engineering and Design teacher * * * I am also a mentor, a guide and a critical link in my students' lives." He feels that student achievement is based in rigor, relevance and relationships.

Madam Speaker, I am proud to recognize Lewis Chappelear as a finalist for the National Teacher of the Year award. I am truly honored to pay tribute to this outstanding teacher.

HONORING MRS. DEBORAH ROZANSKI

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. ANDREWS. Madam Speaker, I rise today to honor Mrs. Deborah Rozanski on the occasion of her retirement. Mrs. Rozanski has served as a New Jersey public school teacher for 34 years. She has dedicated herself to the Audubon School District for the past 29 years, enriching the lives of countless students. In addition, Mrs. Rozanski deserves to be commended for her dedication over the past 28 years as an advisor to the Audubon Safety Patrol, as a student council advisor, and as a representative on the instructional council.

Beyond the classroom, Mrs. Rozanski is also an advocate for the protection of our environment. Mrs. Rozanski has organized the planting of many trees on the Mansion Avenue School campus, which add to the beauty of the school and the surrounding community.

Madam Speaker, the devotion that Mrs. Rozanski has shown to her work and to the community is truly praiseworthy. I want to thank Mrs. Rozanski for her tireless effort as a teacher and wish her the best of luck upon her retirement.

TRIBUTE TO THE URBAN SCENE AND HOST DON FRIERSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. CLYBURN. Madam Speaker, I rise today to celebrate the 20th anniversary of a radio institution in my hometown of Columbia, South Carolina. The Urban Scene is the first issue-oriented radio talk show in Columbia, and it remains a touchstone in the African American community today.

In 1988, WOIC radio began airing The Urban Scene with host Ben Scott. The next year, Gwen Foushee and Don Frierson took over the hosting duties, and by the end of 1989, Don was flying solo.

The next big change for The Urban Scene was its move from WOIC to WGCV/620 AM in Columbia in 2000. It is a testament to the popularity of the show that its loyal audience followed The Urban Scene, and many new listeners tuned in,

The Urban Scene quickly made its mark as the place to go for an in-depth discussion and debate of the issues of the day. Under Don's guidance, listeners feel comfortable to call in and give their opinions or ask questions, The topics covered on The Urban Scene run the gamut and are always entertaining and informative. Don has featured guests from all walks of life, including actor Danny Glover; House Majority Leader Dick Gephardt; former Miss America Kimberly Aiken; gospel legend Dr. Bobby Jones; civil rights pioneer Modjeska Simpkins; and nationally syndicated talk show host Bev Smith. I have been known to make appearances on The Urban Scene from time to time as welL

I don't believe The Urban Scene would have enjoyed its longevity without the leadership of Don Frierson. He has done a tremendous job over the last 19 years in creating a midday talk show that is consistently the talk of the town. As a native of Columbia, Don knows the issues that are important to his listeners. He graduated from the University of South Carolina in 1983 with a degree in journalism, and continues to work full-time for the South Carolina Human Affairs Commission.

Don maintains the pulse of the community by being involved in many activities. He has served on the board of Bethlehem Community Center, the Columbia Branch NAACP, and the South Carolina Conference of Branches of NAACP. He has volunteered his time with Big Brothers and Sisters of the Midlands, as a mentor, working with children in Richland School District One, and has assisted nonprofit agencies and organizations in the areas of press and publicity. He is a volunteer docent with the South Carolina State Museum and has served as third Vice President of the Columbia Branch NAACP.

Don's many awards include the Living the Legacy Award, presented by the National Council of Negro Women for outstanding work in the field of Journalism; Certificate for Outstanding Community Service in the field of Journalism, from the Omicron Phi Chapter of Omega Psi Phi Fraternity; Community Leader of Excellence Award, from the Cush Fellowship Ministries; Million Man March Appreciation Award, from the Nation of Islam, for work in promoting the Million Man March; Martin Luther King Award for Community Service presented by Zion Baptist Church No.1; Award for Community Service, presented by Masjid Al-Islam; Outstanding Service Award from the Alcorn Middle School Community Task Force; Community Service Award from the Sister Clara Muhammad School; Certificate of Honor from the Columbia Branch NAACP for service; and a commendation from the South Carolina House of Representatives for public service.

Madam Speaker, I ask you to join me today in celebrating the 20th anniversary of The Urban Scene and the outstanding work of its host Don Frierson. The show and its host are synonymous with intelligent and thought-provoking radio. I applaud the tremendous service Don provides on The Urban Scene, and I am proud to call him a friend.

TUOLUMNE ME-WUK LAND TRANSFER ACT OF 2008

SPEECH OF

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. RADANOVICH. Mr. Speaker, thank you for the opportunity to express my support for H.R. 3490, the Tuolumne Me-Wuk Land Transfer Act of 2007. H.R. 3490 was considered and approved by the House of Representatives yesterday. This bill provides for the transfer of three small parcels of land from the Bureau of Land Management to the Bureau of Indian Affairs in trust for the benefit of the Tuolumne Me-Wuk Tribe located in Tuolumne, California.

I introduced this bill on behalf of the Tuolumne Me-Wuk, a federally recognized tribe in my district. In addition to providing for the land transfer, H.R. 3490 also extends the boundaries of the Tuolumne Me-Wuk Reservation to encompass the BLM lands and other certain lands that have either been taken into trust for the Tribe, or that the federal government has announced plans to take into trust for the Tribe.

The lands to be transferred are located in close proximity to the existing Tuolumne Me-Wuk Reservation. They include a small parcel which contains an active tribal burial ground, a parcel originally intended as an inter-tribal health facility that was never built, and a third parcel located near the first two. These lands will be available to meet the needs of tribal housing, along with cultural and infrastructure improvements. Furthermore, the Tuolumne Me-Wuk burial ground deserves to be properly maintained and preserved by the Tribe. None of these lands are to be used for tribal gaming.

The Bureau of Land Management expressed support for this land transfer in the Natural Resources Committee hearing earlier this month and has listed the parcels as available for disposal. In addition, there is local support for this non-controversial land transfer from the community and the Tuolumne County Board of Supervisors.

I thank my colleagues for recognizing the benefits of this legislation and unanimously supporting the Tuolumne Me-Wuk Land Transfer Act of 2007. Furthermore, I look forward to working with my colleagues in the Senate to continue the movement of this important legislation.

HONORING THE OSAGE UNIT 278 OF THE AMERICAN LEGION AUXILIARY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize the great work and service that Osage Unit 278 of the American Legion Auxiliary, Department of Iowa is doing on behalf of our young citizens' education.

The members of Osage Unit 278 place a great value on the education of our young citizens who will be the leaders of tomorrow. The Unit recently held a scholarship luncheon/bake sale on April 5, 2008, with the purpose of raising money to give scholarships to the graduating seniors of Osage High School. Their objective was met, and funds raised will allow for 13 scholarships of $250.00 each to be awarded; 10 of those by the Unit; two to be given in honor of members by their families; and one from the Unit Auxiliary marching group known as the Starlighters.

Unit 278 also contributed $250.00 to benefit the Special Olympians of the Osage School System, enabling them to attend the State of Iowa Special Olympics.

The work of the 381 member Unit has always been highly respected, regarded and appreciated by the community of Osage. Their work and dedication exemplifies the great Iowa spirit of giving to help others. And Unit 278 truly follows one of the guiding principles of the American Legion Auxiliary mission statement, "that Auxiliary members continue to be the leaders in all that is good in this nation today, tomorrow and for generations to come through serving others first and not self."

I know that my colleagues in the United States Congress join me in recognizing the dedicated work and accomplishments of Osage Unit 278 of the American Legion Auxiliary, Department of Iowa. I am proud and honored to represent all 381 members of the Unit in the United States House of Representatives and I wish them continued success in their future work.

HONORING THE 8TH BATTALION, 4TH REGIMENT

HON. VIRGIL H. GOODE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. GOODE. Madam Speaker, it is with great honor that I rise today to recognize the U.S. Army 8th Battalion, 4th Regiment on the occasion of their association reunion, which will take place May 2–6.

The 4th Artillery was authorized and constituted by an Act of Congress in June 1812, as the 4th Artillery Regiment. The regiment has seen continuous duty since that date. The 8th Battalion, 4th Artillery, has served in varied capacities throughout its illustrious service: Coast Artillery, Harbor Defense, Anti-Aircraft Artillery, Pack Artillery, 177mm Gun Battalion and as a 175mm 18 inch (SP) Gun Battalion.

On March 1, 1967, the 8th Battalion, 4th Artillery was activated at Fort Sill, OK, as a 175mm gun battalion. Its mission was to deploy on July 24, 1967, to the central highlands

of Vietnam. The only battalion from Fort Sill to deploy on its original deployment date, the 8th Battalion, 4th Artillery departed Ft. Sill, OK, with the personal good wishes and promised continued support from the Fort Sill commanding general. The battalion's equipment, including its 12 175mm guns, departed in early July. The equipment was moved by rail to Houston, TX, then by ship through the Panama Canal and on to Vietnam.

The men of the battalion traveled by air to Tacoma, WA, and boarded a U.S. naval troop ship, the USNS *UPSHUR,* along with two smaller Army units. On the high seas, after a 12-hour shore break on Okinawa, we were notified our mission had changed. We were being diverted to Da Nang with a support mission to the 1st and 3rd Marine Divisions. The battalion was originally assigned the dual mission of supporting both the 1st and 3rd Marine Divisions with long-range heavy artillery fire until November 1, 1967, when it was assigned to the 108th Artillery Group, reinforcing the 12th Marine Regiment.

From January 31, 1968 until March, the battalion supported the 5th Marines and the Americal Division during ''Operation Auburn.'' It participated in ''Operation Rock'' by firing in support of the 7th Marines from March 6 until March 10, 1968. From March 13 until March 26, 1968, it supported the 7th Marines during ''Operation Worth.'' From August 1968 until September 1968, the battalion provided general support for units operating near the DMZ.

During the first year in Vietnam, the battalion changed over 300 gun tubes. In its 4 years in the Republic of Vietnam, the battalion had fired more than 450,000 rounds of 175mm/S inch ammunition in support of the United States and the Army of the Republic of Vietnam (ARVN) forces. It had supported operations throughout the northern sector of South Vietnam and had fired from positions at Da Nang, Dong Ha, Quang Tn, Bastone, Camp Lo, Camp J J Carroll, Thon Som Lam (''Rockpile''), True Khe, FSB C–I, FSB C–2, and FSB A–4 (Con Thien).

In ceremonies held August 6, 1971, at Dong Ha Combat Base, the battalion was presented the Meritorious Unit Citation. The award covered the period from January 31, 1968 to January 31, 1969, and was primarily for actions in support of the 1st and 3rd Marine Divisions. The battalion was also awarded the Naval Presidential Unit Citation in support of the 3rd Marine Division and the Republic of Vietnam Cross of Gallantry.

As the Republic of Vietnam Armed Forces began their withdrawal from Laos and the Khe San area, the need for artillery support along the route of egress became vital. By April 1971, all remaining elements of the battalion departed the Khe San Plains. The 8th Battalion, 4th Artillery, was the first heavy artillery battalion into the Khe San area and the last heavy unit to return.

In the 63 days that the battalion was involved with the Khe San Operation, it suffered losses of 4 persons killed and 41 wounded, with 17 vehicles destroyed. It was credited with costing the enemy 1,238 killed, unknown numbers wounded, 26 field guns destroyed, 3 tanks destroyed, 5 fighting positions destroyed, 16 wheeled vehicles destroyed, and 2,644 secondary explosions. During this same period, in line with increased troop withdrawals, the American ground troops in the area turned over their fire bases to the ARVN and withdrew to Quang Tri for their consolidation.

At 0930 hours, 15 October 1971, the 8th Battalion, 4th Artillery, conducted a redeployment ceremony at Quang Tri Combat Base. The battalion colors were furled and cased for redeployment to Fort Sill, OK, where the 3rd Battalion, 73rd Artillery, was being redesignated the 4th Battalion, 4th Artillery. On this date, the unit completed its tactical mission, and after completing the Keystone stand down operations from October 15 through November 15, 1971, sent its color guard and colors to Fort Sill to begin a new phase in the illustrious career of the 4th Artillery.

After a stay of 4 years on the DMZ, the battalion had truly earned its unofficial motto, ''The Guns of the DMZ,'' with 26 killed in action and numerous wounded. Today the 4th Artillery continues with the 2nd Battalion, 4th Artillery, a multiple launch rocket system battalion stationed at Fort Sill, OK. The 2nd Battalion, 4th Artillery deployed to Iraq during the initial assault of ''Desert Storm,'' and continue their combat role in the great tradition of the historic 4th Artillery Regiment.

I appreciate the opportunity to offer these remarks and share my appreciation for our veterans. We are forever grateful to the 8th Battalion, 4th Artillery and all the veterans who have preserved our country.

TRIBUTE TO DR. CONSTANCE MIERENDORF

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to recognize Dr. Constance Mierendorf and to celebrate her inauguration as the first female President of Sussex County Community College.

Constance Mierendorf brings a wealth of experience to this position as a teacher, academic leader and innovative small businesswoman. Dr. Mierendorf holds a Ph.D. in English from the University of Nebraska at Lincoln; earning her Bachelor and Master degree in English from the University of Nebraska at Omaha. She also holds certificates for secondary teaching and teaching English as a second Language. Her post-graduate work includes coursework at Harvard University's Institute for Educational Management.

Dr. Constance Mierendorf comes to the Presidency of SCCC from Raritan Valley Community College, where she held the position of Vice President of Academic Affairs. She held the same position at Santa Fe Community College in New Mexico, and was also a faculty member and department chair at Minneapolis Community and Technical College.

In addition to her education background, Dr. Mierendorf brings considerable business expertise to the College. She worked as a corporate trainer to Chief Executive Officers of several Fortune 500 companies and was a partner and business manager for Mierendorf Productions, a three-time Emmy Award winning documentary film company.

Sussex County Community College is a true gem of the Fifth Congressional District. It currently serves more than 3,500 credit and 1,700 non-credit students each year. SCCC is ranked 11th in the country, as the fastest growing community college of its size, with a 43-percent increase in enrollment over the past 5 years. I am confident Dr. Mierendorf will continue to raise the bar of SCCC's educational standards.

I commend Dr. Mierendorf on her appointment as the President of Sussex County Community College. I wish her all the best as she embarks on this opportunity and congratulate her on this remarkable accomplishment.

TRIBUTE TO CHARLES DANIEL

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. BERRY. Madam Speaker, I rise today to pay tribute to a great Arkansan and a fine citizen of Marshall, Arkansas. I am proud to recognize Dr. Charles Daniel in the United States Congress for his four decades of service to Arkansas. He has made numerous invaluable contributions to his community, his State and our Nation.

Dr. Charles Daniel was born in Marshall, Arkansas on July 1, 1940 and currently resides there today. After graduating from Marshall High School in 1958 as valedictorian, he received his medical degree from the University of Arkansas for Medical Sciences in 1967. He married his wife Sharon Guthrie in 1964 and they have two children.

In addition to his decades of service to the community as a leading medical professional, Dr. Daniel has dedicated 40 years of service to both the Rotary Club and the Searcy County Economic Development Commission. He was a leading advocate for the construction of the Searcy County Civic Center and was recognized by the Searcy County Economic Development Commission as Citizen of the Year in 2007.

Dr. Daniel is one of the few remaining genuine, southern gentlemen. He is a humble man who goes out of his way to help others simply because it is the right thing to do, never for personal gain. Dr. Daniel's office was always open to people in need of medical attention. Often he would keep his doors open well into the evening and would visit with patients at their homes on weekends to ensure they received the care they needed. Not only does he epitomize what a family doctor should be, he is the living example of how we should treat our neighbor.

Dr. Daniel embodies the old fashioned values of service, leadership and commitment to his community that has made our State and our Nation great. He has dedicated his life to serving the people of Searcy County as a leader in both his profession and his community. On behalf of the United States Congress, I extend congratulations and best wishes to my good friend Dr. Charles Daniel for a lifetime of outstanding personal and professional achievements.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. BOYD of Florida. Madam Speaker, last week, I missed the final vote on H.R. 2830, the Coast Guard Reauthorization Act. Had I been present, I would have voted as follows: H.R. 2830. Recorded vote. 24-Apr-2008, 3:13 p.m. Question: On Passage. Bill Title: Coast Guard Authorization for 2008.

''Aye'' for Mr. F. Allen Boyd, Jr.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Mr. ELLISON. Madam Speaker, on April 2, 2008, I inadvertently failed to vote on rollcall No. 155. Had I voted, I would have voted ''aye'' on rollcall Vote No. 155.

THE GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 493, ''The Genetic Information Nondiscrimination Act, GINA.'' I would like to thank my colleague, Congresswoman LOUISE MCINTOSH SLAUGHTER, from New York for introducing this important legislation. I would also like to thank my colleagues on Energy and Commerce, Ways and Means, Education and Labor committees for their leadership in this highly contentious and complex health issue.

The Genetic Information Nondiscrimination Act, GINA, would restrict health insurers' (Title I) and employers' (Title II) acquisition and use of genetic information in several ways. It is also supported by consumer groups, the medical profession, researchers, the medical products industry and pharmaceutical companies.

Since the first bills were introduced in the 103rd Congress, many of the arguments and positions supporting and opposing genetic nondiscrimination legislation have remained largely unchanged. The simple fact is without protection, people are apprehensive about seeking potentially beneficial genetic services or participating in much needed clinical research.

Alex Haley, the gifted author of Roots, stated on the front page of his book that ''In all of us there is a hunger, marrow deep, to know our heritage—to know who we are and where we have come from. Without this enriching knowledge there is a hollow yearning. No matter what our attainment in life, there is still a vacuum, an emptiness and the most disquieting loneliness.''

When author Alex Haley revealed his Roots in the late 1970's, everyone in the Nation, it seemed, wondered about their own great-great-great grandparents. As a result, the genealogical quest fever spread, particularly among African Americans.

It took Haley more than a decade to trace back several generations, but as most Black people realize, not many of similar heritage will be able to unearth their lineage even that soon. That's because few, if any, reliable records of the centuries-long Atlantic slave trade remain to help in the search. That's what became all too apparent to rheumatologist Dr. Paul Plotz in 1992, when ''a chance occurrence'' pointed his research on a rare muscle disorder to West Africa and ''the greatest undocumented migration of modern times.''

As Haley pointed out, people have an inherent interest in knowing their heritage. Our investment in modern science, specifically the Human Genome Project, is poised not only to reveal medical truths about ourselves and our potential for health, but also to help us make that connection to our past.

While some of my colleagues are focused that GINA will provide further incentives and additional opportunities for litigation against employers, they seem to forget the very real concern of individual protections. In an age where electronic databases are easily tampered with and private information is passed around like a bad cold, we must focus on the rights of individuals and their families when dealing with such a complex and contentious issue.

At a time when we want people to seek out preventative care and gain greater health literacy, we want to ensure them that they are safe and big brother is not selling their detailed information to the highest bidder.

Researchers at Penn State University have stated that from a medical viewpoint, African genetic diversity is important in understanding genetic diseases of African Americans and for finding treatment methods for contagious diseases that originated in Africa. These researchers have said that if they could identify the genetic changes that provided this protection, then they might be able to find treatment methods for the diseases.

These revolutionary discoveries are due to a diverse group of people feeling secure enough with their doctors, nurses, and health insurance companies that they participate in genetic testing and research studies.

We exclaim that we want better health care, greater incidences of prevention, better understanding of current diseases, and most importantly more cures to the illnesses of Americans. This is what genetic testing and research can do. If we allow employers and health insurance companies to manipulate the data to further restrict American's access to quality care, then we should not support this bill.

However, if we are for access to quality health care, if we are for greater understanding of infectious diseases and mutations, if we are for privacy protections in medical records and payment systems . . . then we must give our full support to this bill.

Thank you, Madam Speaker, for your leadership in the area of health care access, this is yet one more area that allows us to support an individual's right to care without fear of retribution by increased health insurance payments or even worse, denial of care altogether. Vote in support of access, understanding, and privacy.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 1, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 2

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment-unemployment situation for April 2008.

SD–562

MAY 6

10 a.m.

Environment and Public Works

To hold hearings to examine perchlorate and trichloroethylene (TCE) in water.

SD–406

Finance

To hold hearings to examine seizing the new opportunity for health reform.

SD–215

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold an oversight hearing to examine the National Oceanic and Atmospheric Administration.

SR–253

2 p.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine policing lenders and protecting homeowners, focusing on the current foreclosure crisis.

SD–226

2:30 p.m.

Intelligence

To hold hearings to examine the nomination of Michael E. Leiter, of the District of Columbia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

SH–216

3 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine oil and food prices relating to the link between energy and environmental security, focusing on the role that environmental technologies can play in increasing energy security while combating climate change by reducing demand on hydrocarbon resources.

B318, Rayburn Building

MAY 7

9:30 a.m.

Foreign Relations

To hold hearings to examine the nominations of Marcia Stephens Bloom Bernicat, of New Jersey, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau, Gillian Arlette Milovanovic, of Pennsylvania, to be Ambassador to the Republic of Mali, Donald Gene Teitelbaum, of Texas, to be Ambassador to the Republic of Ghana, Linda Thomas-Greenfield, of Louisiana, to be Ambassador to the Republic of Liberia, Peter William Bodde, of Maryland, to be Ambassador to the Republic of Malawi, Donald E. Booth, of Virginia, to be Ambassador to the Republic of Zambia, Marianne Matuzic Myles, of New York, to be Ambassador to the Republic of Cape Verde, and Stephen James Nolan, of Virginia, to be Ambassador to the Republic of Botswana, all of the Department of State.

SD–419

Environment and Public Works

Public Sector Solutions to Global Warming, Oversight, and Children's Health Protection Subcommittee

To hold an oversight hearing to examine science and environmental regulatory decisions.

SD–406

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine reauthorization of vision for space exploration.

SR–253

Veterans' Affairs

To hold hearings to examine pending benefits legislation.

SR–418

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine fuel subsidies relating to food supply and prices.

SD–342

Judiciary

To hold hearings to examine the nominations of Helene N. White, and Raymond M. Kethledge, both of Michigan, both to be United States Circuit Judges for the Sixth Circuit, and Stephen Joseph Murphy III, to be United States District Judge for the Eastern District of Michigan.

SD–226

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine United States credit markets, focusing on the regulation of investment banks by the United States Securities and Exchange Commission.

SD–538

10:30 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings to examine proposed budget estimates for fiscal year 2009 for the United States intelligence community.

S–407, Capitol

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine concentration in agriculture, focusing on an examination of the JBS Swift Group acquisitions.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine the state of the airline industry, focusing on the impact of the Delta/Northwest airlines merger.

SR–253

Foreign Relations

To hold hearings to examine international Convention for the Suppression of Acts of Nuclear Terrorism (the ''Convention''), adopted by the United Nations General Assembly on April 13, 2005, and signed on behalf of the United States of America on September 14, 2005 (Treaty Doc. 110–04), amendment to the Convention on the Physical Protection of Nuclear Material (the ''Amendment''). A conference of States Parties to the Convention on the Physical Protection of Nuclear Material, adopted on October 28, 1979, adopted the Amendment on July 8, 2005, at the International Atomic Energy Agency in Vienna (Treaty Doc. 110–06), and protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (the ''2005 SUA Protocol'') and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (the ''2005 Fixed Platforms Protocol'') (together, ''the Protocols''), adopted by the International Maritime Organization Diplomatic Conference in London on October 14, 2005, and signed by the United States of America on February 17, 2006 (Treaty Doc. 110–08).

SD–419

Judiciary

To hold hearings to examine a way forward for the United States Commission on Civil Rights.

SD–430

3 p.m.

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Commodity Futures Trading Commission and Securities and Exchange Commission.

SD–192

MAY 8

10 a.m.

Finance

To hold hearings to examine social security field offices, focusing on the resources and workforce needed to deliver quality service to the public.

SD–215

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine improving the capacity of United States climate modeling for decision-makers and end-users.

SR–253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

MAY 13

10 a.m.

Energy and Natural Resources

To hold hearings to examine the impacts of climate change on the reliability, security, economics, and design of critical energy infrastructure in coastal regions.

SD–366

MAY 20

10 a.m.

Energy and Natural Resources

To hold hearings to examine the Territorial Energy Assessment as updated pursuant to the Energy Policy Act of 2005 (Public Law 109–58).

SD–366

MAY 21

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending health care legislation.

SR–418

CANCELLATIONS

MAY 2

9:30 a.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

CORRECTION

Daily Digest

HIGHLIGHTS

House Committees ordered reported 24 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S3553–S3648

Measures Introduced: Twelve bills and two resolutions were introduced, as follows: S. 2939–2950, and S. Res. 542–543. **Pages S3594–95**

Measures Passed:

Ensuring Continued Access to Student Loans Act: Senate passed H.R. 5715, to ensure continued availability of access to the Federal student loan program for students and families, after agreeing to the following amendment proposed thereto: **Pages S3642–44**

Durbin (for Kennedy/Enzi) Amendment No. 4592, to improve access to student loans. **Page S3644**

Healthy Start Reauthorization Act: Senate passed S. 1760, to amend the Public Health Service Act with respect to the Healthy Start Initiative, after agreeing to the committee amendment in the nature of a substitute. **Page S3644**

Senator McCain: Senate agreed to S. Res. 511, recognizing that John Sidney McCain III, is a natural born citizen. **Pages S3645–46**

Measures Considered:

FAA Reauthorization Act: Senate continued consideration of H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and taking action on the following amendments proposed thereto: **Pages S3554–59, S3560–86**

Withdrawn:

Rockefeller Amendment No. 4585, in the nature of a substitute. **Pages S3554–59, S3560–81**

Durbin Amendment No. 4587 (to Amendment No. 4585), to strike the provision relating to required funding of new accruals under air carrier pension plans. **Pages S3554–59, S3560–81**

Pending:

Rockefeller Amendment No. 4627, in the nature of a substitute. **Page S3581**

Reid Amendment No. 4628 (to Amendment No. 4627), to change the enactment date. **Page S3581**

Reid Amendment No. 4629 (to Amendment No. 4628), of a perfecting nature. **Page S3581**

Reid Amendment No. 4630 (to the language proposed to be stricken by Amendment No. 4627), to change the enactment date. **Pages S3581–82**

Reid Amendment No. 4631 (to Amendment No. 4630), of a perfecting nature. **Page S3582**

During consideration of this measure today, Senate also took the following actions:

Durbin Amendment No. 4587 (to Amendment No. 4585), to strike the provision relating to required funding of new accruals under air carrier pension plans, fell when Rockefeller Amendment No. 4585 was withdrawn. **Pages S3554–59, S3560–81**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Thursday, May 1, 2008. **Page S3646**

Appointments:

Canada-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appointed the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the Second Session of the 110th Congress: Senators Voinovich and Murkowski. **Page S3646**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader be authorized to sign duly enrolled bills or joint resolutions. **Page S3646**

Nominations Received: Senate received the following nominations:

Michael M. Anello, of California, to be United States District Judge for the Southern District of California.

3 Army nominations in the rank of general. **Page S3648**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

1 Army nomination in the rank of general.

Page S3648

Messages from the House: Pages S3591–92

Measures Referred: Page S3592

Petitions and Memorials: Pages S3592–94

Additional Cosponsors: Pages S3595–96

Statements on Introduced Bills/Resolutions: Pages S3596–S3600

Additional Statements: Pages S3589–91

Amendments Submitted: Pages S3600–41

Authorities for Committees to Meet: Page S3642

Privileges of the Floor: Page S3642

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8:01 p.m., until 9:30 a.m. on Thursday, May 1, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3646.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: CONSUMER PRODUCT SAFETY COMMISSION

Committee on Appropriations: Subcommittee on Financial Services and General Government concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Consumer Product Safety Commission, and H.R. 4040, to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, after receiving testimony from Nancy A. Nord, Acting Chairman, and Thomas H. Moore, Commissioner, both of the Consumer Product Safety Commission.

APPROPRIATIONS: DEPARTMENT OF ENERGY

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Department of Energy and nuclear weapon non-proliferation efforts of the United States, after receiving testimony from William H. Tobey, Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration, Department of Energy; Matthew Bunn, Harvard University John F. Kennedy School of Government Belfer Center for Science and International Affairs, Cambridge, Massachusetts; and Siegfried S. Hecker, Stanford University Center for International Security and Cooperation, Stanford, California.

NRO/SPACE PROGRAMS

Committee on Appropriations: Subcommittee on Defense met in closed session to examine the National Reconnaissance Office (NRO)/Space Programs, after receiving testimony from Scott F. Large, Director, National Reconnaissance Office, General C. Robert Kehler, Commander, Air Force Space Command, and Gary E. Payton, Deputy Under Secretary of the Air Force for Space Programs, all of the Department of Defense.

APPROPRIATIONS: ARCHITECT OF THE CAPITOL, CAPITOL POLICE, LIBRARY OF CONGRESS

Committee on Appropriations: Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Office of the Architect of the Capitol, the United States Capitol Police, and the Library of Congress, after receiving testimony from Stephen T. Ayers, Acting Architect of the Capitol, Office of the Architect of the Capitol; Phillip D. Morse, Sr., Chief of Police, United States Capitol Police; and James Billington, Librarian of Congress, Library of Congress.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Strategic Forces met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2009.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2009.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the following bills: An original bill entitled "National Defense Authorization Act for Fiscal Year 2009";

An original bill entitled "Department of Defense Authorization Act for Fiscal Year 2009";

An original bill entitled "Military Construction Authorization Act for Fiscal Year 2009"; and

An original bill entitled "Department of Energy National Security Act for Fiscal Year 2009".

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of

Kameran L. Onley, of Washington, to be an Assistant Secretary of the Interior, and Jeffrey F. Kupfer, of Maryland, to be Deputy Secretary of Energy, after the nominees testified and answered questions in their own behalf.

SECRET LAW

Committee on the Judiciary: Subcommittee on the Constitution concluded a hearing to examine secret law—certain counterterrorist measures employed since the attacks of September 11, 2001, and the threat to democratic and accountable government, after receiving testimony from John P. Elwood, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice; Steven Aftergood, Federation of American Scientists, Bradford A. Berenson, Sidley Austin, LLP, former Associate Counsel to the President, and David B. Rivkin, Jr., Baker Hostetler, all of Washington, D.C.; Dawn E. Johnsen, Indiana University School of Law-Bloomington, former Acting Assistant Attorney General for the Office of Legal Counsel; Heidi Kitrosser, University of Minnesota Law School, Minneapolis; and J. William Leonard, former Director of the Information Security Oversight Office, National Archives, Leonardtown, Maryland.

HIRING AND RETAINING ELDERLY WORKERS

Special Committee on Aging: Committee concluded a hearing to examine establishing government as a model for hiring and retaining elderly workers, focusing on critical gaps in leadership and institutional knowledge, increasing the challenges government agencies face in maintaining a skilled workforce, after receiving testimony from Barbara D. Bovbjerg, Director, Education, Workforce, and Income Security Issues, and Robert N. Goldenkoff, Director, Strategic Issues, both of the Government Accountability Office; Nancy H. Kichak, Associate Director for Strategic Human Resources Policy, United States Office of Personnel Management; Thomas M. Dowd, Administrator, Office of Policy Development and Research, Employment and Training Administration, Department of Labor; and Max Stier, Partnership for Public Service, and Chai R. Feldblum, Georgetown University Law Center, both of Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 11 public bills, H.R. 5926–5936; and 1 resolution, H.J. Res. 81, were introduced. **Page H2947**

Additional Cosponsors: **Pages H2947–49**

Report Filed: A report was filed today as follows:

H. Res. 1167, providing for consideration of motions to suspend the rules (H. Rept. 110–614). **Page H2947**

Speaker: Read a letter from the Speaker wherein she appointed Representative McNulty to act as Speaker pro tempore for today. **Page H2859**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Nathan Meador, Zion Lutheran Church, Staunton, Illinois. **Page H2859**

Recess: The House recessed at 10:07 a.m. for the purpose of receiving His Excellency Bertie Ahern, Prime Minister of Ireland. The House reconvened at 12:15 p.m., and agreed that the proceedings had during the Joint Meeting be printed in the Record. **Pages H2860, H2863**

Joint Meeting to receive His Excellency Bertie Ahern, Prime Minister of Ireland: The House and Senate met in a joint session to receive His Excellency Bertie Ahern, Prime Minister of Ireland. He was escorted into the Chamber by a committee comprised of Representatives Hoyer, Clyburn, Emanuel, Larson (CT), Obey, Markey, Neal (MA), Maloney (NY), Kennedy, Crowley, Boehner, Blunt, Putnam, McCotter, Ros-Lehtinen, McCrery, Walsh (NY), King (NY), McHugh, and Ferguson; and Senators Reid, Durbin, Kennedy, Leahy, Dodd, Kerry, Casey, McConnell, Cornyn, Cochran, and Collins. **Pages H2860–63**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Amending the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections: Agreed to the Senate amendment to H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, by a ⅔ yea-and-nay vote of 358 yeas to 51 nays with 11 voting ''present'', Roll No. 229—clearing the measure for the President; **Pages H2867–85, H2908–09**

Supporting the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft: H. Res. 444, to support the goals and ideals of National Aviation Maintenance Technician Day, to honor the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and to recognize the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft; **Pages H2886–88**

Promoting the safe operation of 15-passenger vans: H. Res. 964, amended, to promote the safe operation of 15-passenger vans; **Pages H2888–90**

Agreed to amend the title so as to read: ''Promoting the safe operation of 15-passenger vans.''. **Page H2890**

Making technical corrections regarding the Newborn Screening Saves Lives Act of 2007: H.R. 5919, to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007; **Pages H2890–91**

Commending the University of Kansas Jayhawks for winning the 2008 National Collegiate Athletic Association Division I basketball championship: H. Res. 1096, to commend the University of Kansas Jayhawks for winning the 2008 National Collegiate Athletic Association Division I basketball championship; **Pages H2894–96**

Congratulating the University of Iowa Hawkeyes Wrestling Team on Winning the 2008 NCAA Division I National Wrestling Championships: H. Res. 1100, amended, to congratulate the University of Iowa Hawkeyes Wrestling Team on Winning the 2008 NCAA Division I National Wrestling Championships; **Pages H2896–98**

Supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month: H. Con. Res. 330, to support the goals and ideals of National Sexual Assault Awareness and Prevention Month; **Pages H2898–H2901**

Recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well being: H. Res. 1130, to recognize the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well being. **Pages H2901–03**

Supporting the goals and ideals highlighted through National Volunteer Week: H. Res. 1119, to support the goals and ideals highlighted through National Volunteer Week; **Pages H2903–04**

Expressing support for the designation of April 2008 as National Sarcoidosis Awareness Month: H. Res. 1149, amended, to express support for the designation of April 2008 as National Sarcoidosis Awareness Month, and to support efforts to devote new resources to research the causes of the disease, environmental and otherwise, along with treatments and workforce strategies to support individuals with sarcoidosis; **Pages H2904–06**

Supporting the mission and goals of Workers Memorial Day: H. Res. 1154, to support the mission and goals of Workers Memorial Day in order to honor and remember the workers who have been killed or injured in the workplace; and **Pages H2906–07**

Need-Based Educational Aid Act of 2007: H.R. 1777, amended, to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws. **Pages H2922–24**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service: H. Con. Res. 308, to authorize the use of the Capitol Grounds for the National Peace Officers' Memorial Service. **Pages H2885–86**

Combustible Dust Explosion and Fire Prevention Act of 2008: The House passed H.R. 5522, to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, by a recorded vote of 247 ayes to 165 noes, Roll No. 233. **Pages H2909–22**

Rejected the Walberg motion to recommit the bill to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with an amendment, by a recorded vote of 187 ayes to 225 noes, Roll No. 232. **Pages H2919–21**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H2914**

Accepted:

George Miller (CA) manager's amendment (No. 1 printed in H. Rept. 110–613) that makes four adjustments to the bill: (1) corrects the short title; (2) provides that engineering controls required by the interim standard shall be effective 6 months after issuance of the standard (rather than 30 days); (3)

maintains the provision that DOL shall include appropriate and relevant NFPA standards in the final standard but eliminates references to specific NFPA standards; and (4) clarifies that the final standard shall be conducted in accordance with usual rulemaking procedural requirements, including those that provide for small business review (by a recorded vote of 412 ayes with none voting ''no'', Roll No. 230). **Pages H2914–15, H2918–19**

Rejected:

Wilson (SC) amendment in the nature of a substitute (No. 2 printed in H. Rept. 110–613) that sought to direct OSHA to wait for the outcome of the Imperial Sugar investigation and findings from the combustible dust National Emphasis Program before deciding on whether to move forward with a standard (by a recorded vote of 178 ayes to 237 noes with 1 voting ''present'', Roll No. 231).

Pages H2915–18, H2919

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H2922**

H. Res. 1157, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 222 yeas to 193 nays, Roll No. 228, after agreeing to order the previous question by a yea-and-nay vote of 226 yeas to 194 nays, Roll No. 227.

Pages H2891–94, H2907–08

Intent to Offer Motion to Instruct Conferees: Representative Ryan (WI) gave notice of his intent to offer a motion to instruct conferees on H.R. 2419, Food and Energy Security Act of 2007. **Page H2922**

Intent to Offer Motion to Instruct Conferees: Representative Kind gave notice of his intent to offer a motion to instruct conferees on H.R. 2419, Food and Energy Security Act of 2007. **Page H2922**

Food and Energy Security Act of 2007—Motion to Instruct Conferees: The House began consideration of the Flake motion to instruct conferees on H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012. Further consideration is expected to resume tomorrow, Thursday, May 1st. **Pages H2924–30**

Senate Messages: Messages received from the Senate today appear on pages H2859 and H2922.

Quorum Calls—Votes: Three yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H2907–08, H2908, H2909, H2918, H2919, H2921, and H2921–22. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:25 p.m.

Committee Meetings

DISTRICT OF COLUMBIA

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on the District of Columbia. Testimony was heard from the following officials of the District of Columbia: Adrian M. Fenty, Mayor; Vincent Gray, Chairman, City Council; and Natwar M. Gandhi, Chief Financial Officer.

21ST CENTURY HIGH-PERFORMANCE PUBLIC SCHOOL FACILITIES ACT

Committee on Education and Labor: Ordered reported, as amended, H.R. 3021, 21st Century High-Performance Public School Facilities Act.

FHA HOUSING STABILIZATION AND HOMEOWNERSHIP RETENTION ACT

Committee on Financial Services: Continued markup of H.R. 5830, FHA Housing Stabilization and Homeownership Retention Act of 2008.

Will continue tomorrow.

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Ordered reported as amended, the following bills: H.R. 5916, Security Assistance and Arms Export Control Reform Act of 2008; and H.R. 5834, North Korean Human Rights Reauthorization Act of 2008.

The Committee also favorably considered the following measures and adopted a motion urging the chairman to request that they be considered on the Suspension calendar: H.R. 3658, To amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service; 2008; H.R. 1011, Calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad, as well as in the wider region that includes the northern region of the Central African Republic and the Darfur region of Sudan; H. Res. 1063, Marking the 225th anniversary of the Treaty of Paris of 1783, which ended the Revolutionary War with the Kingdom of Great Britain and recognized the independence of the United States of America, and acknowledging the shared values and close friendship between the peoples and governments of the United States and the United Kingdom of Great Britain and Northern Ireland; H. Res. 1109, Honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place

around the globe; H. Res. 1127, amended, Condemning the endemic restrictions on freedom of the press and media and public expression in the Middle East and the concurrent and widespread presence of anti-Semitic material, Holocaust denial, and incitement to violence in the Arab media and press; H. Res. 1166, Expressing the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia; H. Con. Res. 317, Condemning the Burmese regimes's undemocratic constitution and scheduled referendum; H. Con. Res. 318, amended, Supporting the goals and ideals of the International Year of Sanitation; H. Con. Res. 332, Recognizing the 60th anniversary of the Universal Declaration of Human Rights; and H. Res. 337, Honoring the Seeds of Peace for its 15th anniversary as an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict.

HOMELAND SECURITY/PREPAREDNESS MEASURES

Committee on Homeland Security: Ordered reported the following bills: H.R. 1333, amended, Civil Air Patrol Homeland Security Support Act of 2007; H.R. 4183, National Urban Search and Rescue Response System Act of 2007; and H.R. 5890, amended, Citizen and Community Preparedness Act of 2008.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 4279, amended, Prioritizing Resources and Organization for Intellectual Property Act of 2007; H.R. 5690, amended, To exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes; H.R. 1650, amended, Railroad Antitrust Enforcement Act of 2007; and H.R. 5593, Congressional Review Act Improvement Act.

The committee also began markup of H.R. 4044, National Guard and Reservists Debt Relief Act of 2008.

VISA BACKLOGS

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law held a hearing on Wasted Visas, Growing Backlogs. Testimony was heard from the following officials of the U.S. Citizenship and Immigration Services, Department of Homeland Security: Michael Aytes, Acting Deputy Director; and Donald Neufeld, Acting Associate Director, Domestic Operations; and the following officials of the Department of State: Stephen A. Edson, Deputy Assistant Secretary, Visa Service; and Charles Oppenheim, Chief, Visa Control and Reporting Division.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Ordered reported the following bills: H.R. 3323, amended, Goleta Water Distribution System Conveyance Act of 2007; H.R. 2649, amended, To make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; H.R. 4841, amended, Soboba Band of Luiseno Indians Settlement Act; H.R. 5618, amended, National Sea Grant College Program Amendments Act of 2008; H.R. 1464, amended, Great Cats and Rare Canids Act of 2007; H.R. 1771, amended, Crane Conservation Act of 2007; H.R.5540, Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act; H.R. 3667, amended, Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2007; and H.R. 3930, amended, Lesser Prairie Chicken National Habitat Preservation Area Act of 2007.

MISSILE DEFENSE

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held a hearing on Oversight of Missile Defense (Part 3): Questions for Missile Defense Agency. Testimony was heard from LTG Henry A. Obering III, USAF, Director, Missile Defense Agency, Department of Defense; and public witnesses.

PROVIDING FOR MOTIONS TO SUSPEND THE RULES

Committee on Rules: Granted, by voice vote, a rule authorizing the Speaker to entertain motions that the House suspend the rules at any time on the legislative day of May 1, 2008, relating to the following measures:

(1) The bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

(2) The bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

(3) A bill to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002.

ELECTRONIC REFUSE

Committee on Science and Technology: Held a hearing on E-Waste: Can the Nation Handle Modern Refuse in the Digital Age? Testimony was heard from public witnesses.

SMALL BUSINESS—CREDIT CRUNCH IMPACT

Committee on Small Business: Held a hearing entitled ''The Effect of the Credit Crunch on Small Business Access to Capital.'' Testimony was heard from public witnesses.

PRE-DISASTER MITIGATION PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on Saving Lives and Money through the Pre-disaster Mitigation Program. Testimony was heard from David I. Maurstad, Assistant Administrator and Federal Insurance Administrator Mitigation Directorate, FEMA, Department of Homeland Security; and public witnesses.

WATER RESOURCES DEVELOPMENT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Proposals for a Water Resources Development Act of 2008. Testimony was heard from Representatives Buyer and Stupak; John Paul Woodley, Jr., Assistant Secretary, Civil Works, Department of the Army; and public witnesses.

VETERANS MEASURES

Committee on Veterans' Affairs: Ordered reported the following bills: H.R. 2790, amended, To amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary for Veterans Affairs for Health; H.R. 3819, Veterans Emergency Care Fairness Act of 2007; H.R. 5729, amended, Spina Bifida Health Care Program Expansion Act; H.R. 5554, amended, Veterans Substance Use Disorders Prevention and Treatment Act of 2008; H.R. 5856, Department of Veterans Affairs Medical Facility Authorization and Lease Act; H.R. 3681, amended, Veterans Benefits Awareness Act of 2007; H.R. 3889, amended, to amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary; H.R. 4883, amended, To amend the Servicemembers Civil Relief Act to provide for a limitation on the sale, foreclosure, or seizure of property owned by a servicemember during the one-year period following the servicemember's period of military service; H.R. 4884, amended, Helping Our Veterans To Keep Their Homes Act of 2008; H.R. 4889, amended, The Guard and Reserves Are Fighting Too Act of 2008; H.R. 5664, amended, To amend title 39, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary; H.R. 5684, amended, Veterans Education Improvement Act of 2008; H.R. 5826, Veterans' Compensation Cost-of-Living Adjustment Act of 2008; and H.R. 5892, To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors, and for other purposes.

DNI BUDGET WRAP-UP

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on the DNI Budget Wrap-up. Testimony was heard from Mike McConnell, Director, Office of the Director of National Intelligence.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Hot Spots. The Subcommittee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, MAY 1, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Military Construction and Veterans' Affairs, and Related Agencies, with the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold joint hearings to examine addressing the issue of homeless veterans in America, 10 a.m., SD–138.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Economic Policy, to hold hearings to examine financial literacy for today's homebuyers, 2 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nominations of Lily Fu Claffee, of Illinois, to be General Counsel, and William J. Brennan, of Maine, to be Assistant Secretary for Oceans and Atmosphere, both of the Department of Commerce, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the adequacy of state and federal regulatory structures for governing electric utility holding companies relating to the repeal of the Public Utility Holding Company Act in the Energy Policy Act of 2005, 9:30 a.m., SD–366.

Full Committee, to hold hearings to examine the military build-up on Guam, focusing on the impact on civilian community, planning, and response, 2:15 p.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine the nominations of Robert Stephen Beecroft, of California, to be Ambassador to the Hashemite Kingdom of Jordan, James B. Cunningham, of New York, to be Ambassador to Israel, Richard E. Hoagland, of the District of Columbia, to be Ambassador to the Republic of Kazakhstan, and Joseph Evan LeBaron, of Oregon, to be Ambassador to the State of Qatar, all of the Department of State, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine preventing childhood injury, 10:30 a.m., SD–430.

Committee on Indian Affairs: to hold an oversight hearing to examine Indian energy development, focusing on regaining self-determination over reservation resources, 9:30 a.m., SD–562.

Committee on the Judiciary: to hold hearings to examine the nominations of G. Steven Agee, of Virginia, to be United States Circuit Judge for the Fourth Circuit, William T. Lawrence, to be United States District Judge for the Southern District of Indiana, and G. Murray Snow, to be United States District Judge for the District of Arizona, 2:15 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters; to be immediately followed by a closed business meeting to mark up certain pending legislation, 2:30 p.m., SH–219.

House

Committee on Energy and Commerce, Subcommittee on Health, hearing on the Food and Drug Administration Globalization Act, focusing on Drug Safety Provisions, 10 a.m., 2322 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing on a measure Enhancing Access to Broadband Technology and Services for Persons with Disabilities, 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, to continue markup of H.R. 5830, FHA Housing Stabilization and Homeownership Retention Act of 2008, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on the Middle East and South Asia, and the Subcommittee on International Organizations, Human Rights and Oversight, joint hearing on No Direction Home: An NGO Perspective on Iraqi Refugees and IDIs, 10 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Transportation and Infrastructure Protection, to consider the following: H.R. 4179, Fair, Accurate, Secure and Timely Redress Act of 2007; H.R. 4749, National Bombing Prevention Act of 2008; H.R. 5909, To amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purpose of enhancing transportation security at airports, and for other purposes; and H. Res. 1150, Expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines, 11 a.m., 311 Cannon.

Committee on House Administration, Subcommittee on Capitol Security, hearing on the Administration and Management of the United Sates Capitol, 11:30 a.m., 1310 Longworth.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 5913, Protecting Americans from Unsafe Foreign Products Act, 9:30 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on the following bills: H.R. 4081, Prevent All Cigarette Trafficking Act of 2007; and H.R. 5689, Smuggled Tobacco Prevention Act of 2008, 10 a.m., 2237 Rayburn.

Committee on Oversight and Government Reform, to consider the following measures: H.R. 5683, Government Accountability Office Act; H.R. 3774, Senior Executive Service Diversity Assurance Act; H.R. 5787, Federal Real Property Disposal Enhancement Act of 2008; a measure to make tobacco products nonmailable; H.R. 5811, Electronic Communications Preservation Act; the Thrift Savings Plan Enhancement Act; H. Res. 923, Recognizing the State of Minnesota's 150th anniversary; H. Res. 1113. Celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day; H. Res. 1114, Supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day; H. Res. 1122, Recognizing Armed Forces Day; and H. Res. 1132, Supporting the goals and ideals of Peace Officers Memorial Day, 11 a.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Space and Aeronautics, hearing on NASA's Aeronautics Research and Development: Status and Issues, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''Rail Transportation Access for Small Businesses and Family Farmers,'' 10 a.m., 1539 Longworth.

Committee on Ways and Means, Subcommittee on Select Revenue Measures, hearing on Education Tax Incentives, 10 a.m., Longworth.

Joint Meetings

Joint Economic Committee: to hold hearings to examine how high food prices are impacting American families, 10 a.m., SH–216.

Next Meeting of the SENATE

9:30 a.m., Thursday, May 1

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of H.R. 2881, FAA Reauthorization Act.

Next meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 1

House Chamber

Program for Thursday: Consideration of H.R. 493—Genetic Information Nondiscrimination Act as Amended (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Altmire, Jason, Pa., E774
Andrews, Robert E., N.J., E772, E781
Baca, Joe, Calif., E771
Becerra, Xavier, Calif., E780
Berry, Marion, Ark., E783
Boustany, Charles W., Jr., La., E779
Boyd, Allen, Fla., E784
Brown-Waite, Ginny, Fla., E774
Burgess, Michael C., Tex., E776, E777
Carson, André, Ind., E779, E780
Castle, Michael N., Del., E769, E770, E771, E773, E775, E776, E776, E777, E778, E780
Clyburn, James E., S.C., E782
Courtney, Joe, Conn., E771
Davis, Susan A., Calif., E774
Diaz-Balart, Lincoln, Fla., E779
Ellison, Kieth, Minn., E784
Garrett, Scott, N.J., E783
Gerlach, Jim, Pa., E771
Goode, Virgil H., Jr., Va., E782
Green, Gene, Tex., E769
Holt, Rush D., N.J., E776
Inglis, Bob, S.C., E779
Jackson-Lee, Sheila, Tex., E784
Latham, Tom, Iowa, E782
McHugh, John M., N.Y., E770
Matsui, Doris O., Calif., E772, E779
Miller, Jeff, Fla., E775
Moran, Jerry, Kans., E775
Pascrell, Bill, Jr., N.J., E777
Petri, Thomas E., Wisc., E777
Poe, Ted, Tex., E769
Porter, Jon C., Nev., E776
Radanovich, George, Calif., E782
Ross, Mike, Ark., E769
Sestak, Joe, Pa., E773
Sherman, Brad, Calif., E781
Simpson, Michael K., Idaho, E777
Tancredo, Thomas G., Colo., E770
Udall, Tom, N.M., E779
Van Hollen, Chris, Md., E772
Walden, Greg, Ore., E778
Walsh, James T., N.Y., E775
Wasserman Schultz, Debbie, Fla., E773
Wilson, Joe, S.C., E774
Wolf, Frank R., Va., E780

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.