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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
JUNE 19, 2008.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives

PRAYER

Rev. Thomas A. Rhodes, Mount Olive Lutheran Church, Folsom, California, offered the following prayer:

We call on You, Heavenly Father, from this historic Chamber today, asking Your wisdom and guidance be with these women and men who serve with honor and diligence, this courageous Nation of those ''yearning to breathe free.'' Grant Your gracious protection and tender care to them, their staffs and families.

Lord, grant also Your safety for those who stand and protect us and preserve the cause of liberty as they serve in our country's Armed Forces. May they and their families be under Your constant, watchful and loving eye.

Father, the Statue of Liberty arrived on our shores on this day in 1885. She stands as a beacon of liberty and hope for this Nation and the world. In the same way, the cross of Your Son Jesus Christ stands to remind us of the liberty He won, for all who call on His name, as we do now. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. KLEIN of Florida led the Pledge of Allegiance as follows:

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

WELCOMING REV. THOMAS A. RHODES

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 1 minute.

There was no objection.

Mr. DANIEL E. LUNGREN. Madam Speaker, today Pastor Tom Rhodes visits our Chamber from Folsom, California, where he is the pastor of Mount Olive Lutheran Church. He makes this journey with his son, Matt, less than a week after Father's Day as a reward for Matt's graduation from high school in Folsom.

Part of the purpose of their trip is to expose Matt to the history and tradition of American civic dedication, since Matt is interested in public service. One thing they will see as they visit the halls of Congress and the battlefields of the Civil War is that there is no shortage of ways and opportunities to serve one's country. And that is what we find in Matt's father, Pastor Tom. He told us that the opportunity to stand here today as our guest chaplain would show his son that ''service to our country takes on a variety of forms.''

But Pastor Tom's prayer for us this morning, like the prayers his congregation in Folsom regularly offer, isn't the only place we see this evidence; it is in his lifetime of service to God and country. Besides serving as the Pastor of Mount Olive, Pastor Tom has held a variety of ministry positions in church, including pastor, elder, librarian, Sunday school teacher and committee chair.

Outside of church, he has been a member of the local PTAs, on the Board of Directors for the Twin Lakes Food Bank, a narrator for the Washington Talking Book and Braille Library, and a part of the Civil Air Patrol for 3 years.

We are glad to have you here with us today, Pastor Tom. Thank you for your continued prayers and service to your community and country. And Matt, congratulations on your recent graduation and good luck in your future endeavors.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Ms. GRANGER. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 6041.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

TIME TO REVIEW DISASTROUS FARM POLICIES

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

Mr. BLUMENAUER. Madam Speaker, while our hearts are touched by the

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terrible flooding in Iowa, 24 lives lost already, 40,000 people who had to be evacuated, now is the time to think about how we help them in the future and prevent others from this fate.

This is the second 500-year flood in the last 15 years. There is a thought-provoking article on the front page of today's Washington Post that I would commend to all of my colleagues. It recalls something that I saw when I last visited Iowa, that the whole State has been dramatically replumbed. Ninety percent of the wetlands have been filled and farmed. Last year alone, 106,000 acres in the Conservation Reserve Program were taken out and farmed, acres that would have served as a great big sponge to capture the water instead of making flooding worse.

Because the effects of global warming and planting one-third of the State in corn and soybeans, we should reflect on the human role in the unfolding disaster. Now is the time to review our disastrous farm and water resource policies so that we can protect people in the future from this fate.

EXPLORATION, INNOVATION, AND CONSERVATION

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

Mr. WILSON of South Carolina. Madam Speaker, the continued rise in energy prices threatens our economy and our national security. There are unfriendly nations around the world that are reliant on the world's addiction to oil. Unstable leaders like Venezuelan President Hugo Chavez delight in our dependence on imported oil and they are invested in using that power to promote their destructive agenda. Our national security is threatened by these circumstances. At the same time, we are sending billions of our dollars out of this country to buy foreign oil.

House Republicans have proposed a sensible plan of exploration, innovation and conservation that outlines long-term and short-term solutions to promote energy independence.

There is absolutely no reason why we cannot expand American oil and natural gas exploration, develop alternative energy sources and promote energy efficiency all at the same time. Incorrectly, the energy debate in this country has been sold as a fight between those who support alternative fuels and those who want to drill. The House Republican plan includes all of the above.

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

CONGRESSIONAL AWARD GOLD MEDAL

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

Mr. KLEIN of Florida. Madam Speaker, I rise today to recognize the winners of the Congressional Award Gold Medal from my congressional district in south Florida. This award recognizes a significant commitment to community activism, as well as leadership development and physical fitness.

I am proud to recognize Angela Boyd, Addison Craig and Elizabeth Lott from Palm Beach Gardens and Jacob Schattie from Jupiter.

Angela Boyd completed over 450 hours of community service, including raising money for juvenile diabetes.

Addison Craig worked to raise money for organizations dedicated to finding a cure for cancer and heart disease.

Elizabeth Lott completed 500 hours of work with children and cancer patients.

Jacob Schattie was a coach and camp counselor to local youth.

These young men and women are role models for people, young and old, in my community and throughout our country. I am proud to honor these distinguished individuals today.

FINDING SOLUTIONS FOR SKYROCKETING ENERGY PRICES

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

Mr. NEUGEBAUER. Madam Speaker, I rise today to talk about energy, the fact that this is the people's House and the people are speaking. They are speaking loud and clear. Unfortunately, I do not think that the Democratic leadership is listening to the people. Survey after survey says we are tired of sending money to Hugo Chavez. Let's spend that money in the good old USA.

Madam Speaker, NANCY PELOSI, when this new leadership took charge, said we are going to bring real change for America. Well, the real change that this leadership has brought for America is we have the highest gasoline-diesel prices in the history of this country.

Madam Speaker, real change would be for the Democratic leadership for a change to begin to bring bills to the floor of this House that will bring long-term energy security and lower gasoline prices for the American people.

Madam Speaker, it is time for a change. It is time for you to change your position and bring energy legislation to the floor so that American people do not have to suffer and we do not have to send Hugo Chavez any more of our hard-earned money.

EXTEND UNEMPLOYMENT INSURANCE

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

Mr. MORAN of Virginia. Madam Speaker, today this body will have an opportunity to show the American people that we get it. We will be asked to vote on an extension of unemployment insurance for 13 weeks for every State in the country.

Normally, this would be a no-brainer, given the fact that a couple weeks ago we had the largest percentage increase in the number of unemployed. There are almost 4 million Americans without a job who can't find one, and we have had millions of Americans lose their homes through mortgage foreclosures. All of our constituents are paying over $4 a gallon for gas, almost three times what they were paying before the Bush administration came to office.

But it is not a no-brainer, because many of our Republican colleagues have consistently opposed extending unemployment insurance. A number of times, President Bush said he would veto the bill if we tried to extend unemployment insurance.

Madam Speaker, this is a failed economy. Let's not fail the American people today. Let's extend unemployment insurance.

BRAC/REFINERY BILL DISCHARGE PETITION

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

Mr. PITTS. Madam Speaker, a new oil refinery has not been built in the United States in over 30 years, and the refineries that we do have are operating at or near capacity. No matter how much crude oil is made available, the United States simply does not have the capacity to refine it. And today we are importing processed refined gasoline, last week, 1.2 million barrels of refined gasoline.

Less than a week after Hurricane Katrina devastated the Gulf, the price for regular gasoline increased by 46 cents, because much of our refining capacity is located along the Gulf Coast. Oil refining capacity is just one of the many aspects of our energy policy that we need to reconsider as gas prices continue their steep climb.

My bill, H.R. 2279, the subject of this week's discharge resolution, would address one of the largest hurdles to building a new refinery; finding land. By using a few closed military bases, we can jump-start the process and help address our refining needs.

UNEMPLOYMENT INSURANCE NECESSARY FOR 3.8 MILLION JOBLESS AMERICANS

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

Mr. COHEN. Madam Speaker, millions of Americans all over the United States are struggling to put food on the table and gas in their cars. Imagine at the same time that these prices spike you lose your job and that your

unemployment benefits run out simply because there are not enough jobs to go around. This has happened to 1.6 million Americans. They need our help.

Last week, Congress overwhelmingly passed legislation to immediately extend unemployment insurance for an additional 13 weeks. Today, that bill will be included in the emergency supplemental. This important legislation deserves strong bipartisan support.

With 325,000 jobs lost already this year and 3.8 million workers out of a job, it is imperative we take action now. We must continue to look for immediate solutions to our economic troubles. Extending unemployment insurance is one of the most cost-effective and fast-acting ways to stimulate the economy because the money is spent quickly.

Madam Speaker, President Bush and his allies in Congress should drop their opposition to this bill so we can help millions of Americans who are struggling with this recession economy.

□ 1015

STORMS AND GAS PRICES

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

Mr. PENCE. Madam Speaker, Hoosiers are struggling in the aftermath of some of the worst storms in our Nation's history. But even amidst the cleanup of last weekend, I was still hearing about gasoline prices.

At more than $4 a gallon in Indiana, working families, small businesses and family farms are hurting. Everywhere I went I heard the same thing, and it wasn't nationalize our refineries—as the Democrats are apparently planning to do—but the American people I heard from Indiana said drill for more oil on American soil. Hoosiers know the only way to lessen our dependence on foreign oil is to give the American people more access to American oil.

I say to my countrymen, call your Congressman right now and tell this Congress, drill more, drill now, and we will pay less.

HUGE VICTORY FOR AMERICAN SECURITY, AMERICAN WORKERS AND AMERICAN TAXPAYERS

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

Mr. LIPINSKI. Madam Speaker, yesterday we witnessed a huge victory for American security, American workers and American taxpayers.

The GAO found what many of us suspected all along about the Air Force tanker decision. A flawed process unfairly disadvantaged the American-made Boeing tanker. The Boeing aircraft met or exceeded all of the Air Force criteria. An independent study found that it would create at least twice as many American jobs including, 3,300 in Illinois.

Other studies showed the Boeing aircraft to be 25 percent more fuel efficient than the Airbus, resulting in a savings of nearly $30 billion and over 2 billion gallons of fuel. On top of all this, I believe that we should not be exporting our national security.

So today I urge my colleagues to join me in urging the Air Force to listen to the GAO, reopen the process and select the best tanker for America.

SKYROCKETING PRICE OF GAS

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

Mr. LUCAS. Madam Speaker, I come before you today to address the skyrocketing price of gas in Oklahoma, where the price for a gallon of gasoline at a station in my hometown of Cheyenne is now $3.95. This may be lower than the national average, but Oklahomans are actually paying more of their income on gas than people in areas where gas prices are higher.

According to a study by Common Current, Oklahoma City is ranked last in the ability to weather an oil and gas crisis. This is evidenced by the fact that families in Oklahoma's Third District are spending between 7 and 10 percent of their income on gas.

Congress has an opportunity to make sure that Americans don't have to choose between putting gas in their cars and necessities for their families through H.R. 2279, Expand American Refining Capacity on Closed Military Installations Act.

I ask my colleagues, support H.R. 2279. Sign the discharge petition. Bring this bill to the floor for a vote now.

MIDDLE CLASS AMERICAN FAMILIES ARE STRUGGLING

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

Ms. CASTOR. Madam Speaker, middle class families across America are struggling with the rising cost of health care, housing and gas prices brought on by the White House economic policies of the last 8 years.

Unfortunately, Big Oil continues to have a stranglehold over our country's energy policy. The latest proposal from their allies in the White House and other prominent Republicans is to drill for oil just off of our beaches.

But oil companies already have access to 68 million acres that they are not actively tapping, and the administration's own Energy Department reports that opening up new areas would have no impact on the price of gas.

True leaders are working on long-term solutions to reduce our dependence on oil and gas, promote conservation and new renewable technology. This has been the fundamental failure on energy policy of the Bush administration, and now Americans are paying the price. Do not reward Big Oil's latest attempt to grab even more.

Join us in fighting harmful speculation in petroleum markets and our efforts to end the massive, wasteful taxpayer subsidies to big oil companies. Short-term political gimmicks are no substitute for real leadership.

THIS IS NOT A FAILED ECONOMY

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

Ms. FOXX. Madam Speaker, this is not a failed economy. We are not in a recession. What a shame that Democrats want to talk down the economy.

Under a Democratic President, 6 percent unemployment was considered full employment. Unemployment now is 5.5 percent, not indicative of a failed economy. What is a problem are high gas prices brought to us by a failed Democratically controlled Congress, failed Democratically controlled Congress, a do-nothing-to-reduce-gas-prices Democratically controlled Congress.

Americans want us to do something to reduce gas prices, but Democrats continue to stonewall because they think they can blame President Bush and help themselves. What a shame.

We can bring down prices by producing American energy products. Let's do it now.

FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT

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

Mrs. MALONEY of New York. Madam Speaker, with Mother's Day and Father's Day behind us, it's time for us to practice what we preach. If we truly believe in the value of family, then we need to value the work that families do.

U.S. workers, unlike most workers worldwide, do not have the right to take paid time off to care for the birth of a new child. That is why the House should offer a model to the rest of the country by passing the Federal Employees Paid Parental Leave Act when it comes to the floor today. This bill provides 4 weeks of paid time off for all Federal employees to care for a new child.

This landmark bill will be the first to recognize that parents need their earnings, even as they need time off, to care for their new child.

Congress's action on family values should more than match its rhetoric. We should be the role model for all employers.

According to a Harvard study, the U.S. ranks 169th in the world in terms of providing paid time off. We are tied with Swaziland. TOM DAVIS is bipartisan and has been a cosponsor for 10 years. Let's pass it unanimously in a bipartisan recognition of family values.

ENERGY INDEPENDENCE

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

Mr. MCHENRY. Madam Speaker, American energy independence is important. Let's face it, we simply cannot conserve our way to energy independence.

Conservation is a sign of personal virtue, but it will not lead to American energy independence. The way we can move to energy independence is by increasing our supply and increasing our refining capacity, increasing our investments in renewable energy sources, increasing our focus on conservation. All those things can work.

Instead, this Democrat Congress is focused on naming months, naming weeks, naming days. In fact, we have had 125 resolutions recognizing various days, weeks and months, including Frank Sinatra Day. I love Frank, but he's not going to take us to American energy independence. National Train Day, National Plumbing Industry Week, but where is National Energy Independence Day?

FRUSTRATED WITH THE HIGH PRICES

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

Mr. ARCURI. Madam Speaker, people around America are talking about gas. That's all we hear.

There is a difference, however. The people back home in upstate New York are talking about gas because they are frustrated with the high prices. Yet other people in this country are attempting to demagog this issue and to turn it into a political issue.

We listen to the oil company executives say that we should drill, drill, drill. Drill our way to energy independence. Well, that's an impossibility. They say it as if we should believe what the oil company executives tell us, because, after all, they have always told us the truth in the past. That's just not the way it is.

In fact, if you look at the facts, you will see that there are 68 million acres available for drilling in this country that oil companies have failed and refuse to drill upon. Yet they continue to talk about drill, drill, because they don't want the alternative. They don't want to talk about conservation, and they don't want to talk about alternative energy.

This is useless, and it's divisive to America. We need to find solutions by working together, not pointing the finger and blaming others.

DEMOCRAT CONGRESS DOESN'T GET IT

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

Mr. JORDAN of Ohio. Madam Speaker, the Democrat Congress doesn't get it. We have got terrorists who want to do us harm, and we have yet to pass the FISA law. We have troops on the battlefield, and we have yet to pass the supplemental to get them the resources they need to do their job.

We have got a $10 trillion national debt, and yet the budget that was passed 3 weeks ago contains record levels of spending and the largest tax increase in history. Of course, we have got $4 a gallon gasoline and still no up or down vote on energy, expanding energy exploration.

We need to drill, we need to drill now. It's time to stop talking and start doing.

OIL COMPANIES DON'T WANT TO FOLLOW THE RULES

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

Mr. MCDERMOTT. Madam Speaker, I think I have walked into a meeting of the Republican drilling caucus. If they would remember a little history, they would remember that Mr. CHENEY had a meeting down at the White House back in 2001 and all of the oil company executives came in, and it was a secret meeting.

We have yet to find out who was there, what the agenda was, or whoever. But we can now, 8 years later, see the agenda, create chaos in the Middle East, attack Iraq, destabilize the oil fields, threaten Iran. Let's drive up the price of oil.

Gasoline was $1.47 when George Bush took control, and here we are, it's $4. They have absolutely succeeded.

Now at the end of that meeting they said, and, really, the best part of this is, we are going to get the right to drill in ANWR. Let's blame the environmentalists. They won't let us build refineries.

The reason we don't build refineries is because oil companies don't want to follow the rules. The only thing they drill the hole in is the bottom of the economic boat in this country.

CONVOLUTED NATIONAL ENERGY POLICY

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

Mr. CONAWAY. Madam Speaker, my previous colleague is a friend from Washington, but he really doesn't get it either.

When you have a convoluted national energy policy that the Democrats are putting forward, they meet themselves coming and going. On the one hand we have had speaker after speaker stand here today and tell us we can't drill our way out of it. Yet earlier this month we passed a bill that allows American citizens to sue OPEC to force them to produce more oil and gas.

The only way for them to produce more oil and gas is to drill more oil and gas. On the one hand they say production won't affect supply, and on the other hand they want to sue OPEC to force OPEC to produce more oil and gas so that we can buy it, from folks who are, at best, not our enemies.

This is wrongheaded on every level. I expect the OPEC companies today are working on legislation to allow their citizens to sue America to force America to produce her energy.

We can do better than this. We can quit talking past each other and make this thing work if we just do it.

KEEP JOBS IN AMERICA!

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

Mr. FILNER. Madam Speaker, yesterday the GAO sustained a protest filed by Boeing Company over the Air Force's decision to award a lucrative contract for aerial refueling tankers to a team led by Northrop Grumman and the European firm behind Airbus.

GAO's decision followed a 100-day review of the Air Force's selection process for the $35 billion tanker program. In the decision, GAO recommended that the Air Force reopen discussions with the contractors, obtain revised proposals and make a new decision. The Air Force was also directed to reimburse Boeing for the cost of the protest.

I am very pleased, as many Members of this body are, as millions of people across America are, and we hope the Air Force completely rebids the contract. But this opens a whole bigger issue that we ought to be discussing.

We need to step back, take a look at the bigger picture—the impact of the Defense Department contract outsourcing on American jobs. As we know, the American economy was founded with a base of manufacturing jobs. Today, it is still those jobs that keep the economy strong.

Right now the stock market is down, the dollar is down, unemployment numbers are up. It doesn't take a Harvard MBA to see our economy is faltering because of the erosion of manufacturing jobs.

Let's keep our jobs in America!

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Mr. SESSIONS. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor H.R. 6041.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5781, FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I

call up House Resolution 1277 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1277

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5781) to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Davis of Illinois or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5781 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.

□ 1030

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

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

Madam Speaker, H. Res. 1277 provides a structured rule for consideration of H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008. The resolution provides 1 hour of debate controlled by the Committee on Oversight and Government Reform and makes in order one of the two amendments submitted for consideration.

Madam Speaker, I rise today in strong support of this rule and of the underlying legislation, H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008, which in my opinion is a sensible, compassionate bill that provides Federal employees with 4 weeks of paid leave for the birth or adoption of a child.

Today the Federal Government does not offer any paid time off specifically to care for an infant or newly adopted child. If a Federal employee needs time to take care of the newest addition to their family, their only option for paid leave is to use their accrued sick days and vacation time.

This policy is unfair and disadvantageous to relatively new Federal employees or those who have experienced extended health problems. Having a policy that assumes Federal employees will not get sick or take vacation is unsound and needs to be rectified.

Paid parental leave for Federal workers is long overdue, and it is a shame that the Federal Government, our country's largest employer, has not provided it yet. The Federal Government ought to set the standard as a family-friendly workplace, and not fall behind.

And even more especially in this economic downturn, the Federal Government needs to step up and provide its families with paid leave. It is unconscionable, Madam Speaker, to ask parents to choose between their job and their new child in these harsh economic times.

With two full-time working parents being the standard nowadays, forcing families to lose one salary while they face astronomical food and energy prices is unacceptable.

Now some may claim that we are expanding the total amount of time a Federal employee may take off to care for a new child. Let me be clear, this bill does not expand the amount of leave currently available to Federal employees. This bill simply allows for 4 weeks of paid leave out of the 12 weeks that Federal employees currently receive under the Family and Medical Leave Act. The bill does not expand the total amount of time a person may take off under FMLA, and any claims to the contrary are simply false.

Madam Speaker, it is also important to note that this legislation will not affect the strength of our Nation's military. Since the Armed Forces set their own policies for leave, active duty soldiers are exempt from H.R. 5781. However, this legislation will provide 4 weeks of paid leave to the 400,000 civilian employees of the Department of Defense that serve with our armed forces at military bases across the country and around the world.

We depend on these mothers and fathers to make America safe, and providing them with 4 weeks of paid leave to care for their child is a much needed and much-deserved benefit.

Lastly, providing paid parental leave is a good recruitment tool for the Federal Government. In order to attract the best and the brightest and retain talent in our Federal workforce, Congress must provide important incentives like paid parental leave. I encourage my colleagues to stand up for families by supporting this rule and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I want to thank my friend from Massachusetts for yielding me this time to discuss the proposed rule for consideration of the Federal Employees Paid Parental Leave Act.

I rise in opposition to this so-called structured rule which makes in order no Republican amendments and the only amendment that it does allow is a Democrat manager's amendment, and to this legislation, which would provide government bureaucrats with benefits in excess of what four out of five hardworking private sector employees enjoy.

I disagree with the gentleman from Massachusetts, I think Federal Government work is very important to this country, but I believe that we do not need to extend benefits, to further ask for or to make ourselves available to as an incentive for hardworking people to come to work for the Federal Government. Thus, Madam Speaker, I am opposed to the underlying legislation.

Madam Speaker, as the father of two children, one of whom is a person with Down's syndrome and whose birth was more medically complicated than most children's, I understand the importance of families and their ability to deal with their problems. I return home each week to Dallas, Texas, after votes to be with my family, and families are important. I, like every other Member, understand the importance of family and how strong families are important to our country.

The question is not whether Congress should support families, but whether it makes sense when so many American families are already struggling with the high price of gas and other economic concerns to increase their tax burden to pay for this increased paid time off from work, especially in light of the fact that Federal workers don't really seem to need it or even be asking for it.

Currently, Federal Government employees between the ages of 20 and 45, those employees most likely to take advantage of this benefit expansion, have an average combined leave of over 7 weeks a year. But for even those workers with the least amount of Federal service, between 1 and 2 years, this program is duplicative because on average they already have a balance of 3.4 weeks of combined leave already at their disposal.

These generous paid leave policies already in place are why 88 percent of the 221,000 respondents to the 2006 Federal Human Capital Survey described themselves as ''very satisfied'' or ''satisfied'' with their paid leave for illness, including family care situations, for example what is talked about in this bill, childbirth, adoption or elderly care, and less than 5 percent described themselves as dissatisfied in any way.

What a shame we are trying to give away a benefit that taxpayers are going to pay for when it is not needed, and most of all, not even asked for.

Of course, creating this new, extra paid leave perk following the birth, adoption or fostering of a child, and include a provision that would allow the Office of Personnel Management to double the amount of paid leave to a total of 8 weeks, comes at a high cost. By the way, that 8 weeks may be asked for with no excuse or no reason necessary at all, simply by requesting it.

The Congressional Budget Office estimates that this new benefit in search of a problem would cost $850 million over 5 years. Pretty tough for a new majority that thinks that they want to have pay-as-you-go rules when now we are going to add a new $850 million worth of cost.

Madam Speaker, at a time when the average hardworking American families are already struggling and working more hours to fill their tanks because of this Democrat Congress's refusal to do anything constructive to address the high cost of energy, I don't believe it is appropriate for Congress to increase the paid leave of Federal bureaucrats beyond their already generous levels, and using taxpayer dollars.

As an alternative to today's legislation, the administration has proposed a fiscally responsible but functionally similar program: short-term disability insurance which would assist employees who need to use large amounts of time due to pregnancy, recovering from childbirth, accident or illness.

Because the majority of Federal employees, almost 60 percent, are not within the standard childbearing age, this proposal would be a better and more efficient fit for both employees and for the taxpayer and the Federal Government in dealing with the needs and costs associated with employees that need an extended period of time away for a number of reasons.

By providing Federal agencies with additional benefits that better meet the needs of the 21st century worker, the administration's short-term disability insurance proposal would safeguard Federal employees during a period of temporary inability to perform normal occupational duties while also safeguarding the pockets of the American taxpayer.

Despite the Office of Personnel Management providing this commonsense legislation proposal to Speaker PELOSI on March 4, 2008, today this Democrat-run House will only have the opportunity to vote on one functionally closed rule and the underlying legislation, with all of the other good ideas provided by Republicans completely shut out on this debate.

I encourage all of my colleagues to vote against this rule and the egregious underlying legislation.

I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I just want to respond by saying that Members on both sides of the aisle like to talk about family values all the time. Well, this is an effort that actually puts some real action behind those words. This is about helping families. I find it somehow puzzling that anybody would think this is a radical idea. And I would say to my colleagues on the other side of the aisle, you know, you have messed up our economy, you have increased financial insecurity amongst working families in this country, you have done everything you can to help the oil companies at the expense of average citizens who are now paying extraordinary prices at the gas tank. I mean, you have put working families at an extreme disadvantage.

This is an effort to provide a little bit of relief when somebody has a new baby or adopts a new child. Boy, to think that is a radical idea just to me defies reason.

At this time I would like to yield 4 minutes to the gentlewoman from New York (Mrs. MALONEY), the author of this legislation.

Mrs. MALONEY of New York. I thank the gentleman for his leadership on so many important issues and for supporting working families. This is the 21st century. Both the father and the mother have to work, and this is an important family friendly, family value legislation.

How many times have we heard the friends on the opposite side of the aisle talk about family values? Well, today we will have an opportunity to vote and do something to help families. Today we will take up my legislation, the Federal Employees Paid Parental Leave Act. This bill will provide 4 weeks of paid leave to Federal employees when they have a new child or adopt a new child.

If we truly believe in the value of family, then we need to value the work that families do. This means that we need to stop asking parents to choose between a paycheck and caring for a new child. Unlike a generation ago, today both parents work outside the home, and both need time off from work when they have a new child, yet most do not have access to paid family leave.

By providing paid parental leave to Federal employees, H.R. 5781 establishes the Federal Government as a model employer. A recent study found that out of 173 countries, 169 countries offered guaranteed leave with income to women in connection with childbirth. This ties the United States with Swaziland and New Guinea in terms of what we are offering in paid leave for new families.

This landmark bill is the first to provide paid family leave for new parents. It signals our commitment to valuing our employees and their families. This bill is good for the Federal agencies, it is good for Federal employees, and it is cost effective.

The lack of paid family leave puts Federal agencies at a disadvantage when competing for the best and the brightest employees. Our Federal workforce is aging and many of our agencies are finding it difficult to recruit and retain younger workers.

□ 1045

Providing paid parental leave would encourage younger workers who may be considering having a family to stay with the Federal Government.

Paid parental leave is already offered by the largest and most profitable U.S. companies. My staff at the Joint Economic Committee found that the Federal Government lags far behind Fortune 100 companies in providing paid leave as part of their benefits package. Fortune 100 companies overwhelmingly offer new mothers paid leave lasting 6 to 8 weeks long.

Federal employees who become new parents have the option of using their accrued vacation time, some sick days only if they're sick or tapping into a leave bank. This may work for the lucky families who never get sick, never need a vacation and are happy to rely on the kindness of strangers, but for many this is a second-rate solution, since even the best prepared employees often face difficult choices when children need their care.

The only national policy that covers parental leave is the Family and Medical Leave Act which provides up to 12 weeks of unpaid leave and job protection. The Family and Medical Leave Act is important, but because it is unpaid, many, especially low wage or younger workers with limited savings, cannot afford to use it.

H.R. 5781 is cost-effective. And the Congressional Budget Office reports that it is PAYGO compliant.

In testimony in support of this bill, Daniel Beard, Chief Administrative Officer of the U.S. House of Representatives noted: "This approach saves money. Employee morale is always greater when an employer treats employees with dignity, especially in times of crisis." I could not agree more with him.

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

Mr. MCGOVERN. I yield the gentlewoman an additional 1 minute.

Mrs. MALONEY of New York. Madam Speaker, I know that many of you are scratching your heads and wondering how this bill can be PAYGO neutral. It is easy to explain. The $190 million is the amount that the agencies currently save on salaries when Federal employees who have a new child take their unpaid leave, as they are entitled to under the Family and Medical Leave Act.

After we implement H.R. 5781, it will be up to the Federal agencies to implement this new benefit and whether they will ask for increased appropriations in the future.

But let's remember, right now Federal employees who have a child bear both the burden of going without pay during family and medical leave, as well as coping with their new family

expenses. This is an opportunity for us to put action behind our rhetoric on family values.

I urge strong bipartisan support. It is supported by TOM DAVIS on the other side of the aisle, the ranking member of the Government Reform and Oversight Committee which considered and reported out this bill.

And I thank Chairman WAXMAN and many others for their strong support.

Mr. SESSIONS. Madam Speaker, I really do appreciate the gentleman, my friend from Massachusetts' characterization of Republicans wrecking the economy and all these things, negative things that the Republicans have done at the expense of the American taxpayer.

And yet I think that the American public understands who balanced the budget back in 1997. It was the Republican-led Congress. It was the American people who said we ought to balance the budget.

When I first came to Congress some 12 years ago, I did this under the pretext of balancing the budget and, secondly, growing the economy, growing the economy through the creation of new jobs.

So how well did Republicans do? Let's see. Balanced the budget in 1997 because we forced it; 1997, 1998, 1999, 2000, and 2001. In 2001 this country was struck by terrorists. That's right. We've not balanced the budget since. But what we have done during that period of time is created economic opportunity, economic opportunity for millions of Americans, created 5.3 million new jobs. That was the free enterprise system that did that, but it was done through the policies of this body, lowering taxes, giving working families more money back home, taking 5 million people completely off the tax rolls so they could take care of themselves.

And now, here today what we see is a bigger government, a government that will cost almost a billion dollars more as a result of what we're doing here.

So it's amazing to see how my good friends on the other side come and talk about how irresponsible we were, and yet, what we've done, when Republicans led, was to create new jobs in this country, to make sure that we grew our economy.

I see nothing, nothing in the Democratic budget or the bills that they've passed that have created new jobs. As a matter of fact, the gentleman from Massachusetts referred to the Republicans and President Bush wrecking the economy.

In fact, what happened is, you can just look at it directly on a calendar. The day America began having economic problems was the day this new Democrat majority was elected; came in and promised higher taxes, promised the opportunity for a new direction, higher gas prices.

Then what are we told?

We're told by the leaders of the Democratic Party, America, you're going to have to change the way you live your life. This sounds a lot like the mid 1970s when we had President Carter around. We're going to have to change the way you live your life.

Government knows best. That's what we're here on the floor talking about today. Government knows best. We're going to give a group of very faithful Federal employees a new opportunity that will cost almost a billion dollars more to Federal employees. And yet, my colleagues will stand up and talk about Republicans ruining the economy.

Now that's not what ruins the economy. What ruins the economy is bigger government, bigger government, more spending and continuation of the assault on the investor in this country.

So the Republican Party, once again, is in favor of a balanced budget. We're not in favor of wrecking the economy.

The Republican Party is in favor of us allowing drilling to take place in this country. Some of my colleagues this morning talked about, you know, all these millions of acres. Well, there's not oil under all those millions of acres. Trust me. Energy exploration companies will go where the energy is.

And yet, now we're talking about adding almost a billion dollars' worth of new spending on the taxpayers that are already having trouble paying for their own gasoline. And we're going to talk about raising taxes. That is how you ruin the economy. That is how you lose jobs instead of job creation and balancing the budget.

The Republican Party does get it. We do recognize that there are tough times there. I go back every weekend. I've never missed a weekend going back home in 12 years. I do get it. I see people at the grocery store. I know how much the cost of a gallon of gasoline is. I'm not sure all the leaders of this House of Representatives do know that.

So we ought to be working to find ways to reduce cost, to make government more efficient, not to find a way to add overhead. Unfortunately, that's what this new Democrat majority is all about; raising taxes, more rules and regulation, making government more powerful by, in this instance, giving Federal employees who don't even ask for it, want it or need it, more time off, and have the taxpayer pay for it.

Madam Speaker, I do disagree with the legislation. And I will tell you that I think the American public, as they learn more about it during this debate, will come to the same conclusion.

I reserve the balance of my time.

Mr. MCGOVERN. May I inquire to the gentleman how many more speakers he has.

The SPEAKER pro tempore. The gentleman from Massachusetts has 20½ minutes. The gentleman from Texas has 23.

Mr. MCGOVERN. And may I ask the gentleman from Texas if he has any other speakers.

Mr. SESSIONS. I do not have any additional speakers other than myself.

Mr. MCGOVERN. Then I will let the gentleman close, because we don't have any other speakers either.

Mr. SESSIONS. Madam Speaker, I think what we have talked about today is an opportunity where the Republican Party presented an alternative to Speaker PELOSI, an alternative based upon a perception of a problem by the Democrat majority.

President Bush, last March, came to the table and said, let's use a free market approach that does allow families the opportunity, when they need time, to have that time and to utilize it. But let's let those individual families make their own decision, based upon disability insurance.

I understood a long time ago, from my previous job, when I had a very large team size of people that I worked with, that really, the American worker, at least where I was, was satisfied that they had a job and earned enough money to put food on the table, but also competed for family time and they needed time at home. That I understand.

But I encourage that in terms of being able to take time off. And having unpaid leave through a disability insurance program, is the right way to do this. So the Republican Party, through the President of the United States, brought this to Speaker PELOSI.

Instead, what we got was a billion-dollar answer to the taxpayer, a billion dollars more of spending, a billion dollars more of having the taxpayer have to pay things, and a billion dollars more, so the Republican Party comes to the table and says, why don't we try and balance our budget, rather than making government bigger and spending more money?

That's what we're doing here today. We are politely coming to the table in this constitutional body and saying, we disagree.

Since taking control of Congress in 2007, this Democrat Congress has totally been negligent in its responsibility to do anything constructive to address the domestic supply issues that have created the biggest problem that we have in America today, and that is energy and the cost of energy. Skyrocketing gas, diesel and energy costs are facing the American public today big time back home.

Meanwhile, we find that the Congress is trying to spend another billion dollars.

So today I urge my colleagues to vote with me to defeat the previous question so this House can finally consider real solutions to the energy costs.

If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 2279, which would expand the American refinery capacity on closed military installations. That's right. We're suggesting that we will use Federal installations that have closed to have a better way to make sure that we have more gasoline available.

This bill was introduced by my dear friend, JOE PITTS of Pennsylvania, way

back in May of 2007, over a year ago. See, Republicans saw it a year ago as a problem, and came to the table with answers and questions about what we can do.

This legislation would reduce the price of gasoline by streamlining the refinery application process, and by requiring the President to open at least three closed military installations for the purpose of setting new and providing new, reliable American refineries.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. SESSIONS. I urge my colleagues to take a second look, to become a student, just as we're asking the American public, to look at who really is trying to address the issue of the cost of energy. We're asking the American public to look into, and to see who's really getting gouged. Who really is getting gouged?

And it's families back home. It's businesses that are trying to provide services. It is our airlines that are trying to make sure that we keep this economy going.

And what do we hear back from Washington, DC? Let's sue OPEC. Let's tax Big Oil. Let's stick it to Big Oil.

Well, in fact, what we ought to be saying is that energy companies are our friends. Energy companies need to and want to supply cost-effective and reliable opportunities for the American public to have gasoline without long lines.

□ 1100

What are the energy companies saying? They're saying, Please give us the opportunity to go where there is oil or the perception that there's oil and go looking for it and provide it to the American public. It's American security. It is the opportunity for America to be able to use its own resources.

Is this the final answer? Heck no. That's not the final answer. What we're trying to do is bridge us through this until the technologies of, as we know, the battery-operated car and other technologies are coming to fruition, but in the meantime, we should not be spending our hundreds of billions of dollars that this Democrat majority is allowing to happen because they're cutting off American energy to go overseas to keep building Dubai and the next cities and countries that are after that off American money.

Madam Speaker, I really believe that the American public, when they understand, because they will become students of this issue, they will see that the opportunities for American energy, American security, American independence, and American jobs are what are on the line. And then they will look up and know that there's very consistent behavior. They will know which group of people in Washington, DC is really for them.

Today, we see where that same group of people, the United States Congress, is going to come together and say who is going to add another billion dollars to the price tag of running government, who is the same party that cuts off and won't even accept the good ideas of allowing more drilling here in the United States for American security. They're going to draw a conclusion. And that conclusion is going to be, they're going to see which group of people has the best ideas to empower job growth and investment in this country.

Who are the people that really are aiming at balancing our budget? Who is the group of people that are trying to do every single thing that we can to protect this country? Madam Speaker, that is the Republican Party. The Republican Party is trying to make sure that the taxpayer of this country does not pay higher taxes. The Republican Party is trying to make sure that we have enough energy, American energy, available for consumers of this country. And we are standing up today saying we do not believe adding almost a billion dollars worth of new spending for Federal employee benefits is the right thing to do right now.

So we're going to ask that our Members vote against this bill. We're going to ask that we do something by voting against this bill and voting for the motion to recommit.

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

Mr. MCGOVERN. Madam Speaker, I yield to the gentlelady from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

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

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Massachusetts, and I thank the minority for their indulgence.

Madam Speaker, I rise today in support of H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008, introduced by my colleague and fellow Women's Caucus member, Congresswoman CAROLYN MALONEY of New York.

This legislation provides 4 weeks of paid parental leave for all Federal employees. Employees will also for the first time be allowed to use their accrued sick leave for an additional 8 weeks of paid leave. By combining the 4 weeks of paid parental leave with earned sick leave, many Federal employees will now be able to get paid for the full 12 weeks of parental leave that is their right under the existing Family and Medical Leave Act.

However, this legislation is about more than a technical fix to current law. As we celebrated our fathers only last week, we recognized the significance of family of the various roles we all play. Mothers and fathers should be allowed to be there for the birth or adoption of a new child. This legislation reinforces the belief in family. Be it grandmother, grandfather, uncle, aunt, or mom and dad—our families deserve to be supported and valued.

In my district of Houston, Texas, there are over 70,000 single parent households run by women and over 22,000 Federal employees in my district. This legislation gives them the time they need to bond with a new child. It has been proven time and time again that the first few weeks post-birth are essential to parent and child bonding. This is true be they natural or adopted children.

This legislation should be titled Celebrating and Supporting Our Families Act because that is exactly what it seeks to do. It also provides that support for our employees here on Capitol Hill.

This act allows Federal employees to substitute any available paid leave for any leave without pay available for either the: (1) birth of a child; or (2) placement of a child with the employee for either adoption or foster care. Makes available for any of the 12 weeks of leave an employee is entitled to for such purposes: (1) four administrative weeks of paid parental leave in connection with the birth or placement involved; and (2) any accumulated annual or sick leave.

Authorizes the Director of the Office of Personnel Management (OPM) to increase the amount of paid parental leave available to up to eight administrative workweeks, based on the consideration of: (1) the benefits provided to the Federal Government of offering paid parental leave, including enhanced recruitment and retention of employees; (2) the cost to the Federal Government of increasing the amount of paid parental leave that is available to employees; (3) trends in the private sector and in State and local governments with respect to offering paid parental leave; and (4) the Federal Government's role as a model employer.

Amends the Congressional Accountability Act of 1995 and the Family and Medical Leave Act of 1993 to allow the same substitution for covered congressional employees, Government Accountability Office (GAO) and Library of Congress employees.

Defines "qualified leave" as leave that: (1) is available by reason of the need to care for the spouse, child, or parent of the employee having a serious health condition or by reason of a serious health condition affecting the employees that renders such employee unable to perform the functions of his or her position; and (2) would otherwise be leave without pay.

This act is a tremendous step and makes unequivocally clear, and dispels any belief that this act applies only to women. It does not. Members on both sides of the aisle talk about family values, but one of the most concrete ways we can help families is to give parents more time with their new children, without losing their paycheck. The Federal Government can be a model for other employers. I therefore encourage my colleagues to support this legislation and demonstrate by their actions that they support our families.

Mr. MCGOVERN. Madam Speaker, let me reiterate something I said earlier in the debate, and that is the Republican Congress and this Republican President have made a mess of this economy. Their legacy is a lousy economy. There are more people every day losing their jobs. Their legacy is that they have left my kids with a $300 billion deficit and a $9.4 trillion debt, the largest debt in the history of the United States of

America. That's their legacy. That's their great economic achievement.

Their legacy is basically no energy policy except whatever the oil companies want, and that's what they have done when they were in power. Whatever the oil companies want, the oil companies get.

And quite frankly, it kind of took my breath away when I heard my colleague talk about the oil companies as ''our friends.'' Well, with friends like the oil companies, the consumers do not need enemies.

In 2002, the profits of the oil companies were at about $30 billion. In 2007, it's $123.3 billion. And yet we have seen rising gas prices. The consumers have been gouged. These oil companies have ripped off the citizens of this country.

The fact of the matter is that there are 68 million acres onshore and offshore in the United States that are leased by oil companies open to drilling and actually under lease, but they're not developed. They have 68 million acres. The fact is if oil companies tapped the 68 million Federal acres of leased land, it could generate an estimated 4.8 million barrels of oil a day, six times what ANWR would produce at its peak.

The fact is 80 percent of the oil available on the Outer Continental Shelf is in regions that are already open to leasing, but the oil companies have not decided it's worth their time to drill there.

The fact is that drilling in the Arctic Wildlife Refuge wouldn't yield any oil for 10 years and then would only save the consumer 1.8 cents per gallon in 2025. The bottom line is, Madam Speaker, is that these oil companies choose not to drill for more oil. They choose instead to do what they're doing and put the burden on the American consumer.

I have heard the issue about we need to expand refinery capacity. Well, we currently have excess oil refinery capacity. According to the Energy Information Administration, our refineries are currently running at 88 percent capacity, well below the 95 to 98 percent capacity, use rates we've seen this time of year for the last decade.

Now, no new oil refineries have been built in the last 30 years because major oil companies have not sought to build them. They have the ability. They've not sought to build them. ExxonMobil, Chevron, ConocoPhillips, BP, and Shell have publicly stated that they have no plans to build new refineries. Instead, they prefer to expand existing facilities. Shell, ConocoPhillips, and BP all testified that they were unaware of any environmental regulations preventing them from building new refineries or expanding existing ones. So there is nothing in the way that's preventing them from expansion.

And internal memos from oil companies make it clear that oil companies have decided that they needed to reduce refinery capacity to drive up their profits. They don't care. They don't care about the consumer. All they care about is profits. And for too long, our energy policy under the Republican Congress and this Republican President has been to give the oil companies whatever they want. We have done that, and we are now paying the price.

I should also point out that this Congress has enacted a number of pieces of legislation to try to deal with this issue. Interestingly enough, most of them have been either vetoed or threatened to be vetoed by the President. It's also interesting to note that among those that the President has threatened to veto are legislation that would take away the tax breaks and subsidies that we provide Big Oil, the companies that are making record profits, and put that into renewable clean forms of energy. That's what the administration is aghast at. They can't believe that we'd want to take away taxpayer subsidies to Big Oil, the companies that are now ripping off the American consumer, and put that into alternative energy research and development so that we're not so reliant on oil and we could become more energy independent.

We have tried to take the lead on energy independence in this Congress, but we have run into roadblocks by the Republicans here in the House, Republicans in the Senate, and this administration.

I would also point out that the American people get it. One of the reasons why Republicans are losing elections is because the American people are fed up with their policies. They want a new direction, and they will get a new direction come November with an expanded Democratic majority here in the House and in the Senate and a Democratic President.

Finally, Madam Speaker, let me just once again reiterate to my colleagues the importance of the underlying legislation. The Federal Employees Paid Parents Leave Act does not change the fundamental principles of the Family and Medical Leave Act in any way. The bill does not expand the number of weeks of leave available to workers under FMLA, the bill does not expand the number of employees who are eligible for FMLA leave, and the bill does not grant employees any additional sick leave.

For Federal employees who are currently entitled to FMLA coverage, this bill would simply allow them to be paid for four of those weeks if used for parental use, if used to care for a newborn child or a newly adopted child. I mean, this to me is common sense. This is the right thing to do.

As I said, Members talk all the time about family values. Well, here is our chance to show that we mean what we say. I would urge my colleagues to support the underlying bill. I urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 1277 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 2279) to expedite the construction of new refining capacity on closed military installations in the United States. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce, and the chairman and ranking member of the Committee on Armed Services; and (2) an amendment in the nature of a substitute if offered by Representative Dingell of Michigan or Representative Skelton of Missouri, which shall he considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information form 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 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. Madam 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. SESSION. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1281 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1281

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of June 19, 2008, providing for consideration or disposition of a measure making supplemental appropriations for the fiscal year ending September 30, 2008.

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

Ms. SLAUGHTER. Thank you, Madam Speaker.

For the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume and ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1281.

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

There was no objection.

Ms. SLAUGHTER. Madam Speaker, H. Res. 1281 waives clause 6(a) of rule XIII which requires a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. The waiver would apply to any rule reported on the legislative day of June 19, 2008, that provides for consideration or disposition of a measure making supplemental appropriations for the fiscal year 2008.

Madam Speaker, with the passage of this rule, the House would move one step closer to taking up the supplemental appropriations bill, a bill forged in bipartisan compromise that provides funding for our troops currently on the ground, critical domestic savings for Americans calling out for relief, and a dramatic expansion for veterans' educational benefits.

The same-day rule will allow us to do all of this in an expedited manner. Later today, the Rules Committee will report out a rule that will give the Chamber the opportunity to debate the bipartisan legislation dealing with some of the most pressing issues facing our Nation today.

I urge a ''yes'' vote on the rule.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

I want to begin by expressing my great appreciation to the very able and distinguished Chair of the Committee on Rules, my dear friend from Rochester (Ms. SLAUGHTER) for yielding me the customary 30 minutes.

And I will say, Madam Speaker, that I stand here with somewhat mixed emotions. While I am happy that we are going to finally ensure that our men and women in uniform who are on the front lines ensuring the safety of our fellow Americans are going to have the funding that is necessary, I'm saddened that we are here at this juncture considering this measure under a process which was not at all necessary.

Madam Speaker, if we had, literally months ago, months ago, come to this point, we could have, under regular order, very easily provided the necessary troop funding that is out there, dealt with the issue of unemployment benefits, which is going to be addressed, and ensure that we're not going to put into place a massive tax increase on job creators here in the United States.

□ 1115

So I will say, Madam Speaker, that we want to do everything that we can to, as expeditiously as possible, meet the demand that has been set forward by our leaders on the frontline in the field in Iraq and Afghanistan.

I hope very much that my colleagues will join with me. It's not normal that I would support this structure that would allow for same-day consideration of the measure, but I believe it is imperative that we get funding to our troops, and I believe that the measure that we're going to consider in just a little while from now will allow us to do that.

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

Ms. SLAUGHTER. Madam Speaker, just one response to my good friend from California and my dear friend, that had the Republican Party voted for the last supplemental bill which funded the troops, it would not be necessary to be here today.

Mr. DREIER. Would the gentlewoman yield on that point?

Ms. SLAUGHTER. I will be happy to yield.

Mr. DREIER. I will simply say that there were very important reasons that we did not support it: a massive tax increase that was imposed on working Americans and job creators.

This measure that we are going to be considering later today is one that I believe we can have support from the United States Senate on and support from the President on. And we know full well that had that measure passed this House that we would have ended up right where we are today because the President would have vetoed the bill if it had gotten there, and most likely, would have not gotten through the Senate.

So I thank my friend for yielding. Let's move ahead. We have a bipartisan compromise right now, and I believe it is beneficial.

Ms. SLAUGHTER. I just want to make one inquiry: Is the massive tax increase you're talking about the extension of unemployment benefits?

Mr. DREIER. If I could ask my friend to further yield, I will say absolutely not. I will tell you that what I was talking about was the tax that is imposed on those people in upper income brackets, 82 percent of whom are small business owners in this country. That's the tax that we were talking about in the last measure, and that played a big role in leading those of us who want to ensure that we get this economy growing again that we would not, in fact, impinge on that by imposing that tax increase.

So I will say to my friend, let's move ahead. Let's make sure that we get the important funding to our troops so that we can be successful in ensuring our safety, and I thank my friend for yielding.

Ms. SLAUGHTER. Well, I will just close by saying we've been trying very hard to do just that.

I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

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 H. Res. 1277; adoption of H. Res. 1277; motion to suspend the rules on H.R. 5710, de novo; motion to suspend the rules on H.R. 5511, de novo.

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. 5781, FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1277, 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 222, nays 197, not voting 14, as follows:

[Roll No. 423]

YEAS—222

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
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards (TX)
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
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
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
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
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—197

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
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Andrews
Cubin
Dicks
Engel
Gilchrest
Gillibrand
Higgins
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt
Wasserman Schultz

□ 1142

Mr. ROHRABACHER changed his 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. The question is on the resolution.

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

RECORDED VOTE

Mr. SESSIONS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 230, noes 194, not voting 9, as follows:

[Roll No. 424]

AYES—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
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
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (TX)
Ellison
Ellsworth
Emanuel
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
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
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
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
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
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)
Wolf
Woolsey
Wu
Yarmuth

NOES—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
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—9

Cubin
Engel
Gilchrest
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1151

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.

EASTERN NEW MEXICO RURAL WATER SYSTEM AUTHORIZATION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5710.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 5710.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 301, nays 124, not voting 8, as follows:

[Roll No. 425]

YEAS—301

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards (TX)
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
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
Payne
Pearce
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—124

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kingston
Kline (MN)
Kuhl (NY)
Latta
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—8

Cubin
Gilchrest
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1159

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5511, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 5511, 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Mr. CARTER. Mr. Speaker, I would like to have my name removed as a cosponsor for H.R. 6041.

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

There was no objection.

FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008

Mr. DAVIS of Illinois. Mr. Speaker, pursuant to House Resolution 1277, I call up the bill (H.R. 5781) to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5781

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 ''Federal Employees Paid Parental Leave Act of 2008''.

SEC. 2. PAID PARENTAL LEAVE UNDER TITLE 5.

(a) AMENDMENT TO TITLE 5.—Subsection (d) of section 6382 of title 5, United States Code, is amended—

(1) by redesignating such subsection as subsection (d)(1);

(2) by striking ''subparagraph (A), (B), (C), or'' and inserting ''subparagraph (C) or''; and

(3) by adding at the end the following:

''(2) An employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of subsection (a)(1) any paid leave which is available to such employee for that purpose.

''(3) The paid leave that is available to an employee for purposes of paragraph (2) is—

''(A) 8 administrative workweeks of paid parental leave under this subparagraph in connection with the birth or placement involved; and

''(B) any annual or sick leave accrued or accumulated by such employee under subchapter I.

''(4) Nothing in this subchapter shall be considered to require—

''(A) that an employing agency provide paid sick leave in any situation in which such employing agency would not normally be required to provide such leave; or

''(B) that an employee first use all or any portion of the leave described in subparagraph (B) of paragraph (3) before being allowed to use the paid parental leave described in subparagraph (A) of paragraph (3).

''(5) Paid parental leave under paragraph (3)(A)—

''(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing agency;

''(B) shall not be considered to be annual or vacation leave for purposes of section 5551 or 5552 or for any other purpose; and

''(C) if not used by the employee before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.

''(6) The Director of the Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection, including, subject to paragraph (4)(B), the manner in which an employee may designate any day or other period as to which such employee wishes to use paid parental leave described in paragraph (3)(A).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 3. PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.

(a) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT.—Section 202 of the Congressional Accountability Act of 1995 (2 U.S.C. 1312) is amended—

(1) in subsection (a)(1), by adding at the end the following: ''In applying section 102(a)(1)(A) and (B) to covered employees, subsection (d) shall apply.'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following:

''(d) SPECIAL RULE FOR PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.—

''(1) SUBSTITUTION OF PAID LEAVE.—A covered employee taking leave without pay under subparagraphs (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) may elect to substitute for any such leave any paid leave which is available to such employee for that purpose.

''(2) AMOUNT OF PAID LEAVE.—The paid leave that is available to a covered employee for purposes of paragraph (1) is—

''(A) the number of weeks of paid parental leave in connection with the birth or placement involved that correspond to the number of administrative workweeks of paid parental leave available to Federal employees under section 6382(d)(3)(A) of title 5, United States Code; and

''(B) any additional paid vacation or sick leave provided by the employing office to such employee.

''(3) LIMITATION.—Nothing in this section shall be considered to require—

''(A) that an employing office provide paid sick leave in any situation in which such employing office would not normally be required to provide such leave; or

''(B) that a covered employee first use all or any portion of the leave described in subparagraph (B) of paragraph (2) before being allowed to use paid parental leave described in subparagraph (A) of paragraph (2).

''(4) ADDITIONAL RULES.—Paid parental leave under paragraph (2)(A)—

''(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing office; and

''(B) if not used by the covered employee before the end of the 12-month period (as referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1))) to which it relates, shall not accumulate for any subsequent use.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 4. CONFORMING AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.

Section 102(d) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)) is amended by adding at the end the following:

''(3) SPECIAL RULE FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.—

''(A) SUBSTITUTION OF PAID LEAVE.—An employee of an employer described in section 101(4)(A)(iv) taking leave under subparagraphs (A) or (B) of subsection (a)(1) may elect to substitute for any such leave any paid leave which is available to such employee for that purpose.

''(B) AMOUNT OF PAID LEAVE.—The paid leave that is available to an employee of an employer described in section 101(4)(A)(iv) for purposes of paragraph (1) is—

''(i) the number of weeks of paid parental leave in connection with the birth or placement involved that correspond to the number of administrative workweeks of paid parental leave available to Federal employees under section 6382(d)(3)(A) of title 5, United States Code; and

''(ii) any additional paid vacation or sick leave provided by such employer.

''(C) LIMITATION.—Nothing in this paragraph shall be considered to require—

''(i) that an employer described in section 101(4)(A)(iv) provide paid sick leave in any situation in which such employer would not normally be required to provide such leave; or

''(ii) that an employee of such an employer first use all or any portion of the leave described in clause (ii) of subparagraph (B) before being allowed to use paid parental leave described in clause (i) of such subparagraph.

''(D) ADDITIONAL RULES.—Paid parental leave under subparagraph (B)(i)—

''(i) shall be payable from any appropriation or fund available for salaries or expenses for positions with employers described in section 101(4)(A)(iv); and

''(ii) if not used by the employee of such employers before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.''.

SEC. 5. STUDY.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Government Accountability Office shall study and submit to Congress a written report on the feasibility and desirability of providing an insurance benefit to Federal employees which affords partial or total wage replacement with respect to periods of qualified leave.

(b) PERIOD OF QUALIFIED LEAVE.—For purposes of this section, the term ''period of qualified leave'', as used with respect to a Federal employee, means any period of leave under section 6382 of title 5, United States Code, which would otherwise be leave without pay, and which is available by reason of—

(1) the need to care for the spouse or a son, daughter, or parent of the employee having a serious health condition; or

(2) a serious health condition affecting the employee that renders such employee unable to perform the functions of the employee's position.

(c) MATTERS FOR INCLUSION.—The report shall include, at a minimum, the following:

(1) A brief description of any plans or arrangements under which similar benefits are currently provided to employees in this country (within the private sector or State or local government) or in other countries.

(2) With respect to any plans or arrangements under which such benefits are currently provided to private or public sector employees in this country—

(A) the portion or percentage of wages typically replaced;

(B) how those benefits are generally funded, including in terms of the employer and employee shares;

(C) whether employee coverage is optional or automatic; and

(D) any waiting period or other conditions which may apply.

(3) Identification and assessment of any plans or arrangements described under the preceding provisions of this subsection (or any aspects thereof) which might be particularly relevant to designing the insurance benefit (described in subsection (a)) for Federal employees, including how such benefit might be coordinated with annual leave, sick leave, or any other paid leave available to an employee for the purpose involved.

The SPEAKER pro tempore. Pursuant to House Resolution 1277, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5781

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 ''Federal Employees Paid Parental Leave Act of 2008''.

SEC. 2. PAID PARENTAL LEAVE UNDER TITLE 5.

(a) AMENDMENT TO TITLE 5.—Subsection (d) of section 6382 of title 5, United States Code, is amended—

(1) by redesignating such subsection as subsection (d)(1);

(2) by striking ''subparagraph (A), (B), (C), or'' and inserting ''subparagraph (C) or''; and

(3) by adding at the end the following:

''(2) An employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of subsection (a)(1) any paid leave which is available to such employee for that purpose.

''(3) The paid leave that is available to an employee for purposes of paragraph (2) is—

''(A) subject to paragraph (6), 4 administrative workweeks of paid parental leave under this subparagraph in connection with the birth or placement involved; and

''(B) any annual or sick leave accrued or accumulated by such employee under subchapter I.

''(4) Nothing in this subchapter shall be considered to require—

''(A) that an employing agency provide paid sick leave in any situation in which such employing agency would not normally be required to provide such leave; or

''(B) that an employee first use all or any portion of the leave described in subparagraph (B) of paragraph (3) before being allowed to use the paid parental leave described in subparagraph (A) of paragraph (3).

''(5) Paid parental leave under paragraph (3)(A)—

''(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing agency;

''(B) shall not be considered to be annual or vacation leave for purposes of section 5551 or 5552 or for any other purpose; and

''(C) if not used by the employee before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.

''(6) The Director of the Office of Personnel Management—

''(A) may promulgate regulations to increase the amount of paid parental leave available to an employee under paragraph (3)(A), to a total of not more than 8 administrative workweeks, based on the consideration of the following factors:

''(i) the benefits provided to the Federal Government of offering paid parental leave, including enhanced recruitment and retention of employees;

''(ii) the cost to the Federal Government of increasing the amount of paid parental leave that is available to employees;

''(iii) trends in the private sector and in State and local governments with respect to offering paid parental leave;

''(iv) the Federal Government's role as a model employer; and

''(v) such other factors as the Director considers necessary; and

''(B) shall prescribe any regulations necessary to carry out this subsection, including, subject to paragraph (4)(B), the manner in which an employee may designate any day or other period as to which such employee wishes to use paid parental leave described in paragraph (3)(A).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 3. PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.

(a) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT.—Section 202 of the Congressional Accountability Act of 1995 (2 U.S.C. 1312) is amended—

(1) in subsection (a)(1), by adding at the end the following: ''In applying section 102(a)(1)(A) and (B) to covered employees, subsection (d) shall apply.'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following:

''(d) SPECIAL RULE FOR PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.—

''(1) SUBSTITUTION OF PAID LEAVE.—A covered employee taking leave without pay under subparagraphs (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) may elect to substitute for any such leave any paid leave which is available to such employee for that purpose.

''(2) AMOUNT OF PAID LEAVE.—The paid leave that is available to a covered employee for purposes of paragraph (1) is—

''(A) the number of weeks of paid parental leave in connection with the birth or placement involved that correspond to the number of administrative workweeks of paid parental leave available to Federal employees under section 6382(d)(3)(A) of title 5, United States Code; and

''(B) any additional paid vacation or sick leave provided by the employing office to such employee.

''(3) LIMITATION.—Nothing in this section shall be considered to require—

''(A) that an employing office provide paid sick leave in any situation in which such employing office would not normally be required to provide such leave; or

''(B) that a covered employee first use all or any portion of the leave described in subparagraph (B) of paragraph (2) before being allowed to use paid parental leave described in subparagraph (A) of paragraph (2).

''(4) ADDITIONAL RULES.—Paid parental leave under paragraph (2)(A)—

''(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing office; and

''(B) if not used by the covered employee before the end of the 12-month period (as referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1))) to which it relates, shall not accumulate for any subsequent use.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 4. CONFORMING AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.

Section 102(d) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)) is amended by adding at the end the following:

''(3) SPECIAL RULE FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.—

''(A) SUBSTITUTION OF PAID LEAVE.—An employee of an employer described in section 101(4)(A)(iv) taking leave under subparagraphs (A) or (B) of subsection (a)(1) may elect to substitute for any such leave any paid leave which is available to such employee for that purpose.

''(B) AMOUNT OF PAID LEAVE.—The paid leave that is available to an employee of an employer described in section 101(4)(A)(iv) for purposes of paragraph (1) is—

''(i) the number of weeks of paid parental leave in connection with the birth or placement involved that correspond to the number of administrative workweeks of paid parental leave available to Federal employees under section 6382(d)(3)(A) of title 5, United States Code; and

''(ii) any additional paid vacation or sick leave provided by such employer.

''(C) LIMITATION.—Nothing in this paragraph shall be considered to require—

''(i) that an employer described in section 101(4)(A)(iv) provide paid sick leave in any situation in which such employer would not normally be required to provide such leave; or

''(ii) that an employee of such an employer first use all or any portion of the leave described in clause (ii) of subparagraph (B) before being allowed to use paid parental leave described in clause (i) of such subparagraph.

''(D) ADDITIONAL RULES.—Paid parental leave under subparagraph (B)(i)—

''(i) shall be payable from any appropriation or fund available for salaries or expenses for positions with employers described in section 101(4)(A)(iv); and

''(ii) if not used by the employee of such employers before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.''.

SEC. 5. STUDY.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Government Accountability Office shall study and submit to Congress a written report on the feasibility and desirability of providing an insurance benefit to Federal employees which affords partial or total wage replacement with respect to periods of qualified leave.

(b) PERIOD OF QUALIFIED LEAVE.—For purposes of this section, the term ''period of qualified leave'', as used with respect to a Federal employee, means any period of leave under section 6382 of title 5, United States Code, which would otherwise be leave without pay, and which is available by reason of—

(1) the need to care for the spouse or a son, daughter, or parent of the employee having a serious health condition; or

(2) a serious health condition affecting the employee that renders such employee unable to perform the functions of the employee's position.

(c) MATTERS FOR INCLUSION.—The report shall include, at a minimum, the following:

(1) A brief description of any plans or arrangements under which similar benefits are currently provided to employees in this country (within the private sector or State or local government) or in other countries.

(2) With respect to any plans or arrangements under which such benefits are currently provided to private or public sector employees in this country—

(A) the portion or percentage of wages typically replaced;

(B) how those benefits are generally funded, including in terms of the employer and employee shares;

(C) whether employee coverage is optional or automatic; and

(D) any waiting period or other conditions which may apply.

(3) Identification and assessment of any plans or arrangements described under the preceding provisions of this subsection (or any aspects thereof) which might be particularly relevant to designing the insurance benefit (described in subsection (a)) for Federal employees, including how such benefit might be coordinated with annual leave, sick leave, or any other paid leave available to an employee for the purpose involved.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in House Report 110–718 if offered by the gentleman from Illinois (Mr. DAVIS) or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 30 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 may consume.

Mr. Speaker, today I rise in strong support of H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008, which was introduced by our colleague Congresswoman CAROLYN MALONEY on April 14, 2008. As Chairman of the Subcommittee on the Federal Workforce, Postal Service and the District of Columbia, I am proud to serve as an original cosponsor of this bill, along with 21 other Members of Congress.

H.R. 5781 takes an important step in improving the Federal Government's ability to recruit and retain a highly qualified workforce by providing paid parental leave to Federal and congressional employees for the birth, adoption or placement of a child for foster care, which is a benefit that is extended to most employees in the private sector as well as to government employees in other countries.

In considering H.R. 5781, the Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia marked up the bill on April 15, 2008, and favorably recommended the measure to the Full Committee on Oversight and Government Reform after adopting an amendment offered by Committee Chairman HENRY WAXMAN that would permit only 4 weeks of paid parental leave instead of the 8 weeks included in the bill as introduced. The full committee then held a markup on H.R. 5781 on April 16, 2008, and ordered the bill to be reported to the floor, as amended, by a roll call vote of 21–10.

During the consideration of H.R. 5781, I had asked that language be included in the bill directing the Government Accountability Office to study the feasibility of providing a disability insurance benefit to Federal employees who had to take time off to care for a spouse, child or parent that has a serious health condition or for a Federal employee that has a serious health condition that renders him or her unable to perform their job functions. While the manager's amendment that we will be discussing later on removes this provision from the bill, I am happy to report that at my request GAO has agreed to perform a study that will analyze disability insurance benefits that are currently being offered by States, local governments and the private sector.

The bill being considered today will allow all Federal and congressional employees to receive 4 weeks of paid leave taken under the Family and Medical Leave Act for the birth, adoption or placement of a foster child. As many of my colleagues are aware, the current FMLA statute provides Federal workers up to 12 weeks of unpaid leave for the birth, adoption or placement of a foster child with an employee.

Mr. Speaker, the bill before us does nothing more than permit Federal employees to receive paid leave for 4 out of the 12 weeks if the leave is connected to the birth, adoption or placement of a foster child, and to use accrued sick or annual leave, if available, for the remaining 8 weeks. Let us be clear: This bill currently being considered does not provide Federal workers any additional time nor expand beyond the 12 weeks given under the current law.

The bill before us has also been strengthened by granting the Director of the Office of Personnel Management the authority to increase paid parental leave from 4 weeks to 8 weeks after considering a thorough cost and benefit analysis.

Parental leave is a pertinent concern around the world, and, unfortunately, America is lagging behind in offering paid leave for parents. The governments of 168 countries offer guaranteed paid leave to their female employees in connection with childbirth. Ninety-eight of these countries offer 14 or more weeks paid leave. Currently the Federal Government as an employer guarantees no paid leave.

Therefore, Mr. Speaker, I again reiterate my support for H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008, and urge my colleagues to join me in voting in favor of this measure.

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

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

Mr. Speaker, this is a bill in search of benefits that in fact do not exist in any great numbers in the private sector. This is a new perk, at a time in which the American people are having to make cutbacks. They are driving less. They are very clearly suffering under the incredible cost of rising energy prices. So this is a bill whose time should not be coming.

Mr. Speaker, I would like to yield 4 minutes to the ranking member of the full committee, the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I thank my friend for yielding.

I rise today in strong support of H.R. 5781, the Federal Employees Paid Parental Leave Act. This important legislation is intended to improve the quality of life for the Federal workforce, which in turn will help promote productivity and reduce Federal employee attrition.

As we have discussed many times before on this House floor, the Federal Government is facing a wave of retirements in the near future, with approximately 60 percent of the Federal workforce becoming eligible to retire in the beginning and over the next decade. This legislation will help the Federal Government recruit and retain a top-notch cadre of new employees to replace those that are currently facing retirement.

Regardless of whether you support a larger government or a smaller government, I believe we all agree on one thing: Whatever the size of government, it should be run as efficiently and effectively as possible with as good people as we can get in doing it. This bill helps promote this efficiency by improving retention and reducing employee turnover.

As it becomes more and more common for both parents in a household to participate in a workforce, any major employer who expects to compete for top new talent in today's marketplace is going to have to present themselves as family friendly. This is exactly what this legislation will do for the Federal Government.

I understand many of my colleagues have concerns with this legislation with the estimated cost of $850 million in discretionary spending over 5 years. I understand. But, folks, waste in government is through our business processes and the way we do business. It is through mismanagement. It is through not proper oversight of contracts.

If you really want to eliminate waste in government, let's get good people in there and train them and offer a competitive package that we can offer

these young people coming out of college to get them to not only join the Federal Government, but stay in the Federal workforce. This is what this legislation does, bringing the best and brightest to government and helping to maintain them there. If you want to stop the leakage and the waste and mismanagement in government, you start with a top-flight workforce, and we need to be competitive to do that.

I believe providing new parents time to care for their new child during these critical weeks after birth or adoption will also help promote strong families, something we talk about a lot, in addition to reducing turnover and improving productivity. The incoming generation of Federal employees, and all employees, for that matter, want to feel they are part of an organization that is dedicated to and contributing to their lives and to their well-being. Given the loyalty and the service we seek from them, that same dedication should not be too much to ask from their employer.

Mr. Speaker, we are past the stage in our development as a nation when paid parental leave should be considered an extravagant or unnecessary fringe benefit, and this is why I have been an original cosponsor of Mrs. MALONEY's paid parental leave legislation since 2000. This bill we are considering today will be an important tool to help shape the Federal Government's image as an appealing place for young employees to work.

I want to thank the gentlewoman from New York for her longstanding leadership on this issue. I hope we can bring about its passage today. This will be a giant step forward. For those Members who didn't want to make parental leave a mandate to private employees, we can at least set an example here at the Federal level. This is what this legislation does.

□ 1215

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

Mr. DAVIS of Illinois. Mr. Speaker, it's my pleasure to yield 5 minutes to one who has been fighting, pushing, planning, organizing, struggling and working, the lead on this issue for more than 10 years, and the sponsor of this bill, Representative CAROLYN MALONEY from New York.

Mrs. MALONEY of New York. I thank my good friend and colleague for that generous introduction and for his strong leadership on this bill and in so many areas.

Mr. Speaker, I rise today in strong support of H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008. I am proud to be the author of this bill and pleased that a Democratic majority has brought this bill to the floor.

I particularly want to thank Chairman WAXMAN for his extraordinary leadership on this and in so many ways, and also former chairman, Ranking Member TOM DAVIS, who has been a lead sponsor on this legislation since it was first introduced. I thank him deeply, and, of course, Subcommittee Chair DANNY DAVIS. I am pleased to work every day with you on your committee, and GEORGE MILLER, for their outstanding support of this bill. They are strong advocates for Federal employees, and I expect that with their leadership and support we will pass this bill today to help working families in the Federal Government.

This bill is very important to me because I very painfully remember when I was pregnant with my first child, I was terrified of being fired. I was working for the New York State legislature, and I called the personnel office to inquire about their parental leave policy. I was told, leave policy, there is none, women just leave.

I said, well, I intend to come back to work because I have to work. What is your leave policy? They said, we have none. Possibly you could apply for disability. I told her that the birth of a child is not a disability, it is a joyous event.

I would say to my dear friend and colleague on the opposite side of the aisle that having a child is not a perk, it is important, it is important to the lives of the parents, it is important to the lives of our country. We should turn our family values rhetoric into a reality of providing some support to working men and women in the Federal Government.

Balancing work and family is a challenge that most parents face and good workplace policy can go a long way towards helping them. We have come a long ways since I was told that women just leave, but not far enough. According to a report from the Joint Economic Committee, three-quarters, or 75 percent, of all Fortune 100 companies offer parental leave to new mothers with a median length of leave from 6 to 8 weeks. Now these are some of the most successful companies in the country. They should know a little bit about retaining workers.

We also reviewed House offices and Senate offices. Most House offices, 85 percent, provide paid leave. Senate offices, 95 percent of the Senate offices, provide paid leave. The Armed Forces, they provide it also. They are not covered by the Family and Medical Leave Act but they recognize the importance of providing some paid time and leave for Federal workers and for their workers.

The Federal Government has not kept up with the changing times and needs to become competitive with the private sector. Employees are now entitled to have 12 weeks of un paid leave through the Family and Medical Leave Act. As we have heard time and time again many families cannot afford to take unpaid leave and are therefore forced to choose between their new child and their paycheck. No one should have to make that choice.

I would say that it's very difficult for new families. Not only does it cost roughly $12,000 to provide for a new child the first year, daycare is not available for newborns until they are 12 weeks old, so this puts tremendous pressure on families, where most parents have to work.

We have heard about Ozzie and Harriet, you know, Ozzie worked and Harriet was at home. Now 60 percent of married women work because they have to, and we should be providing them with some help. Not only will this legislation help these new families in the Federal Government, but it will also help the Federal Government with recruitment and retention.

Turnover is more expensive than providing paid leave. The average cost of turnover is about 20 percent of an employee's annual salary. Four weeks of paid leave is less than 8 percent of an employee's salary. This is an important piece of legislation to working men and women.

I would say that providing paid parental leave to Federal employees is a great first step toward providing this benefit to all working Americans, and it is a critical step towards helping our families.

I want to note that Senator JIM WEBB and Senator John WARNER, in a bipartisan effort, have introduced a companion bill in the Senate, and they have many cosponsors. The bill has a great deal of support because it is the right thing to do and will demonstrate our commitment to working families.

To those who say we cannot afford to do it, I say we can't afford not to do it.

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

Mr. DAVIS of Illinois. I yield the gentlewoman 30 additional seconds.

Mrs. MALONEY of New York. We need to catch up with the rest of the world, as 169 countries already provide some form of paid leave. One hundred sixty-nine countries cannot be wrong.

It is time for America to show that we value families, that we support families. We need to turn our rhetoric into the reality of a vote in support of this bill that will move forward with 4 weeks of paid leave for Federal workers. It's the right thing to do.

I urge a strong bipartisan vote.

I thank the staff on the Joint Economic Committee, my staff, the committee staff. They are important. They helped us move this bill to the floor today. Thank you for all of your hard efforts.

I also want to thank Nan Gibson and Heather Boushey of my Joint Economic Committee staff, who have both worked tirelessly on this bill, providing excellent research and expertise.

Finally, I want to thank Michelle Ash and Mark Stephenson of the Oversight Committee whose commitment to this issue and this bill have been critical to getting here today.

Mr. ISSA. Mr. Speaker, I would now yield as much time as he would consume to the gentleman from Virginia (Mr. WOLF).

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

Mr. WOLF. I thank the gentleman from California.

Mr. Speaker, I rise in strong support of this bill. Dr. Brazelton, the leading pediatrician in the country, has said that upon the birth of a child, the connection between a mother and a newborn begins with the first breath and touch of the child, literally, the bonding process begins.

In 1993, when this issue first came up, I voted the other way. I was on the wrong side of the issue. I would remind Members of the Congress that two of the best Members of Congress that I have ever served with were for this bill. Congressman HENRY HYDE, who was a giant, and I would say one of the more pro-family people here in this Congress, and also former Senator Dan Coats, who was ranking Republican on the Select Committee on Children, Youth and Families, both voted for the Family Leave Act at that time.

I would urge Members to support this, because the bonding process and the immediacy and opportunity for mom to spend time with that child at the very, very beginning is very, very important.

I ask for a ''yes'' vote.

Mr. DAVIS of Illinois. Mr. Speaker, it's my pleasure to yield 3 minutes to the gentlewoman from California, Representative WOOLSEY.

Ms. WOOLSEY. First I want to thank Congressman DAVIS and Congresswoman MALONEY for this excellent, excellent bill. Thank you, and I know that it has been 10 years in the working, and I also know it is time that it passed.

Mr. Speaker, investing in our working families is the very best way we can strengthen our workforce, our economy, and our country. I am the chairwoman of the House Subcommittee on Workforce Protections, and, as the leader of that committee, and with the hearings we have held, we have learned that the most generous leave policies don't help families who cannot afford to take leave without pay. It's as simple as that.

As a Nation, we must support working families, and we can do that by providing them with the help they need to balance their work and their family. No parent should ever be forced to choose between the needs of their family and the needs of their job or the possible loss of that job.

I look forward to the day that my own legislation, the Balancing Act, will be passed. The Balancing Act provides working families the help they need to balance work and family, paid leave, increased child care, voluntary universal preschool, school breakfast, afterschool programs, and incentives for flexible work schedules.

If children are lucky enough to have two parents, both parents are probably in the workforce. They are working long hours, they are commuting long distances, and these very same parents are working to put food on the table.

They put food on the table, but they are quite often not able to be there to eat that food with their families. H.R. 5781 is a perfect example of what we must do as a Nation. It is a step in the right direction. It will prove how important it is to provide leave with pay.

Mr. ISSA. Mr. Speaker, the two previous speakers on our side spoke in favor of the bill.

I would like to honor their speaking in favor of the bill by saying that the bill is well intended, even if it is fatally flawed. People are talking about 10 years of wanting to achieve what they hope to achieve here today.

I would say to you and certainly would ask that Federal workers take note of what we do here today. We are not talking about making sure that someone who has a child or adopts a child has the opportunity to take the time off for bonding. We already ensure 12 weeks of that and have for that decade.

We are not talking here about anything except as it is presently written and not allowed to be amended, a bill that simply grants 4 weeks every single year to those individuals who choose to have a child, who choose to take time off in relation to a sick Federal employee, as was originally presented, or, more importantly, someone who takes on a foster child.

Now I am all for people taking on foster children, but let's look at this from a practical standpoint. You are running a Federal department. You have somebody who you need, and every single year, as often happens, they take on a new foster child that they keep for 3 to 5 years and they have, let's say, three foster children. That means that that individual will be gone on paid leave over and above their vacation, over and above their 13 days of sick leave a year, they are going to be gone 4 weeks every year, conceivably for a full 20 years.

So by having not just the birth, of a woman, but the husband, and not just birth, but foster children, we can conceivably go so far beyond the $850 million scoring, we could easily end up in the tens of billions of dollars.

Let's consider our Federal workers at a time when we are considering whether this is appropriate to do. Our Federal workers receive 13 days of sick leave a year. Our Federal workers can accumulate those for 6 months, meaning that when they retire, as is often the case, Federal workers simply don't show up to work for the last 6 months. The reason? They are using up their sick leave. They can't be paid for it. They additionally have in the neighborhood of 2 weeks plus of vacation that they can cash out if they don't use it.

Now, in the private sector, it is not, in almost any case, a use-it-or-lose-it policy on sick leave. Additionally, a little-known practice, but well used in the Federal service, is the giving away of somebody's sick leave. For example, if somebody in your department or somebody in your organization or the Federal Government were to take on a foster child, there can be a campaign to raise sick leave for that individual so that they would not be unpaid if they had a need for it. No problem, but it comes out of the bank of 13 days per employee per year.

□ 1230

What this bill seeks to do is to grant something that is almost unheard of here in Congress or in the private sector.

And I would like to take a little exception with the gentlelady from New York; we did go and look at the existing programs, and there is no support for 86 percent of House offices provide paid leave, not at all. Paid parental leave as a written policy does not exist in many of the offices, and I would ask the gentlelady to bring proof of her statement because quite frankly she has been misled if she thinks 86 percent of House offices have a formal written policy granting already this privilege that we seek to grant here this year.

The scoring, as I said, Mr. Speaker, is wrong. It is not going to be $850 million, it will be billions of dollars. It will be billions of dollars at a time when Americans are being laid off. It will be billions of dollars at a time when Fortune 100 companies offering either pregnancy-related or disability leave, it is less than one-third of the Fortune 100 companies, which are the most wealthy, most generous companies in America, and less than one-third typically will offer that.

The fact is that unpaid parental leave has become widespread. The leadership of the U.S. House and Senate in passing a bill that granted that to Federal workers is to be commended. The opportunity at one's expense using one's resources to take care of and bond in regards to a choice such as a birth or adoption of a child, is commendable and has become widespread.

If this becomes widespread, we might someday look back and commend it. But today, what we are doing is we are offering Federal workers, workers who, like ourselves, are often chastised by people in the private sector who have to make a payroll, are being given things which they cannot afford.

As is often said on the House floor, 44-plus million Americans don't have health care, and yet we are asking that every Federal worker, in addition to 13 days of paid sick leave, accumulable or borrow-able or giveaway-able, be granted additionally another, what is basically twice that amount, each and every year if they choose to use it.

Mr. Speaker, it is simply wrong to do it. In committee we aggressively tried to amend this to allow them to use resources already available more flexibly. Those were voted down on primarily a party-line basis.

Mr. Speaker, I reserve the balance of my time in anticipation of more things that need to be corrected on the House floor.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to

the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. In response to my good friend on the other side of the aisle, I referenced the 2006 U.S. Senate Employment Compensation Hiring and Benefits Study and the 2006 House Compensation Study which has the numbers that I was using on the floor. So we have that documentation for the record.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the stellar chairman of the Committee on Oversight and Government Reform, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, H.R. 5781, the Federal Employees Paid Parental Leave Act, gives dedicated civil servants a long-overdue benefit: parental leave on the birth or adoption of a child.

Under this bill, Federal employees will, for the first time, be offered 4 weeks of paid parental leave on the birth or adoption of a child. If needed, employees will also be allowed to use their accrued sick leave for additional paid leave.

I was taken aback by the arguments from my colleague from California (Mr. ISSA) that we run the risk of people becoming foster parents each year presumably to get this extra 4 weeks of paid leave. I think that foster parents do an enormous good in providing a home to children who otherwise would not have a place to live. And they, by the way, under existing Federal law, can have paid Federal leave under their sick pay. But if a parent has a natural-born child, they may not use their sick leave nor do they get paid leave for that period of time to bond with the newborn.

Federal employees are entitled to those 12 weeks of unpaid leave under the existing Family and Medical Leave Act. What this bill does is say for the first 4 weeks, this leave will be paid.

The Federal Government is a model employer in many areas. Federal health benefits are often lauded as a model for the rest of the country. Many people say all Americans ought to have the same health care benefits as Federal employees. We have the Federal Thrift Savings Plan which is often cited as a model of what a 401(k) plan ought to be.

But one area where the Federal Government has lagged behind for years is in providing parental leave to its employees. If this becomes law, and I sure hope it will be, we will be able to attract and retain the best employees for the Federal workforce. It means when a Federal agency recruits new employees, they won't have to have one hand tied behind their back because they can't offer leave for the birth of a child, as many private sector companies do.

I think this is a pro-family measure, and I was pleased to hear that our colleague, Congressman Hyde, had always supported this family leave to be paid for Federal employees.

When you look at the civilian workforce for the Department of Defense, they don't get this ability to be at home with the child for the first 4 weeks and have it paid for, but a military family will be allowed under existing law to stay home under paid leave for maternity or adoption. It is unfair to have in one case an employee working next to another employee, both for the same government, and one is allowed to take the leave and have it paid for, and the other has to take the leave and not have it paid for. The loss of income is important to many of these families and they don't want to have that loss of income. We shouldn't put them in that kind of position where we force them to perhaps cut it short and get back to work.

I want to commend Representatives DANNY DAVIS and CAROLYN MALONEY for their efforts on this bill, the Federal Employees Paid Parental Leave Act of 2008. Without their leadership it wouldn't be on the floor today. I also want to thank Ranking Member TOM DAVIS for his support for this legislation and his constructive work in offering an amendment that we agreed to in committee to reduce the cost to the taxpayer. He has been a steadfast champion of the rights of Federal employees, especially those that support families.

I urge my colleagues, support this bill. We don't know yet what the motion to recommit will be, but if it is one of these motions to kill the bill or to come in with something that is not sustainable, I would hope that my colleagues would vote against it and vote for final passage of this legislation.

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

I appreciate the majority providing us reference to the 2006 House Compensation Study that shows even with other people's money, and perhaps no guidance on how to spend it, about 20 percent of the House offices offer little or no, or actually offer no paid leave.

The amazing thing to me is we are here today talking about a new paid leave. I just want to explain for a moment, when congressional offices choose to do paid leave, they do so out of a fixed budget. The majority would have you believe here that we are going to do this out of some fixed budget. We are not. This is going to run up the cost of every office that does everything, from post offices to the Secret Service to the IRS. It is going to run up the cost of these Federal employees. It is going to run it up by quite a bit.

With all due respect to my colleague from California, I am not implying that having foster families is bad; just the opposite, it's good. The question is if you have an active foster parent family and they are being given 4 weeks of paid leave, who is to assume that they won't take it. I believe they will. That will mean for every 12 people doing it, you will have basically the need for an additional Federal worker with all the compensation and benefits that go with it. That is the reality we have here today.

In committee we attempted unsuccessfully to have this be fiscally responsible, recognizing that there are 13 days of paid sick leave every year, fully accumulable so that a typical worker need only borrow from the sick leave that they were eventually going to cash out by not coming to work the last 6 months they are in the Federal workforce, simply use it for this.

I am not implying that the birth of a child is sick, but it is fully usable under the amendments we tried to offer. So it is a little disingenuous for my colleague from California to say that the military can use it and somehow Federal workers couldn't. That could have been taken care of in committee, and it was clearly fought on a partisan basis.

The fact is this bill should be before us today clarifying and taking care of some technical problems in the families being able to take full advantage of the Family and Medical Leave Act by being able to use all of their sick leave, perhaps even borrow against future sick leave, which was proposed, and in fact have their colleagues give them sick leave in order to facilitate their staying home for those 4 weeks or more and not be without pay.

The fact is we are here today dealing with a problem which we should not be spending new money on at a time when the Federal deficit and the Federal spending is far in excess of what the private sector can afford. As people here in Washington and people in California find it impossible to make ends meet with $5 a gallon gasoline, it is irresponsible for us to be adding this multibillion-dollar perk at a time in which, with only technical corrections, we could have provided these people the opportunity to use resources they already had in the way of sick leave and vacation.

With all due respect to Federal workers, I think the majority of Federal workers would say that if they had their choice of this many billions of dollars of new spending, they would just as soon get it up front in pay and they would care of their choices in children, adopted or natural birth, they would take care of it out of their sick leave if they were given the additional dollars. So I think in fact we are doing them a disservice, if we are going to spend the money, of not spending it straightforward in a proper way, and I look forward to attempts to make this technically correct.

And I once again regret that the Rules Committee chose not to allow these technical amendments not to be even considered, but in fact have kept them from debate on the House floor.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 1 minute to the chairman of the Committee on Oversight and Government Reform, Representative WAXMAN.

Mr. WAXMAN. If we are going to pay in a straightforward way, let's provide

parental leave and not require people to take it out of their sick leave which they cannot do now, and have that leave paid for. This ought to be for newborn and adopted children and their parents, and we ought to provide this.

I can imagine there might have been a time when people would have said, ''Why should we allow people to be able to take off 2 weeks of vacation a year? Some employers do it, others don't. This is just too radical.''

Well, now no one thinks it is radical to have 2 weeks of vacation a year at least, and I don't think it is radical, I think it is pro-family, in fact, to allow parents to bond with their children and be able to have 4 weeks paid. That is straightforward; 4 weeks paid leave for maternity or paternity and not to hide it in the sick leave, which they may need at some future time if they have an illness. Having a baby is not an illness.

Mr. ISSA. Mr. Speaker, I would like to set the record straight. Sick leave of Federal workers is not limited to people who are sick. The common practice at the end of a career of simply retiring 6 months early to use up accrued sick leave speaks loudly to the fact that sick leave is simply 13 additional days that can be used on a discretionary basis.

The chairman of the full committee knows this very well. And, in fact, we attempted to make it explicit that not only would you be able to use your 13 days plus any accrual, but even borrow in order to make this fiscally neutral, fiscally responsible at this time.

□ 1245

This bill is not about whether or not we allow people to take 4, 6, 8 or 12 weeks of paid leave. In fact, we were more than willing to have the entire 12 weeks of family medical leave be usable, to be able to use its current or even borrow some of its future sick leave.

What this bill is doing here today is saying, you get to keep 3, 4, 5 months of sick leave you already have in the bank. You get to keep your many weeks of vacation, and you get this additional amount. This is something the American people are not prepared to pay for. If we're going to be responsible, we're not going to make the American people pay for this additional back-door increase at this time.

The majority knows this very well, so I, again, repeat, it is disingenuous to say that they can't use their sick leave. In fact, that was something that could have been handled in committee, would have been handled by the amendments that were not ruled in order by the Rules Committee on a purely partisan basis.

In fact, we are considering a bill today that is designed to cost the American people money.

I continue to reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 1 minute to a strong proponent and defender of workers rights, Majority Leader STENY HOYER.

Mr. HOYER. Mr. Speaker, I want to thank Mr. DAVIS from Illinois for yielding. I particularly want to thank my good friend, CAROLYN MALONEY, the distinguished Representative from New York, who has been such a giant on behalf of this issue and family issues generally.

Mr. Speaker, every Member of this body, from the most conservative to the most liberal, shares the conviction that the surest way to improve the quality of life in our Nation is to strengthen our families. Strong families enhance well-being, improve children's self-esteem, and significantly increase the odds that children will succeed in school and grow up to be good parents themselves.

Study after study shows that a strong predictor of child well-being is the degree to which a parent and child bond in the first months of a child's birth. The more constant and nurturing that bond is in the early months of life, the better off the child will be down the road. That is why this is such an incredibly important piece of legislation.

The Federal Government, in many ways, as an employer, has been a leader, not a follower, a leader in efforts to ensure positive employee policies. In fact, the private sector has adopted many of these same policies.

We all know that the 1993 Family and Medical Leave Act has been an outstanding success in helping to promote healthy families. So this is not so much about the mother or the father, it is about the child, and the sense of well-being and groundedness that the child has.

Unfortunately, all too often people who have availed themselves of the law to take care of their newborns, or care for ailing parents, have had to make economic sacrifices because the Family and Medical Leave Act does not entitle anyone to receive an income.

Now, very frankly, it's all good and well for most of us, or all of us that serve in this body to say, well, we could take off 6 weeks without pay. Most of us could do that. Certainly my good friend Mr. ISSA could do that. I could do it.

But very frankly, I have three daughters, and they may be able to rely on Dad to help them do it, but if Dad were not able to do it, they would not be able to do it. They've all had the opportunity to spend time with my three grandchildren as those grandchildren were born in early years, and that was not only beneficial to my grandchildren, it was beneficial to the community in which they will live.

Currently, the Federal Government does not provide paid parental leave to its employees. Employees must use accrued annual and sick leave if they want to maintain an income stream while they're out.

By providing 4 weeks of paid leave to Federal employees, which, by the way, most Members of Congress already do, for their employees for the birth and adoption of a child, H.R. 5781 recognizes that economic security is a critical ingredient in ensuring that parental leave succeeds.

Mr. Speaker, the Federal Government is the Nation's largest employer. It should set a strong, positive example for how the needs of the workplace and the needs of the employees can be balanced, and indeed, the needs of the children can be met. H.R. 5781 is an important step in doing just that.

Again, I congratulate CAROLYN MALONEY, who has been a real leader on this effort for her entire career in the Congress of the United States. I'm so pleased to be her ally in this effort.

I also want to turn to my friend, TOM DAVIS, who himself has been a giant, along with FRANK WOLF, and a partner of mine, in promoting the well-being and appropriate benefits for our Federal employees, on whom this country relies in so many ways to give them a government that is a partner with our private sector in maintaining the greatest country on the face of the earth. And I thank Mr. DAVIS for his leadership.

I'm sorry Mr. DAVIS will be leaving us at the end of the year and will not be serving in the next Congress. And I will say, I am sure, many times, how beneficial his service has been to Federal employees, and how beneficial his service has been to the Washington metropolitan region and, indeed, to the country. And I thank him for his leadership on this particular effort.

Mr. ISSA. Mr. Speaker, I think the leadership said it very well. Of course, they didn't say anything about what we're actually doing here today. This isn't about family unity or bonding. It isn't about mom and dad or the child. This is about a new spending, a new irresponsible spending proposal coming from the Democrats after they promised us fiscal responsibility.

The fact is, we will have our taxes raised. The American people will pay for this in higher taxes in the coming years. They will pay for this after we said it was about your family.

The reality is that there will be layoffs in the private sector. There will be people in the private sector who say, with these new taxes, can we still afford to have health care benefits while, in fact, Federal workers who not only enjoy good health care benefits, good vacation policies, also get more than 2½ weeks a year to be sick.

Now, when the American people discover that an organization, the U.S. government, gives their people 2½ weeks to be sick, and allows them to accrue 6 months of that in case they're ever really sick for a long period of time, and does not require a physician's proof that they actually are sick, and then, when given the opportunity to say, let's use these 2½ plus weeks a year of sick benefits, since they're usable for anything you want to use in the way of time off, let's use

them for time off when you have a child, that, in fact that was turned down as not good enough by the Democrat majority.

It was turned down as clearly we have to add the dollars on top of this, wrongfully estimating $850 million when, in fact, this is billions. This could be fiscally responsible and family-oriented by simply allowing this well-accrued sick leave to be used for this, since it's going to be either used for sick leave, or it's going to be used at the end of a career or before someone leaves government as a general practice. It is seldom simply not used and turned back in.

So, Mr. Speaker, it is very clear from the Democrat leader, that, in fact, this new expense leading to new taxes is, in fact, something that he supports, but calls it family-oriented. It's not family-oriented to the taxpayers in America, to the private sector. It is simply family-oriented to big government.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3 minutes to another Member who is actively engaged in workers' rights issues, Representative Chris VAN HOLLEN from Maryland.

Mr. VAN HOLLEN. I thank my colleague, the chairman of the subcommittee, Mr. DAVIS, for all he has done to support Federal employees and workers around this country.

Congratulations to Congresswoman MALONEY for her leadership on this issue over many years. And congratulations on bringing this bill to the floor today. And to the chairman of the full committee, Mr. WAXMAN, thank you for all your efforts as well.

I want to join my colleague, the majority leader, STENY HOYER, in also commending our colleagues from the Virginia side of the river, Mr. TOM DAVIS, who's on the floor, as well as Congressman FRANK WOLF. We've all worked very well together on issues supporting Federal employees and trying to make the Federal Government a model employer, an employer we can be proud of, and someone that tries to set the standard, rather than bring up the rear when it comes to policies for employees and the workforce.

As I think people understand, we are going to face a severe shortage of Federal workers going into the future. Indeed, over the next 5 years, nearly a third of the 1.6 million boomer age members of the Federal workforce are expected to retire. We're going to need hundreds of thousands of new workers to replace those departing Federal employees, and it's going to be essential that we attract new, young workers into the Federal workforce in order to continue the job that they need to do for the American people. And that's one of the reasons why this is an important measure that we need to follow up on.

This is a benefit that is currently enjoyed by employees of most of the Fortune 100 companies today, so we are playing catch-up here at the Federal Government level. We are trying to compete with those in the private sector that are saying to young people, come work for us because we're going to provide you a benefit that doesn't require you to choose between taking a little bit of time to care for your newborn child, and getting a paycheck to help pay for your mortgage or for your rent or putting food on your table. And we think that it's important that people not have to make that choice. So yes, this is a very family-oriented, family-friendly measure.

Don't let anybody kid you, because we don't want people applying to the Federal Government to have to say, well, I'm not going to join because I'm going to be losing money to stay home for a short period of time to take care of a newborn child. I can go work at one of those other companies.

This is a time when we need more folks working in the Federal Government on critical issues like homeland security, like defense, like medical research. We need to replace those individuals who are leaving so that we can make sure that we have a vibrant Federal Government that can address the needs that we've asked of our Federal employees.

I congratulate, again, Congresswoman MALONEY, the chairman of the subcommittee, chairman of the full committee. And I urge my colleagues to adopt what is a very family-friendly measure. We should be leading by example at the Federal level.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume to correct the RECORD.

Mr. Speaker, less than one-third of Fortune 100 companies offer fathers paid leave. Approximately half offer some amount of disability or pregnancy leave in the birth of a natural child. So when you mix and match the richest companies in this country you're going to get less than a third offer anything close to what we're offering here today, not more than half. We're not following.

In fact, when you quote the Fortune 100, by definition, what you're quoting are the very large companies that are normally disparaged by my Democrat colleagues as gouging the public on making too much on oil and other resources.

In fact, what we normally talk about on the House floor and pay tribute to are the small businesses, the entrepreneurial, mom and pop businesses. They're not giving this. They can't afford to.

As a matter of fact, a big part of the 44 million uninsured are because small businesses can't afford health care. They can't afford health, dental, eyeglass. And yet we're giving this benefit.

Now, there was a proposal Mr. VAN HOLLEN said that I think was very appropriate. We do have boomers retiring. In committee we have talked about ways to extend the careers of those baby boomers. The easiest way, one which would be fiscally responsible, as a matter of fact, it would even be a benefit to us and to them, those 6 months that are often used as terminal leave on a retiring senior member of government, if we would simply pay them those 6 months when they retire, it would be the least expensive way to get six additional months from the baby booming retired workforce.

□ 1300

That proposal is dead on arrival apparently for the Democrat majority. That proposal would be a way to extend these significant amount of Federal workers at the time we need them most, which is when they really are senior people able to pass on to the next generation. That soft landing, dead on arrival.

A new costly program, one that less a third of Fortune 100 companies, the richest companies, can even afford in fact is what we're being faced with here today.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to Representative MALONEY of New York.

Mrs. MALONEY of New York. Mr. Speaker, I disagree with my distinguished colleague on the other side of the aisle. I have heard heartbreaking stories from real Federal workers who would strongly disagree with you. I will give one example from a woman who had to go back to work with an open wound due to a C-section while giving birth. And it is not possible to use your paid sick leave. Sick leave is for when you're sick. And by our guidelines, you can use it only when you are incapacitated, when you're in the hospital, or bedridden. And it takes a long time to accrue these.

Now, in terms of costs, the score from the Congressional Budget Office estimates that in 2010, the first full year that this could be implemented, it will cost roughly $190 million. To put this in perspective, this is less than one-tenth of 1 percent of the Federal payroll. The cost estimate predicts that approximately 17,000 women and 23,000 men who have worked for the Federal Government for at least a year and will have a child in the course of a year.

They assumed that mothers will take advantage of this benefit 100 percent of the time, and men roughly 50 percent of the time. This amounts to approximately 1 percent of the Federal workforce using this benefit at a given year.

There are also potential cost savings that can't be estimated by CBO. Providing this benefit will likely improve retention rates for Federal employees. Research shows that women who have access to paid leave, not just unpaid leave, are more likely to return to their jobs after having a child; and access to family leave can also improve productivity and morale. For example, in my office, I offer 12 weeks of paid parental leave to new parents on my staff. I have two current employees

who have used my leave policy twice. Both have been with my office for many years, and I attribute the longevity of their employment to my family leave benefit.

Additionally, in my office we've been able to offer this benefit at no additional cost to taxpayers.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1 additional minute.

Mrs. MALONEY of New York. I repeat, it has not cost the taxpayer one cent. We have not added additional staff but rather redistributed the work among the rest of the staff. While it does create more work for others, it has also given junior staff members opportunities to assume more responsibility, and it was a relatively smooth transition.

The costs of this bill are relatively small compared to the positive effect that it will have on the lives of working families in the Federal Government. How many times have we heard the words ''family values'' from the other side of the aisle? It is time to turn family values into a reality in the lives of the workforce, and this is a way that we can help Federal workers, the largest employer in the United States, and make this important event in one's life, becoming a parent, really a joyous one in which they do not have to be stressed.

I urge a ''yes'' vote.

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

You know, it's amazing that the gentlelady from New York would make the case that this isn't going to cost much. Of course, no dynamic scoring. They're sort of just looking at track history and then want the dynamic scoring for some intangible savings in Federal worker retention. It's very clear this is going to cost $850 million or more and that it is likely to grow.

More importantly, I'm not somebody who spends a lot of time preaching family values from the dais. But if we're going to talk family values here today, let's talk them. Family values are about family making sacrifices to make things work. Unlike the gentlelady, I find that her example is an excellent example for my point, not her point. No Federal worker is forced to come back with an open wound. In fact, that woman would have been allowed to continue getting paid leave.

Additionally, with more than 2½ weeks of accrued paid medical leave every year, there is no reason that she wouldn't have likely had accruals in her own bank. I love anecdotal examples because they usually make the case for the person delivering them; I would say just the opposite. This woman didn't have to come back. She could use medical leave, and contrary to what the gentlelady from New York is saying, Federal workers are allowed to use their medical, their sick leave in other ways, and they do regularly.

Additionally, there is a whole system within the Federal workforce not really understood by the private sector but supported by this Member which is I can put my unused sick leave into banks to help others. I can even put my vacation, under certain circumstances, in banks to help others. So Federal workers can, in fact, share this very generous more than 2½ weeks of sick leave and 2 weeks of vacation if they choose to.

So when we talk about the Federal family, the Federal family has plenty of resources to help with this.

What we're talking about here is a multibillion-dollar new spending program at a time of recession, at a time of threatened tax increases by the Democrat majority, and at a time when the American people are striving just to fill up the tank with gas and try to figure out how to pay health care benefits. We're looking at new opportunities to increase our own well being.

But we don't and shouldn't come first. The taxpayers and hardworking men and women out there come first. So for this Member, I'm going to tell you I'm not going to put us first, I'm going to put the taxpayers first and vote against this.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, can I inquire as to how much time we have left.

The SPEAKER pro tempore. The gentleman from Illinois has 4 minutes remaining, and the gentleman from California has 6.

Mr. DAVIS of Illinois. Mr. Speaker, could I inquire of the gentleman from California if he is prepared to close.

Mr. ISSA. Mr. Speaker, I am prepared to close if he has no other speakers.

Mr. DAVIS of Illinois. Mr. Speaker, I have no other speakers, so if the gentleman will close.

Mr. ISSA. Mr. Speaker, I yield myself the time I may consume.

Mr. Speaker, you have noticed I have spoken with great passion here today about this bill. I would wish that I could be speaking with the passion in the positive, because the Federal workers deserve a bill that we didn't bring to the floor today. They deserve one that would allow for flexibility of sick leave, transferability, transparently to people who are having families, whether by adoption or by natural birth. That is what we should be bringing to the floor.

We could do so at a time of shortages around the country at no cost to the taxpayer. We could do it exactly the way the gentlelady from New York described. Mrs. MALONEY does not get new money for a new perk for her people. She chooses within a budget to in fact provide that benefit. And I commend her for that, and I commend the other Members who make decisions how to allocate a fixed pie of money, whether it's to go on sending constituent mail or providing paying benefits to the employees that answer the mail from constituents.

So today we are not being given the bill we should be given. The bill we should give is to guarantee the ability to not lose pay when taking family medical leave but to use resources that are already available within the Federal system. That's not happening today. I regret that that's not happening. Had we been allowed to bring the amendments that we wanted to bring, we would have accomplished that. Had we been allowed to even bring the technical corrections that would have made this a less-imperfect bill, one that would not cause deadbeat dads to be able to take advantage of this, we would be doing that. We're not allowed to do that today. I regret that.

I hope that this bill is defeated here and/or in the Senate and that we can bring up a truly bipartisan bill, one that would pass, quite frankly, on suspension if it was structured right, and would provide Federal workers this opportunity without additional costs to the taxpayers.

I thank the Speaker, and I thank my colleagues on the other side of the aisle for a spirited debate.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I would yield myself the rest of our time to close.

Mr. Speaker, it has been a rather spirited discussion and debate, and I'm reminded of the fact that we often compare public employees with private employees. And I know that we have amongst us Members who like the idea of downsizing government, of privatizing operations, of outsourcing activities. I believe that our public employees can in fact be the best that we help and allow them to become.

I believe that we can recruit the best and the brightest. But I also believe that if you want production, then you have to make sure that you are treating your employees fairly. Let's be clear. Federal employees are only able to accumulate a maximum of 30 days of annual leave, not an adequate amount of time for purposes of providing care for a newborn or adopted child.

Early in their careers when they're earning only 13 to 20 days per year, accumulating even 30 days is nearly impossible. Yet the early years of one's career usually coincide with the time that they decide to have children. And so it's the young, new employees who have not accumulated a great deal of time, who, in many instances, are either giving birth or adopting children.

So if we're going to be able to recruit, we have to try and make sure that we can attract.

We also need to be family friendly. Not only do we need this bill, but in reality, we really need childcare centers in all of our agencies. We need daycare programs so that people who have to work can know that there is the adequacy of opportunity to care for their children.

So providing this legislation the opportunity to live, providing individuals who are bearing children or adopting children the time that they need to bond with a newborn or to bond with

an adopted child I think is not only a rational, sensible approach but I also want to extend commendations again to my colleague from New York, Representative CAROL MALONEY, who has led the fight on this issue for such a long time. And it is as a result of her tremendous efforts and the great work of our staffs that we are here this afternoon preparing to move another step towards making sure that we have the kind of workforce that our Federal Government needs. You can't lead where you don't go. And you can't teach what you don't know.

Mr. KUCINICH. Mr. Speaker, I would like to start by thanking Representative MALONEY for her dedicated work to ensure 4 weeks of paid parental leave for Federal employees. H.R. 5781 is a significant step forward to ensuring the well-being of our Nation's children and parents.

Furthermore, under this bill Federal employees can use up to 8 additional weeks of accrued sick leave in connection with the birth or adoption of a child.

Paid parental leave benefits have many beneficial aspects for our workforce. Perhaps the most important aspect of paid parental leave is that it gives parents the ability to take care of the vital needs of their child without incurring the financial hardships associated with unpaid leave. Working families employed by the Federal Government should not have to choose between their child's well-being and their financial stability.

Paid parental leave has also been shown to provide increased productivity and employee morale. Additionally, it will have the important effect of helping to recruit and maintain the highest quality workforce.

Copious research confirms what common sense tells us: it is important for parents to have time to bond with and attend to the health and development of their children. Our families and communities are better off when parents are able to have this critical time with their children.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of the Federal Employees Paid Parental Leave Act. The legislation will provide a necessary update to the current statute and takes an important step forward for workers rights and benefits. As one of the original cosponsors of this legislation during the past several sessions of Congress, I am pleased that the leadership is moving the bill for consideration before the full House of Representatives.

Since its first passage in 1993, the Family and Medical Leave Act has provided Federal employees with unpaid leave to care for families, allowing for time off at the birth, adoption, or foster placement of a child. Upon the completion of this leave, Federal employees can return to their position without penalty. Now, 15 years later, the law needs to be updated to reflect the changing needs of families.

The Federal Employees Paid Parental Leave Act of 2008 does just that. This new act guarantees at a minimum 4 weeks of paid leave to Federal employees—both fathers and mothers—to care for new children in their families.

This additional benefit is vital because of the need for the Federal Government to compete with the private sector for quality recruits and retaining experienced employees. At one time, the Federal Government provided the best benefits, but it is falling sorely behind in this area. Currently, 75 percent of Fortune 100 Companies provide paid leave to new mothers. Further, the United States is the only industrialized country that does not provide benefits to its employees with new children.

As the Federal workforce ages and begins to experience anticipated shortages in critical skills, we must rely on our benefits rather than pay to attract and retain new employees. Studies show that new parents who have access to leave when their first child is born are more likely to stay with their employer than those who do not. Moreover, retention of these employees easily compensates for the extra leave this legislation provides. The average cost of turnover in a position is about 20 percent of an employee's annual salary. On the other hand, 4 weeks of paid leave costs less than 8 percent of an employee's salary.

Finally, this legislation recognizes key changes to the American economy. Most families no longer have a stay-at-home parent, and with the average middle class family spending nearly $11,000 on infant expenses, they cannot afford any amount of unpaid leave. With the current economic downturn, working families simply cannot afford to take any time off while paying childcare expenses along with increased food and fuel prices. Something in the system has to provide some relief to these new parents, and with this legislation, we can provide some help.

Mr. Speaker, for all of these reasons, I urge my colleagues to support the Federal Employees Paid Leave Act of 2008.

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 5781, the Federal Employees Paid Parental Leave Act, which would provide 4 weeks of paid parental leave and 8 weeks of unpaid leave for all Federal employees after the birth or adoption of a child. Under this measure, these employees may also use accrued annual or sick leave to receive compensation for the unpaid weeks. Currently, employees may take up to 12 weeks of unpaid leave under the Family and Medical Leave Act to care for a newborn or adopted child.

H.R. 5781 will help the United States Government compete with the private sector in order to recruit the best and brightest employees and retain that talent. In 2007, a Government Accountability Office report found that countries offering paid parental leave experienced increased employee retention and a reduction in the amount of time women spend out of the workforce. Disappointingly, the GAO also reported that the U.S. lags behind other industrial nations in providing policies that support working parents and their children. In fact, 169 countries guarantee women leave with income in connection with childbirth.

The U.S. Census Bureau reports that women are more likely to work before and after pregnancy than they were 30 to 40 years ago, and Congress must legislate according to the changing makeup of our workforce. So far, we have not met that mark. I know that many of my colleagues have already met or exceeded the requirements of this bill, and I applaud their efforts. I know from firsthand experience that allowing new parents guaranteed paid leave helps balance the demands between work and family. For the hard work they provide for us, we owe our employees the time to enjoy the bonds that matter most in their lives.

I strongly urge my colleagues to support this measure. It is time that the Federal Government sets the standard for working parent policies.

Mr. GEORGE MILLER of California. Mr. Speaker, today, with the passage of H.R. 5781, The Federal Employees Paid Parental Leave Act of 2008, Congress will finally recognize the vital importance of providing paid parental leave to millions of families who want to start a family.

I would like to thank Congresswoman CAROLYN MALONEY who first introduced this legislation and urge my colleagues to support this important measure.

Currently, there is no paid Federal parental leave policy. If Federal employees wish to start a family or expand their family, they must take unpaid leave or cash in their sick or vacation days so that they may continue receiving an income while they are at home.

With the rising prices of food and gas, unpaid leave poses an even greater economic hardship for working families, not to mention the extra costs that are associated with providing for a newborn.

Unfortunately, the absence of a family leave policy for Federal workers forces mothers and fathers choose what is more important: either stay at home with their infant and forgo a steady income or head back to work without spending adequate recovery or bonding time with their newborn.

The Federal Government lags behind the private sector in this area. The current lack of a parental leave policy for our Federal employees impairs efforts to hire and retain the best and the brightest our Nation has to offer.

Family-friendly policies like guaranteed paid leave not only help parents balance work and family, but will also help ease our, impending Federal personnel crisis. Federal employers will benefit from increased retention rates, decreased absenteeism, and improved productivity.

Several States have taken the lead to provide coverage for employees. In fact, over 6 years ago, California successfully enacted a paid parental leave law and it has been a great success. New Jersey recently passed a similar law in April and several other States even cover maternity under their disability insurance laws.

H.R. 5781 seeks to amend the current Federal family leave policy by allowing mothers and fathers up to 4 weeks of *paid* lave for the birth or adoption of a child. Federal employees should not have to make choice between their family and their job but should be covered under a fair, paid parental eave policy.

I urge my colleagues to support H.R. 5781, The Federal Employees Paid Parental Leave Act.

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of H.R. 5781, the Federal Employees Paid Parental Leave Act.

It is long overdue for our Nation's largest employer, the Federal Government, to provide its employees with a more family-friendly workplace.

It is hard to believe the United States is the only industrialized nation that does not provide its employees with paid family leave, especially considering 75 percent of Fortune 100 companies already provide an average of six to eight weeks of paid parental leave.

H.R. 5781 would provide Federal employees with four weeks of paid leave following the birth or adoption of a child. Currently, new parents have to use vacation time, if they have it, or accept unpaid leave to care for a new child.

This puts incredible economic strain on Federal employees and their families. Considering the current economic downturn, forgoing several weeks' pay at the same time one's household expenses increase for newborn care leaves many families in a desperate financial situation.

Yet President Bush has again ignored the needs of the American people, and threatened to veto this important bill based on a bogus claim of fiscal responsibility.

During these times of economic troubles, the President's charade of fiscal conservatism is hurting our economy, hurting our workforce, and hurting American families.

All of us here in Congress appreciate the value and importance of public service. Federal workers have chosen a career in public service, and they should be rewarded with fair benefits.

It is time to finally give Federal employees the benefits they deserve. I urge my colleagues to join me in voting "yes" H.R. 5781.

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of H.R. 5781, the Federal Employees Paid Parental Leave Act.

As most employers will tell you, the success of their operations depends on the quality of their employees. The same is true for the actions of the Federal Government. Our Nation's federal employees choose their path in government for love of country and dedication to our common goals. On the other hand, parents need to be able to create a bond with their new children. This bill seeks to remove the dilemma faced by many federal employees—choosing between government service or serving the best interests of children newly added to their families.

Under current law, federal employees are allowed up to 12 weeks of unpaid leave in a given year for the birth or adoption of a child. But like many other Americans, many federal employees cannot afford to take unpaid leave, especially with a new member of the family to support. Paid sick leave may only be used for the period that a new mother has been rendered physically incapacitated by the birth of her child, effectively penalizing those mothers who have a healthy baby with no complications. Federal employees can use paid vacation days, but the 13 days of annual leave after completing a full year of work, or even the maximum 30 days of leave saved up over several years, remains a small time frame for a parent to establish a bond with their new child.

H.R. 5781 would provide four weeks—just a single month—of paid parental leave for federal employees to establish a bond with their new child. It is important to note that many successful companies offer up to twice that amount, as evidenced by the 75 percent of Fortune 100 companies that offer six to eight weeks of paid parental leave for new mothers.

Americans want their Federal Government to operate as smoothly and as efficiently as possible. To accomplish this, we need the highest quality employees running it and focusing on national priorities such as homeland security and health care. This bill will help the Federal Government attract and maintain talented employees who value family as much as they value serving our Nation's government.

Mr. GRIJALVA. Mr. Speaker, I rise today in support of H.R. 5781, Federal Employees Paid Parental Leave Act of 2008.

Work and family are pillars of our society, and a sensible and humane government should seek to relieve the stresses one can place on the other. For this reason, I am glad to support this important piece of legislation, the Federal Employees Paid Parental Leave Act of 2008.

This Act will grant guaranteed paid parental leave to federal workers who do not presently have it. This is especially important for younger workers who have not had time to accrue an adequate amount of paid leave.

Paid leave is critical to new families so that new parents can worry about the care of their child and not their financial security. The possibility of a relatively relaxed immediate postnatal period is necessary for parent-child bonding, and ultimately for the well-being of the child and the family.

This Act also makes the Federal Government a much more competitive employer. This law is not just humane, it is necessary as a practical matter for the Federal Government. According to a March 2008 report by the Joint Economic Committee Majority Staff, nearly all Fortune 100 firms offer working parents some paid time off when they have a new child. Bringing the Federal Government in line with the personnel practices of the most competitive employers will also pay further dividends by reducing costs related to worker turnover, replacement and retraining.

H.R. 5781 is a necessary and welcome step in making the federal workplace more family-friendly, and, ultimately, strengthening families and building a just, prosperous, and healthy society. I am glad to vote for its passage and look forward to seeing it go into effect.

Mr. DAVIS of Illinois. I urge passage of this legislation and yield back the balance of our time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT NO. 1 OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Speaker, I have an amendment at the desk.

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

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 110–718 offered by Mr. DAVIS of Illinois:

Page 3, line 7, strike ''subchapter'' and insert ''subsection''.

Page 3, beginning on line 8, strike ''require—'' and all that follows through line 17, and insert ''require that an employee first use all or any portion of the leave described in subparagraph (B) of paragraph (3) before being allowed to use the paid parental leave described in subparagraph (A) of paragraph (3).''.

Page 4, line 11, strike ''of the following factors'' and insert ''of—''.

Page 4, line 13, strike ''offering paid'' and insert ''offering increased paid''.

Page 5, line 3, strike ''(4)(B)'' and insert ''(4)''.

Page 5, line 7, strike ''amendments'' and insert ''amendment''.

Page 5, line 17, insert ''of such Act'' after ''section 102(a)(1)(A) and (B)''.

Page 6, beginning on line 2, strike ''subparagraphs'' and insert ''subparagraph''.

Page 6, line 20, strike ''section'' and insert ''subsection''.

Page 6, beginning on line 21, strike ''require—'' and all that follows through page 7, line 5, and insert ''require that an employee first use all or any portion of the leave described in subparagraph (B) of paragraph (2) before being allowed to use the paid parental leave described in subparagraph (A) of paragraph (2).''.

Page 7, line 17, strike ''amendments'' and insert ''amendment''.

Page 8, line 4, strike ''Section'' and insert ''(a) AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section''.

Page 8, line 11, strike ''subparagraphs'' and insert ''subparagraph''.

Page 8, line 18, strike ''paragraph (1)'' and insert ''subparagraph (A)''.

Page 9, beginning on line 4, strike ''require—'' and all that follows through line 15, and insert ''require that an employee first use all or any portion of the leave described in clause (ii) of subparagraph (B) before being allowed to use the paid parental leave described in clause (i) of such subparagraph.''.

Page 9, line 20, strike ''employers'' and insert ''the employer''.

Page 9, line 23, strike ''employers'' and insert ''employer''.

Page 10, after line 2, insert the following:

(b) EFFECTIVE DATE.—The amendment made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

Strike section 5.

The SPEAKER pro tempore. Pursuant to House Resolution 1277, the gentleman from Illinois (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Thank you, Mr. Speaker, and I yield myself such time as I may consume.

Mr. Speaker, while the manager's amendment being offered does not make any substantive legislative changes to the bill's underlying purpose, it does make in order several minor technical changes that are designed to streamline the bill's language so that the House-passed bill will mirror language currently being considered in the Senate.

Most of these changes involve drafting edits and modifications through the bill's layout and structure. All of these changes are technical in nature. However, they are important to ensuring the swift passage of the measure.

The manager's amendment also strikes section 5 of H.R. 5781. This section of the bill entitled ''Study'' originally directed the Government Accountability Office to study and submit to Congress a written report of the feasibility and desirability of offering an insurance benefit to Federal employees not to include parental leave that would provide wage replacement during periods related to a serious health condition.

□ 1315

I am asking that this language be removed from the bill since GAO, at my request, has already agreed to perform a study that will analyze disability insurance benefits that are currently being offered by States, local governments and the private sector. I ask that a copy of the GAO acceptance letter regarding the disability insurance

benefit study be included in the RECORD.

Lastly, Mr. Speaker, the amendment at the desk would apply an effective date to all provisions of the bill. H.R. 5781, as reported out of committee, provided for two provisions of the act to go into effect 6 months from the date of enactment of the act. All we're asking for in the manager's amendment is that the same effective date be applied to the remaining section of the bill, which speaks specifically to extending paid parental leave to those that work at the Library of Congress or the Government Accountability Office.

While the amendment I am offering this afternoon does nothing to change these aspects of the bill, it does strengthen the measure by clarifying and streamlining certain provisions of the bill. Therefore, I ask that my colleagues join me in supporting this simple amendment.

GOVERNMENT ACCOUNTABILITY OFFICE,
Washington, DC, June 10, 2008.

Hon. DANNY K. DAVIS,
Chairman, Subcommittee on Fereral Workforce, Postal Service, and the District of Columbia, Committee on Oversight and Government Reform, House of Representatives.

DEAR MR. CHAIRMAN: We received your letter dated June 2, 2008, requesting that the Government Accountability Office review the feasibility and desirability of providing an insurance benefit to federal employees which would provide partial or total wage replacement.

GAO accepts your request as work that is within the scope of its authority. To fully respond to your request, GAO plans to initiate work on this project in about five months when it is expected that staff with the required skills will be available. Your request has been assigned to Ms. Cynthia M. Fagnoni, Managing Director, Education, Workforce, and Income Security. Ms. Fagnoni or a member of her team will contact Ms. Lori Hayman to discuss the request and options for helping you meet your needs. As applicable, we will also be in contact with the cognizant Inspector General's office to ensure that we are not duplicating efforts. If an issue arises during this coordination, we will consult with you regarding its resolution.

If you have any questions, please contact Ms. Fagnoni at 202–512–7202 or Ms. Elizabeth Johnston, Assistant Director, Congressional Relations, on my staff at 202–512–6345.

Sincerely yours,

RALPH DAWN,
Managing Director, Congressional Relations.

I reserve the balance of my time.

Mr. ISSA. I rise to claim time in opposition in order to engage in a colloquy with my colleague.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. ISSA. I yield myself such time as I may consume.

Mr. DAVIS, I hope I understood you correctly so that I could withdraw any objection. I, too, share a belief that the committee of jurisdiction, the Committee on Oversight and Government Reform, since we ordered the GAO to make these studies and they routinely, of course, grant them, I don't see that it should be in the bill. But I'm a little bit confused about whether or not your request and the acceptance matches the study that was described in the bill.

I yield to you so you could clear that up for me.

Mr. DAVIS of Illinois. I agree that we routinely ask the Government Accountability Office to make studies, to provide information, to give us the kind of information that we need, sometimes in much time, to make the most rational, logical and adequate decisions.

We simply ask in the legislation or indicate in the legislation that we've already asked them to do that and they have already agreed, and that's why we asked that the letter be included indicating their agreement.

Mr. ISSA. Reclaiming my time, so if the gentleman would assure me that if the GAO does not agree to do a study that is commensurate with the one described in the legislation, that he would join with me in asking for that nuance-specific study, then I'd be happy to withdraw because I think his amendment is fully in order if we can assure that.

Mr. DAVIS of Illinois. Well, if you would like, I can tell you here is what the response from the GAO is.

''We received your letter dated June 2, 2008, requesting that the Government Accountability Office review the feasibility and desirability of providing an insurance benefit to Federal employees which would provide partial or total wage replacement.''

''GAO accepts your request as work that is within the scope of its authority.''

Mr. ISSA. Mr. Speaker, I would withdraw my opposition and urge support for the amendment.

I yield back my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of our time and urge passage of this amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 1277, the previous question is ordered on the bill, as amended, and on the further amendment by the gentleman from Illinois (Mr. DAVIS).

The question is on the amendment by the gentleman from Illinois.

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

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 426]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
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
Cazayoux
Chabot
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
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)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
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)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Clay
Gilchrest
Gingrey
Hulshof
Loebsack
Meeks (NY)
Reynolds
Rush
Stark
Tiahrt
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1342

Messrs. PORTER and PEARCE and Ms. SCHWARTZ changed their vote from ''nay'' to ''yea.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 2008.

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

DEAR MADAM SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from Ms. Linda H. Lamone, Administrator, Maryland State Board of Elections, indicating that, according to the unofficial returns of the Special Election held June 17, 2008, the Honorable Donna Edwards was elected Representative to Congress for the Fourth Congressional District, State of Maryland.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

MARYLAND
STATE BOARD OF ELECTIONS,
Annapolis, MD, June 18, 2008.

Hon. LORRAINE C. MILLER
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. MILLER: This letter is to advise you that the unofficial results of the Special Election held on Tuesday, June 17, 2008, for Representative in Congress from the Fourth Congressional District of Maryland show that Donna Edwards received 15,381 votes or 80 percent of the total number of votes cast for that office on election day excluding absentee and provisional ballots.

It would appear from these unofficial results that Donna Edwards will be certified as the Representative in Congress from Fourth Congressional District of Maryland.

As of the date of this letter, there is no contest to this election.

As soon as the official results are certified, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,

LINDA H. LAMONE,
Administrator.

SWEARING IN OF THE HONORABLE DONNA EDWARDS, OF MARYLAND, AS A MEMBER OF THE HOUSE

Mr. HOYER. Madam Speaker, I ask unanimous consent that the gentlewoman from Maryland, the Honorable DONNA EDWARDS, be permitted to take the oath of office today.

Her certificate of election has not arrived, but there is no contest and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER. Will Representative-elect EDWARDS and the members of the Maryland delegation present themselves in the well.

Ms. EDWARDS of Maryland appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

WELCOMING THE HONORABLE DONNA EDWARDS TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Maryland (Mr. HOYER), the distinguished majority leader, is recognized for 1 minute.

There was no objection.

Mr. HOYER. I thank the distinguished Speaker for recognizing me for this delightful opportunity.

Madam Speaker, you will appreciate this as much as anybody in this House. I was elected in a special election on January of 1981, actually May of 1981. The Maryland delegation had eight members. Fifty percent of the members of the Maryland House were women, Mrs. Holt, a Republican, Mrs. Spellman, my predecessor who had a cardiac arrest and her seat was declared vacant, Mrs. Byron, a distinguished wife and daughter-in-law of two Members of Congress, and actually there were four Byrons that served in the Congress of the United States, and BARBARA MIKULSKI, were all members of the Maryland delegation.

It was a wonderful delegation. One by one, those women left for one reason or another. Senator MIKULSKI, of course, became the first woman elected to the United States Senate without a relative preceding her.

One by one, they were replaced by a male. Those were good males, I want you to know. But our delegation became an all-male delegation. It was, to that extent, not fully representative of the people of our State. We have been advantaged now, not only because Marylanders have elected an extraordinary individual to serve them. She is a highly educated individual. She traveled throughout the world. Her father served in the Air Force. She is well educated. She didn't go to the University of Maryland, which was a lamentable fact, but she went to a great school, Wake Forest University. She got her law degree in New Hampshire. She has served the community well and has served citizens' organizations well.

So in a very real sense, she has been a representative for a very long period of time. This day, however, she begins her career as a representative elected by the constituents of the Fourth Congressional District.

Madam Speaker, I know that I speak on behalf of yourself, on behalf of all the Members of the House and certainly on behalf, DONNA, of the Maryland delegation, we are extraordinarily proud that you have joined us. Our delegation will be stronger, better and more representative because of that. And this institution will be stronger for the strong advocacy that you will bring on behalf not just of the people of the Fourth Congressional District, but the people of this Nation.

Ladies and gentlemen, I am deeply honored to introduce to you a young woman to whom some years ago I gave an appointment to the United States Air Force Academy. She determined that she was going to go to Wake Forest. But she has been my friend for a long time. Ladies and gentlemen, the newest Member of this body, DONNA EDWARDS from the Fourth Congressional District.

She is a mother, lawyer, and long-time community activist and organizer.

Born in Yanterville, North Carolina, she moved frequently as a child.

Her father was in the Air Force, and she traveled throughout the country and world.

She graduated from Wake Forest University and later the Franklin Pierce Law Center (in New Hampshire).

Before attending law school, she worked as a contractor for Lockheed Corporation at Goddard Space Flight Center in Greenbelt.

After law school, she clerked for a superior court judge in Washington, co-founded the National Network To End Domestic Violence, and

became executive director of the Arca Foundation, which gives grants to civic groups, organizations that study the media, and public policy groups.

She helped lead the fight to pass the Violence Against Women Act, providing comprehensive funding to shelter and offer services to victims of domestic violence and their children.

The Washington Post has called her "bright" and "tough-minded" and recently said: "Poised, persistent and principled, she would make a fine representative for the fourth district" of Maryland.

Ms. EDWARDS of Maryland. Madam Speaker, Leader BOEHNER, our majority leader and the dean of our delegation of the great State of Maryland, our Senators, BARBARA MIKULSKI and BEN CARDIN, thank you. I'm so glad that you could be here today, and to our entire delegation from Maryland, I am humbled and honored to be here in the people's House. And I want to thank my mother, Mary, and my sisters, Janice, Bonnie and Rhonda, my brother, Michael, and my son, Jared, for being here with me today and being so supportive of me.

As I swore to defend and protect the Constitution of the United States, I recall the oath that my brother, John, took when he was just 18 years old, joining the United States Air Force at the height of the Vietnam War. And most especially I thought of my father, John Edwards, who swore the same oath when he joined the United States Air Force as a young man and served in a career of great honor, dignity and service to this country.

And what I thought is that I am so proud to be able to take that same oath to serve the people of the Fourth Congressional District and to serve the United States Congress and the people of this country.

I'm standing here today on a very historic day, Juneteenth. And as the first African American woman to represent the great State of Maryland here in this Capitol and on the shoulders of all of our forefathers and foremothers who took that journey to freedom, I am so proud and humble to be here with my constituents throughout the Fourth Congressional District, Montgomery and Prince George's Counties, united across race, religion, class, income, heritage and culture and all of the things that are the false lines that divide us. But we're united as a congressional district, and we're as united as we can be as a country. And in some micro way, in our Fourth Congressional District, I think that we're fulfilling the dream of this entire Nation.

Last February in Maryland's Fourth District, we sent a strong message that it's time for a change across the Potomac and up to this Hill. And this past Tuesday, they sent another message. They said "change can't wait until next year." And so today I'm an agent of change and an agent of their mandate. And America's profile, though slightly tarnished around the world and with our economy teetering slightly here at home, we can only hope that we don't wait for that change to happen until next January, that my constituents have said to me, we can't wait for change to begin. We can't wait 6 months to do something about foreclosures forcing thousands of Marylanders, thousands of people across this country and in Prince George's and Montgomery Counties away from their homes. And we can't wait 6 months to address skyrocketing costs of gas and groceries while we engage in short-term solutions that abound without focusing on the long-term solutions for alternative energy and things that really will propel us through this 21st century.

I just want to say in closing that our brave servicemen and women, many of them like my brother and my father, can't wait for change either. And people do need help now. And so, more than anything else, I want to join with you in making that change happen. I know that this House is filled with an awfully lot of really good-hearted people who represent congressional districts just like mine across the country. And they're asking us to come together. And I want us to answer that call together. And so I'm here with my sleeves rolled up, and I'm ready to work. And I'm ready to get started, just as you are, in serving the people of the Fourth Congressional District and this country.

Thank you very much.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath of office to the gentlewoman from Maryland (Ms. EDWARDS), the whole number of the House is 435.

FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008

The SPEAKER pro tempore (Mr. BLUMENAUER). 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. JORDAN OF OHIO

Mr. JORDAN of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. JORDAN of Ohio. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Jordan of Ohio moves to recommit the bill (H.R. 5781) to the Committee on Oversight and Government Reform with instructions to report the bill back to the House promptly in the form to which it may be perfected at the time of this motion with the following amendments:

In the matter proposed to be inserted by section 2(a)(3) of the bill, insert at the end the following:

''(7) An employee who is a father and who is not in compliance with a court ordered child support arrangement shall not be eligible for any paid leave under paragraph (2).''.

In the matter proposed to be inserted by section 3(a)(3) of the bill, insert at the end the following:

''(5) EXCLUSION OF DEADBEAT DADS.—An employee who is a father and who is not in compliance with a court ordered child support arrangement shall not be eligible for any paid leave under this subsection.''.

In the matter proposed to be inserted by section 4 of the bill, insert at the end the following:

''(E) EXCLUSION OF DEADBEAT DADS.—An employee who is a father and who is not in compliance with a court ordered child support arrangement shall not be eligible for any paid leave under this paragraph.''.

Mr. JORDAN of Ohio (during the reading). I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio is recognized for 5 minutes in support of his motion.

□ 1400

Mr. JORDAN of Ohio. Mr. Speaker, I offer this motion to recommit with instructions.

This motion to recommit is simple and straightforward, one of these important issues that I think we can all agree on, and, frankly, an issue I would have brought as an amendment in committee if I had thought about the idea then. It says that people who are not compliant with their court-ordered child support arrangements, deadbeat dads, are not eligible for the expanded Federal benefits included in the bill.

This motion sends a clear message to the American people that we have respect for their hard-earned tax dollars they send to Washington, DC. The underlying bill, however, sends a far different message about the priorities of the majority party in Congress.

Think about it: American families are paying more than $4 a gallon for gasoline, but are we acting to bring more energy to this country? America faces unprecedented terrorist threats from abroad, but are we renewing legislation to help better secure the homeland? Are we addressing out-of-control Federal spending? Are we acting to better secure our borders? We are approaching a $10 trillion national debt, a problem that threatens our Nation's economic future, but are we cutting spending or reforming the out-of-control earmark process?

Here is what Congress is doing, Mr. Speaker. Congress is spending its time and energy on H.R. 5781, a bill to give Federal bureaucrats, including deadbeat dads, a new handout, a vast expansion to the already generous benefits package they receive at the expense of

the American taxpayer, at the expense of every single American family. That is our priority? That is our answer to $4 gasoline, expanding benefits to Washington bureaucrats and deadbeat dads?

I ask you, Mr. Speaker, what will you tell the folks about back home? What will you tell the folks who are worried about the economy, worried about higher taxes on the horizon, worried about paying more than $4 a gallon for gasoline for the rest of the summer? Will you tell them not to worry, that their problems belong on the back burner? That the priority of their Member of Congress is to take their tax dollars and expand the benefits package of deadbeat dads in the Federal workplace? Will you tell them that these deadbeat dads, who already receive among the richest benefit packages in the Nation, are more deserving of relief than law-abiding families and taxpayers of your district who are paying $4 a gallon for gasoline?

Mr. Speaker, like most issues, the people get it. The American people know what the priorities of Congress should be. Millions of them have signed petitions and communicated to our offices that we need to focus on their priorities. They know our priorities should not be giving deadbeat dads a new taxpayer-funded benefit. They know we should adopt this motion to recommit and move on with the important business facing our Nation.

Mr. Speaker, there is another old line that I think is appropriate. ''Most politicians don't see the light; they feel the heat.'' With $4 gasoline, possibly headed for $5 this summer, can you handle the heat you will feel back home once your constituents find out that your priority is to lend a hand to deadbeat dads, or will you see the light and join me in supporting this motion to recommit?

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

Mr. WAXMAN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Speaker, there they go again, coming up with a gimmick because they don't want the underlying bill. If they don't want the underlying bill, let them vote no. But what they have offered instead is a motion to recommit promptly, which kills the bill. So I would urge all of my colleagues who believe that parents ought to be able to bond with their children and have a paid family leave on the birth of a child or the adoption of a newborn, that they vote against this motion to recommit.

Federal law is very clear. If you are behind in your child support payments, you can get your wages garnished. That means there is an automatic reduction in your paycheck to pay for the support of your children. The fact is that no one who is behind in childcare can get paid parental leave. The reason is their wages will already be garnished. That is why this amendment is a gimmick.

No amendment like this was offered in our committee. This was never brought up in our deliberations. In fact, the gentleman was very clear in his arguments for the motion to recommit. He is against the bill. He was against the bill in committee, and he is against the bill now.

Now, I think we ought to understand that if this were a serious amendment, it would have been a ''forthwith'' motion. But it is not. It is a ''promptly'' motion to kill the bill.

There are 400,000 civilian DOD employees around the Nation. They have been working overtime to protect our Nation, often serving in Iraq and Afghanistan. But what this motion says to them, and to all other hard-working Federal employees, is you won't get any paid leave, and if you are sick and have used up your leave, you can't take the time to bond with your family.

It is wrong, it is anti-family, and I believe this motion to recommit should be defeated. It is like so many other motions to recommit that we have seen on this floor. When it is designed ''promptly,'' it sends the bill back to the committee, and those who didn't like it in committee will fight it some more. But if you are for this bill, vote against the motion to recommit and vote ''yes'' on final passage.

I would like to yield the balance of the time to the gentleman from Maryland (Mr. HOYER), our majority leader.

Mr. HOYER. I thank the chairman for yielding, and I thank him for his work on this bill. I thank Mrs. MALONEY as well.

Ladies and gentlemen of the House, I would hope we would defeat this motion. Again, this is a motion to recommit promptly. If in fact the motion maker wanted to change the substance and offer an amendment that would go into effect, he would have offered a motion to amend and report back forthwith. The effect of this motion, as we all know, is to delay for some period of time the passage of this bill. My friend from Georgia will get up and ask the rhetorical question that we all know the answer to, does it kill it? It does not kill it. But, my friends, we have 5 legislative days to go in this session before we break. We ought to pass this bill now. We ought to pass this bill and tell the Federal employees of this country, who work for all of us, all 300 million of us, some 2 million civilian Federal employees, that we honor their service.

But, more importantly, this is not just about those who will get leave. It is, as I said in my statement, much more about the children, who will have better nurturing and a sense of self-confidence in their early months of life. Scientist after scientist, educator after educator, tell us that if that occurs, if that bonding occurs in the early months, children are much better off, and if those children are better off, our communities and our society and our families are better off.

I would ask all my colleagues to oppose this motion. Pass this bill. Say to the children who are perhaps yet to be born and have just been born, we want to ensure the best start we can for you in life in America.

The SPEAKER pro tempore. All time has expired.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Please state the inquiry.

Mr. WESTMORELAND. I feel like I know the answer to this, but if this motion should pass, could the bill not be referred back to the committee from which it came and be reported out the next legislative day?

The SPEAKER pro tempore. As the Chair reaffirmed on November 15, 2007, and a couple of times after that, at some subsequent time the committee could meet and report the bill back to the House.

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.

Mr. JORDAN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 206, nays 220, not voting 8, as follows:

[Roll No. 427]

YEAS—206

Aderholt	Carney	Franks (AZ)
Akin	Carter	Frelinghuysen
Alexander	Castle	Gallegly
Altmire	Chabot	Garrett (NJ)
Bachmann	Childers	Gerlach
Bachus	Coble	Giffords
Barrett (SC)	Cole (OK)	Gingrey
Bartlett (MD)	Conaway	Gohmert
Barton (TX)	Crenshaw	Goode
Biggert	Cubin	Goodlatte
Bilbray	Culberson	Granger
Bilirakis	Davis (KY)	Graves
Bishop (UT)	Davis, David	Hall (TX)
Blackburn	Deal (GA)	Hastings (WA)
Blunt	Dent	Hayes
Boehner	Diaz-Balart, L.	Heller
Bonner	Diaz-Balart, M.	Hensarling
Bono Mack	Donnelly	Herger
Boozman	Doolittle	Hobson
Boustany	Drake	Hoekstra
Brady (TX)	Dreier	Hunter
Broun (GA)	Duncan	Inglis (SC)
Brown (SC)	Ehlers	Issa
Brown-Waite, Ginny	Ellsworth	Johnson (IL)
Buchanan	Emerson	Johnson, Sam
Burgess	English (PA)	Jones (NC)
Burton (IN)	Everett	Jordan
Buyer	Fallin	Keller
Calvert	Feeney	King (IA)
Camp (MI)	Ferguson	King (NY)
Campbell (CA)	Flake	Kingston
Cannon	Forbes	Kirk
Cantor	Fortenberry	Kline (MN)
Capito	Fossella	Knollenberg
	Foxx	Kuhl (NY)

LaHood
Lamborn
Lampson
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
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NAYS—220

Abercrombie
Ackerman
Allen
Andrews
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
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
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
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
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

NOT VOTING—8

Gilchrest
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1431

Messrs. CARNAHAN and BOUCHER changed their vote from ''yea'' to ''nay.''

Mrs. MUSGRAVE, Messrs. BOOZMAN, SHULER, and CHILDERS changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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 noes appeared to have it.

Mrs. MALONEY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 278, nays 146, not voting 10, as follows:

[Roll No. 428]

YEAS—278

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards (MD)
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
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)
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
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—146

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
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
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce

Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)

NOT VOTING—10

Edwards (TX)
Gilchrest
Honda
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1439

Mr. PICKERING changed his vote from ''yea'' to ''nay.''

Mrs. DRAKE changed her vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WOLF. Mr. Speaker, this afternoon I was on an official leave of absense to attend the commencement ceremony for Potomac Falls High School, a high school in my congressional district, at which I was the main commencement speaker. Had I been present and voting, I would have voted ''yea'' on H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008.

Mr. EDWARDS of Texas. Mr. Speaker, I missed rollcall 428 today. It was my intention to vote ''yea'' on that vote.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Mr. MARCHANT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 6041.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041 AND H. RES. 356

Mr. CONAWAY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of both H.R. 6041 and H. Res. 356.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1708

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TIERNEY) at 5 o'clock and 8 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE AMENDMENT TO H.R. 2642, SUPPLEMENTAL APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–720) on the resolution (H. Res. 1284) providing for consideration of the Senate amendments to the House amendments to the Senate amendment to the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6304, FISA AMENDMENTS ACT OF 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–721) on the resolution (H. Res. 1285) providing for consideration of the bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE AMENDMENT TO H.R. 2642, SUPPLEMENTAL APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1284 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1284

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendments to the House amendments to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chairman of the Committee on Appropriations or his designee that the House (1) concur in the Senate amendment to the House amendment numbered 1 and (2) concur in the Senate amendment to the House amendment numbered 2 with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question except that the Chair shall divide the question between the dispositions of the two Senate amendments.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

SEC. 3. The chairman of the Committee on Appropriations may insert in the daily issue of the Congressional Record dated June 19, 2008, such material as he may deem explanatory of the motion.

SEC. 4. It shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for the adjournment of the House and Senate during the month of July.

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

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume and also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1284.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, H. Res. 1284 provides for consideration of the Senate amendments to the House amendments to the Senate amendment to the bill H.R. 2642, Supplemental Appropriations Act of 2008. The rule makes in order a motion by the chairman of the Committee on Appropriations that the House, one, concur in the Senate amendment to the House amendment numbered 1, and two, concur in the Senate amendment to the House amendment numbered 2, with the amendment printed in the Rules Committee report.

The motion is debatable for 1 hour and controlled by the Committee on Appropriations, and the Chair shall divide the question between the dispositions of the two Senate amendments.

Mr. Speaker, the issue to be debated today could not be of greater consequence to the future of our Nation or the citizens of this body and all of this country. For that reason, the Rules Committee has reported out a rule that gives each Member the opportunity to vote his/her conscience on the most pressing issue of our day: funding for combat operations in Iraq and Afghanistan as well as critical domestic spending to bring relief to the American people and provide our veterans with access to higher education.

This legislation meets the spending requirements made by President Bush

with the exception of the $2.65 billion in disaster relief for the aftermath of the tornadoes and floods that hit the Midwest which was added at the President's request.

In addition, the bill includes the $5.8 billion that President Bush asked for to strengthen the levees in New Orleans and does not include a single earmark except those explicitly requested by his administration.

Mr. Speaker, in order to bring the legislation forward today, the Democrat majority had to make very difficult decisions. However, making difficult choices is appropriate when deciding issues of great importance such as the war in Iraq, a war that has placed unprecedented strain on this Nation.

□ 1715

At no time in our history has America fought a war of this magnitude, or one that is this difficult, with an entirely voluntary military force composed of only 1 percent of the general population. And no one in this country has been asked to sacrifice as our troops and their families have.

Our soldiers are well aware of what the current situation means for them, two, three, four, sometimes five deployments of duty, while their political leaders casually use words like ''political progress'' to justify their redeployment.

However, these extraordinary individuals know full well that they return again and again to a conflict that has taken the lives of over 4,000, almost 5,000 now, of their fellow soldiers and 28 from my district alone.

They know that tens of thousands of American men and women are returning home wounded and physically disabled, many suffering from post-traumatic stress disorder and a host of other mental health issues.

They know full well that they are redeployed to a civil war that has left millions of Iraqi men, women and children dead and millions more in refugee camps or fleeing to other countries that will accept them.

Our soldiers already know quite a lot, and by that I mean, they've come to learn that terms like ''political progress'' are little more than political posturing and empty rhetoric, and that is not how a Nation shows respect for its military.

Unfortunately, such disrespect is what our brave men and women in uniform are accustomed to. Our troops were repeatedly promised that they would have the equipment they needed to do their jobs. Yet we all saw the reports of desperate searches through junk heaps to refit ill-equipped armored vehicles. We all heard the stories of struggling families frantically emptying their savings accounts to purchase adequate body armor for their children going off to war.

Our troops were repeatedly promised that they would be taken care of when they came home from combat. Yet once again this administration's promises turned out to be nothing more than rhetoric. Remember the disgraceful images of Walter Reed Hospital, and that is not how a grateful Nation shows respect for its troops.

Mr. Speaker, it is with this in mind that we proceed today with this legislation. While some pieces of this bill required difficult decisions before it could be brought to the floor, others were easy to make.

The bill provides immediate resources to our troops currently in the field, and nothing is more important than their safety and security. And in addition, the bill keeps our promises to our veterans.

Part of the cost of waging war is ensuring that those who fight receive the resources that they need to resume their lives when they return home. Given all the sacrifices that our troops have made for this Nation, it is simply unconscionable to nickel and dime them when it comes time for us to keep up our end of the bargain.

The underlying legislation includes a dramatic expansion of the education benefits provided to our veterans. Not only do our troops deserve this benefit, the same one provided to veterans of World War II, but for every dollar we spend on education today, we will see a return that will bolster our economy tomorrow. And frankly, our economy needs bolstering.

Far too many hardworking Americans are feeling enormous pressure with skyrocketing gas and food prices, unaffordable health care costs, rising college tuition rates, home foreclosures that are far too commonplace, and a terrible job market.

Last month's atrocious unemployment numbers highlight the urgent need for assistance to millions of struggling families calling out for relief. In fact, the number of Americans looking for work has grown by 800,000 over the last year, and the number of American jobs has declined by 260,000 since the beginning of 2008.

This bill takes immediate action to extend unemployment insurance for workers who have exhausted their benefits by up to 13 weeks in every State.

Furthermore, the American people are feeling the pain as their hard-earned tax dollars finance the rebuilding of a foreign Nation while their country's own economy and infrastructure are falling apart at the seams. To that end, this legislation removes the unfair burden placed on the American taxpayer by requiring the Iraqi government to pull its own weight and match U.S. reconstruction money dollar-for-dollar.

In addition, it prohibits, once again—and we have to look out for those signing statements—but it prohibits once more the establishment of permanent bases in Iraq, blocking this administration from saddling the American people with a costly occupation long after their soldiers are home.

Mr. Speaker, the underlying legislation deals with some of the most important issues of the day, our fellow citizens who have been sent to fight in a conflict far away from home, as well as critical domestic spending that will give relief to the millions of Americans struggling just to survive.

The structure of the rule we consider today provides each Member the opportunity to cast his or her vote according to their values and their priorities. I am proud to support the rule, and I ask my colleagues to do the same.

I reserve the balance of my time.

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

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

Mr. DREIER. I want to begin for the second time today by expressing my great appreciation to my very good friend and colleague, the distinguished Chair of the Committee on Rules, for yielding me the customary 30 minutes.

Mr. Speaker, it was interestingly enough on February 5 of 2007, February 5 of 2007, which is exactly 500 days ago—500 days ago President Bush made a request of this Congress to provide supplemental funding for our troops to ensure that they have all the tools necessary to prosecute these struggles going on in both Iraq and Afghanistan, 500 days, a long period of time. But Mr. Speaker, I am pleased to say that I believe that we've finally gotten there.

As I listened carefully to the statement of my good friend from Rochester, the distinguished Chair of the Committee on Rules, I have to say that I completely concurred with the first third of her statement in which she went through a very accurate description of exactly what this supplemental appropriations bill consists of. I could not disagree with her more on the second third of her presentation, and on the last part, I have sort of a mixed view.

When it comes to the first third, I will say that, again, I completely concur. This measure is designed to ensure that we get to our men and women in uniform the tools that they need, the resources that they need to continue this struggle. It ensures that the request and the directive by Admiral Mullen, the Chairman of the Joint Chiefs of Staff, raising very serious concern about the prospect of not being able to have the resources necessary is addressed.

She also in her remarks talked about the need to deal with the economic challenges that we face, and I completely concur. When we saw the largest increase in the unemployment rate in 22 years, a half a percent increase in the unemployment rate, it's clear that we want to ensure that those Americans who are very much in need are going to be able to have their concerns addressed by providing with that 20-work week requirement, which we've gone back to and which we supported in the early part of this decade in 2001 and 2002, that that requirement will

continue to be in place. So I wholeheartedly support that effort for the 13-week extension.

And she also talked about the need to ensure that we provide the resources for the veterans. For those men and women who have been engaged in this struggle and have come home, it is absolutely crucial that we do everything that we can to provide those very important resources for those brave and courageous men and women who have served in our Armed Forces.

Now, Mr. Speaker, when it came as I said to the second third of Ms. SLAUGHTER's presentation, I could not disagree more vigorously. She referred to the term ''political progress'' as being one of posturing. Well, I've got to say if we look at the independent assessments that have been provided by even some of the most harsh critics, some of the harshest critics of this war, there has been acknowledgment that this surge has worked.

All one needs to do is this week look at lead articles in both the Washington Post, hardly an entity that has been sympathetic with this effort, and the Associated Press. Both of those entities have strongly come forward and pointed to the tremendous progress that has been made not only, not only militarily but the political progress which has been made as well.

And so I have to say, Mr. Speaker, I congratulate my colleagues who have worked in a bipartisan way. I see Mr. OBEY here. He just testified before the Committee on Rules and talked about his concerns, and he talked about the need to make sure that we move forward.

Our Republican leader, Mr. BOEHNER, has also worked very, very diligently on this, and I have to say it's interesting as we mark today the 500th day since the President made this request for supplemental funding for our troops, it's fascinating that this all came together within what is just about a maybe 28-, 29-, 30-hour period of time.

So I think that it's important for us to get this done. It's important for us to address these concerns which include the much-needed relief to those victims of the floods in the Midwest and the strengthening of the levees following Hurricane Katrina, and I believe that we have a wonderful indication of bipartisanship at its best here.

I am very pleased to finally take up a Rule for a Supplemental Appropriations bill that is based on bipartisan compromise that gets our troops the funding they need. And most important, it is a bill that the President can actually sign. I just wish we could have done this months ago.

Mr. Speaker, the request for supplemental funding for our troops came to us on February 5th of 2007—exactly 500 days ago. Since that time, we have heard hours of testimony from our military commanders, warning us in clear terms of the strains on our troops from the failure to fund them. For months, we have heard of impending layoffs of military contract employees. Of vital programs getting cut off or put on hold. The message was very clear: our armed forces in harm's way needed emergency funding in order to effectively continue their jobs.

But what did they get from the Democratic Leadership? Endless political posturing. Funding bills that were purely political documents, with no hope of being enacted. I find it very troubling that this partisan process could drag on for so long.

I find it very troubling that it took so long before there was an attempt at bipartisan negotiation to craft a good bill that provides for our troops and will be enacted into law.

After months of posturing, once the Democratic Majority finally reached across the aisle so that real progress could be made—how long did it take to reach a workable compromise? Mere hours. Once the dialogue began, Republicans and Democrats quickly came to a solution—a bill that funds our troops, while also addressing other priorities in a responsible way.

Today's underlying bill fully funds our armed forces. It will provide a new education benefit to veterans, without raising taxes. And it will extend unemployment insurance in these uncertain economic times, without eliminating key provisions to prevent fraud and abuse. This is a compromise that Republicans and Democrats can support, fulfilling our duty to the men and women who are in harm's way. This is a duty that we as a body must take far more seriously than the last few months have demonstrated.

When we are bogged down by the Democratic Majority's political gamesmanship, there are real-world consequences to these actions—or lack of action.

As we have heard from our military commanders over the past weeks and months exactly what these consequences are, one of the most troubling revelations came just last week. Adm. Mullen, chairman of the Joint Chiefs of Staff, testified that our commanders had run out of funds to pay for development projects in Iraq and Afghanistan. This is perhaps the most perverse outcome of the Democratic Leadership's failure to fund our troops.

Regardless of where you stand on the war, we all know and agree that the fight against extremism demands more than a purely military solution. Our armed forces are working to provide a security environment that allows for development to take place—and they are succeeding. But if we squander this opportunity, we will never succeed in the long term. We will fail to win hearts and minds, and we will fail to provide an alternative to terror and extremism.

The people of Iraq and Afghanistan need to see that our fight is not against them. They need to see that we support democratic institutions and the good governance that ensures peace, liberty and opportunity. Without our development efforts, our military efforts can have no hope for sustainable success. By stonewalling the troops' funding, the Democratic Leadership not only shortchanges our troops, they are blocking our efforts to assist in the development of the foundation for lasting peace.

This is an unconscionable policy. Especially at the very time that the seeds of reconciliation are starting to take root. For months we have known that the surge has succeeded in reducing violence. Even the war's harshest critics have begrudgingly conceded that violence has been significantly reduced. But they called it an empty victory, saying that the improved security situation has failed to bring about political progress.

But today, that is changing. Monday's lead AP story was ''Iraqi violence down, confidence in government up.''

Tuesday's Washington Post announced ''Calm in Iraq Spurs Debate; Decline in Violence, Focus on Politics May Signal Turning Point.'' These are stories not just of reduced violence. They tell of the political reconciliation and progress that is now being made possible by the increased security. Iraqis are gaining faith in the Maliki government. And minority Sunni parliamentarians are heartened that a Shiite government would go after Shiite terrorists with the same zeal they go after Sunni terrorists.

Of course, this progress is fragile. Tuesday's terrible attack in Baghdad reminded us that while violence is diminishing overall, the danger of large-scale attacks remains very real. Furthermore, the political progress is still in its infancy. The Post story goes on to say ''analysts question whether the limited political accommodation among Shiites, Sunnis and Kurds can be sustained if the U.S. withdraws its forces quickly.'' It points out that Iran would love to fill any void that we create, and that Iraqis fear today's calm is simply the calm before the storm. Clearly, our mission is not complete.

But demonstrable progress is being made. After years of terrible violence, setbacks and enormous challenges, many of us have become desensitized to any signs of progress and improvement. But they are there. The tragic part is that any delay in providing critical funding puts this fragile progress in jeopardy. Today's underlying bill is urgently needed. While I am deeply sorry it has taken this long, I am truly pleased to finally have a bipartisan bill that will deliver our troops the vital resources they need.

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

Ms. SLAUGHTER. Mr. Speaker, I'm happy to yield 3 minutes to the gentleman from Massachusetts, a member of the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the chairwoman for yielding to me.

Mr. Speaker, the rule allows for the supplemental to be considered in two parts. Part 1 is funding for the war and Iraq, and part 2 includes expanded benefits for GI education, expanded unemployment compensation, disaster relief, food aid, and other measures.

I want to begin also, Mr. Speaker, by thanking Chairman OBEY for his incredible leadership in trying to forge a decent and fair compromise. He has more patience than I.

Mr. Speaker, let me start with talking about amendment No. 2. I strongly support the measures contained in this amendment. It expands the GI benefits for the education of our veterans, including those serving in Iraq and Afghanistan, and extends them more equitably for all of our service branches, including the Guard and Reserves.

The amendment also extends unemployment benefits by up to 13 weeks in every State for workers who have exhausted their benefits.

It places a moratorium on six Medicaid regulations, the costs of which are fully offset.

It provides emergency funding to meet critical needs, especially in addressing the global food crisis and disaster and refugee assistance.

It includes many other measures, Mr. Speaker, that are worth supporting, that are important, that are vital, and so I urge all my colleagues to support amendment No. 2.

Let me now just say a few words about funding for the war in Iraq, Mr. Speaker.

Under amendment No. 1, funding for the Iraq war is provided without conditions, a blank check, with no requirements about how or when we might begin removing our military forces from Iraq or prohibiting the Bush administration from moving forward with a Status of Forces Agreement that could tie the hands of the next administration to design a new policy and a new future with Iraq.

Mr. Speaker, how can anyone in this Chamber give this President another blank check for the war in Iraq? This is the same President who rushed us into war under false pretenses. There were no weapons of mass destruction and no ties to al Qaeda. Everything he and his administration have told us has been wrong. Where is the accountability?

For me, this is one compromise too many. It represents one cave-in too many. It asks Congress to roll over and be blind to the consequences of the war for the next 9 months or so.

Five years after the invasion of Iraq, the Bush administration continues the occupation of Iraq with no end in sight. More than 4,500 American soldiers and tens of thousands of Iraqi civilians have been killed, and over 30,000 Americans wounded.

It is long past time for a change in course, and this bill does absolutely nothing to bring that about.

This is George Bush's war, and he should end it while he is still President.

I urge my colleagues in the strongest possible terms to oppose this amendment, amendment No. 1, and demand that this President and his administration begin the safe and orderly withdrawal of our troops from Iraq.

□ 1730

Mr. DREIER. Mr. Speaker, at this time, I'm very happy to yield 3 minutes to my thoughtful and diligent colleague from Irvine, California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Thank you for that kind introduction, my colleague from California (Mr. DREIER).

Mr. Speaker, we learned this week that 8 months into this fiscal year we now have a deficit of $317 billion. If you project that out for the rest of the fiscal year, we are looking at having a deficit of $476 billion. That would be the largest deficit of any year in the history of the country, and today we are making it worse yet again.

I understand that much of the spending, as you've just heard in this bill, are priorities for Members of this House, for citizens—frankly, many of them for this Member, but not every one of the well over $3 trillion that we're spending now in the Federal Government can be a priority that we cannot do without. We are going to have to start, when we add more spending, take some spending out of something else, offset it with reduced spending.

What we're talking about here are priorities. And if we look at what's happening ahead of us, the appropriations bill that we now see for the coming year increases spending by another 7.7 percent, while revenues are essentially flat. And that's $72 billion that would add to this deficit next year. And that doesn't include the entitlement programs, which increase at a dramatic rate every single year and which were actuarially bankrupt.

Where are we headed, Mr. Speaker? Are we headed for a $600 billion, $700 billion deficit? Do we care? Are we going to do anything about it?

Now, there are some on the other side of the aisle who would say, well, we'll raise taxes, and that's how we'll cover it. Well, I'm not even sure you can raise taxes enough. Taking aside the arguments of what that would do to a now struggling economy, what that would do to many people out there struggling either in their business, with the cost of energy, or personally with the cost of energy, but you, frankly, can't raise taxes enough to cover the massive deficits that we're having this year and that look to be getting even greater next year.

So I would say, in conclusion, Mr. Speaker, to both the Democrat and Republican leadership, we need to stop spending without offsetting it by reducing spending somewhere else. And I hope that we'll start that now.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Thank you for yielding.

Thank you to the Rules Committee, and to you, Mr. OBEY, who has been more than a stalwart central figure in this whole effort. And as I'm going to say, there are hundreds of thousands of people who will say to you, thank you, because today the voices of over one million people who have not been heard enough on this floor are finally being listened to with a much-needed extension of unemployment benefits.

Some have written us the most persuasive letters about being unemployed, often for the first time, sending out hundreds of resumes, losing their health care, and having difficulty making ends meet. They have not marched on Washington. They have individually been in their communities looking for work. But if they did form a line, these million plus and those who've exhausted their benefits, by estimation, it would extend from this Capitol to Denver, Colorado.

I asked the State of Michigan to provide me information on individuals who have exhausted their benefits just yesterday, and we have the figures now. They come from the broadest range of occupations—sales, health care, production, management, financial operations. I would suggest that each Member do the same, because once you look at the data, you will have no doubt that we are doing the right thing today.

Today is a victory for more than one million of our citizens and an additional 2.5 million estimated to exhaust their benefits. This is a vital first step, and we will be ready to fight to sustain this program for people who continue to be unemployed through no fault of their own in a truly difficult job market.

Mr. DREIER. Mr. Speaker, at this time, I'm happy to yield 2 minutes to my friend from Monticello, Florida (Mr. BOYD).

Mr. BOYD of Florida. I thank my friend, the ranking member on Rules, for yielding.

It is with very mixed emotions that I come to the floor today to oppose the rule that we are debating at the moment.

As you heard the other speaker say, the underlying substantive legislation is legislation that really needs to be passed by this Congress and signed into law.

You've got a very unpopular war, but as the debate about the policy goes on in Washington, the men and women in the field wearing the uniform need to be provided the funds and the resources they need to carry out that policy until such time as it is changed. And I think many of us feel very strongly about that, so we have to do the war funding piece.

Secondly, you have a significant domestic policy piece, and part of it is the GI Webb Bill, the education benefits package. That needs to be updated, and it's an appropriate thing to do. We are doing it, though, probably in a, if not an unprecedented way, certainly a very unusual way in that we are creating a new mandatory spending program in an emergency supplemental bill. I know that's never been done since I've been here, but nevertheless, it is a piece that needs to be done. I wish it could be debated and funded separately.

We have the unemployment insurance benefits package. Obviously, in today's economy, with a 5.5 percent unemployment rate, is something that I think everybody on this floor supports, and most of us have already voted on it and supported it earlier in the previous week.

As has been stated before, you've got true emergencies in the Midwest with the floods, you've got the Katrina levee piece, which continues to be a problem. And all of these things are items that the government of the richest Nation

in the world ought to be doing, and we ought to be paying for it. But here is the reason I stand here to oppose this rule.

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

Mr. DREIER. Mr. Speaker, I'm happy to yield my friend an additional 30 seconds.

Ms. SLAUGHTER. And, Mr. Speaker, let me add an additional minute to that.

Mr. BOYD of Florida. I thank Madam Chairman, my friend.

I would say that the richest Nation on the face of the Earth, we ought to be willing to find a way to pay for these things which are so important for the continuation of this great democracy that we have, the strongest economy in the world. But what we've chosen to do is to borrow the money, not pay the bill, and send the bill to the generations of the future. And I think that's morally wrong. It's a mistake. It's economically a mistake because our children and grandchildren will live in an economy that's much different than the one that our fathers and grandfathers and grandparents built for us.

So I feel very strongly about this. We're making a serious mistake by not paying for these things. I know we have another body on the other side of the Capitol here that doesn't understand this concept. We have a White House which doesn't understand the concept of pay-for, but this House has stood pretty strong on this issue until today.

This bill is $257 billion, over a quarter of $1 trillion. As my friend from California (Mr. CAMPBELL) said earlier, it adds to the already $319 billion existing deficit that we're running in this fiscal year.

I feel strongly about this. I think it's a mistake. And I think it's one that our children and grandchildren will pay for.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas, a member of the Appropriations Committee, Mr. EDWARDS.

Mr. EDWARDS of Texas. Mr. Speaker, a young President, a veteran of the Greatest Generation, once reminded the world that Americans would pay any price, bear any burden in order to assure the survival and the success of liberty. His, the generation of John F. Kennedy, understood that all Americans had a moral obligation to support those who have paid the greatest price and borne the heaviest burdens of war—our troops, our veterans, and their families. That's why the original GI Bill was passed in 1944. Today, 64 years later, with the strong leadership of Speaker PELOSI and Chairman OBEY, Congress is renewing its moral commitment to those who have served our Nation in uniform.

Amendment No. 2 in this bill includes a 21st century bill of rights, a GI Bill of Rights that will open the doors of our colleges and universities to our troops, our veterans, and their families. We also commit $396 million to improve VA polytrauma centers, which are providing critical care to the most severely wounded troops.

With respect to health care needs of our troops and their families, we fund $863 million in amendment No. 2 to begin a desperately needed modernization of outdated military hospitals. No service man or woman, not one, Mr. Speaker, should ever have to face the degrading conditions our soldiers saw last year at Walter Reed Annex 18.

Amendment No. 2 also respects the unsung heroes in our Nation's defense, our military spouses and children, by providing funding for 20 new military child care centers with a focus on those bases bearing the burden of multiple tours of duty in Iraq and Afghanistan. For our youngest heroes, the 18, 19, and 20-year-olds who have just signed up to serve our country, we provide $75 million, again, improving woefully inadequate training barracks. Those who choose to serve deserve decent housing.

Supporting our troops, our veterans, and their families is what we Americans do, it is who we are. Since our Nation's founding, shared sacrifice during time of war has been a quintessential American value, a promise to keep. I thank Speaker PELOSI and Chairman OBEY for seeing that we keep that promise. It is the right thing to do.

I urge my colleagues to support this rule and to vote ''yes'' on amendment No. 2.

Mr. DREIER. Mr. Speaker, at this time, I am happy to yield 4 minutes to our very thoughtful and hardworking colleague from Columbus, Indiana, an area that has been victimized by the floods and will be assisted in this package that is coming forward, Mr. PENCE.

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

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the rule and in support of most of this bill, and certainly appreciate the spirit with which it has come together.

I certainly strongly support the military funding portion of the Iraq/Afghanistan supplemental appropriations bill. It will speed roughly $165 billion in emergency funds to our men and women serving in Iraq and Afghanistan, and it will do so without imposing artificial timelines and timetables for withdrawal.

Far away from Washington D.C., our brave troops are focused on doing the job we've asked them to do, continuing our progress in Iraq and Afghanistan.

Earlier this week, the headline of the Indianapolis Star, the leading newspaper in my home State, simply read, ''Iraq May Have Reached Turning Point.'' In a national Associated Press story the following words were written, ''Signs are emerging that Iraq has reached a turning point. Violence is down, armed extremists are in disarray, government confidence is rising, and sectarian communities are gearing up for a battle at the polls rather than slaughter in the streets.''

Mr. Speaker, the American people deserve to know that these headlines would not be possible if most Democrats in Congress had had their way, if they had passed any of the measures over the last year and a half that are brought to this floor again and again which would have cut off funding to our troops and facilitated a retreat and defeat from Iraq. And these headlines would not be possible if Republicans in Congress had not stood with our soldiers in the field, stood with our Commander in Chief, supported the new strategy and the new tactics that have brought about what the Associated Press describes as ''a turning point in Iraq.''

And so I strongly support the military supplemental funding in this bill. And I commend the leadership, most especially my colleagues who have stood with our soldiers and our Commander in Chief, for bringing this clean bill to the floor.

Also, Mr. Speaker, I was heartened, as the gentleman from California just alluded, the ranking member, that after weeks of some of the most devastating weather in Indiana history, that this legislation will include $2.65 billion in disaster relief funding to ensure that critical resources are available to respond to the tornados and flooding across the Midwest.

□ 1745

I've spent a great deal of my time with Hoosiers that are hurting. And my heart goes out to families across the Midwest and to those government agencies that are responding with such effectiveness. But I must say that in this emergency military spending bill, when we fund these emergencies, be they at home or abroad, we still need to do so in a fiscally responsible manner.

I've said before and will say again that we must ensure that a catastrophe of nature does not become a catastrophe of debt for our children and grandchildren. I support this funding for true emergencies. But I still believe, as others have said before, that it should be offset by reductions in other government spending.

And let me say emphatically, military emergency funding bills ought to be about military funding and emergencies. Our war funding is emergency military spending. The GI Bill improvements in this bill are meritorious and military. Flooding in the Midwest is an emergency. But I say with respect, what does $178 million for the Bureau of Prisons have to do with military or emergencies? What is $210 million for the Census or $400 million for scientific research doing in an emergency military funding bill?

I support this expansion of the GI Bill. I support funding FEMA during a

time of crisis. And I certainly support our troops.

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

Mr. DREIER. I'm happy to yield my friend 1 additional minute.

Mr. PENCE. I believe, as we go forward with the spending bill, the American people deserve to know where credit is deserved, to those who have stood in this body for a clean war funding bill, stood by our troops, stood by the surge, and they also deserve to know that despite all the promises to the contrary about putting our fiscal house in order that here we are again with a massive amount of increased domestic spending, with nary a thought of how we're going to pay for it, passing the burden along to future generations of Americans.

So I will not let the perfect be the enemy of the good. I will support this bill, because on balance I believe it funds urgent national needs in various respects. But I rise, as others have before, to say that emergency funding bills for the military ought to be about military funding and emergencies. And supporting those aspects of this bill will bring me to the floor and to an ''aye'' vote today.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BRALEY).

(Mr. BRALEY of Iowa asked and was given permission to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, I thank the chairwoman for yielding.

Mr. Speaker, I rise today in support of this rule because of the flood relief provisions included in the supplemental funding bill. I'm pleased that this amendment includes $2.65 billion for flood relief in my State and others. And I urge my colleagues to vote in favor of this rule because of this important funding.

Iowa is currently experiencing record flooding which is having a widespread and unprecedented impact on people, property and agriculture in the State. Governor Culver has issued an emergency proclamation for 83 of Iowa's 99 counties, all experiencing significant damage due to the combination of severe rainfall, tornadoes, high winds and flooding. Fifty-five Iowa counties have been declared Presidential disaster areas. Seventeen citizens have lost their lives, and many more have been injured. Over 38,000 Iowans have been displaced from their homes already, and thousands more have been disrupted because of the closure, through evacuation, of Iowa hospitals, nursing homes, businesses and schools. More than 18 shelters have been in operation in more than a dozen counties. And it is estimated that 20 percent of the State's cropland has been destroyed. And the flooding still continues.

This flooding has impacted everyone in Iowa. And the scope of damages to Iowans' homes, lives and livelihoods is almost beyond description. Some are calling this disaster ''the Katrina of the Midwest.'' If you were to travel around Iowa, you would understand what they are talking about.

This unprecedented destruction needs and deserves a swift and special response from Congress. That's why this $2.65 billion flood relief package is so important. Iowans and people across the Midwest impacted by this flooding need immediate help to restart their businesses, salvage their farms and rebuild their lives after this devastating flood.

When things get tough in Iowa, Iowans come together to help one another. I would look to thank the Appropriations Committee and the House leadership for coming together and working with me and my colleagues from Iowa to provide this urgently needed flood relief funding. This disaster relief funding is a crucial first step on the road to Iowa's full recovery. And I urge all of my colleagues to support it by voting for this rule.

Mr. DREIER. I'm happy to yield 2 minutes to my very good friend from Brooksville, Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise today in support of the emergency supplemental appropriations rule and bill that is currently before the House.

I would like to thank my colleague, Mr. MITCHELL from Arizona, for his very hard work on the veteran and the veterans service organizations like the Veterans of Foreign Wars and the Iraq and Afghanistan Veterans of America for their tireless effort in support of the Post-9/11 Veterans Educational Assistance Act. I am the lead Republican on that portion of the bill. And it will boost educational assistance to our veterans.

The current veterans' education assistance program covers only a portion of the ever-rising costs associated with a college degree. The education benefits for our veterans have not kept pace with today's rising college costs. Congress must act to correct this. And that is exactly what this portion of the bill does.

I also support the bill because it recognizes the tremendous contributions and sacrifices made by members of the National Guard and Reserves. The United States has relied heavily on the efforts of the National Guard in Iraq and Afghanistan. Since September 11, 2001, over 250,000 National Guard personnel have served in Operation Enduring Freedom and Operation Iraqi Freedom.

Currently, members of the National Guard may only receive educational benefits for the longest amount of time that they're activated. The Post-9/11 Veterans Educational Assistance Act included in the supplemental recognizes these deserving men and women by allowing for the accumulation of educational benefits.

Mr. Speaker, I urge my colleagues to support the rule and the emergency supplemental bill containing the veterans' education benefit to provide for a brighter future for all those who have served our country honorably, and also because it does contain the funding necessary for our troops currently fighting the war to protect our freedom.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. I thank the gentlelady from New York. I rise today to thank Chairman OBEY and thank the leadership, Speaker PELOSI, for addressing the question that confronts us in the most strategic way possible. But it is important to note that many of us have opposed consistently a war that continues to go on unbridled and misdirected.

We thank our soldiers. But it's important to note that now some $600 billion has gone to Iraq. We've lost 4,100 soldiers. Instead of having a military surge, we should have a diplomatic surge. We now give $165 million unrestricted to this White House. But I do rise in support of amendment 2 that provides for the GI Bill that acts as a good Samaritan to those who have been unemployed for 13 extra weeks of unemployment, that provides for elimination of six Medicaid provisions that will help restore partially the health care that Americans need. But I believe we should have had provisions in this particular appropriation that would indicate that the dollars should be used to redeploy our troops, thank them and grant them the success that they have had because they are successful.

But we need to bring our troops home. And we need to indicate that the authority for military force has expired. The GI Bill is a ''thank you'' to our soldiers. Let's bring them home safely. And let's provide the investment that it needs. I am grateful that we had the disaster relief for all of those suffering in the Midwest, but that we've not forgotten the Katrina victims and survivors that now are still homeless. It is important, as we move forward, to begin to look at domestic funding.

This is a first start. But we need to have legislation that acknowledges the honor of those who have fallen, declare a military success and allow Iraq to invest. And I am grateful for the two amendments that require Iraq to invest in its own domestic development. This is the time to redeploy our troops.

Mr. Speaker, I rise today in strong opposition to Amendment #1, and in strong support of Amendment #2 of the bill H.R. 2642, Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes. While I am supportive of the portions that contain provisions beneficial to the American people designed to improve our economy and protect

our young men and women, I remain adamantly opposed to this legislation because it continues a disastrous policy of providing unrestricted funding to continue the Bush Administration's war in Iraq.

AMENDMENT #1—IRAQ WAR FUNDING

Mr. Speaker, I oppose Amendment #1 because I stand with the American taxpayers, who have paid over $600 billion to finance the misadventure in Iraq. I stand with the 4100 fallen heroes who stand even taller in death because they gave the last full measure of devotion to their country. In May, I was proud to vote against amendment #1 to the previous version of the supplemental spending bill that would have provided funds for our troops in Iraq and Afghanistan, which included a timetable for the redeployment of U.S. troops. I was extremely pleased that the House did not pass this legislation.

Mr. Speaker, I must oppose this legislation as it provides a total of $165.4 billion for the Department of Defense for FY 2008 and FY 2009, funds that are handed over without any strings. This legislation does not withhold funding for the Iraq war, a war that so many of my colleagues in Congress oppose, and which only 32 percent of Americans now support. The bill we are considering today does not require that war funds can only be used for the responsible redeployment of American troop's home from Iraq. Instead, it hands the President nearly $163 billion of virtually unrestricted funding, allowing him to continue a war that the American people do not support.

Mr. Speaker, I voted against the 2002 Iraq War Resolution. I am proud of that vote. I have consistently voted against the Administration's practice of submitting a request for war funding through an emergency supplemental rather than the regular appropriations process which would subject the funding request to more rigorous scrutiny and require it to be balanced against other pressing national priorities. I cannot support legislation that provides the President with the resources to prolong his ill-advised war effort unrestrained. As a Member of both the Out of Iraq and the Progressive Caucuses, I am proud to vote for legislation that, like other measures passed by this Congress, begins the process of withdrawing U.S. men and women from Iraq.

The congressional authorization providing for the use of military force in Iraq has expired. The 2002 Resolution authorized the President to:

(1) Defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

Specifically, the resolution called for the disarming of any weapons of mass destruction in Iraq, removal of the rogue Iraqi regime, the capture of any al-Qaeda operatives in Iraq, as well as the promotion of democracy in Iraq. All of these objectives have been met.

Mr. Speaker, our troops have achieved extraordinary military success in Iraq, toppling the regime of Saddam Hussein in only 21 days, assuring the world that Iraq does not possess weapons of mass destruction, assisting the Iraqis in holding free elections, and setting the nation on a path toward democracy. However, while our troops have achieved the objectives for which they were sent to Iraq, they are now caught in the midst of a sectarian conflict. Unfortunately, there is no military solution to Iraq's ongoing political and sectarian conflicts. This is a war without end. Though President Bush continues to rely on a strategy that seeks to stabilize and reconcile Iraq by force, only the Iraqi government can secure a lasting peace. Thus far, the Iraqi government has demonstrated an inability or an unwillingness to deliver on the political benchmarks that they themselves agreed were essential to achieving national reconciliation, which was the rationale and stated objective of the surge.

AMENDMENT #2—IRAQ POLICY PROVISIONS

Mr. Speaker, I am pleased that Amendment #2 contains two important Iraq policy provisions. This amendment requires that funds spent by the State Department and USAID for Iraqi reconstruction be matched, dollar-for-dollar, by the Iraqi government. In addition, this legislation prohibits military construction funds from being used to establish permanent bases in Iraq.

Like many of my colleagues, I am also concerned that the United States has paid and continues to pay a disproportionate amount for Iraq reconstruction, especially when the Iraqi government reportedly has a $25–30 billion budget surplus this year. I am pleased that this legislation calls on the Iraqi government to share equally in the cost of rebuilding the country. To date the United States has appropriated more than $45 billion for Iraq reconstruction. American-funded reconstruction programs have included the training and equipping of Iraqi security forces.

Iraq is a resource-rich nation. Though still facing problems including a lack of technology, damage from previous mismanagement, the effects of looting, and water intrusion, Iraqi oil production is currently at around 2 million barrels per day. The price of oil has skyrocketed to over $100 a barrel and Iraqi oil exports are generating an estimated $56.4 billion this year alone, according to the GAO, yet it is U.S. taxpayers who continue to foot the bill for Iraqi reconstruction. The government of Iraq is stashing its money in global banks, including a reported $30 billion in the United States, instead of investing this money in the development of crucial Iraqi infrastructure.

I am also extremely concerned about the direction of U.S. policy in Iraq, and the future of U.S. commitments. I am also very worried about the Administration's apparent desire to circumvent congressional approval and oversight in the process of negotiating a long-term agreement with the Iraqi government, as well as the still-open question of the establishment of permanent U.S. bases in Iraq, to which I am strongly opposed. Today's legislation, crucially, continues a prohibition on permanent American military bases in Iraq.

EXPANDED GI BILL

Mr. Speaker, Amendment #2 of this legislation provides funding for much needed domestic programs and foreign aid. By extending unemployment benefits, expanding veterans' education benefits, and placing a moratorium on the Bush Administrations' six Medicaid regulations, this legislation gets us closer to where the Economic Stimulus package should have taken us. I am particularly pleased that this legislation expands the educations benefits that veterans receive under the GI, providing $50 billion over the next 10 years for veterans' college funding. This legislation restores the promise of a full, four-year college education, and will entitle veterans who enlisted after the Sept. 11 attacks and served three years or more to what amounts to four years of college education at a state university. By passing these provisions, we are making the veterans of the wars in Iraq and Afghanistan an integral part of an American economy recovery, much in the same way World War II veterans were incorporated under the original GI bill. I would like to see us go even farther to make an affordable college education a possibility for all those brave men and women who selflessly served our nation in Iraq and Afghanistan. Today's legislation does allow service members to transfer educational benefits to their spouses and dependents.

EXTENSION OF UNEMPLOYMENT

In addition, Mr. Speaker, this legislation includes a 13-week extension of jobless benefits for long-term unemployed. The number of Americans looking for work has grown by 800,000 over the last year, and the number of American jobs has declined by 260,000 since the beginning of 2008. The extension of unemployment benefits will provide a crucial safety net to American workers who are feeling the strain of the sagging economy.

EMERGENCY FUNDING FOR THE MIDWEST

This legislation also includes $2.65 billion in much-needed aid for the storm-ravaged American Midwest. Violent storms, bringing tornados and flooding, have been blamed for at least 24 deaths since late May. With damage still not fully assessed, what has been called the worst flooding in the Midwest in 15 years has ruined an estimated 5 million acres of farmland. According to the Army Corps of Engineers, 23 levees along the Mississippi have failed this week alone, and 48 more, which protect over 285,000 acres of cropland, are either overflowing or at high flood risk. Today's legislation provides critical resources to respond to these disasters, which are affecting millions of Americans.

MEDICAID

In addition, this legislation also delays most of the destructive Medicaid cuts proposed by this President. The Bush Administration sought to cut services and payments to American families by adding seven different Medicaid regulations to the stimulus. This legislation places a much needed moratorium on six of these regulations, giving back to our seniors, families, and those with disabilities as well as cut payments to safety net providers.

Because I believe that fixing our health care system is one of the most important issues we currently face, I recently introduced the ''Medicare Efficiency and Development of Improvement of Care and Services Act of 2008'' (MEDICS Act), which provides a solution to the Medicare reimbursement problem as well as grows beneficiary access.

My bill increases the number of primary care physicians. It specifically requires that within one year of enactment, the Secretary of Health and Human Services, in coordination with the Association of American Medical Colleges shall submit to Congress an effective plan to increase the number of primary care physicians particularly those practicing in counties, cities, or towns ''underserved'' or with a disproportionate number of Medicare-eligible and/or Medicare recipients. In addition, my legislation forces an examination of the disparities in our health system, particularly those based on race, ethnicity, and gender,

and begins the process of eliminating these discrepancies, and making health care an affordable reality for all Americans.

FOOD AID AND DISASTER ASSISTANCE

I am also pleased that this legislation provides increased funding for international affairs. This includes $1.865 billion for food aid and disaster assistance, which is $745 million above the President's request. This sum includes $500 million above the President's request for PL480 Food Assistance and $245 million above his request for development assistance and disaster assistance programs meant to alleviate world hunger.

This additional funding comes at a crucial time. As my colleagues are aware, we are facing an international food crisis. According to the International Monetary Fund, IMF, global food prices have increased an average of 43 percent. In fact since March 2007, wheat has increased by 146 percent, soybean has increased by 71 percent, corn by 41 percent, and rice prices have increased by 29 percent, according to the U.S. Department of Agriculture.

Sadly, approximately 1 billion people—or one-sixth of the world's population—subsist on less than $1 per day. Of this population, 162 million survive on less than $0.50 per day. Overall, increased food prices particularly affect developing countries, and the poorest people within those countries, where populations spend a larger proportional share of income on basic food commodities. It is simply unacceptable in this day and age that so many children are going hungry. We have millions of dollars to bailout Bear Stearns, let's find that same money to help our families and our children.

REFUGEE ASSISTANCE

I am also extremely supportive of the provisions in this legislation that increase funding for refugee assistance. This legislation provides $696 million, a total $475 million above the President's request, to address the ongoing refugee crises in Iraq and elsewhere. This funding comes in the midst of a worldwide surge in the number of refugees, with Iraq and Darfur facing particularly severe crises. Having recently spent time on the ground with refugees living in camps in Darfur and Chad, I am pleased that the figures in this legislation represent the reality of the global refugee situation, and will make important strides toward meeting the needs of the growing number of people displaced by conflict, poverty, disaster, or other extreme circumstances, particularly those in Darfur and in Iraq.

Mr. Speaker, I am proud to support amendment #2 to this legislation because it contains vital provisions that will directly benefit the American people. I must oppose amendment #1 because I refuse to support the continuation of a disastrous policy of providing unrestricted funding to continue the Bush administration's war in Iraq. It is pure fantasy to imagine that President Bush's military surge has created the necessary safety and security to meet economic, legislative, and security benchmarks. It is time for a new strategy, a new plan that will encourage Iraqis to take charge of their own destiny, seek constructive and sustained regional engagement, and substitute the ill-advised military surge for a thoughtful diplomatic one. It is time to be realistic and pragmatic, to recognize that our troops achieved what they were initially sent in for and that continued U.S. military engagement is not bringing about the desired results.

Mr. DREIER. At this time, I am very happy to yield to one of our top experts on Veterans Affairs, the distinguished ranking member of the Appropriations subcommittee that deals with this issue, my friend from Chattanooga (Mr. WAMP).

Mr. WAMP. I thank the gentleman.

I just want to say as I begin that the gentlelady from Texas said that this money goes to the White House. Thankfully, this money goes to the men and women in the uniform of our Armed Forces who volunteered to stand between a threat and our civilian population.

And I want to commend everyone in the House for bringing us to this moment, because the traditions of this great country and this Congress are to meet at the water's edge at a time of war. And we have learned the lessons of history. And we know that it's important to fund the men and women who are in harm's way with the resources they need.

The particular piece that the gentleman from Texas (Mr. EDWARDS) and I have worked together on are the issues of quality of life. And let me tell you that this supplemental appropriations bill meets those quality of life needs on military housing, the child development centers for the families that are so critical, the medical treatment at places like Walter Reed that we have read and heard so much about and polytrauma rehabilitation centers.

We know that asymmetrical warfare has caused critical problems that must be addressed. People ask me and Mr. EDWARDS often, are we doing what's right for our men and women in uniform? This bill helps us to do that in a significant way and meet the needs of our veteran population. It meets the needs of barracks that we know and have heard about. And it fully funds what we need to on the Base Realignment and Closure Commission so they can meet their schedule which we were not meeting. This is so important.

And then this issue of GI benefits for education. Of course the men and women in Iraq and Afghanistan deserve this benefit. For weeks we've all been writing about how this is so appropriate. And today we come together. So I applaud everyone, most of all those volunteers in our military, who have agreed to answer our country's call and stand in harm's way. My nephew, who just got back from Iraq, and my other nephew who is a marine on his way to Afghanistan, and all of the other brave Americans, we're answering their call today. They answered our call.

We meet together to do what is right for our country thanks to the leadership in the majority and the minority for finally coming together and doing what is right. This is a good bill. Let's move it forward. And let's honor our commitment to our men and women in uniform.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I regret that I'm going to have to oppose this bill. And let's look at the numbers: $161.8 billion for the war it keeps going, a war that we all know now was based on untruths. It keeps going a war that has cost the lives of over 4,000 of our brave men and women, tens of thousands of injuries to our troops and over 1 million innocent Iraqis killed as a result of the war. The costs of the war will run to $3 trillion. And here instead of keeping a commitment that we made back in 2006 to end the war, we're continuing it into the term of the next President, and $161.8 billion of this bill will go for the war.

That's actually, of the total bill, 86 percent is going to go for the war, $24.7 billion in domestic spending. How much of this is going for unemployment? Well, $12.5 billion or about half of it over a period of 2 years. How much is going to the veterans? Less than $1 billion over 2 years. So we're using the veterans here and unemployed persons to put forth a war bill that is going to cost $161.8 billion.

We have to establish what our priorities should be in this country. Yes. Getting people back to work should be a priority. Imagine if we put $100 billion into that. Yes. Giving veterans better benefits ought to be a priority. Imagine if we put $100 billion into that. But no. We're putting $161 billion into a war that we know is based on untruths.

It's time that Congress take back its real authority here. And its real authority under article 1, section 8 is to declare war. This administration led us into a war based on lies. It is time for us to regain our ability to create an effective checks and balances, to reclaim our position as a coequal branch of government. You do not do that by continuing to fund this war. You do it by funding education, health care and job creation. That's what the people in Cleveland, Ohio, want. That is what people want all over this country. I'm voting against this.

□ 1800

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 3 minutes to a hardworking member of the Committee on Appropriations, my friend from Ames, Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman from California for the time, and I rise today in strong support of both the rule and the bill itself, this emergency supplemental.

I want to take this time to speak briefly about the devastating flood situation in our Midwestern States, and particularly in my home State of Iowa.

I also want to thank Chairman OBEY very much and Mr. LEWIS from California for their efforts in producing the $2.65 billion of disaster relief in this package that is part of the supplemental agreement. I think the six funding components of the package will be of significant help to the residents of Iowa and other Midwestern States as they continue to cope with this disaster. I hope that we can continue to work together through the process to provide this needed assistance.

This past Monday, after several days of touring affected areas in and near my district in Iowa, I talked with the committee about the devastation in Iowa and what I thought we would need initially to help us get through this.

It is difficult to fully grasp the magnitude of the devastation and loss unless you see it firsthand. City blocks, town squares, neighborhoods, businesses and homes are underwater. The damage and the extent of the flooding will exceed that of 1993. Illustrating the magnitude of these floods is the fact that Iowa Governor Chet Culver has issued an emergency proclamation for 83 of Iowa's 99 counties, all of which have experienced significant damage. Forty-two of the 83 designated counties have thus far been declared presidential disaster areas, and the flooding has not yet stopped.

This great flood of 2008 has displaced nearly 40,000 Iowans from their homes, and countless others have been displaced from hospitals and nursing homes. The damage in Iowa and to her people is staggering and will not be fully known for some time yet. In the agricultural sector, there are projections of losses in the range of $2 billion to $2.7 billion by themselves. When combined with the damage and losses of homes, businesses, hospitals, community facilities, roads, bridges and levees, the impact obviously will be staggering. Every sector of Iowa's economy has been touched, and the range of damage is endless.

I look forward to continuing to work with the members of the Appropriations Committee and others in the House in a bipartisan effort. We must pledge to continue to produce needed resources in a timely manner to help facilitate a quick recovery for Iowa and other Midwestern States.

I thank the committee and its leadership again, Chairman OBEY and Ranking Member LEWIS, for their help.

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

Mr. DREIER. I am happy to yield my friend an additional 30 seconds.

Mr. LATHAM. The committee and its leadership and this institution have a long history of working together to find consensus solutions for the tragedies that befall Americans. The people of Iowa and the Midwest are watching us and waiting for a helping hand to recover from this horrific tragedy. I sincerely appreciate the great help that the House of Representatives is giving the State and throughout the Midwest, and look forward to working on an ongoing basis to make this happen.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first let me thank Chairman OBEY, Speaker PELOSI and Chairwoman SLAUGHTER for their countless hours and their leadership on this very difficult task.

I am opposed to giving this President over $160 billion with no strings attached to continue the disastrous war and occupation in Iraq. This is the biggest blank check ever. Ever.

The war and occupation in Iraq has put our country and economy in a hole, and when you are in a hole, you have got to stop digging in deeper and climb your way out. You don't dig yourself deeper in. Today that means funding the safe and responsible redeployment of our American troops and contractors out of Iraq.

The Lee amendment that I offered would have accomplished that. There is no way, no way, I will vote to continue funding any combat operations in Iraq. This funding needs to end. What the Lee amendment proposed was not to cut off funding for our troops, but to provide for their safe and responsible redeployment out of Iraq.

Although the supplemental retains one restriction that I have long championed, the prohibition against the establishment of permanent military bases in Iraq, it does not include the other indispensable condition, prohibiting the President from unilaterally binding the United States to an agreement with the government of Iraq that includes security assistance for mutual defenses without coming to Congress.

While I supported the amendment providing modest funding for urgent domestic priorities and for our GI educational benefits, I hope to see more of our economic needs addressed in a more fully and more comprehensive economic stimulus funding package.

The sad fact is that over the last 5 years, this administration has spent nearly half a trillion dollars on the Iraq war and occupation, and we have now a destabilized Iraq. We have tarnished our national image, and we have diverted national attention and resources from the real urgent challenges facing the American people.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 30 additional seconds to the gentlewoman.

Ms. LEE. Let me just remind you that nearly 5,000 American troops and countless Iraqi civilians have died, more than 30,000 Americans are wounded, and more than 4 million Iraqis are displaced.

As the proud daughter of a career military officer, my dad died last September, and, let me tell you, he wanted us out of Iraq, I salute and I honor our troops. I believe the best way to support and honor our troops is by bringing them home, and we should provide funds to bring them home, to provide for their economic security, their health and their mental health needs when they come home.

Mr. DREIER. Mr. Speaker, at this juncture I would like to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I would like to talk to you for a second about Specialist Sean Walsh. Sean served for two tours of duty in Iraq in the 933rd Military Police Company in the 16th Airborne Brigade of the United States Army. He protected main supply routes. He and his unit were inundated with sniper fire and IEDs.

Today, Sean Walsh is a plumber in the City of Chicago. He wants to go to college. Sean cannot afford to go to college. His dream is to become an engineer.

This GI Bill, this GI Bill is for Sean Walsh and his unit, so Sean Walsh can do for Sean Walsh what Sean Walsh did for Iraq. He gave them a chance. He gave them a chance to build a better country. That is what we said when we sent Sean there. And now it is time America invests in Sean Walsh. We have spent $50 billion of U.S. taxpayer money rebuilding roads and bridges and streets and schools in Iraq, and this is about $50 billion to rebuild Sean Walsh and his unit.

The American people are the most generous people in the world, but they will not continue to be generous if you foreclose their future. I think this is what we owe Sean Walsh, because we asked him to do something, not once, but twice.

Sean wants to be an engineer, and I am for Sean being an engineer. I want to make sure Sean can get to college, and this is going to invest in his future. He earned it the old-fashioned way; he gave something for his country. And when America was asked to help rebuild Iraq, we did it. It is time we do that for Sean.

In addition, one of the things I am most proud about in this legislation is that from now on, in all the rebuilding of Iraq, the Iraqis must put in 50 percent of the dollars.

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

Ms. SLAUGHTER. I yield the gentleman an additional 30 seconds.

Mr. EMANUEL. In addition, this legislation requires that for all future rebuilding of Iraq, the Iraqis must put in 50 percent of the dollars. For too long we have asked the American people to foot the bill for Iraq's future. Finally we have turned the page and require the Iraqis to stand up for Iraq. This is the first step in that process.

So for Sean Walsh and for the future of this country, at the height of the GI Bill we were once spending 2 percent of our GDP on our GI Bill, this is the first real investment in America for our kids.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds, and I do so to simply congratulate my friend on his very thoughtful statement. The fact that we have been able to come together in a bipartisan way to ensure that the Sean Walshes and the other men and women in uniform who have sacrificed for this country are going to have what they are due is, I believe, a great testament to what we are doing in this House.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and my colleague, the chairperson of the Rules Committee, for yielding.

Mr. Speaker, I stand before you today with a very heavy heart. Today this Congress will vote to spend $165 billion more on war. War is bloody. War is messy. It tends not just to hide the truth, but to sacrifice the truth. It destroys the hopes, the dreams and the aspirations of a people.

When the citizens of this Nation are begging for aid, struggling to make ends meet, it doesn't make sense to spend our precious resources on an unnecessary war. Sometime, somehow, some way, somebody must say enough is enough.

The rest of you may do what you may, but, as for me and my house, I will not vote for another dollar, another dime, another nickel, another penny, for this war. I will vote ''no'' on funding for war.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it was February 5, 2007, February 5, 2007, exactly 500 days ago, that President Bush made a request for supplemental funding for our men and women in uniform to ensure that they have the resources necessary to successfully prosecute this war. That is what we are here doing this evening now.

We are here because we have actually seen, based on reports that have come from some of the harshest critics of this war, that we are making progress. All one needs to do is look at the Washington Post the day before yesterday, the Associated Press story that has been referred to by a number of my colleagues. Time and time again we hear of the success that is being made in our effort to ensure that we are able to continue to enjoy our freedoms and that we have a world that has a greater degree of stability. Only the United States of America, only the United States of America, is in a position to do this.

□ 1815

Sacrifice has been made. Time and time again our colleagues have talked about the number of lives that have been lost.

As I listened to my friend from Chicago (Mr. EMANUEL), he was referring to one of his constituents, I was immediately reminded of one of my constituents whom I refer to on a pretty regular basis here.

It was in the battle of Fallujah in November of 2004 that J.P. Blecksmith tragically was killed. His father, who was a former Marine from San Marino, California, has, on repeated occasions, to me said if we don't complete our mission, my son, J.P., will have died in vain.

War is an ugly thing, but it's not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks nothing worth a war is worse. Those were the words of a very, very famous writer who wrote them following the Civil War. We are in the midst of a painful struggle.

But on this issue, I am very happy that we have been able to come together in a bipartisan way to deal with this. I congratulate my colleagues, Messrs. OBEY and LEWIS, for working together on this, and Mr. BOEHNER, who has provided great leadership in this effort.

We need to ensure that our men and women in uniform not only have everything that they need to successfully prosecute this war, but we also need to make sure that they have the tools necessary as they come back into our society. We have for years seen great warriors come back to the United States of America and work to make their country an even better place, and I believe that the provisions that we provide in here with these GI benefits will go a long way towards doing that.

The American people are hurting. We saw, as has been repeatedly said, the largest increase in 22 years in the unemployment rate, going up a half a percent. That's why, again, we have come in a bipartisan way to ensure that those who are truly in need, those who through no fault of their own, have lost their jobs, are able to see an extension in their unemployment benefits.

Again, I think that what we are going to be doing here in the next few minutes is we are going to be casting a bipartisan vote which will be done in the spirit of what the American people want us to do, and that is to get things done, deal with very, very important issues and problems that we face.

I urge my colleagues to support this rule and to support the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise in opposition not to the rule but to this bill.

Mr. Speaker, today will go down in history as a failed opportunity. For $165 billion we could begin funding a safe and responsible redeployment of our troops and military contractors from Iraq. Instead, we are giving the President a blank check . . . actually, more than he asked for.

Our Nation—whether through blood or treasure—cannot afford to continue this endless occupation of Iraq.

This bill will appropriate $165.4 billion for the Department of Defense. That could be a down payment on real change for Iraq—for reconciliation, reconstruction, and refugee resettlement.

We have spent half a trillion dollars . . . and we have lost 4,101 troops and over 30,000 have been injured or maimed. Four million Iraqis have been displaced and unknown thousands have been killed.

The cost is unsustainable and we must put an immediate stop to this madness.

We must not cave to the demands of the White House. I urge my colleagues to vote against funding for the occupation.

Ms. SLAUGHTER. Mr. Speaker, I just want to make one brief remark and that is in answer to what my dear friend and colleague Mr. DREIER said about only the United States of America could afford this war. I'm not sure what kind of bookkeeping allows him to say that. Obviously the fact we are in such extraordinary debt, as one speaker on your side already pointed out today, this is an unprecedented debt. In the history of the Republic we have never been so far in debt and to say that we can afford to continue to do this, not just in money, not just in treasure, but what we are losing in lives and young people whose lives will never be the same because of the life-threatening wounds that they are bringing home.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I will say that I never said anything about ''affording.'' I said that only the United States of America can do this job of ensuring this struggle for freedom around the world.

Ms. SLAUGHTER. If I may reclaim my time, I think doing this job probably says we can give enough soldiers to die or to be maimed and that we have the money to pay for it. At least that would be my interpretation of what you had said.

I urge my colleagues to vote for the rule and for this bill and I hope a ''no'' vote when we get to final passage on amendment 1.

Mr. KAGEN. Mr. Speaker, Enough is enough.

I will always support our troops; but not President Bush's losing policies.

We've done our job in Iraq. Our brave soldiers took out Saddam, and Iraq has held several free elections.

They now have a budget surplus, while we suffer with a budget busting deficit. It is time to move our troops away from Iraq, and back after our real enemies—Osama bin Laden and his followers.

With three trillion dollars down the drain, President Bush's never ending occupation of Iraq will soon be known as the greatest theft in human history, driving the United States of America into bankruptcy.

We must put an end to the losing policy of wasteful government spending in Iraq, and invest our hard earned tax dollars right here at home, as we work together to build a better nation for all of us.

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

The previous question was ordered.

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

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

Mr. BOYD 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, this 15-minute vote on adoption of House Resolution 1284 will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 1230.

The vote was taken by electronic device, and there were—yeas 342, nays 83, not voting 9, as follows:

[Roll No. 429]

YEAS—342

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachus
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Childers
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Marchant
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Speier
Spratt
Stearns
Stupak
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
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)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—83

Baca
Bachmann
Baird
Barrett (SC)
Bean
Boren
Boyd (FL)
Boyda (KS)
Broun (GA)
Burton (IN)
Buyer
Campbell (CA)
Carney
Chandler
Clarke
Clay
Coble
Conaway
Cooper
Costa
Cuellar
Culberson
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Doggett
Donnelly
Duncan
Ellsworth
Filner
Flake
Franks (AZ)
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Goode
Harman
Hensarling
Herseth Sandlin
Hill
Holt
Inglis (SC)
King (IA)
Kingston
Kucinich
Lamborn
Linder
Mahoney (FL)
Marshall
Matheson
McHenry
McIntyre
Michaud
Miller (FL)
Miller, Gary
Moore (KS)
Moran (KS)
Neugebauer
Paul
Pence
Peterson (MN)
Petri
Pitts
Poe
Price (GA)
Rohrabacher
Ross
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Scott (GA)
Sensenbrenner
Shadegg
Shuler
Space
Sullivan
Tanner
Weller
Westmoreland
Wilson (OH)

NOT VOTING—9

Cannon
Gilchrest
Hulshof
McCrery
Rush
Saxton
Skelton
Stark
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1844

Messrs. GARY G. MILLER of California, MORAN of Kansas, LINDER, GINGREY, McINTYRE, PENCE, Mrs. BOYDA of Kansas, Messrs. WILSON of Ohio, LAMBORN, and Ms. CLARKE changed their vote from ''yea'' to ''nay.''

Mr. BACHUS changed his vote from ''nay'' to ''yea.''

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.

CONDEMNING POSTELECTION VIOLENCE IN ZIMBABWE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1230, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 1230, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 1, not voting 21, as follows:

[Roll No. 430]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
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)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra

Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee
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
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
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)

NAYS—1

Paul

NOT VOTING—21

Boyd (FL)
Cannon
Coble
Cooper
Cramer
Diaz-Balart, L.
Diaz-Balart, M.
Gilchrest
Hulshof
Keller
LaHood
Larsen (WA)
McCrery
Price (GA)
Pryce (OH)
Rush
Stark
Sullivan
Tiahrt
Turner
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1852

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5781, FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5781, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

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

There was no objection.

SUPPLEMENTAL APPROPRIATIONS ACT, 2008

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 1284, I call up from the Speaker's table the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendments to the House amendments to the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments to the House amendments to the Senate amendment.

The text of the Senate amendments to the House amendments to the Senate amendment is as follows:

Senate amendments to House amendments to Senate amendment:

In lieu of the language proposed to be inserted, insert the following:

TITLE IX

DEFENSE MATTERS

CHAPTER 1

DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $12,216,715,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $894,185,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,826,688,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,355,544,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $17,223,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $2,977,864,000: Provided, That up to $112,607,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,972,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,657,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: Provided further, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: Provided, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $5,463,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $16,337,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $1,399,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $2,197,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $7,103,923,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $66,943,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $825,000,000, to remain available for obligation until September 30, 2010: Provided, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $399,817,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $816,598,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,413,864,000, of which $957,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement, to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: Provided, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the ''Defense Health Program'' for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 9101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 9102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or

otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 9104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 9105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 9106. Of the amount appropriated by this chapter under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): Provided, That such support shall be in addition to support provided under any other provision of the law.

SEC. 9107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: Provided, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading ''Other Procurement, Navy'' may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: Provided further, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

''(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.''.

SEC. 9109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: Provided, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $37,300,000,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $3,500,000,000: Provided, That up to $112,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: Provided further, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this

Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $84,000,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $2,000,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 9201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 9202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 9204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraq battalions that are—

(i) capable of conducting counterinsurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 9205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund''.

SEC. 9206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the ''Mine Resistant Ambush Protected Vehicle Fund'', to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 9209. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 9301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 9302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 9303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 9305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking ''$362,159,000'' and inserting ''$435,259,000''.

SEC. 9307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 9308. (a) Of the funds made available for ''Defense Health Program'' in Public Law 110–28, $75,000,000 are rescinded.

(b) Of the funds made available for ''Joint Improvised Explosive Device Defeat Fund'' in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

SEC. 9309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the ''Iraq Freedom Fund'', $150,000,000 is only for the Joint Rapid Acquisition Cell, and $10,000,000 is only for the transportation of fallen service members.

SEC. 9310. None of the funds available to the Department of Defense may be obligated or expended to implement any final action on joint basing initiatives required under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

SEC. 9311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

In lieu of the language proposed to be inserted, insert the following:

TITLE I

OTHER SECURITY, MILITARY CONSTRUCTION, AND INTERNATIONAL MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $850,000,000, to remain available until expended.

For an additional amount for ''Public Law 480 Title II Grants'', $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $164,965,000, to remain available until September 30, 2009.

For an additional amount for ''Salaries and Expenses'', $82,600,000 to become available on October 1, 2008 and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $22,666,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $9,100,000, to remain available until September 30, 2009.

CHAPTER 3

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,170,200,000: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds made available under this heading, $1,033,000,000 shall remain available until September 30, 2009, and $137,200,000 shall remain available until September 30, 2012: Provided further, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $300,084,000: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds made available under this heading, $270,785,000 shall remain available until September 30, 2009, and $29,299,000 shall remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $361,900,000: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds made available under this heading, $324,300,000 shall remain available until September 30, 2009, and $37,600,000 shall remain available until September 30, 2012: Provided further, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $27,600,000, to remain available until September 30, 2009: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing Construction, Navy and Marine Corps'', $11,766,000, to remain available until September 30, 2012: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,202,886,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $20,000,000, to remain available until expended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', $437,100,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: Provided further, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $70,600,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Army: Provided, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1302. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Navy and Marine Corps'', there is hereby appropriated an additional $89,820,000, to remain available until September 30, 2012, for the acceleration and completion of child development and youth center construction as proposed in the fiscal year 2009 budget request for the Department of the Navy: Provided, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1303. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Air Force'', there is hereby appropriated an additional $8,100,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Air Force: Provided, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1304. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of the Army installations: Provided, That such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: Provided

further, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1305. COLLECTION OF CERTAIN INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES AND VETERANS WHO DIE OF INJURY INCURRED OR AGGRAVATED IN SERVICE IN THE LINE OF DUTY IN A COMBAT ZONE. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

"§5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

''(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

''(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

''(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5302 the following new item:

''5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.''.

(b) EQUITABLE REFUND.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001.

(d) SHORT TITLE.—This section may be cited as the ''Combat Veterans Debt Elimination Act of 2008''.

CHAPTER 4

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $1,413,700,000, to remain available until September 30, 2009, of which $212,400,000 for worldwide security protection is available until expended: Provided, That not more than $1,095,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: Provided further, That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State: Provided further, That of the funds appropriated under this heading, up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet: Provided further, That the Department of State shall not consent to the opening of a consular post in the United States by the People's Republic of China until such time as a United States Consulate in Lhasa, Tibet is established.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $12,500,000, to remain available until September 30, 2009: Provided, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and up to $5,000,000 may be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', $10,000,000, to remain available until September 30, 2009, of which $5,000,000 shall be for programs and activities in Africa, and $5,000,000 shall be for programs and activities in the Western Hemisphere.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $383,600,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $3,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $240,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $149,500,000, to remain available until September 30, 2009: Provided, That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,962,500,000, to remain available until September 30, 2009, of which not more than $398,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: Provided, That not more than $200,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank: Provided further, That funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $520,000,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank: Provided, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $330,500,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $36,608,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $10,000,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $10,000,000, to remain available until September 30, 2009.

SUBCHAPTER B—BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $652,400,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: Provided, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until

expended: Provided further, That not more than $500,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: Provided, That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $6,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for ''Development Assistance'', $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: Provided, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: Provided further, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: Provided further, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,132,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $110,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $151,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $50,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $145,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan: Provided, That section 3802(c) of title III, chapter 8 of Public of Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Year 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) ANTI-CORRUPTION.—None of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State certifies and reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) PROVINCIAL RECONSTRUCTION TEAMS.—None of the funds appropriated by this chapter for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq.

(d) COMMUNITY STABILIZATION PROGRAM.—None of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International Development is implementing recommendations contained in Office of Inspector General Audit Report No. E–267–08–001–P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—

(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Subsection (e)(1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008 and 180 days thereafter, detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The

Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(f) VETTING.—Prior to the initial obligation of funds appropriated for assistance for Iraq in this chapter, the Secretary of State shall, in consultation with the heads of other Federal departments and agencies, take appropriate steps to ensure that such funds are not provided to or through any individual, private entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

(g) IRAQ RELIEF AND RECONSTRUCTION FUND.—

(1) Notwithstanding any other provision of law, the expired balances of funds appropriated or otherwise made available under the heading ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs shall be rescinded.

(2) None of the funds made available under the heading ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be reprogrammed for any purpose other than that previously notified to the Committees on Appropriations prior to April 30, 2008, and none of such funds may be made available to initiate any new projects or activities.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the balances of obligated funds referenced in subsection (g)(1), and estimates of the amount of funds required to close out ongoing projects or for outstanding claims.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program, and not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1404. (a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)), for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which it is issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1405. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated in subchapter A under the heading ''International Narcotics Control and Law Enforcement'', not more than $350,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: Provided, That none of the funds made available under this section shall be made available for budget support or as cash payments: Provided further, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the Mexican military and police forces that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for Mexico under the heading ''International Narcotics Control and Law Enforcement'' may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that:

(1) The Government of Mexico is—

(A) strengthening the legal authority and independence of the National Human Rights Commission;

(B) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(C) establishing an independent mechanism, with representation from civil society, to monitor programs to combat drug trafficking and related violence and organized crime, judicial reform, anti-corruption, and rule of law activities to ensure due process and the protection of freedoms of expression, association, and assembly, and rights of privacy, in accordance with Mexican and international law;

(D) is enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment in violation of Mexican and international law;

(E) is ensuring that the Mexican military justice system is transferring all cases involving allegations of human rights violations by military personnel to civilian prosecutors and judicial authorities, and that the armed forces are fully cooperating with civilian prosecutors and judicial authorities in prosecuting and punishing in civilian courts members of the armed forces who have been credibly alleged to have committed such violations; and

(F) is ensuring that federal and state police forces are fully cooperating with prosecutors and judicial authorities in prosecuting and punishing members of the police forces who have been credibly alleged to have committed violations of human rights.

(2) Civilian prosecutors and judicial authorities are investigating, prosecuting and punishing members of the Mexican military and police forces who have been credibly alleged to have committed human rights violations.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds made available for assistance for Mexico pursuant to this section, $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers, and $5,000,000 should be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (b) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(g) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (b).

CENTRAL AMERICA

SEC. 1406. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings ''International Narcotics Control and Law Enforcement'' and ''Economic Support Fund'', not more than $100,000,000 may be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: Provided, That of the funds appropriated under the heading ''Economic Support Fund'', $40,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: Provided further, That of the funds made available pursuant to this section, $5,000,000 shall be made available for assistance for Haiti and $5,000,000 shall be made available for assistance for the Dominican Republic: Provided further, That of the funds made available pursuant to this section that are available for assistance for Guatemala, not less than $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: Provided further, That none of the funds shall be made available for budget support or as cash payments: Provided further, That, with the exception of the first and third provisos in this section, none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the military and police forces of the countries of Central America, Haiti and the Dominican Republic that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for the countries of Central America, Haiti and the Dominican Republic under the heading ''International Narcotics Control and Law Enforcement'' may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the government of such country is—

(1) establishing a police complaints commission with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) suspending, prosecuting and punishing members of the military and police forces who have been credibly alleged to have committed violations of human rights and corrupt acts.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America, Haiti and the Dominican Republic receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (b).

(g) DEFINITION.—For the purposes of this section, the term ''countries of Central America'' means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

TECHNICAL PROVISIONS

SEC. 1407. (a) ADMINISTRATIVE EXPENSES.—Of the funds appropriated or otherwise made available under the heading ''Economic Support Fund'' by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), up to $7,800,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development for alternative development programs in the Andean region of South America. These funds may be used to reimburse funds appropriated under the heading ''Operating Expenses of the United States Agency for International Development'' for obligations incurred for the purposes provided under this section prior to enactment of this Act.

(b) AUTHORITY.—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) under the heading ''Economic Support Fund'' that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law.

(c) EXTENSION OF AUTHORITY.—Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading ''Foreign Military Financing Program'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with ''Diplomatic and Consular Programs'' may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to vet members and units of Mexican military and police forces that receive assistance made available by this Act and to monitor the uses of such assistance.

(d) REIMBURSEMENTS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall include the provision of sufficient funds to fully reimburse the United States Agency for International Development for the administrative costs, including the cost of direct hire personnel, incurred in implementing and managing the programs and activities under such transfer or allocation. Such funds transferred or allocated to the United States Agency for International Development for administrative costs shall be transferred to and merged with ''Operating Expenses of the United States Agency for International Development''.

(e) EXCEPTION.—Section 8002 of title VIII of this Act shall not apply to this section.

(f) SPENDING AUTHORITY.—Funds made available by this chapter may be expended notwithstanding section 699K of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading ''Diplomatic and Consular Programs'' and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the ''Buying Power Maintenance Account'': Provided, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the ''Buying Power Maintenance Account'', subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

''(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.''.

SERBIA

SEC. 1409. (a) Of the funds made available for assistance for Serbia under the heading ''Assistance for Eastern Europe and the Baltic States''

by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be transferred to, and merged with, funds provided under the heading ''Embassy Security, Construction, and Maintenance'' to be used for necessary repairs or future construction.

(b) The requirements of subsection (a) shall not apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Serbia has provided full compensation to the Department of State for damages to the United States Embassy in Belgrade, Serbia resulting from the February 21, 2008 attack on such Embassy.

(c) Section 8002 of title VIII of this Act shall not apply to this section.

RESCISSIONS

(INCLUDING RESCISSIONS)

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading ''Andean Counterdrug Initiative'' in prior acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for ''International Narcotics Control and Law Enforcement'', $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' in prior acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) MEXICO.—Of the unobligated balances of funds appropriated for ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(d) HORN OF AFRICA.—

(1) For an additional amount for ''Economic Support Fund'', $40,000,000 for programs to promote development and counter extremism in the Horn of Africa, to be administered by the United States Agency for International Development, and to remain available until September 30, 2009.

(2) Of the unobligated balances of funds appropriated for ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $40,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(e) EXCEPTION.—Section 8002 of title VIII of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings ''Foreign Military Financing Program'' and ''Peacekeeping Operations'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer or lease helicopters necessary to the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to effect such transfer or lease, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authority of section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

FOOD SECURITY AND CYCLONE NARGIS RELIEF

(INCLUDING RESCISSION OF FUNDS)

SEC. 1412. (a) For an additional amount for ''International Disaster Assistance'', $225,000,000, to address the international food crisis globally and for assistance for Burma to address the effects of Cyclone Nargis: Provided, That not less than $125,000,000 should be made available for the local or regional purchase and distribution of food to address the international food crisis: Provided further, That notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available for assistance for the State Peace and Development Council.

(b) Of the unexpended balances of funds appropriated under the heading ''Millennium Challenge Corporation'' in prior Acts making appropriations for foreign operations, export financing and related programs, $225,000,000 are rescinded.

(c) Section 8002 of title VIII of this Act shall not apply to this section.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1413. (a) For an additional amount for ''Economic Support Fund'' for assistance for Jordan, $100,000,000, to remain available until September 30, 2009.

(b) For an additional amount for ''Foreign Military Financing Program'' for assistance for Jordan, $200,000,000, to remain available until September 30, 2009.

(c) Of the unexpended balances of funds appropriated under the heading ''Millennium Challenge Corporation'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $300,000,000 are rescinded.

(d) Section 8002 of title VIII of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1414. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement accompanying this Act:

''Diplomatic and Consular Programs''.

''Economic Support Fund''.

(b) Any proposed increases or decreases to the amounts contained in such tables in the statement accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1415. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings ''Development Assistance'' and ''Economic Support Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1416. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1417. Unless otherwise provided for in this Act, funds appropriated, or otherwise made available, by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

TITLE II

DOMESTIC MATTERS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Food and Drug Administration, $265,000,000, to remain available until September 30, 2009: Provided, That of the amount provided: (1) $119,000,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $48,500,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $23,500,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $10,700,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $35,500,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $6,000,000 shall be for the National Center for Toxicological Research; and (7) $21,800,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices.

BUILDINGS AND FACILITIES

For an additional amount for plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $10,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for ''Periodic Censuses and Programs'', $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: Provided, That not less than $3,000,000 shall be transferred to the ''Office of Inspector General'' at the Department of Commerce for necessary expenses associated with oversight activities of the

2010 Decennial Census: Provided further, That $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $50,000,000 for the United States Marshals Service to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109–248) to track down and arrest non-compliant sex offenders.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $178,000,000, to remain available until September 30, 2008.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of Omnibus Crime Control and Safe Street Act of 1968 (''1968 Act''), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), $490,000,000, to remain available until September 30, 2008.

For an additional amount for ''State and Local Law Enforcement Assistance'', $100,000,000 for competitive grants to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which $10,000,000 shall be for the ATF Project Gunrunner.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $200,000,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For additional expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $150,000,000.

EDUCATION AND HUMAN RESOURCES

For additional expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $50,000,000.

CHAPTER 3

DEPARTMENT OF ENERGY

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Non-Defense Environmental Cleanup'', $5,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for ''Uranium Enrichment Decontamination and Decommissioning Fund'', $52,000,000, to remain available until expended.

SCIENCE

For an additional amount for ''Science'', $100,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Defense Environmental Cleanup'', $243,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION. The USEC Privatization Act (42 U.S.C. 2297h et seq.) is amended—

(1) in section 3102, by striking ''For purposes'' and inserting ''Except as provided in section 3112A, for purposes'';

(2) in section 3112(a), by striking ''The Secretary'' and inserting ''Except as provided in section 3112A(d), the Secretary''; and

(3) by inserting after section 3112 the following:

''SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.

''(a) DEFINITIONS.—In this section:

''(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—The term 'completion of the Russian HEU Agreement' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

''(2) DOWNBLENDING.—The term 'downblending' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

''(3) HIGHLY ENRICHED URANIUM.—The term 'highly enriched uranium' has the meaning given that term in section 3102(4).

''(4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN.—The term 'highly enriched uranium of weapons origin' means highly enriched uranium that—

''(A) contains 90 percent or more uranium-235; and

''(B) is verified by the Secretary of Energy to be of weapons origin.

''(5) LOW-ENRICHED URANIUM.—The term 'low-enriched uranium' means a uranium product in any form, including uranium hexafluoride (UF_6) and uranium oxide (UO_2), in which the uranium contains less than 20 percent uranium-235, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

''(6) RUSSIAN HEU AGREEMENT.—The term 'Russian HEU Agreement' has the meaning given that term in section 3102(11).

''(7) URANIUM-235.—The term 'uranium-235' means the isotope ^{235}U.

''(b) STATEMENT OF POLICY.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

''(c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM.—

''(1) INCENTIVES FOR THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement may not exceed the following amounts:

''(A) In each of the calendar years 2008 and 2009, not more than 22,500 kilograms.

''(B) In each of the calendar years 2010 and 2011, not more than 45,000 kilograms.

''(C) In calendar year 2012 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, not more than 67,500 kilograms.

''(2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—

''(A) IN GENERAL.—In each calendar year beginning after the calendar year of the completion of the Russian HEU Agreement and before the termination date described in paragraph (8), the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed 400,000 kilograms.

''(B) ADDITIONAL IMPORTS.—

''(i) IN GENERAL.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), 20 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may be imported for every 3 kilograms of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

''(ii) MAXIMUM ANNUAL IMPORTS.—Not more than 200,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

''(3) EXCEPTION WITH RESPECT TO INITIAL CORES.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States for use in the initial core of a new nuclear reactor.

''(4) ANNUAL ADJUSTMENT.—

''(A) IN GENERAL.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

''(B) PUBLICATION OF ADJUSTMENTS.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustment under subparagraph (A).

''(5) AUTHORITY FOR ADDITIONAL ADJUSTMENT.—In addition to the annual adjustment under paragraph (4), the Secretary of Commerce may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary—

''(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium from the Russian Federation and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

''(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

''(6) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS.—

''(A) IN GENERAL.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

''(B) ADJUSTMENT FOR OTHER URANIUM.—Imports of low-enriched uranium under paragraphs (1) and (2) shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-

235 necessary to equal the total amount of uranium-235 contained in such imports.

''(7) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM.—

''(A) IN GENERAL.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B) or (8)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

''(B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B) and for purposes of paragraph (8)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).

''(8) TERMINATION OF IMPORT RESTRICTIONS AFTER DOWNBLENDING OF AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—The provisions of this subsection shall terminate on the later of—

''(A) December 31, 2020; or

''(B) the date on which the Secretary of Energy certifies to Congress that, after the completion of the Russian HEU Agreement, not less than an additional 300 metric tons of Russian highly enriched uranium of weapons origin have been downblended.

''(9) SPECIAL RULE IF IMPORTATION UNDER RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Notwithstanding any other provision of law, no low-enriched uranium produced in the Russian Federation that is not derived from highly enriched uranium of weapons origin, including low-enriched uranium obtained under contracts for separative work units, may be imported into the United States if, before the completion of the Russian HEU Agreement, the Secretary of Energy determines that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

''(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

''(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B), (7), and (8)(B).

''(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures provided for in the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

''(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

''(12) EFFECT ON OTHER AGREEMENTS.—

''(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

''(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.

''(d) DOWNBLENDING OF HIGHLY ENRICHED URANIUM IN THE UNITED STATES.—The Secretary of Energy may sell uranium in the jurisdiction of the Secretary, including downblended highly enriched uranium, at fair market value to a licensed operator of a nuclear reactor in the United States—

''(1) in the event of a disruption in the nuclear fuel supply in the United States; or

''(2) after a determination of the Secretary under subsection (c)(9) that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.''.

CHAPTER 4

GENERAL PROVISION—THIS CHAPTER

SEC. 2401. VETERANS BUSINESS RESOURCE CENTERS. There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, $600,000 for the ''Salaries and Expenses'' account of the Small Business Administration, for grants in the amount of $200,000 to veterans business resource centers that received grants from the National Veterans Business Development Corporation in fiscal years 2006 and 2007.

CHAPTER 5

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. For fiscal year 2008, there is appropriated $400,000,000, to remain available until December 31, 2008, for payments described in sections 101, 102(b)(3), and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393).

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'' for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for ''Disease Control, Research, and Training'', $26,000,000, for the prevention of and response to medical errors including research, education and outreach activities; of which no less than $5,000,000 shall be for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, including reimbursement of local health departments for testing and genetic sequencing of persons potentially exposed.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director, National Institutes of Health'', $400,000,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. In addition to amounts otherwise made available for fiscal year 2008, there are appropriated, out of any money in the Treasury not otherwise appropriated, $1,000,000,000 for fiscal year 2008, for making payments under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623).

SEC. 2602. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

"SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

''(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

''(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

''(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

''(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

''(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

''(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

''(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

''(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey,

with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

CHAPTER 7

RELATED AGENCY

AMERICAN BATTLE MONUMENTS COMMISSION

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For an additional amount for ''Foreign Currency Fluctuations Account'', $10,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

TITLE III

HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For the purposes of carrying out the Emergency Conservation Program, there is hereby appropriated $49,413,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'', for emergency recovery operations, $130,464,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING RESCISSION)

SEC. 3101. Of the funds made available in the second paragraph under the heading ''Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account'' in chapter 1 of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2746), the Secretary may use an amount not to exceed $1,000,000 of remaining unobligated funds for the cost of loan modifications to rural electric loans made or guaranteed under the Rural Electrification Act of 1936, to respond to damage caused by any weather related events since Hurricane Katrina, to remain available until expended: Provided, That $1,000,000 of the remaining unobligated funds under such paragraph are rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for economic development assistance as provided by section 3082(a) of the Water Resources Development Act of 2007 (Public Law 110–114), $75,000,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'' for necessary expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries, $75,000,000.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, $75,000,000: Provided, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and for recovery from other natural disasters $5,033,345,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use $4,362,000,000 of the funds appropriated under this heading to modify authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction; $1,657,000,000 shall be used for the Lake Pontchartrain and Vicinity; $1,415,000,000 shall be used for the West Bank and Vicinity project; and $1,290,000,000 shall be for elements of the Southeast Louisiana Urban Drainage project, that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects to provide for interior drainage of runoff from rainfall with a 10 percent annual exceedance probability: Provided further, That none of this $4,362,000,000 shall become available for obligation until October 1, 2008: Provided further, That non-Federal cost allocations for these projects shall be consistent with the cost-sharing provisions under which the projects were originally constructed: Provided further, That the $1,315,000,000 non-Federal cost share for these projects shall be repaid in accordance with provisions of section 103(k) of Public Law 99–662 over a period of 30 years: Provided further, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary of the Army is directed to use $604,745,000 of the funds appropriated under this heading to provide hurricane and storm damage reduction, flood damage reduction and ecosystem restoration along the Gulf Coast of Mississippi and surrounding areas generally as described in the Mobile District Engineer's Mississippi Coastal Improvements Program Comprehensive Plan Report; $173,615,000 shall be used for ecosystem restoration projects; $4,550,000 shall be used for the Moss Point Municipal Relocation project; $5,000,000 shall be used for the Waveland Floodproofing project; $150,000 shall be used for the Mississippi Sound Sub Aquatic Vegetation project; $15,430,000 shall be used for the Coast-wide Dune Restoration project; $397,000,000 shall be used for the Homeowners Assistance and Relocation project; and $9,000,000 shall be used for the Forrest Heights Hurricane and Storm Damage Reduction project: Provided further, That none of this $604,745,000 shall become available for obligation until October 1, 2008: Provided further, That these projects shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the $211,661,000 non-Federal cost share for these projects shall be repaid in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years: Provided further, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary of the Army is directed to use $66,600,000 of the funds appropriated under this heading to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters: Provided further, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' for recovery from natural disasters, $17,700,000, to remain available until expended to repair damages to Federal projects caused by recent natural disasters.

OPERATIONS AND MAINTENANCE

For an additional amount for ''Operations and Maintenance'' to dredge navigation channels and repair other Corps projects related to natural disasters, $338,800,000, to remain available until expended: Provided, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, and for recovery from other natural disasters, $3,368,400,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use $2,926,000,000 of the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity Project and for the West Bank and Vicinity Project: Provided further, That none of this $2,926,000,000 shall become available for obligation until October 1, 2008: Provided further, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided

further, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110–28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: Provided further, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: Provided further, That $348,000,000 of the amount provided under this heading shall be used for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: Provided further, That none of this $348,000,000 shall become available for obligation until October 1, 2008: Provided further, That this work shall be carried out at full Federal expense: Provided further, That the Secretary of the Army is directed to use $94,400,000 of the funds appropriated under this heading to support emergency operations, to repair eligible projects nationwide, and for other activities in response to recent natural disasters: Provided further, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL EXPENSES

For an additional amount for ''General Expenses'' for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000, to remain available until expended.

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3401. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the Federal Emergency Management Agency shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: Provided, That nothing in this section may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That the Federal Emergency Management Agency shall not reduce the amount of assistance provided under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for such facilities.

SEC. 3402. Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Administrator of the Federal Emergency Management Agency shall not adjust the chargeable premium rate for flood insurance under this section for any type or class of property located in an area in that District nor require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map: Provided, That for purposes of this section, the term ''area'' does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this section as of the date of enactment of this Act.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $125,000,000, to remain available until expended, of which $100,000,000 is for emergency wildland fire suppression activities, and of which $25,000,000 is for rehabilitation and restoration of Federal lands: Provided, That emergency wildland fire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'', for expenses related to the consequences of Hurricane Katrina, $15,000,000, to remain available until expended: Provided, That the funds provided under this heading shall be provided to the Louisiana State Historic Preservation Officer, after consultation with the National Park Service, for grants for restoration and rehabilitation at Jackson Barracks: Provided further, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for ''State and Tribal Assistance Grants'', for expenses related to the consequences of Hurricane Katrina, $5,000,000, to remain available until expended, for a grant to Cameron Parish, Louisiana, for construction of drinking water, wastewater and storm water infrastructure and for water quality protection: Provided, That for purposes of this grant, the grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $325,000,000, to remain available until expended, of which $250,000,000 shall be available for emergency wildfire suppression, and of which $75,000,000 shall be available for rehabilitation and restoration of Federal lands and may be transferred to other Forest Service accounts as necessary: Provided, That emergency wildfire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

For grants to States, consistent with section 6201(a)(4) of the Deficit Reduction Act of 2005, to make payments as defined by the Secretary in the methodology used for the Provider Stabilization grants to those Medicare participating general acute care hospitals, as defined in section 1886(d) of the Social Security Act, and currently operating in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana which continue to experience severe financial exigencies and other economic losses attributable to Hurricane Katrina or its subsequent flooding, and are in need of supplemental funding to relieve the financial pressures these hospitals face resulting from increased wage rates in hiring and retaining staff in order to stabilize access to patient care, $350,000,000, to be made available until September 30, 2010.

CHAPTER 7

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''Military Construction, Army National Guard'', $11,503,000, to remain available until September 30, 2012: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds appropriated for ''Military Construction, Army National Guard'' under Public Law 109–234, $7,000,000 are hereby rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 3701. Within the funds available in the Department of Defense Family Housing Improvement Fund as credited in accordance with 10 U.S.C. 2883(c), $10,500,000 shall be available for use at the Naval Construction Battalion Center, Gulfport, Mississippi, under the terms and conditions specified by 10 U.S.C. 2883, to remain available until expended.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, for eligible disasters occurring in fiscal years 2005 to the present, $451,126,383, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of permanent supportive housing units as identified in the plan of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, $73,000,000 to remain available until expended, of which not less than $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), not less than $50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.), and not more than $3,000,000 shall be for related administrative expenses of the State of Louisiana or its designee or designees: Provided, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: Provided further, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): Provided further, That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount to areas impacted by Hurricane Katrina in the State of Mississippi for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)13)), $20,000,000, to remain available until expended.

HOUSING TRANSITION ASSISTANCE

For an additional amount to the State of Louisiana for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005, $3,000,000, to remain available until expended.

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community development fund'' for necessary expenses related to any uncompensated housing damage directly related to the consequences of Hurricane Katrina in the State of Alabama, $50,000,000, to remain available until expended: Provided, That prior to the obligation of funds the State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address uncompensated housing damage: Provided further, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency: Provided further, That the State may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this paragraph, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

(RESCISSION)

Of the unobligated balances remaining from funds appropriated under this heading by section 159 of Public Law 110–116 for the Louisiana Road Home program, $200,000,000 are rescinded.

TITLE IV—VETERANS EDUCATIONAL ASSISTANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Post-9/11 Veterans Educational Assistance Act of 2008''.

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many ''G.I. Bills'' enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. 4003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

"CHAPTER 33—POST–9/11 EDUCATIONAL ASSISTANCE

''SUBCHAPTER I—DEFINITIONS

''Sec.
''3301. Definitions.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
''3312. Educational assistance: duration.
''3313. Educational assistance: amount; payment.
''3314. Tutorial assistance.
''3315. Licensure and certification tests.
''3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
''3317. Public-private contributions for additional educational assistance.
''3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''3321. Time limitation for use of and eligibility for entitlement.
''3322. Bar to duplication of educational assistance benefits.
''3323. Administration.
''3324. Allocation of administration and costs.

''SUBCHAPTER I—DEFINITIONS

"§3301. Definitions

''In this chapter:

''(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

''(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

''(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

''(2) The term 'entry level and skill training' means the following:

''(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

''(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

''(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

''(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

''(E) In the case of members of the Coast Guard, Basic Training.

''(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

''(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"§3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

''(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

''(1) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty; or

''(ii) is discharged or released from active duty as described in subsection (c).

''(2) An individual who—

''(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

''(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

''(3) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 36 months; or

''(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

''(4) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 30 months; or

''(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

''(5) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 24 months; or

''(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

''(6) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 18 months; or

''(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

''(7) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 12 months; or

''(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

''(8) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 6 months; or

''(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

''(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

''(1) A discharge from active duty in the Armed Forces with an honorable discharge.

''(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

''(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

''(4) A discharge or release from active duty in the Armed Forces for—

''(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

''(B) hardship; or

''(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

''(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

''(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

''(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

''(3) A period of service that is terminated because of a defective enlistment and induction based on—

''(A) the individual's being a minor for purposes of service in the Armed Forces;

''(B) an erroneous enlistment or induction; or

''(C) a defective enlistment agreement.

''(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

''§ 3312. Educational assistance: duration

''(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

''(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

''(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

''(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

''(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

''(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

''(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

''(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

''(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

''(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

''§ 3313. Educational assistance: amount; payment

''(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

''(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

''(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

''(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

''(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

''(B) A monthly stipend in an amount as follows:

''(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

''(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(I) $1,000, multiplied by

''(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

''(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for

pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

''(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

''(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

''(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

''(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

''(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

''(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

''(A) The amount equal to the lesser of—

''(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

''(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

''(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

''(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(B) the number of course hours for full-time pursuit of such program of education.

''(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

''(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

''(2) Established charges shall be determined for purposes of this subsection on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''§ 3314. Tutorial assistance

''(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

''(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

''(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

''(A) such benefits are essential to correct a deficiency of the individual in such course; and

''(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

''(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

''(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

''(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3315. Licensure and certification tests

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

''(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

''(1) $2,000; or

''(2) the fee charged for the test.

''(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

''(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

''(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

''(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

''(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

''§ 3317. Public-private contributions for additional educational assistance

''(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

''(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

''(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

''(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

''(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

''(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

''(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

''(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

''(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

''(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

''§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

''(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

''(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

''(2) who—

''(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

''(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

''(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

''(1) DD Form 214, Certification of Release or Discharge from Active Duty.

''(2) The most recent Federal income tax return.

''(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

''(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

''(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.''.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''§ 3321. Time limitation for use of and eligibility for entitlement

''(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

''(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

''(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

''(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

''§ 3322. Bar to duplication of educational assistance benefits

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

''(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

''(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

''(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ____03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

''§ 3323. Administration

''(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

''(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

''(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

''(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

''(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

''(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

''(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

''(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

''(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

''(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

''(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

''§ 3324. Allocation of administration and costs

''(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

''(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

''33. Post-9/11 Educational Assistance 3301''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting ''33,'' after ''32,''; and

(ii) in subsection (c), by striking ''both the program established by this chapter and the program established by chapter 106 of title 10'' and inserting ''two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10''.

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

''(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.''.

(C) Section 16163(e) of title 10, United States Code, is amended by inserting ''33,'' after ''32,''.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting ''33,'' after ''32,'' each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking ''or 32'' and inserting ''32, or 33''.

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An

individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

SEC. 4004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

SEC. 4005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) of title 38, United States Code, is amended by striking ''may not exceed''

and all that follows through the end and inserting ''shall be $19,000,000.''.

TITLE V—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 5001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 5002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 5002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting ''4'' for ''5'' each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting ''6.0'' for ''6.5'' in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 5003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 5004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 5005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual

under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 5006. In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 5007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 5002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 5002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE VI—OTHER HEALTH MATTERS

SEC. 6001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking ''prior to the date that is 1 year after the date of enactment of this Act'' and inserting ''prior to April 1, 2009'';

(B) in subparagraph (A), by inserting after ''Federal Regulations)'' the following: ''or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)''; and

(C) in subparagraph (C), by inserting before the period at the end the following: '', including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)''.

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking ''June 30, 2008'' and inserting ''April 1, 2009'';

(B) by inserting '', including the proposed regulation published on August 13, 2007 (72 Federal Register 45201),'' after ''rehabilitation services''; and

(C) by inserting '', including the final regulation published on December 28, 2007 (72 Federal Register 73635),'' after ''school-based transportation''.

(3) MORATORIUM ON INTERIM FINAL MEDICAID REGULATION RELATING TO OPTIONAL CASE MANAGEMENT AND TARGETED CASE MANAGEMENT SERVICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to the interim final regulation relating to optional State plan case management services and targeted case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(4) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is September 27, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) RESTORATION OF ACCESS TO NOMINAL DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CENTERS.—

(1) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. §1396r–8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended—

(A) in clause (i)—

(i) by redesignating subclause (IV) as subclause (VI); and

(ii) by inserting after subclause (III) the following:

''(IV) An entity that—

''(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

''(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

''(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act.''; and

(B) by adding at the end the following new clause:

''(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

(c) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

''ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

''SEC. 1940. (a) IMPLEMENTATION.—

''(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

''(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

''(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

''(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

''(3) PHASE-IN.—

''(A) IN GENERAL.—

''(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

''(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other

States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

''(I) 12.5 percent by the end of fiscal year 2009.

''(II) 25 percent by the end of fiscal year 2010.

''(III) 50 percent by the end of fiscal year 2011.

''(IV) 75 percent by the end of fiscal year 2012.

''(V) 100 percent by the end of fiscal year 2013.

''(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

''(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

''(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

''(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

''(b) ASSET VERIFICATION PROGRAM.—

''(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

''(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

''(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

''(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

''(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act of 1978, an authorization provided to a State under subsection (b)(1)(A) shall remain effective until the earliest of—

''(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

''(2) the cessation of the recipient's eligibility for such medical assistance; or

''(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1)(A), as applicable) of the authorization, in a written notification to the State.

''(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

''(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

''(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act of 1978 shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

''(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act of 1978 and of section 1102 of such Act, relating to a reasonable description of financial records.

''(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

''(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1)(A), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

''(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

''(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

''(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.''.

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking ''and'' at the end;

(B) in paragraph (70) by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

''(71) provide that the State will implement an asset verification program as required under section 1940.''.

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking ''or'' at the end;

(B) in paragraph (23) by striking the period at the end and inserting ''; or''; and

(C) by adding after paragraph (23) the following new paragraph:

''(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

''(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

''(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

''(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.''.

(4) REPEAL.—Section 4 of Public Law 110–90 is repealed.

SEC. 6002. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.—

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

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

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).'';

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking ''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 new subparagraph:

''(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph.''; and

(3) by adding at the end the following new subsection:

''(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

''(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

''(A) PROVIDER AGREEMENT.—The hospital had—

''(i) physician ownership on September 1, 2008; and

''(ii) a provider agreement under section 1866 in effect on such date.

''(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

''(C) PREVENTING CONFLICTS OF INTEREST.—

''(i) The hospital submits to the Secretary an annual report containing a detailed description of—

''(I) the identity of each physician owner and any other owners of the hospital; and

''(II) the nature and extent of all ownership interests in the hospital.

''(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

''(I) the ownership interest of such referring physician in the hospital; and

''(II) if applicable, any such ownership interest of the treating physician.

''(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

''(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

''(I) on any public website for the hospital; and

''(II) in any public advertising for the hospital.

''(D) ENSURING BONA FIDE INVESTMENT.—

''(i) Physician owners in the aggregate do not own more than the greater of—

''(I) 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital; or

''(II) the percentage of such total value determined on the date of enactment of this subsection.

''(ii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

''(iii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

''(iv) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

''(v) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the ownership interest of such investor in the hospital.

''(vi) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

''(vii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

''(E) PATIENT SAFETY.—

''(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

''(I) the hospital discloses such fact to a patient; and

''(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

''(ii) The hospital has the capacity to—

''(I) provide assessment and initial treatment for patients; and

''(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

''(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

''(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

''(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

''(A) PROCESS.—

''(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

''(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

''(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on November 1, 2009.

''(iv) REGULATIONS.—Not later than November 1, 2009, the Secretary shall promulgate regulations to carry out the process under clause (i).

''(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

''(C) PERMITTED INCREASE.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

''(ii) LIFETIME 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

''(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

''(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

''(E) APPLICABLE HOSPITAL.—In this paragraph, the term ''applicable hospital'' means a hospital—

''(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

''(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

''(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

''(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

''(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

''(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

''(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

''(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

''(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

''(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.''.

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than January 1, 2010, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

SEC. 6003. Medicare Improvement Fund.—

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''MEDICARE IMPROVEMENT FUND

''SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

''(b) FUNDING.—

''(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $3,340,000,000.

''(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

''(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.''.

SEC. 6004. MORATORIUM ON AUGUST 17, 2007 CMS DIRECTIVE. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action to give effect to any or all components of the State Health Official Letter 07–001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services regarding certain requirements under the State Children's Health Insurance Program (CHIP) relating to the prevention of the substitution of health benefits coverage for children (commonly referred to as ''crowd-out'') and the enforcement of medical support orders (or to any similar administrative actions that reflect the same or similar policies set forth in such letter). Any change made on or after August 17, 2007, to a Medicaid or CHIP State plan or waiver to implement, conform to, or otherwise adhere to the requirements or policies in such letter shall not apply prior to April 1, 2009.

SEC. 6005. ADJUSTMENT TO PAQI FUND. Section 1848(l)(2) of the Social Security Act (42

U.S.C. 1395w–4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking ''$4,960,000,000'' and inserting ''$3,940,000,000''; and

(B) by adding at the end the following new subclause:

''(IV) For expenditures during 2014, an amount equal to $3,750,000,000.'';

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

''(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) 2014 for payment with respect to physicians' services furnished during 2014.''.

TITLE VII—ACCOUNTABILITY AND COMPETITION IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 7101. This chapter may be cited as the ''Close the Contractor Fraud Loophole Act''.

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 7102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 7103. In this chapter, the term ''covered contract'' means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 7201. This chapter may be cited as the ''Government Funding Transparency Act of 2008''.

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 7202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) the names and total compensation of the five most highly compensated officers of the entity if—

''(i) the entity in the preceding fiscal year received—

''(I) 80 percent or more of its annual gross revenues in Federal awards; and

''(II) $25,000,000 or more in annual gross revenues from Federal awards; and

''(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.''.

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of ''total compensation'' that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VIII

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 8001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 8002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

SEC. 8003. None of the funds in this Act may be used by any Federal agency for a contract with any United States corporation which hires United States employees through foreign offshore subsidiaries for purposes of avoiding United States payroll tax contributions for such employees.

EXPLANATORY STATEMENT

SEC. 8004. The explanatory statement printed in the Senate section of the Congressional Record on May 19, 2008, submitted by the Chairman of the Committee on Appropriations of the Senate regarding the amendments of the Senate to the House amendments to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, submitted by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of titles I through XIII of this Act as if it were a report to the Senate on a bill reported by the Committee on Appropriations.

SHORT TITLE

SEC. 8005. This Act may be cited as the ''Supplemental Appropriations Act, 2008''.

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer the motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. OBEY:

Mr. Obey moves that the House concur in the Senate amendment to House amendment numbered 1 to the Senate amendment to H.R. 2642 and that the House concur in the Senate amendment to House amendment numbered 2 to the Senate amendment to H.R. 2642 with the amendment printed in House Report 110–720.

The text of the House amendment to Senate amendment No. 2 to House amendment No. 2 to the Senate amendment is as follows:

In lieu of the matter proposed to be inserted by the Senate amendment numbered 2 to the House amendment numbered 2 to the Senate amendment to the bill H.R. 2642, insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $850,000,000, to remain available until expended.

For an additional amount for ''Public Law 480 Title II Grants'', $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2—JUSTICE

DEPARTMENT OF JUSTICE

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $28,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $106,122,000, to remain available until September 30, 2009.

For an additional amount for ''Salaries and Expenses'', $82,600,000, to become available on October 1, 2008, and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $29,861,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $9,100,000, to remain available until September 30, 2009.

GENERAL PROVISION, THIS CHAPTER

SEC. 1201. Funds appropriated by this chapter, or made available by the transfer of funds in this chapter, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

CHAPTER 3—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,108,200,000, of which

$921,000,000 shall remain available until September 30, 2009, and of which $187,200,000 for child development centers and trainee and recruit facilities (including planning and design) shall remain available until September 30, 2012: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $73,400,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That funds provided under this heading for Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $355,907,000, of which $295,516,000 shall remain available until September 30, 2009, and of which $60,391,000 for child development centers and trainee and recruit facilities (including planning and design) shall remain available until September 30, 2012: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $15,843,000 shall be available for study, planning, design, and architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $399,627,000, of which $361,600,000 shall remain available until September 30, 2009, and of which $38,027,000 for child development centers (including planning and design) shall remain available until September 30, 2012: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $36,427,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That funds provided under this heading for Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $890,921,000, of which $27,600,000 shall remain available until September 30, 2009, and of which $863,321,000 for medical treatment facilities (including planning and design) shall remain available until September 30, 2012: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing Construction, Navy and Marine Corps'', $11,766,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,278,886,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $100,000,000, to remain available until September 30, 2009.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $20,000,000, to remain available until September 30, 2009.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', $396,377,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of Army installations: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1302. None of the funds appropriated in this or any other Act may be used to disestablish, reorganize, or relocate the Armed Forces Institute of Pathology, except for the Armed Forces Medical Examiner, until the President has established, as required by section 722 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 199; 10 U.S.C. 176 note), a Joint Pathology Center.

SEC. 1303. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

''§ 5302A Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

''(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

''(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

''(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5302 the following new item:

''5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.''.

(b) EQUITABLE REFUND.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001.

(d) SHORT TITLE.—This section may be cited as the ''Combat Veterans Debt Elimination Act of 2008''.

CHAPTER 4—DEPARTMENT OF STATE AND FOREIGN OPERATIONS

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $1,465,700,000, to remain available until September 30, 2009, of which $210,400,000 is for worldwide security protection and shall remain available until expended: *Provided*, That not more than $1,150,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: *Provided further*, That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $9,500,000, to remain available until September 30, 2009: *Provided*, That

$2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $2,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $373,708,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $2,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $220,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $150,500,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,882,500,000, to remain available until September 30, 2009, of which not more than $424,000,000 may be made available for assistance for Iraq, $175,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided*, That not more than $171,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank and Gaza and none of such funds shall be for cash transfer assistance: *Provided further*, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico: *Provided further*, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $390,300,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $315,000,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $31,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $13,700,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $137,500,000, to remain available until September 30, 2009, of which $17,000,000 shall be made available for assistance for Jordan and up to $116,500,000 may be made available for assistance for Mexico.

Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading ''Foreign Military Financing Program'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with ''Diplomatic and Consular Programs'' may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to implement section 620J of the Foreign Assistance Act of 1961: *Provided*, That funds made available by this paragraph shall not be subject to Section 8002 of this Act.

SUBCHAPTER B—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $704,900,000, which shall become available on October 1, 2008, and remain available through September 30, 2009: *Provided*, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: *Provided further*, That not more than $550,500,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $57,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009: *Provided*, That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $41,300,000, which shall become available on October 1, 2008, and remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $75,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $150,500,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $6,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'', $75,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for ''Development Assistance'', $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008, and remain available through September 30, 2010: *Provided*, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: *Provided further*, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $200,000,000, which shall become available on October 1, 2008, and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for

International Development'', $93,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $1,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,124,800,000, which shall become available on October 1, 2008, and remain available through September 30, 2009, of which not more than $102,500,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank and Gaza, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $199,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009: *Provided*, That not more than $50,000,000 of the funds appropriated under this heading shall be made available for security assistance for the West Bank and up to $48,000,000 may be made available for assistance for Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $350,000,000, which shall become available on October 1, 2008, and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008, and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $302,500,000, which shall become available on October 1, 2008, and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan, and not less than $170,000,000 shall be available for grants only for Israel and shall be disbursed not later than November 1, 2008: *Provided*, That section 3802(c) of title III, chapter 8 of Public Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $95,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS, THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—

(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) ANTI-CORRUPTION.—Not more than 40 percent of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) PROVINCIAL RECONSTRUCTION TEAMS.—None of the funds appropriated by this chapter for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq.

(d) COMMUNITY STABILIZATION PROGRAM.—Not more than 50 percent of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International Development is implementing recommendations contained in Office of Inspector General Audit Report No. E-267-08-001-P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—

(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Paragraph (1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008, and 180 days thereafter, detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) POST-OPERATIONS ASSISTANCE.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan, not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WEST BANK

SEC. 1404. Not later than 90 days after the date of enactment of this Act and 180 days thereafter, the Secretary of State shall submit to the Committees on Appropriations a report on assistance provided by the United States for the training of Palestinian security forces, including detailed descriptions of

the training, curriculum, and equipment provided; an assessment of the training and the performance of forces after training has been completed; and a description of the assistance that has been pledged and provided to Palestinian security forces by other donors: *Provided*, That not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Committees on Appropriations, in classified form if necessary, on the security strategy of the Palestinian Authority.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1405. (a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction contained in subparagraph (A), (B), (D) or (G) under section 102(b)(2) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)), for the purpose of providing assistance related to—

(A) the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) LIMITATION.—The authority under paragraph (1) shall expire 5 years after the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B) or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(4) LIMITED EXCEPTION RELATED TO LETHAL WEAPONS.—The authority under subsection (a) shall not apply with respect to any export of lethal defense articles that would be prevented by the application of section 102(b)(2) of the Arms Export Control Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(3) REPORT ON VERIFICATION MEASURES RELATING TO NORTH KOREA'S NUCLEAR PROGRAMS.—

(A) IN GENERAL.—Not later than 15 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement of February 13, 2007, with specific focus on how such verification measures are defined under the Six-Party Talks Agreement and understood by the United States Government.

(B) MATTERS TO BE INCLUDED.—The report required under subsection (A) shall include, among other elements, a description of—

(i) how the United States will confirm that North Korea has ''provided a complete and correct declaration of all of its nuclear programs'';

(ii) how the United States will maintain a high and ongoing level of confidence that North Korea has fully met the terms of the Six-Party Talks Agreement relating to its nuclear programs;

(iii) any diplomatic agreement with North Korea regarding verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement (other than implementing arrangements made during on-site operations); and

(iv) any significant and continuing disagreement with North Korea regarding verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement.

(C) FORM.—The report required under subsection (A) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1406. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated under the headings ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', and ''Economic Support Fund'' in this chapter, not more than $352,000,000 of the funds appropriated in subchapter A and $48,000,000 of the funds appropriated in subchapter B may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities, of which not less than $73,500,000 shall be used for judicial reform, institution building, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments: *Provided further*, That not more than 45 days after enactment of this Act, and after consulting with relevant Mexican Government authorities, the Secretary of State shall report in writing to the Committees on Appropriations on the procedures in place to implement section 620J of the Foreign Assistance Act of 1961.

(b) ALLOCATION OF FUNDS.—Fifteen percent of the funds made available in this chapter for assistance for Mexico under the headings ''International Narcotics Control and Law Enforcement'' and ''Foreign Military Financing Program'' may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that the Government of Mexico is—

(1) improving the transparency and accountability of federal police forces and working with state and municipal authorities to improve the transparency and accountability of state and municipal police forces through mechanisms including establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(2) establishing a mechanism for regular consultations among relevant Mexican Government authorities, Mexican human rights organizations and other relevant Mexican civil society organizations, to make recommendations concerning implementation of the Merida Initiative in accordance with Mexican and international law;

(3) ensuring that civilian prosecutors and judicial authorities are investigating and prosecuting, in accordance with Mexican and international law, members of the federal police and military forces who have been credibly alleged to have committed violations of human rights, and the federal police and military forces are fully cooperating with the investigations; and

(4) enforcing the prohibition, in accordance with Mexican and international law, on the use of testimony obtained through torture or other ill-treatment.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds appropriated by subchapter A for assistance for Mexico under the heading ''International Narcotics Control and Law Enforcement'', $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico by this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico by this chapter, which shall include a strategy, developed after consulting with relevant Mexican Government authorities, for combating drug trafficking and related violence and organized crime, judicial reform, institution

building, anti-corruption, and rule of law activities, with concrete goals, actions to be taken, budget proposals, and anticipated results.

CENTRAL AMERICA

SEC. 1407. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', and ''Economic Support Fund'', $65,000,000 may be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, rule of law activities, and maritime security: *Provided*, That of the funds appropriated under the heading ''Economic Support Fund'', $25,000,000 shall be made available for an Economic and Social Development Fund for Central America, of which $20,000,000 shall be made available through the United States Agency for International Development and $5,000,000 shall be made available through the Department of State for educational exchange programs: *Provided further*, That of the funds appropriated in subchapter A under the heading ''International Narcotics Control and Law Enforcement'', $2,500,000 shall be made available for assistance for Haiti, $2,500,000 shall be made available for assistance for the Dominican Republic, and $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: *Provided further*, That none of the funds shall be made available for budget support or as cash payments: *Provided further*, That not more than 45 days after enactment of this Act, the Secretary of State shall report in writing to the Committees on Appropriations on the procedures in place to implement section 620J of the Foreign Assistance Act of 1961.

(b) ALLOCATION OF FUNDS.—Fifteen percent of the funds made available by this chapter for assistance for the countries of Central America, Haiti and the Dominican Republic under the headings ''International Narcotics Control and Law Enforcement'' and ''Foreign Military Financing Program'' may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that the government of such country is—

(1) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) investigating and prosecuting members of the federal police and military forces who have been credibly alleged to have committed violations of human rights.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, institution building, anti-corruption, and rule of law activities, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) DEFINITION.—For the purposes of this section, the term ''countries of Central America'' means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading ''Diplomatic and Consular Programs'' and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the ''Buying Power Maintenance Account'': *Provided*, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the ''Buying Power Maintenance Account'', subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

''(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.''.

(c) The Broadcasting Board of Governors may transfer funds into its Buying Power Maintenance Account, notwithstanding the requirement that such funds be provided in advance in appropriations Acts. The authority in this subsection may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.

SERBIA

SEC. 1409. Of the funds made available under the heading ''Assistance for Eastern Europe and the Baltic States'' by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the unpaid costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be withheld from obligation for assistance for the central government of Serbia if the Secretary of State reports to the Committees on Appropriations that the Government of Serbia has failed to provide full compensation to the Department of State for damages to the United States Embassy resulting from the February 21, 2008 attack on such embassy. Section 8002 of this Act shall not apply to this section.

RESCISSIONS

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading ''Andean Counterdrug Initiative'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for ''International Narcotics Control and Law Enforcement'', $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) RESCISSION.—Of the unobligated balances of funds appropriated for ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded.

(d) EXCEPTION.—Section 8002 of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings ''Foreign Military Financing Program'' and ''Peacekeeping Operations'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer, equip, upgrade, refurbish or lease helicopters or related equipment necessary to support the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to provide such support, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authorities provided by section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

TIBET

SEC. 1412. (a) Of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations and related programs under the headings ''Diplomatic and Consular Programs'' and ''Embassy Security, Construction, and Maintenance'', up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet.

(b) The Department of State should not consent to opening a consular post in the United States by the People's Republic of China until such time as the People's Republic of China consents to opening a United States consular post in Lhasa, Tibet.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1413. (a) For an additional amount for ''Economic Support Fund'' for assistance for Jordan, $25,000,000, to remain available until September 30, 2009.

(b) For an additional amount for ''Foreign Military Financing Program'' for assistance for Jordan, $33,000,000, to remain available until September 30, 2009.

(c) Of the unobligated balances of funds appropriated under the heading ''Millennium

Challenge Corporation'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $58,000,000 are rescinded.

(d) Section 8002 of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1414. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement printed in the Congressional Record accompanying this Act:

''Diplomatic and Consular Programs''

''Economic Support Fund''.

(b) Any proposed increases or decreases to the amounts contained in such tables in the explanatory statement printed in the Congressional Record accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1415. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings ''Development Assistance'' and ''Economic Support Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1416. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1417. Unless otherwise provided for in this Act, funds appropriated or otherwise made available by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), except that section 699K of such Act shall not apply to funds in this chapter.

TITLE II—DOMESTIC MATTERS

CHAPTER 1—FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $150,000,000, to remain available until September 30, 2009: *Provided*, That of the amount provided: (1) $66,792,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $28,019,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $12,736,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $6,057,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $20,094,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $3,396,000 shall be for the National Center for Toxicological Research; and (7) $12,906,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices.

CHAPTER 2—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Periodic Censuses and Programs'', $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: *Provided*, That not less than $3,000,000 shall be transferred to the ''Office of Inspector General'' at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: *Provided further*, That not less than $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $178,000,000, to remain available until September 30, 2008.

OTHER AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

For an additional amount for ''Science, Aeronautics and Exploration'', $62,500,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for ''Research and Related Activities'', $22,500,000, of which $5,000,000 shall be available solely for activities authorized by section 7002(b)(2)(A)(iv) of Public Law 110–69.

EDUCATION AND HUMAN RESOURCES

For an additional amount for ''Education and Human Resources'', $40,000,000: *Provided*, That of the amount provided, $20,000,000 shall be available for activities authorized by section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) and $20,000,000 shall be available for activities authorized by section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a).

CHAPTER 3—ENERGY

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for ''Science'', $62,500,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Defense Environmental Cleanup'', $62,500,000, to remain available until expended.

CHAPTER 4—LABOR AND HEALTH AND HUMAN SERVICES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'' for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director'', $150,000,000, which shall be transferred to the Institutes and Centers of the National Institutes of Health and to the Common Fund established under section 402A(c)(1) of the Public Health Service Act in proportion to the appropriations otherwise made to such Institutes, Centers, and Common Fund for fiscal year 2008: *Provided*, That these funds shall be used to support additional scientific research and shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the National Institutes of Health: *Provided further*, That none of these funds may be transferred to ''National Institutes of Health–Buildings and Facilities'', the Center for Scientific Review, the Center for Information Technology, the Clinical Center, the Global Fund for HIV/AIDS, Tuberculosis and Malaria, or the Office of the Director (except for the transfer to the Common Fund).

CHAPTER 5—LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Annette Lantos, widow of Tom Lantos, late a Representative from the State of California, $169,300: *Provided*, That section 8002 shall not apply to this appropriation.

TITLE III—NATURAL DISASTER RELIEF AND RECOVERY

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the ''Emergency Conservation Program'', $89,413,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for the ''Emergency Watershed Protection Program'', $390,464,000, to remain available until expended.

CHAPTER 2—COMMERCE

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for ''Economic Development Assistance Programs'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of recent natural disasters, $100,000,000, to remain available until expended.

CHAPTER 3—CORPS OF ENGINEERS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'', for necessary expenses to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters, $61,700,000, to remain available until expended.

For an additional amount for ''Construction'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,835,000,000, to become available on October 1, 2008, and to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $1,997,000,000 of the funds provided herein to modify authorized projects in southeast Louisiana to provide hurricane, storm and flood damage reduction in the greater New Orleans and surrounding areas to the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of enactment of this Act, and shall use $1,077,000,000 of those funds for the Lake Pontchartrain and Vicinity project and $920,000,000 of those funds for the West Bank and Vicinity project: *Provided further*, That, in addition, $838,000,000 of the funds provided herein shall be for elements of Southeast Louisiana Urban Drainage project within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects, to provide for interior drainage of runoff from rainfall with a ten percent annual exceedance probability: *Provided further*, That the amounts provided herein shall be subject to a 65 percent Federal / 35 percent non-Federal cost share for the specified purposes: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that is necessary to accomplish the established goals is authorized subject to the approval of the House and Senate Committees on Appropriations.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' for recovery from natural disasters, $17,590,000, to remain available until expended, to repair damages to Federal projects caused by recent natural disasters.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation channels and repair other Corps projects related to natural disasters, $298,344,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to flood and hurricane emergencies as authorized by law, $226,854,800, to remain available until expended.

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,926,000,000, to become available on October 1, 2008, and to remain available until expended: *Provided*, That funds provided herein shall be used to reduce the risk of hurricane and storm damages to the greater New Orleans metropolitan area, at full Federal expense, for the following: $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; and $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity, West Bank and Vicinity, and the New Orleans to Venice projects: *Provided further*, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110–28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Assistant Secretary of the Army for Civil Works requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of completed elements and to hold and save the United States free from damages due to the construction, operation, and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that is necessary to accomplish the established goals is authorized subject to the approval of the House and Senate Committees on Appropriations.

EXPENSES

For an additional amount for ''Expenses'' for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000 to remain available until expended.

CHAPTER 4—SMALL BUSINESS

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans authorized by section 7(b) of the Small Business Act, for necessary expenses related to flooding in Midwestern States and other natural disasters, $164,939,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for expenses to carry out the direct loan program in response to flooding in Midwestern States and other natural disasters, including onsite assistance to disaster victims, increased staff at call centers, processing centers, and field inspections teams, and attorneys to assist in loan closings, $101,814,000, to remain available until expended, of which $1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be paid to appropriations for the Office of Inspector General; of which $94,814,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be paid to appropriations for Salaries and Expenses; and of which $6,000,000 is for indirect administrative expenses, which may be paid to appropriations for Salaries and Expenses.

CHAPTER 5—FEMA DISASTER RELIEF

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'', $897,000,000, to remain available until expended.

CHAPTER 6—HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of 3,000 units of permanent supportive housing as referenced in the Road Home Program of the Louisiana Recovery Authority approved by the Secretary of Housing and Urban Development, $73,000,000, to remain available until expended, of which $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), including administrative expenses not to exceed $3,000,000, and $50,000,000 shall be for

grants under the Shelter Plus Care program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.): *Provided*, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees, upon request: *Provided further*, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further*, That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of recent natural disasters, $300,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): *Provided*, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: *Provided further*, That each State may use up to five percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development shall waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute, as modified: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That every waiver made by the Secretary must be reconsidered according to the three previous provisos on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: *Provided further*, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: *Provided further*, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: *Provided further*, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits.

TITLE IV—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 4001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for emergency unemployment compensation under this title unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 4002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

(f) UNAUTHORIZED ALIENS INELIGIBLE.—A State shall require as a condition of eligibility for emergency unemployment compensation under this Act that each alien who receives such compensation must be legally authorized to work in the United States, as defined for purposes of the Federal Unemployment Tax Act (26 U.S.C. 3301 et seq.). In determining whether an alien meets the requirements of this subsection, a State must follow the procedures provided in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)).

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 4002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 4003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such

compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 4004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 4005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 4006. In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 4007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual who has amounts remaining in an account established under section 4002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE V—VETERANS EDUCATIONAL ASSISTANCE

SHORT TITLE

SEC. 5001. This title may be cited as the ''Post-9/11 Veterans Educational Assistance Act of 2008''.

FINDINGS

SEC. 5002. Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many ''G.I. Bills'' enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001

SEC. 5003. (a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

''CHAPTER 33—POST–9/11 EDUCATIONAL ASSISTANCE

''SUBCHAPTER I—DEFINITIONS

''Sec.

''3301. Definitions.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.

''3312. Educational assistance: duration.

''3313. Educational assistance: amount; payment.

''3314. Tutorial assistance.

''3315. Licensure and certification tests.

''3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.

''3317. Public-private contributions for additional educational assistance.

''3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.
''3319. Authority to transfer unused education benefits to family members.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''3321. Time limitation for use of and eligibility for entitlement.
''3322. Bar to duplication of educational assistance benefits.
''3323. Administration.
''3324. Allocation of administration and costs.

''SUBCHAPTER I—DEFINITIONS

''§ 3301. Definitions

''In this chapter:

''(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b)):

''(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A).

''(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

''(2) The term 'entry level and skill training' means the following:

''(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

''(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

''(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

''(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

''(E) In the case of members of the Coast Guard, Basic Training.

''(3) The term 'program of education' has the meaning given such term in section 3002, except to the extent otherwise provided in section 3313.

''(4) The term 'Secretary of Defense' means the Secretary of Defense, except that the term means the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

''(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

''(1) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty; or

''(ii) is discharged or released from active duty as described in subsection (c).

''(2) An individual who—

''(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

''(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

''(3) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 36 months; or

''(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

''(4) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 30 months; or

''(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

''(5) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 24 months; or

''(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

''(6) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 18 months; or

''(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

''(7) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 12 months; or

''(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

''(8) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 6 months; or

''(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

''(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

''(1) A discharge from active duty in the Armed Forces with an honorable discharge.

''(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

''(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

''(4) A discharge or release from active duty in the Armed Forces for—

''(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

''(B) hardship; or

''(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

''(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

''(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

''(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

''(3) A period of service that is terminated because of a defective enlistment and induction based on—

''(A) the individual's being a minor for purposes of service in the Armed Forces;

''(B) an erroneous enlistment or induction; or

''(C) a defective enlistment agreement.

''(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of subsection (b).

''§ 3312. Educational assistance: duration

''(a) IN GENERAL.—Subject to section 3695 and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 equal to 36 months.

''(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2).

''(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—

''(1) IN GENERAL.—Any payment of educational assistance described in paragraph (2) shall not—

''(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

''(B) be counted against the aggregate period for which section 3695 limits the individual's receipt of educational assistance under this chapter.

''(2) DESCRIPTION OF PAYMENT OF EDUCATIONAL ASSISTANCE.—Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

''(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

''(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

''(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

''(3) PERIOD FOR WHICH PAYMENT NOT CHARGED.—The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

''§ 3313. Educational assistance: amount; payment

''(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

''(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f)) and is approved for purposes of chapter 30 (including approval by the State approving agency concerned).

''(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

''(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2), amounts as follows:

''(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

''(B) A monthly stipend in an amount as follows:

''(i) For each month the individual pursues the program of education (other than, in the case of assistance under this section only, a program of education offered through distance learning), a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

''(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(I) $1,000, multiplied by

''(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

''(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3), amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4), amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5), amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6), amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7), amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8), amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(d) FREQUENCY OF PAYMENT.—

''(1) QUARTER, SEMESTER, OR TERM PAYMENTS.—Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(2) MONTHLY PAYMENTS.—Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

''(3) REGULATIONS.—The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

''(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—

''(1) IN GENERAL.—Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

''(2) AMOUNT OF ASSISTANCE.—The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

''(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1)

''(3) QUARTER, SEMESTER, OR TERM PAYMENTS.—Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) MONTHLY PAYMENTS.—For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—

''(1) IN GENERAL.—Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

''(2) AMOUNT OF ASSISTANCE.—The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

''(A) The amount equal to the lesser of—

''(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

''(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

''(3) QUARTER, TERM, OR SEMESTER PAYMENTS.—Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) MONTHLY PAYMENTS.—For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

''(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(B) the number of course hours for full-time pursuit of such program of education.

''(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2), and (f)(2)(A) shall be paid directly to the educational institution concerned.

''(h) ESTABLISHED CHARGES DEFINED.—

''(1) IN GENERAL.—In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

''(2) BASIS OF DETERMINATION.—Established charges shall be determined for purposes of this subsection on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''§ 3314. Tutorial assistance

''(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492.

''(b) CONDITIONS.—

''(1) IN GENERAL.—The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492.

''(2) CERTIFICATION.—In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

''(A) such benefits are essential to correct a deficiency of the individual in such course; and

''(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

''(c) AMOUNT.—

''(1) IN GENERAL.—The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

''(2) AS ADDITIONAL ASSISTANCE.—The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313.

''(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3315. Licensure and certification tests

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b).

''(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

''(1) $2,000; or

''(2) the fee charged for the test.

''(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

''(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—

''(1) IN GENERAL.—In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c), or under paragraphs (2) through (7) of such section (as applicable).

''(2) MAXIMUM AMOUNT OF INCREASE IN ASSISTANCE.—The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) at the time of the increase under paragraph (1).

''(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—

''(1) IN GENERAL.—The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c), or under paragraphs (2) through (7) of such section (as applicable).

''(2) ELIGIBILITY.—Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

''(3) AMOUNT.—The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022.

''(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

''§ 3317. Public-private contributions for additional educational assistance

''(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

''(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

''(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

''(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

''(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

''(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

''(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

''(d) MATCHING CONTRIBUTIONS.—

''(1) IN GENERAL.—In instances where the educational assistance provided an individual under section 3313(c)(1)(A) does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

''(2) USE OF APPROPRIATED FUNDS.—Amounts available to the Secretary under section 3324(b) for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

''(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

''§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

''(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

''(1) who resides in a county (or similar entity utilized by the Bureau of the Census) with less than seven persons per square mile, according to the most recent decennial Census; and

''(2) who—

''(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

''(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

''(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

''(1) DD Form 214, Certification of Release or Discharge from Active Duty.

''(2) The most recent Federal income tax return.

''(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

''(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

''(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3319. Authority to transfer unused education benefits to family members

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of Defense may authorize the Secretary concerned, to promote recruitment and retention of members of the Armed Forces, to permit an individual described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).

''(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of the approval of the individual's request to transfer entitlement to educational assistance under this section, has completed at least—

''(1) six years of service in the armed forces and enters into an agreement to serve at least four more years as a member of the Armed Forces; or

''(2) the years of service as determined in regulations pursuant to section (k).

''(c) ELIGIBLE DEPENDENTS.—An individual approved to transfer an entitlement to educational assistance under this section may transfer the individual's entitlement as follows:

''(1) To the individual's spouse.

''(2) To one or more of the individual's children.

''(3) To a combination of the individuals referred to in paragraphs (1) and (2).

''(d) LIMITATION ON MONTHS OF TRANSFER.—The total number of months of entitlement transferred by a individual under this section may not exceed 36 months. The Secretary of Defense may prescribe regulations that would limit the months of entitlement that may be transferred under this section to no less than 18 months.

''(e) DESIGNATION OF TRANSFEREE.—An individual transferring an entitlement to educational assistance under this section shall—

''(1) designate the dependent or dependents to whom such entitlement is being transferred;

''(2) designate the number of months of such entitlement to be transferred to each such dependent; and

''(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

''(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—

''(1) TIME FOR TRANSFER.—Subject to the time limitation for use of entitlement under section 3321 an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the armed forces when the transfer is executed.

''(2) MODIFICATION OR REVOCATION.—

''(A) IN GENERAL.—An individual transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

''(B) NOTICE.—The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

''(3) PROHIBITION ON TREATMENT OF TRANSFERRED ENTITLEMENT AS MARITAL PROPERTY.—Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

''(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

''(1) in the case of entitlement transferred to a spouse, the completion by the individual making the transfer of at least—

''(A) six years of service in the armed forces; or

''(B) the years of service as determined in regulations pursuant to subsection (j); or

''(2) in the case of entitlement transferred to a child, both—

''(A) the completion by the individual making the transfer of at least—

''(i) ten years of service in the armed forces; or

''(ii) the years of service as determined in regulations pursuant to subsection (j); and

''(B) either—

''(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

''(ii) the attainment by the child of 18 years of age.

''(h) ADDITIONAL ADMINISTRATIVE MATTERS.—

''(1) USE.—The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

''(2) NATURE OF TRANSFERRED ENTITLEMENT.—Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6)—

''(A) in the case of entitlement transferred to a spouse under this section, the spouse is entitled to educational assistance under this chapter in the same manner as the individual from whom the entitlement was transferred; or

''(B) in the case of entitlement transferred to a child under this section, the child is entitled to educational assistance under this chapter in the same manner as the individual from whom the entitlement was transferred as if the individual were not on active duty.

''(3) RATE OF PAYMENT.—The monthly rate of educational assistance payable to a dependent to whom entitlement referred to in paragraph (2) is transferred under this section shall be payable—

''(A) in the case of a spouse, at the same rate as such entitlement would otherwise be payable under this chapter to the individual making the transfer; or

''(B) in the case of a child, at the same rate as such entitlement would otherwise be payable under this chapter to the individual making the transfer as if the individual were not on active duty.

''(4) DEATH OF TRANSFEROR.—The death of an individual transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

''(5) LIMITATION ON AGE OF USE BY CHILD TRANSFEREES.—A child to whom entitlement is transferred under this section may use the benefit without regard to the 15-year delimiting date, but may not use any entitlement so transferred after attaining the age of 26 years.

''(6) SCOPE OF USE BY TRANSFEREES.—The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

''(7) ADDITIONAL ADMINISTRATIVE PROVISIONS.—The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible individual for purposes of such provisions.

''(i) OVERPAYMENT.—

''(1) JOINT AND SEVERAL LIABILITY.—In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685.

''(2) FAILURE TO COMPLETE SERVICE AGREEMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (b)(1) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of educational assistance under paragraph (1).

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

''(i) by reason of the death of the individual; or

''(ii) for a reason referred to in section 3311(c)(4).

''(j) REGULATIONS.—(1) The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section.

''(2) Such regulations shall specify—

''(A) the manner of authorizing the transfer of entitlements under this section;

''(B) the eligibility criteria in accordance with subsection (b); and

''(C) the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).

''(k) SECRETARY CONCERNED DEFINED.—Notwithstanding section 101(25), in this section, the term 'Secretary concerned' means—

''(1) the Secretary of the Army with respect to matters concerning the Army;

''(2) the Secretary of the Navy with respect to matters concerning the Navy or the Marine Corps;

''(3) the Secretary of the Air Force with respect to matters concerning the Air Force; and

''(4) the Secretary of Defense with respect to matters concerning the Coast Guard, or the Secretary of Homeland Security when it is not operating as a service in the Navy.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''§ 3321. Time limitation for use of and eligibility for entitlement

''(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

''(b) EXCEPTIONS.—

''(1) APPLICABILITY OF SECTION 3031 TO RUNNING OF PERIOD.—Subsections (b), (c), and (d)

of section 3031 shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 with respect to the running of the 10-year period described in section 3031(a).

''(2) APPLICABILITY OF SECTION 3031 TO TERMINATION.—Section 3031(f) shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 shall be deemed to be a reference to 3312.

''(3) DETERMINATION OF LAST DISCHARGE OR RELEASE.—For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2).

''§ 3322. Bar to duplication of educational assistance benefits

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

''(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

''(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

''(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section 5003(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

''§ 3323. Administration

''(a) IN GENERAL.—

''(1) IN GENERAL.—Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) shall apply to the provision of educational assistance under this chapter.

''(2) SPECIAL RULE.—In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

''(3) RULE FOR APPLYING SECTION 3474.—In applying section 3474 to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313.

''(4) RULE FOR APPLYING SECTION 3482.—In applying section 3482(g) to an individual entitled to educational assistance under this chapter for purposes of this section—

''(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313; and

''(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

''(b) INFORMATION ON BENEFITS.—

''(1) TIMING FOR PROVIDING.—The Secretary shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary and the Secretary of Defense shall jointly prescribe in regulations.

''(2) DESCRIPTION OF INFORMATION.—The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102.

''(3) TO WHOM PROVIDED.—The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

''(c) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall prescribe regulations for the administration of this chapter.

''(2) UNIFORMITY.—Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

''§ 3324. Allocation of administration and costs

''(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

''(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department for the payment of readjustment benefits.''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

''33. Post-9/11 Educational Assistance 3301.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1) by inserting ''33,'' after ''32,''; and

(ii) in subsection (c) by striking ''both the program established by this chapter and the program established by chapter 106 of title 10'' and inserting ''two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10''.

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

''(4) Chapters 30, 32, 33, 34, 35, and 36.''.

(C) Section 16163(e) of title 10, United States Code, is amended by inserting ''33,'' after ''32,''.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting ''33,'' after ''32,'' each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking ''or 32'' and inserting ''32, or 33''.

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title, or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL

SEC. 5004. (a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS

SEC. 5005. Section 3674(a)(4) of title 38, United States Code, is amended by striking ''may not exceed'' and all that follows through the end and inserting ''shall be $19,000,000.''.

AUTHORITY TO TRANSFER UNUSED EDUCATION BENEFITS TO FAMILY MEMBERS FOR CAREER SERVICE MEMBERS

SEC. 5006. (a) AUTHORITY TO TRANSFER MONTGOMERY GI BILL BENEFITS TO A DEPENDENT.—Section 3020 of title 38, United States Code, is amended—

(1) by striking the section heading and subsections (a) and (b) and inserting the following:

''§ 3020. Authority to transfer unused education benefits to family members for career service members

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of Defense may authorize the Secretary concerned, to promote recruitment and retention of members of the Armed Forces, to permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents specified in subsection (c) the unused portion of entitlement to such assistance, subject to the limitation under subsection (d).

''(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces—

''(1) who, while serving on active duty or as a member of the Selected Reserve at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section, has completed six years of service in the Armed Forces and enters into an agreement to serve at least four more years as a member of the Armed Forces; or

''(2) as determined in regulations pursuant to subsection (k).'';

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

''(d) LIMITATION ON MONTHS OF TRANSFER.—(1) An individual approved to transfer an entitlement to basic educational assistance under this section may transfer any unused entitlement to one or more of the dependents specified in subsection (c).

''(2) The total number of months of entitlement transferred by an individual under this section may not exceed 36 months. The Secretary of Defense may prescribe regulations that would limit the months of entitlement that may be transferred under this section to no less than 18 months.'';

(3) in subsection (f)(1) by striking ''without regard to whether'' and inserting ''only while''; and

(4) in subsection (f)(2) by inserting ''as long as the individual is serving on active duty or as a member of the Selected Reserve'' after ''so transferred'';

(5) by adding at the end of subsection (f) the following:

''(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.'';

(6) in subsection (h)(5) by inserting ''may use the benefit without regard to the 10-year delimiting date, but'' after ''under this section''; and

(7) by striking subsection (k) and inserting the following:

''(k) REGULATIONS.—The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section. Such regulations shall specify—

''(1) the manner of authorizing the military departments to offer transfer of entitlements under this section;

''(2) the eligibility criteria in accordance with subsection (b);

''(3) the limitations on the amount of entitlement eligible to be transferred; and

''(4) the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).''.

(b) AUTHORITY TO TRANSFER MONTGOMERY GI BILL FOR THE SELECTED RESERVE BENEFITS TO A DEPENDENT.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16132 the following:

''§ 16132a. Authority to transfer unused education benefits to family members

''(a) IN GENERAL.—Subject to regulation prescribed by the Secretary of Defense, the Secretary concerned may permit a member described in subsection (b) who is entitled to basic educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitation under subsection (d).

''(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member of the Selected Reserve of the Ready Reserve who, at the time of the approval of the member's request to transfer entitlement to basic educational assistance under this section, has completed—

''(1) at least six years of service in the Selected Reserve and enters into an agreement to service at least four more years as a member of the armed forces; or

''(2) the years of service as determined in regulations pursuant to subsection (j).

''(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to basic educational assistance under this section may transfer the member's entitlement as follows:

''(1) To the member's spouse.

''(2) To one or more of the member's children.

''(3) To a combination of the individuals referred to in paragraphs (1) and (2).

''(d) LIMITATION ON MONTHS OF TRANSFER.—The total number of months of entitlement transferred by a member under this section may not exceed 36 months. The Secretary of Defense may prescribe regulations that would limit the months of entitlement that may be transferred under this section to no less than 18 months.

''(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to basic educational assistance under this section shall—

''(1) designate the dependent or dependents to whom such entitlement is being transferred;

''(2) designate the number of months of such entitlement to be transferred to each such dependent; and

''(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

''(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16133, a member approved to transfer entitlement to basic educational assistance under this section may transfer such entitlement at any time after the approval of the member's request to transfer such entitlement.

''(2) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred. The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

''(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

''(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to basic educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

''(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of at least—

''(A) six years of service in the armed forces; or

''(B) the years of service as determined in regulations pursuant to subsection (j); or

''(2) in the case of entitlement transferred to a child, both—

''(A) the completion by the member making the transfer of at least—

''(i) ten years of service in the armed forces; or

''(ii) the years of service as determined in regulations pursuant to subsection (j); and

''(B) either—

''(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

''(ii) the attainment by the child of 18 years of age.

''(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to basic educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

''(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

''(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable under sections 16131 and 16131a to the member making the transfer.

''(4) The death of a member transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

''(5) The involuntary separation or retirement of the member—

''(A) because of a nondiscretionary provision of law for age or years of service;

''(B) because of a policy prescribed by the Secretary concerned mandating such separation or retirement based solely on age or years of service for the prescribed pay grade of an enlisted member;

''(C) under section 16133(b); or

''(D) because of medical disqualification which is not the result of gross negligence or misconduct of the member,

shall not affect the use of entitlement by the dependent to whom the entitlement is transferred.

''(6) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

''(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

''(8) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

''(i) OVERPAYMENT.—(1) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

''(2) Except as provided in paragraph (3), if a member's whose eligibility is terminated under section 16134(2), the amount of any transferred entitlement under this section that is used by a dependent of the member as of the date of such termination shall be treated as an overpayment of basic educational assistance under paragraph (1).

''(3) Paragraph (2) shall not apply in the case of a member who fails to complete service agreed to by the member—

''(A) by reason of the death of the member; or

''(B) for a reason referred to in section 16133(b).

''(j) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section. Such regulations shall specify—

''(1) the manner of authorizing the military departments to offer transfer of entitlements under this section;

''(2) the eligibility criteria in accordance with subsection (b);

''(3) the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2); and

''(4) the manner in which the provisions referred to in subsections (h)(4) and (5) shall be administered with respect to a dependent to whom entitlement is transferred under this section.''.

(c) AUTHORITY TO TRANSFER RESERVE EDUCATIONAL ASSISTANCE PROGRAM BENEFITS TO A DEPENDENT.—Chapter 1607 of such title is amended by inserting after section 16163 the following:

''§ 16163a. Authority to transfer unused education benefits to family members

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit, at such Secretary's sole

discretion, a member described in subsection (b) who is entitled to basic educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitation under subsection (d).

''(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member of the armed forces who, at the time of the approval of the member's request to transfer entitlement to basic educational assistance under this section, has completed at least—

''(1) six years of service in the armed forces and enters into an agreement to serve at least four more years as a member of the armed forces; or

''(2) the years of service as determined in regulations pursuant to section (j).

''(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to basic educational assistance under this section may transfer the member's entitlement as follows:

''(1) To the member's spouse.

''(2) To one or more of the member's children.

''(3) To a combination of the individuals referred to in paragraphs (1) and (2).

''(d) LIMITATION ON MONTHS OF TRANSFER.—The total number of months of entitlement transferred by a member under this section may not exceed 36 months. The Secretary of Defense may prescribe regulations that would limit the months of entitlement that may be transferred under this section to no less than 18 months.

''(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to basic educational assistance under this section shall—

''(1) designate the dependent or dependents to whom such entitlement is being transferred;

''(2) designate the number of months of such entitlement to be transferred to each such dependent; and

''(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

''(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16164, a member approved to transfer entitlement to basic educational assistance under this section may transfer such entitlement only while serving as a member of the armed forces when the transfer is executed.

''(2) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred. The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

''(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

''(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to basic educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

''(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of at least—

''(A) six years of service in the armed forces; or

''(B) the years of service as determined in regulations pursuant to subsection (j); or

''(2) in the case of entitlement transferred to a child, both—

''(A) the completion by the member making the transfer of at least—

''(i) ten years of service in the armed forces; or

''(ii) the years of service as determined in regulations pursuant to subsection (j); and

''(B) either—

''(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

''(ii) the attainment by the child of 18 years of age.

''(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to basic educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

''(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

''(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable under sections 16162 and 16162a to the member making the transfer.

''(4) The death of a member transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

''(5) Notwithstanding section 16164(a)(2), a child to whom entitlement is transferred under this section may use the benefit without regard to the 10-year delimiting date, but may not use any entitlement so transferred after attaining the age of 26 years.

''(6) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

''(7) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

''(i) OVERPAYMENT.—

''(1) JOINT AND SEVERAL LIABILITY.—In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

''(2) FAILURE TO COMPLETE SERVICE AGREEMENT.—Except as provided in paragraph (3), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (b)(1) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of educational assistance under paragraph (1).

''(3) Paragraph (2) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

''(A) by reason of the death of the individual; or

''(B) for a reason referred to in section 16133(b).

''(j) REGULATIONS.—(1) The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section.

''(2) Such regulations shall specify—

''(A) the manner of authorizing the transfer of entitlements under this section;

''(B) the eligibility criteria in accordance with subsection (b); and

''(C) the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).

''(k) SECRETARY CONCERNED DEFINED.—For purposes of this section, the term 'Secretary concerned' has the meaning given in section 101(a)(9) in the case of a member of the armed forces.''.

(d) CONFORMING AMENDMENTS.—Section 16133(a) of title 10, United States Code, is amended by striking ''(1)'' and all that follows through the period at the end of the subsection and inserting ''on the date the person is separated from the Selected Reserve.''.

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 of title 38, United States Code, is amended by striking the item relating to section 3020 and inserting the following new item:

''3020. Authority to transfer unused education benefits to family members of career service members.''.

(2) The table of sections at the beginning of chapter 1606 of title 10, United States Code, is amended by inserting after the item relating to section 16132 the following new item:

''16132a. Authority to transfer unused education benefits to family members.''.

(3) The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16163 the following new item:

''16163a. Authority to transfer unused education benefits to family members.''.

TITLE VI—ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 6101. This chapter may be cited as the ''Close the Contractor Fraud Loophole Act''.

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 6102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 6103. In this chapter, the term ''covered contract'' means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 6201. This chapter may be cited as the ''Government Funding Transparency Act of 2008''.

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 6202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) the names and total compensation of the five most highly compensated officers of the entity if—

''(i) the entity in the preceding fiscal year received—

''(I) 80 percent or more of its annual gross revenues in Federal awards; and

''(II) $25,000,000 or more in annual gross revenues from Federal awards; and

''(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.''.

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of ''total compensation'' that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VII—MEDICAID PROVISIONS

SEC. 7001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking ''prior to the date that is 1 year after the date of enactment of this Act'' and inserting ''prior to April 1, 2009'';

(B) in subparagraph (A), by inserting after ''Federal Regulations)'' the following: ''or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748) and determined by the United States District Court for the District of Columbia to have been 'improperly promulgated', *Alameda County Medical Center, et al., v. Leavitt, et al.*, Civil Action No. 08-0422, Mem. at 4 (D.D.C. May 23, 2008)''; and

(C) in subparagraph (C), by inserting before the period at the end the following: '', including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)''.

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking ''June 30, 2008'' and inserting ''April 1, 2009'';

(B) by inserting '', including the proposed regulation published on August 13, 2007 (72 Federal Register 45201),'' after ''rehabilitation services''; and

(C) by inserting '', including the final regulation published on December 28, 2007 (72 Federal Register 73635),'' after ''school-based transportation''.

(3) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PORTION OF INTERIM FINAL REGULATION RELATING TO MEDICAID TREATMENT OF OPTIONAL CASE MANAGEMENT SERVICES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the interim final regulation relating to optional State plan case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portion of such regulation as relates directly to implementing section 1915(g)(2)(A)(ii) of the Social Security Act, as amended by section 6052 of the Deficit Reduction Act of 2005 (Public Law 109–171), through the definition of case management services and targeted case management services contained in proposed section 440.169 of title 42, Code of Federal Regulations, but only to the extent that such portion is not more restrictive than the policies set forth in the Dear State Medicaid Director letter on case management issued on January 19, 2001 (SMDL #01–013), and with respect to community transition case management, the Dear State Medicaid Director letter issued on July 25, 2000 (Olmstead Update 3).

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is December 3, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) FUNDS TO REDUCE MEDICAID FRAUD AND ABUSE.—

(1) IN GENERAL.—For purposes of reducing fraud and abuse in the Medicaid program under title XIX of the Social Security Act—

(A) there is appropriated to the Office of the Inspector General of the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, $25,000,000, for fiscal year 2009; and

(B) there is authorized to be appropriated to such Office $25,000,000 for fiscal year 2010 and each subsequent fiscal year.

Amounts appropriated under this section shall remain available for expenditure until expended and shall be in addition to any other amounts appropriated or made available to such Office for such purposes with respect to the Medicaid program.

(2) ANNUAL REPORT.—Not later than September 30 of 2009 and of each subsequent year, the Inspector General of the Department of Health and Human Services shall submit to the Committees on Energy and Commerce and Appropriations of the House of Representatives and the Committees on Finance and Appropriations of the Senate a report on the activities (and the results of such activities) funded under paragraph (1) to reduce waste, fraud, and abuse in the Medicaid program under title XIX of the Social Security Act during the previous 12 month period, including the amount of funds appropriated under such paragraph for each such activity and an estimate of the savings to the Medicaid program resulting from each such activity.

(c) STUDY AND REPORTS TO CONGRESS.—

(1) SECRETARIAL REPORT IDENTIFYING PROBLEMS.—Not later than January 1, 2009, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that—

(A) outlines the specific problems the Medicaid regulations referred to in the amendments made by paragraphs (1) and (2) of subsection (a) were intended to address;

(B) details how these regulations were designed to address these specific problems; and

(C) cites the legal authority for such regulations.

(2) INDEPENDENT COMPREHENSIVE STUDY AND REPORT.—

(A) IN GENERAL.—Not later than January 1, 2009, the Secretary of Health and Human Services shall enter into a contract with an independent organization for the purpose of—

(i) producing a comprehensive report on the prevalence of the problems outlined in the report submitted under paragraph (1);

(ii) identifying strategies in existence to address these problems; and

(iii) assessing the impact of each regulation referred to in such paragraph on each State and the District of Columbia.

(B) ADDITIONAL MATTER.—The report under subparagraph (A) shall also include—

(i) an identification of which claims for items and services (including administrative activities) under title XIX of the Social Security Act are not processed through systems described in section 1903(r) of such Act;

(ii) an examination of the reasons why these claims for such items and services are not processed through such systems; and

(iii) recommendations on actions by the Federal government and the States that can make claims for such items and services more accurate and complete consistent with such title.

(C) DEADLINE.—The report under subparagraph (A) shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate not later than September 1, 2009.

(D) COOPERATION OF STATES.—If the Secretary of Health and Human Services determines that a State or the District of Columbia has not cooperated with the independent organization for purposes of the report under this paragraph, the Secretary shall reduce the amount paid to the State or District under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) by $25,000 for each day on which the Secretary determines such State or District has not so cooperated. Such reduction shall be made through a process that permits the State or District to challenge the Secretary's determination.

(3) FUNDING.—

(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary without further appropriation, $5,000,000 to carry out this subsection.

(B) AVAILABILITY; AMOUNTS IN ADDITION TO OTHER AMOUNTS APPROPRIATED FOR SUCH ACTIVITIES.—Amounts appropriated pursuant to subparagraph (A) shall—

(i) remain available until expended; and

(ii) be in addition to any other amounts appropriated or made available to the Secretary of Health and Human Services with respect to the Medicaid program.

(d) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

''ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

''SEC. 1940. (a) IMPLEMENTATION.—

''(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

''(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

''(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

''(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

''(3) PHASE-IN.—

''(A) IN GENERAL.—

''(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

''(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

''(I) 12.5 percent by the end of fiscal year 2009.

''(II) 25 percent by the end of fiscal year 2010.

''(III) 50 percent by the end of fiscal year 2011.

''(IV) 75 percent by the end of fiscal year 2012.

''(V) 100 percent by the end of fiscal year 2013.

''(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

''(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

''(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary from approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

''(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

''(b) ASSET VERIFICATION PROGRAM.—

''(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

''(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

''(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

''(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

''(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided to a State under subsection (b)(1) shall remain effective until the earliest of—

''(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

''(2) the cessation of the recipient's eligibility for such medical assistance; or

''(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1), as applicable) of the authorization, in a written notification to the State.

''(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

''(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

''(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

''(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and of section 1102 of such Act, relating to a reasonable description of financial records.

''(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

''(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

''(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

''(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

''(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.''.

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking ''and'' at the end;

(B) in paragraph (70) by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

''(71) provide that the State will implement an asset verification program as required under section 1940.''.

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking ''or'' at the end;

(B) in paragraph (23) by striking the period at the end and inserting ''; or''; and

(C) by adding after paragraph (23) the following new paragraph:

''(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

''(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

''(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

''(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.''.

(4) REPEAL.—Section 4 of Public Law 110–90 is repealed.

SEC. 7002. (a) MEDICARE IMPROVEMENT FUND.— Title XVIII of the Social Security

Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''MEDICARE IMPROVEMENT FUND

''SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

''(b) FUNDING.—

''(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $2,220,000,000.

''(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

''(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.''.

(b) MEDICAID IMPROVEMENT FUND.— Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), as amended by section 7001(d), is further amended by adding at the end the following new section:

''MEDICAID IMPROVEMENT FUND

''SEC. 1941. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicaid Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to improve the management of the Medicaid program by the Centers for Medicare & Medicaid Services, including oversight of contracts and contractors and evaluation of demonstration projects. Payments made for activities under this subsection shall be in addition to payments that would otherwise be made for such activities.

''(b) FUNDING.—

''(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund—

''(A) for fiscal year 2014, $100,000,000; and

''(B) for fiscal years 2015 through 2018, $150,000,000.

''(2) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.''.

(c) ADJUSTMENT TO PAQI FUND.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking ''$4,960,000,000'' and inserting ''$4,670,000,000''; and

(B) by adding at the end the following new subclause:

''(IV) For expenditures during 2014, an amount equal to $290,000,000.'';

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

''(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) 2014 for payment with respect to physicians' services furnished during 2014.''.

TITLE VIII—GENERAL PROVISIONS, THIS ACT

AVAILABILITY OF FUNDS

SEC. 8001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 8002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

REDUCTION IN DEFENSE AMOUNTS

SEC. 8003. Notwithstanding any other provision of this Act, the total amount appropriated in chapter 1 of title IX of this Act under the headings ''Procurement'', ''Research, Development, Test and Evaluation'', and ''Defense Working Capital Funds'' is hereby reduced by $3,577,845,000. Such reduction shall be applied proportionally to each appropriation account under such headings, and to each program, project, and activity within each such appropriation account.

JOINT BASING INITIATIVES

SEC. 8004. Section 9310 of this Act is amended by inserting '', except funds deposited in the Department of Defense Base Closure Account 2005,'' after ''None of the funds available to the Department of Defense''.

DEFENSE HEALTH PROGRAM

SEC. 8005. Amounts provided for ''Defense Health Program'' in Public Law 110-28 for Post Traumatic Stress Disorder and Traumatic Brain Injury (TBI) within operation and maintenance which remain available for obligation shall be made available for psychological health and traumatic brain injury.

SHORT TITLE

SEC. 8006. This Act may be cited as the ''Supplemental Appropriations Act, 2008''.

Page 60 of the Senate engrossed amendment (of September 6, 2007) to H.R. 2642, strike lines 1 through 3.

The SPEAKER pro tempore. Pursuant to House Resolution 1284, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. 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 pending legislation.

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

There was no objection.

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

Mr. Speaker, we've heard a lot of comments tonight about what there should or should not be in this legislation, and I agree with many of those comments. And honestly, just once, acting as chairman of a committee, I would like to put together a bill which reflects my priorities. But that is not usually what chairmen have to do in this place.

What we have to do is try to find a consensus that will gather 218 votes and be sustained over time. And on this bill, there are some peculiar problems because, very frankly, we have a very different constituency in this House for continuing the war in Iraq than we have for most of the other items in the bill and, therefore, we had to find a way to allow each and every Member of the House to express his or her opinion. We had to try to find a way to allow each and every Member to vote their convictions in a way which would not keep the House tied up in knots for another 6 months.

Now, the way we did that was to adopt a procedure under which we took a conference report pending between the Senate and the House, and used that as the device by which each House would express their preferences, and we would work our way to a solution.

Our committee is often criticized because we wind up producing omnibus appropriations in which everything is thrown into one package, and people are forced to vote up or down on the entire package. What we tried to do this time was to do just the opposite, to disaggregate these issues so that people would have a chance to vote separately on the major propositions in the legislation.

And that is why the House sent to the Senate originally three amendments. We sent one amendment that would fund the operations for Iraq and Afghanistan. We sent a second amendment which stipulated the conditions under which the first amendment money could be expended. And then we had a third amendment which laid out, basically, other domestic priorities or associated military priorities that we thought were important. And we sent it to the Senate, and it included a number of items about which questions have been raised tonight.

In addition to the expanded GI benefits for veterans and unemployment compensation, we tried to protect the Medicaid safety net by having a moratorium on seven Medicaid regulations.

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We also had a number of restrictions on Iraq policy, one requiring that any money that is expended for reconstruction by the State Department or USAID be matched dollar for dollar by the Iraqi Government so that they

would begin to pick up a fair share of the cost of redeveloping their own country.

We also had language with respect to trying to assure that there would be no permanent bases in Iraq. We had funding $2.2 billion above the President's level for military construction and veterans' hospitals, and we fully funded BRAC.

Someone asked earlier on the floor today why did we have $178 million in this war supplemental for the Bureau of Prisons. Very simple. Because the executive agency asked for the money because if we don't, there are going to be prison guards laid off because there has been a heavier than expected Federal prison population. And that may not be an emergency to Members of Congress, but if you're one of those prison guards who's working shorthanded under dangerous situations, you don't want to have people laid off in those Federal prisons.

And so we sent that package over to the Senate, and the Senate added roughly 37 additional items which cost $10 billion and which the House felt, in many instances, did not accurately reflect emergency expenditure funds.

So the Senate sent those amendments back to us, and among other things, they stripped out totally the conditions on the war. That is why I will personally vote against amendment No. 1 because I would vote for that amendment provided that we had a set of reasonable conditions in defining what our national policy is in Iraq. Absent those conditions, I don't intend to vote for that amendment.

But I do intend to vote for the second amendment, and I want to take just a moment to explain what was in it. Primarily, we do three important things: We, first of all, create a new program to provide greatly expanded education benefits for American veterans under the GI Bill. We have some Members of this House who are unhappy about the fact that that is not paid for. I am among them. But I would point out that the entire war is not being paid for. Mr. MURTHA and I and Mr. MCGOVERN tried to offer the House an opportunity to vote to pay for the entire war. We did not, frankly, find much enthusiasm for that on either side of the political aisle.

But we stipulated that we felt that if that war was going to be fought, even though I personally think it's the most misguided war since the War of 1812, nonetheless, we felt if the war was going to be fought, at least we ought to pay for it so we didn't pass the cost down to our grandkids.

That has not happened.

My point is simply that if we aren't going to pay for the war, then I feel no particular guilt about saying to the GIs who have fought the war that we aren't going to provide you with the equivalent of a 4-year college education because we have had no sense of self-sacrifice in this country except on the part of military families. They've been asked to sacrifice again and again and again while the rest of us have been asked to go shopping or swallow a tax cut. And I think that's illegitimate.

We lost the argument on funding the war, and it just seems to me that it is a peculiar view of proportion if people get exercised about not paying for the GI Bill expansion but don't get exercised about not paying for the war. It would take over 50 years of paying benefits under this new expanded GI Bill. It would take more than 50 years to spend as much money on veterans as will be spent in a 2-year period in Iraq.

And so I make no apology. While I would prefer that it be paid for, I make no apology for the fact that, in the end, it wasn't. This is the only way that we could get the United States Senate and the administration to accept the expanded GI Bill. And I think we owe it to those veterans to provide it no matter what the budgetary niceties are.

Secondly, with respect to unemployment compensation. We wound up essentially—and I want to thank Mr. RANGEL especially for the work he did in conference yesterday. The House initially sent over a package which provided 13 weeks of expanded unemployment benefits for every State in the country and then provided an additional 13 weeks on top of that for States with high unemployment rates.

The administration, as you know, Mr. Speaker, did not want that. They objected to it. So we looked for various ways to try to salvage as much of that as we could.

In the end, we adopted changes which bring the cost of that down from about $10 billion to $8 billion. So we have retained 80 percent of the original unemployment compensation provision.

We've made two changes. We have agreed with the administration's request to require 20 weeks of work history if a person is going to be eligible for that, and we also dropped the second step, the targeting of those benefits. We will have to deal with that issue on another bill in another venue.

The third issue that was causing great controversy was the fact that we were trying to place a moratorium on seven Medicaid regulations that the administration was trying to impose that would cut services to seniors, families, and those with disabilities. In the end, we got six of those seven in the package. I think that's doing pretty well.

Because of the new disasters that we have had around the country, certainly most visible in Iowa recently, the administration agreed to $1.8 billion in disaster funding. This bill comes in considerably higher than that at $2.65 billion.

That's basically the outline of what we have done. And there are several other items in the bill. One that Members should be aware of, if we do not get our appropriation bills done by the end of the fiscal year—that has been known to happen from time to time around here—if that doesn't happen, then if we were to proceed for a short time on a continuing resolution, Israel would wind up receiving $170 million less than the President's budget. We did not want that to happen. And so we are including in this bill a provision which guarantees that as of October 1, that even if we were to pass a continuing resolution at last year's level, Israel would not be accidentally shortchanged by that action and they would get that additional $170 million.

There are a number of other provisions in the bill, but I think most Members are familiar with them. Most of these items have been around for quite a while.

And so with that, Mr. Speaker, I would like to reserve the balance of my time.

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

Mr. Speaker, we've heard from a number of sources in the last hour or so that this is the 500th day since the President sent this request for absolutely crucial funding for our troops who are fighting in the Middle East. It's been heard enough that I don't think we need to dwell upon that a lot.

Mr. Speaker, today is the 500th day since the President's fiscal year 2008 emergency supplemental request first arrived on the Hill. Oft times we make the mistake of assuming that we're doing the Lord's work in this body. But I remind my colleagues that the Good Lord created Heaven, Earth—and far more—and it took Him 493 fewer days to get it done.

It's no secret that I've had misgivings about the manner in which the majority leadership developed and moved earlier versions of the supplemental, without consideration by the Committee on Appropriations and under a closed rule.

While the regular order process was never followed, today I'm happy to report that the House has worked in a bipartisan fashion—and come to an agreement—on a funding package that will provide immediate support to our troops in harm's way in Iraq and Afghanistan.

This supplemental is long overdue and comes at a time when the Pentagon has already issued guidance to employees on potential furloughs. Clearly, our agreement on this legislation comes not a moment too soon.

A whole array of legislative provisions had been a part of the earlier version of the supplemental, including a massive tax increase on American small businesses. While several legislative provisions remain, the tax increase as been removed.

This is now a better package, one that provides an educational benefit for our returning troops and their families without placing an additional tax burden on small business—the economic engine that drives our national economy.

This package also includes unemployment insurance language that provides far more accountability than earlier versions considered by the House. The new provision includes an additional 13 weeks of coverage but requires that recipients work for 20 weeks in order to qualify for the benefit. From this Member's perspective, I believe this provision has been dramatically improved because it now requires that the recipient earn the benefit.

I'd like to make one additional observation as I close my remarks. Our friends and neighbors in the Midwest need to know this: Congress is prepared to help you get back on your feet as you respond to the great floods affecting your region. This legislation provides needed, targeted funding to address the many challenges you are now facing.

Mr. Speaker, this is a package that should receive the bipartisan support of the majority of our Members today. It is a package the President will sign. I urge its immediate passage.

Mr. Speaker, I would like to yield to the gentleman who played the key role in bringing that conference that we had together yesterday together in a fashion that caused us to be able to be here this evening.

I would recognize the Republican leader, JOHN BOEHNER, for such time as he might consume.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague for yielding, and let me thank him for his work, the majority leader Mr. HOYER, and the chairman of the Appropriations Committee, Mr. OBEY, the chairman of the Ways and Means Committee, Mr. RANGEL

It's not often that on a major bill that with as much controversy as we've had with this bill that we can come together and work as a Congress on both sides of the aisle and come to a compromise. The gentleman from Wisconsin outlined the provisions of the bill. I might have described them a little differently than he did. But a compromise is that. It's a compromise. You know, there are 435 of us. Any one of us could write this bill in a way that fit our own interests.

But at the end of the day, I think there was cooperation on both sides to come to this agreement. And I believe that at the end of the day, it's a victory for our troops, it's a victory for American families, it's a victory for our veterans, and for those in need who are unemployed.

Now, we could get into the whole issue of Iraq. I'm glad we're there. I wish it had gone better. I wish it had gone quicker. I want our troops to come home as soon as possible. But I want our troops to come home having succeeded in Iraq. The effort, the fight that's going on in Iraq, it's not about tomorrow, it's not about next month or next year. It is about the future for our kids and theirs.

Our soldiers in Iraq have brought more security to that country, the political process is working better, and building a democracy in a part of the world that's never known it, there is no price. There is no price that we can put on what that may mean for the future for our kids and theirs.

I know it's been difficult. It's been difficult for all Americans. And it's certainly been difficult for our troops and especially for those troops that have given their lives in defense of our country. But it's a price for freedom. And I think freedom for our kids and theirs is why a lot of us are here. And so supporting our troops that are in Iraq and Afghanistan is important.

I could criticize the majority that this bill should have happened a long time ago. There's no reason to get into that. But I think we're doing the right thing for our troops in this bill finally. I think the expanded GI benefits in this bill, while they may not be exactly as I would write them, taking care of our veterans should be our highest priority and making sure that they have the kinds of educational benefits that will help not only them but also their families will help us retain more of our soldiers, and help give them the benefits that they and their families deserve.

When it comes to the unemployment benefits that are included in this bill, I think it's a reasonable provision to require 20 weeks of work, which is current law, and to extend 13 additional weeks for all 50 States. I wouldn't have done it that way. The gentleman from New York (Mr. RANGEL) knows that. We had a discussion about it. But again, a compromise is a compromise.

I want to thank my Democrat colleagues for working with us to get to this point. And I want to thank them for this commitment that this is the bill, this is the bill that will end up on the President's desk.

And so I would ask all of my colleagues on both sides of the aisle to vote for this. You may not love it, but this is one of those moments when you've worked together, you've worked out a compromise, that Members need to just suck it up and vote ''yes'' because it's the right thing to do for our country.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the chairman for yielding.

I want to thank the chairman. No one has worked harder to get us to this point in time in a bill that can be signed by the President and passed by the Senate. No one has worked harder than DAVID OBEY has on that objective, and he spent months at it. His staff has worked extraordinarily hard.

I also want to thank my counterpart, the minority leader Mr. BOEHNER who just spoke, and thank him for his efforts. This agreement would not have been reached without his leadership and his cooperation, and I appreciate that.

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I also want to thank Mr. LEWIS for his work on this effort as well.

Mr. Speaker, this supplemental appropriations legislation is the result, as has been said, of a bipartisan compromise that addresses critical needs of the American people.

Will every Member be happy with the substance of the two amendments that we are going to consider? The answer to that question is no.

Will every Member here get what he or she wants? Again, the answer is no. That is, after all, the legislative process.

However, our Nation is at war. We have 150,000 men and women in harm's way in Iraq and Afghanistan. Catastrophic floods continue to wreak havoc in Iowa and other States in the Midwest. And millions of our workers are struggling to make ends meet because they've lost their jobs through no fault of their own.

These two amendments that we will consider address these needs, as well as others.

The first amendment will provide funding for our troops on the battlefield in Iraq and Afghanistan. Each Member will decide how they should vote, and their vote should not be questioned on that particular amendment.

It is also important to note that the second amendment includes important policy provisions regarding the war in Iraq.

First, it prohibits military construction funds from being used to establish permanent bases in Iraq. We have addressed that previously in this House and overwhelmingly supported that proposition.

Secondly, it requires reconstruction aid for Iraq to be matched dollar-for-dollar by the Iraqi Government. With the price of oil being what it is, having been told by the administration that the oil in Iraq would pay for all reconstruction, that is a reasonable and appropriate requirement.

Additionally, the second amendment includes major legislative items that the White House has agreed to accept. That is a good sign that there is an opportunity to work together when the interests of the American people are at stake. We don't always do that. The American public is concerned about that and disappointed by that. But this night, we have come to such an agreement, and the American public can be pleased by that.

Among other things, this amendment expands the education benefits that veterans receive under the GI Bill to restore the promise of a full, 4-year college education, and allowing servicemembers to transfer educational benefits to their spouses and dependents. That was a bipartisan agreement. It's something that we can be pleased about as a country. It's something that we do, in fact, owe our veterans, and we will redeem that promise this night.

Thus, this legislation supports our troops not only when they're abroad but when they return home as well.

We know from our experience with the original GI Bill that this legislation will foster an educated workforce and a vibrant economy. The greatest generation, after all, not only defeated fascism—CHARLIE RANGEL, at a later time, fought for our country in the field—but they also came home, that greatest generation, and built the greatest economy the world has seen. This bill will help in many ways redeem the promise for this generation of men and women who are asked to defend our country and its freedom. It is the right thing to do. We will do it this night.

The President initially indicated his opposition to an extension of unemployment insurance. But this second amendment includes a 13-week extension for workers in every State who have exhausted their benefits. Again, the right thing to do.

The administration also had placed a moratorium on seven Medicaid regulations, the result of which would cut services for seniors, families, and those with disabilities. The administration, after conversation with both sides, has decided and agreed to a moratorium on six of the seven regulations. That's good for the States, but more importantly, it's good for those whom these dollars will help in a time of trouble. This provision has overwhelmingly been supported in this House previously, both sides of the aisle, who voted for protecting the Medicaid safety net by a vote of 349–62. I am pleased the administration has joined us in the support of this effort.

The second amendment also includes critical disaster assistance in the wake of devastating tornadoes and floods, which all of us have seen on TV over the last few days, as well as funding to strengthen New Orleans' levees, as requested by the President, and housing vouchers for those left homeless by Hurricane Katrina.

I want to again commend Chairman OBEY and Chairman RANGEL. Chairman RANGEL played a key role in getting us to this agreement, and I thank him for that.

I also again want to thank Minority Leader BOEHNER and Ranking Member LEWIS for their leadership on this legislation.

Some will say this legislation is not perfect. To that extent, they can apply that to any piece of legislation that we consider, but this legislation is a good piece of legislation. It will provide for our troops in the field, while addressing critical priorities here at home. It will have my support, and I urge the support of this body for such amendment as they believe to be appropriate in the best interests of our country.

Mr. LEWIS of California. Mr. Speaker, I'm very pleased to call upon the former chairman of the committee and my dear friend from Florida, BILL YOUNG, for such time as he might consume.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding the time, and I want to congratulate Chairman OBEY and Mr. LEWIS for having worked out what appeared on many occasions to be an impossible solution. They did a good job.

I compliment Mr. MURTHA, the chairman of the Defense Appropriations Committee for a good job on amendment No. 1. It is not quite as much funding as we thought that there should have been, but we're okay with that. It's a good plan. We're going to vote for it. We're going to vote for the whole package. It just proves, Mr. Speaker, that when we finally settle down and decide to work for the country, we can do it. We can work together and we can make good things happen.

And so the last time we discussed this, I stood here and extended my support for the package, but it didn't pass. This time, I'm indicating my support for the package. At least most of us are going to vote for it, extending our thanks and our appreciation to those who are serving in our military in far-off places around the world—and as we talk so much about defending our freedoms—defending our safety, protecting the safety of the American people here, at home, and abroad.

So it's a good package. I support it strongly, and I compliment all of those who were involved in the negotiations to make this happen.

I thank the gentleman for yielding the time.

Today the House is finally considering funding for the 2008 and 2009 Global War on Terror requirements of the Department of Defense.

The deal on this bill could not have been reached at a more critical time. The Department will very soon be out of money . . . literally.

While I support everything we are doing for the Defense Department in this bill, I do wish that we could have provided all of the requested funding. This bill is almost $4.2 billion below the President's request. More important than this reduction, however, is the fact that we are finally getting the Department the funding they urgently need.

Morale is suffering. This Congress's inability to act has created frightening uncertainty among the men and women of the Department who are not sure they will receive their next paycheck, and placed an inexcusable burden on those professionals trying to execute the finances of the Department during a time of war. It is time to get the Department the money they requested almost a year and a half ago.

Let me reiterate, I have no argument with the substance of the Defense spending in this bill. I support this bill, as I did the previous version that was considered on the House floor. This one, however, I plan to vote for.

Let's pass this supplemental bill, and complete the work of supporting our military and their families.

While there have been numerous votes in the House and Senate on this issue as we negotiated our way to this agreement, this is the critical vote and the meaningful vote as we conclude our work on this Supplemental Appropriations Bill.

Mr. OBEY. I yield 3 minutes to the distinguished gentleman from New York, the chairman of the Ways and Means Committee, Mr. RANGEL. I want to thank Mr. RANGEL for the work he did in conference.

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

Mr. RANGEL. I want to thank Majority Leader HOYER, the Speaker, certainly Chairman OBEY, Mr. LEWIS and my good friend, JOHN BOEHNER, for inviting me to participate in just one part of this very complex problem that we have faced.

I just want to make it abundantly clear that what we were fighting for when we were talking about providing resources for those people that have lost their jobs was not a Democratic position or a Republican position, but it was a position that I'm glad that the minority leader understood, that affected not only the ability of Americans to put food on the table or to clothe their children or to pay their bills, but it really involved the dignity of the middle class.

And I will speak briefly to that, because JIM MCDERMOTT has the passion and truly understanding that we're not talking about being liberal or being conservative. That Statue of Liberty is up there for people all over the world, for centuries, for people to dream the American dream.

And what is it? It certainly isn't to be some type of tycoon that gets preferential tax treatment, and we know that it's not those people who are jobless and homeless. But it's those people that really think that they can have some dignity and pride in providing for their family, sending their kids to school, and maybe buying that first house.

When I heard that they were excluded from the stimulus package, because if you give these people money they might be inclined not to seek jobs, that struck me to the heart just as much as if someone snatched the flag and threw it in the street because it's these people that are the consumers. It's these people that dream for a better America. It's these people that everyone does and should aspire to be.

And for them to be ignored at a time when, through no fault of their own—and I stress that, through no fault of their own—find themselves without disposable income, find themselves losing the dignity in their communities and in their families, it would have just seemed to me that it would not have been a partisan issue, that we all should just come there and not to give a handout, since there's $35 billion that they paid into, but to be able to say, ''there but for the grace of God goes me.''

And so I want to thank JOHN BOEHNER, because he never pushed that point in terms of we can't afford to do it. It was just a question of how much can and should we do.

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

Mr. OBEY. I yield the gentleman 1 additional minute.

Mr. RANGEL. I hope when we start looking at some other issues, and we're looking to see how we're going to jump-start this economy, that we recognize that it won't be the homeless and the hopeless that we'll be going to. They're not even in the system. It won't be the wealthy, that the President insists that we extend their tax cuts, because they wouldn't even know what the check came in for.

But it would be what makes this country so great, what fights our wars, what runs our jobs, what produces for

trade, and what makes it the greatest country in the whole world, and that is the middle class. And when they get into trouble, as they are now, I think this Congress should not have a political debate. We should be there to help them because they're what makes our country great.

So thank you for giving me the opportunity and thank you, JOHN BOEHNER, for understanding what we were trying to do.

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

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, as chairman of the Income Security and Family Support Subcommittee, I've spent the last 6 months fighting for passage of the emergency unemployment extension. The American people needed a helping hand back in January when I introduced the legislation, and they need it now more than ever.

Just the other day, my home State of Washington reported the largest 1-month increase in unemployment in 28 years. The unemployment rate spiked in just 1 month from 4.7 to 5.3 percent. We saw much the same happen at the national level.

Yet for all the evidence, all the objective data, we saw the White House order Senate Republicans to drag their feet until the President got his way. Last week, the House voted overwhelmingly to pass emergency unemployment on its own merits. We achieved a two-thirds vote in here, veto-proof. So what did the President do? He ordered the Senate Republicans to withhold help from the Americans until he could force Congress to cut out the extra help needed in badly hit States like Michigan, Alaska, Puerto Rico, Rhode Island, California and the District of Columbia.

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Today we're going to get the best that we can get from a lame duck President and the Senate Republicans.

JOHN MCCAIN must have written off Michigan and California. But the American people have been hit hard by economic calamity, rooted in the disastrous policies of this administration, and they deserve better than this. When Americans can't find jobs because this President and Senate Republicans have tanked the economy, I submit the wrong people are standing in the unemployment line. And I trust the American people will remember in November who fought for them and who fought against them.

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

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Let me simply take this opportunity to thank the staff, especially Rob Nabors, on our side of the aisle. And I want to especially also thank Mr. MURTHA and Senator INOUYE and Mr. YOUNG for the work they did in fashioning amendment No. 1 that we have before us today.

I also want to thank Mr. RANGEL, certainly Mr. HOYER, and the Speaker for all of the work that they have done in bringing us to this point. And I also want to thank especially Mr. BOEHNER, who certainly has been integral to achieving this today. And also Mr. LEWIS and CANTOR, who have worked consistently on this, and I appreciate the work they did even through yesterday. And one more thank you to Senator WEBB and to Representative HERSETH SANDLIN in this House for leading the efforts to see that we did have an expanded GI Bill benefit for veterans, and also Senator REID.

And now let me inquire, does the gentleman have any other speakers?

Mr. LEWIS of California. At most, we have one remaining speaker, that's me. And so I reserve the balance of my time. And I will use very little time.

Mr. OBEY. I intend to have the Speaker do the closing. Would you like to finish before I ask her to close?

Mr. LEWIS of California. I certainly wouldn't want to speak before the Speaker, so I will yield back the balance of my time.

Mr. OBEY. I thank the gentleman, and I yield 1 minute to the distinguished Speaker of the House.

Ms. PELOSI. Thank you very much, Mr. Chairman, for yielding.

I want to join my colleague, Mr. OBEY, the distinguished chairman of the Appropriations Committee, in acknowledging the great work of Rob Nabors and all of the staff involved in putting this bill together today.

I want to join him in acknowledging the leadership of the distinguished minority leader, our majority leader, Mr. HOYER, the chairman, Mr. RANGEL, for his important work on unemployment insurance, Mr. MCDERMOTT, who just spoke, for his important work getting the bill ready. Mr. LEWIS, to you and to Mr. CANTOR and all involved in all this. Mr. MURTHA, to you as well, and Mr. SKELTON, to you as well.

We were able to come to this compromise because we were ready. As Mr. MCDERMOTT said, earlier in the year we had a bill ready for unemployment insurance. It wasn't going to be signed by the President. We had to put it off until another time. Two weeks ago tomorrow, the unemployment rate in our country shot up by half a point from approximately 5 to 5.5 percent. It sent a very stern message to the Congress of the United States and to the President that we must act.

Following that, on the floor last week, on two occasions, we had a very strong bipartisan vote in favor of unemployment insurance. So when Mr. RANGEL went to the table to talk about compromise, it was clear that we had to reflect the will of the American people, and he was ready, he was ready with the legislation. And I'm pleased that Mr. BOEHNER was ready to accept that.

When we started talking about the final versions of this bill in the past couple of weeks, little did we know that the skies would open and rain would fall and the Midwest of our country would be deluged, and there would be a need to make some adjustment in this bill for disaster assistance to the Midwest and to replenish the FEMA fund to make up for funds spent now. We were ready. And I don't think there was any compromise on that subject; we all agreed that that had to be done.

I am particularly pleased that in the legislation there is a signal sent that this Congress cares about investments in science, it cares about the future, not as much as I would like, but nonetheless, I thank you, Mr. Chairman, for having that included. And I thank my colleagues for accepting that.

I want to join in all the commendations, again, to those who helped bring this compromise to the floor. I am very pleased that it has the GI Bill, finally. It became clear that this is what we had to do, what we owed our young people to say thank you to them by sending them to college. Mr. CHET EDWARDS has been a champion on this issue. I will come back to that in a moment.

But, Mr. Speaker, I'm sorry that I cannot fully participate in all of the comradery that is accompanying this legislation that we bring to the floor because of the huge amount of money that is in this bill to fund the war in Iraq without any conditions, without any limitation on time spent there. I'm glad that we have something about no permanent bases, yes, but this is the first time that we will be sending a bill—well, we sent it to the Senate with conditions and they struck it. We have no choice. This is not about a failure of this House of Representatives; it's about what we cannot get past the next body and onto the President's desk.

Mr. Speaker, about a week ago, I spoke at the opening of the groundbreaking for the Institute of Peace. I know that you have been involved in that over the years. And I said that day, on a warm June day like today, it was reminiscent of one 45 years ago when President John F. Kennedy delivered the commencement address at American University.

In the last summer of a life that ended far too soon, President Kennedy spoke of the need to seek peace even in the midst of the Cold War. He said, ''The United States, as the world knows, will never start a war,'' Kennedy told the crowd assembled. ''We shall be prepared if others wish it, we shall be alert to try to stop it, but we shall also do our part to build a world of peace where the weak are safe and the strong are just.'' That was President Kennedy's philosophy of his foreign policy.

Contrary to that policy, President Bush started a war based on a false

premise. He sent our troops into a situation that he didn't know what he was getting into. The philosopher Hannah Arendt once said, she observed that nations are driven by the endless flywheel of violence, believing that one last, one final violent gesture will bring peace. But each time they sow the seeds for more violence.

Five years later, we are still engaged in the war in Iraq, 2 years longer than we were in World War II, and that has come at a very great cost. The costs are clear, of course, and we all mourn 4,100 of our troops who have lost their lives in battle, tens of thousands of our troops injured, thousands of them permanently. I met with some of them with my colleagues, Mr. DICKS, Mr. INSLEE and Mr. MCDERMOTT, at the Seattle VA Hospital last Friday. And before that, Mr. MURTHA and I visited our troops in the hospital as well here in Washington, D.C.

Over Memorial Day, I visited our troops in Iraq with some of our colleagues. It was my sixth trip into the theater. And what they asked me is what they always ask: What's going to happen to us when we go home? And for a long time on those visits I didn't have an answer that I could be very, very pleased to tell them. But now, because of the leadership of Mr. EDWARDS, and others, we're able to say that when you come home, you will be met with the biggest increase in the Veterans Administration health budget in the 77-year history of the Veterans Administration, and that means in the history of our country, an even bigger investment this year.

And after tonight, in a bipartisan way, we can proudly say—and Mr. YOUNG, who has done more than you? You have just been wonderful, and I salute you as well. We can proudly say to our troops, to our young student veterans, that when they come home, we will say thank you by sending them to college; $7 for every dollar spent on the GI Bill following World War II. We owe these troops nothing else.

Now let's go back to the cost of that war. We talked about those who lost their lives, we talked about those who are permanently injured. And it's such a sad story. The cost to our reputation in the world is enormous. The cost in dollars, the Heritage Foundation said $2.75 trillion. The Heritage Foundation, that's their figure; nearly $3 trillion projected to be the cost of this war.

And so it's hard to understand when we say to the President, we would like to insure 10 million children in America, and he says we can't afford it, so I vetoed the bill. And the Republicans stuck with him on that veto—not all, many voted in a bipartisan way. Forty days in Iraq, 10 million children insured in America for 1 year. We can't afford it? $2.75 trillion, the cost of this war.

But what is worrisome—I know to Mr. SKELTON, to Mr. MURTHA, and I'm certain to Mr. YOUNG, although he has not given me license to speak for him—is the cost of the military capability of our Nation, lives, limbs, reputation, dollars, opportunity costs at home. But this is about keeping the American people safe. That's what we take an oath of office to do, to provide for the common defense. And our ability to honor our oath of office to uphold the Constitution—in the preamble it says ''to provide for the common defense''—is greatly diminished because this war has diminished the capability of American military forces to protect our interests wherever they are threatened in the world.

So let us think and hope that this is the last time that there will ever be another dollar spent without constraints, without conditions, without direction. Why should we trust the same judgment that got us here in the first place in this war?

So while I'm pleased that we have some spirit of civility here tonight about coming to a conclusion on this bill to bring it to the floor, and I enthusiastically will vote for the domestic piece of this, I'm not urging anyone to do anything, I just want you to know why I would be voting ''no'' on the spending without constraints.

We owe our troops more than sending them into war on a false premise, without the equipment and training they need, without a plan for success, without a strategy to leave. This war has not made the region more stable, it has not made our country safer. It has undermined our capability to protect the American people. It should come to an end safely, honorably, responsibly, and soon.

Mr. OBEY, Mr. Speaker, I submit the following:

EXPLANATORY STATEMENT SUBMITTED BY MR. OBEY, CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS, REGARDING THE FURTHER AMENDMENT OF THE HOUSE OF REPRESENTATIVES RELATING TO SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEARS 2008 AND 2009

Following is an explanation of the further amendment of the House of Representatives (relating to supplemental appropriations for fiscal years 2008 and 2009) to the Senate amendment numbered 2 to the House amendment numbered 2 to the Senate amendment to H.R. 2642, the Supplemental Appropriations Act, 2008.

In this statement, the provisions of the further House amendment are generally referred to as ''the amended bill''.

The further House amendment provides that, in lieu of the matter proposed to be inserted by the Senate, language be inserted providing supplemental appropriations for military construction, international affairs, disaster assistance, and other security-related and domestic needs, as well as language providing for accountability in contracting, improved veterans education benefits, temporary extended unemployment compensation, and a moratorium on certain Medicaid regulations. The amendment also strikes lines 1 through 3 on page 60 of the Senate engrossed amendment of September 6, 2007.

The text of the amendment is printed in the Rules Committee report (H. Rpt. 110–720) to accompany House Resolution 1284.

Unless otherwise noted, all appropriations in the amendment are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 and section 301(b)(2) of S. Con. Res. 70, the congressional budget resolutions for fiscal years 2008 and 2009.

TITLE I—MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

The amended bill provides a total of $850,000,000 to remain available until expended for Public Law 480 Title II Grants for fiscal year 2008. The amended bill provides $350,000,000, as requested, for the urgent humanitarian needs identified by the administration. Further, the amended bill provides an additional $500,000,000 for unanticipated cost increases for food and transportation to be made available immediately.

In addition, because the need for urgent humanitarian food assistance and continuing volatility of food and transportation costs are expected to continue into fiscal year 2009, the amended bill provides a total of $395,000,000, as requested, to be made available beginning October 1, 2008.

CHAPTER 2—JUSTICE

DEPARTMENT OF JUSTICE

OFFICE OF INSPECTOR GENERAL

The amended bill includes $4,000,000 for the Office of Inspector General. The Inspector General is directed to continue its audit and oversight activities of the Federal Bureau of Investigation's use of National Security Letters (NSLs) and orders for business records, pursuant to Section 215 of the USA PATRIOT Act.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The amended bill includes $1,648,000 for General Legal Activities for the Criminal Division to provide litigation support services to the Special Inspector General for Iraq Reconstruction for its ongoing investigations and cases involving corruption in the reconstruction of Iraq. The amended bill does not include funding requested to create Iraq and Afghanistan support units within General Legal Activities, Criminal Division. These worthy activities should be supported through funds made available to the Departments of State or Defense.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The amended bill includes $5,000,000 for the U.S. Attorneys for extraordinary litigation expenses associated with terrorism prosecutions in the United States.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The amended bill includes $28,621,000 for the U.S. Marshals Service. Within this funding level is $7,951,000 to provide security at high-threat terrorist trials in the United States and $3,700,000 to improve court and witness security in Afghanistan.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The amended bill provides $106,122,000 for the Federal Bureau of Investigation (FBI). This funding level includes $101,122,000 for operations in Iraq and Afghanistan and for enhanced counterterrorism activities and $5,000,000 to increase the FBI's capacity to investigate fraudulent contracts in Iraq and Afghanistan. The FBI is directed to provide the House and Senate Committees on Appropriations with a detailed plan for the obligation of these funds no later than 30 days

after the enactment of this Act and to update this plan on a quarterly basis with actual obligations.

The amended bill also provides $82,600,000 in bridge funding for the FBI to maintain the operations described above into fiscal year 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The amended bill includes $29,861,000 for the Drug Enforcement Administration to further its narco-terrorism initiative and Operation Breakthrough; to conduct financial investigations and to support intelligence activities, such as signals intelligence, to assist the Government of Afghanistan's counter-narcotics and narco-terrorism programs; and to purchase a helicopter for Foreign-deployed Advisory Support Team transportation.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The amended bill includes $4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives for necessary costs of operations in Iraq.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The amended bill provides $9,100,000 for the Bureau of Prisons to monitor communications of incarcerated terrorists, collect intelligence, and disseminate relevant information to other Federal law enforcement agencies.

GENERAL PROVISION, THIS CHAPTER

The amended bill includes a provision authorizing the use of funds appropriated in this chapter, or available by the transfer of funds in this chapter, for activities pursuant to section 504 of the National Security Act of 1947.

CHAPTER 3—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

Iraq.—The Administration's request has been reviewed for military construction in Iraq to ensure that the recommended projects are consistent with contingency construction standards. The establishment of permanent bases in Iraq is not supported, and the amended bill does not include any funds to establish any such base, or convert any base in Iraq from a temporary to permanent status. The amended bill includes language prohibiting the obligation or expenditure of funds for Iraq construction projects provided under Military Construction, Army, and Military Construction, Air Force, until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for permanent basing of U.S. military personnel in Iraq. The Secretary of Defense is further directed to provide to the Committees on Appropriations of both Houses of Congress, no later than 30 days after enactment of this act, an updated Master Plan for U.S. basing in Iraq, including an inventory of installations that have been closed; those that are scheduled to close, and the timeline for their closure; and a finite list of potential enduring locations describing the mission, military construction requirements, and projected population of these locations.

Child Development Centers.—The amended bill recommends a total of $210,258,000 to design and build twenty new child development centers for the Army, Navy, Marine Corps, and Air Force. The Department should be commended for following the lead of Congress by requesting funds for additional child development centers.

Army Barracks Improvements.—The deplorable conditions that have recently been uncovered in some permanent party Army barracks, including those which house soldiers returning from the wars in Iraq and Afghanistan, have raised numerous concerns about the adequacy of living conditions for military personnel. The Army created a permanent party barracks modernization program in 1994 to eliminate inadequate barracks. However, this program is not projected to be completely funded until 2013. Given this timeline, it is unacceptable that the Army has allowed some of its existing permanent party barracks to fall into disrepair. While many of the repairs and upgrades to existing barracks can be accomplished with Sustainment, Restoration, and Modernization (SRM) funds, there is a need for additional military construction funds to expedite barracks replacements. The amended bill includes a total of $200,000,000 for the Army to accelerate the construction of new barracks, or to provide major renovations to existing barracks. The funding is provided subject to the development of an expenditure plan to be submitted to the Committees on Appropriations of both Houses of Congress.

MILITARY CONSTRUCTION, ARMY

The amended bill recommends $1,108,200,000 for Military Construction, Army. The funds are provided as follows:

[Dollars in thousands]

Location	Protect description	Request	Recommendation
AK: Fort Wainwright	Child Development Center [1]	17,000	17,000
CA: Fort Irwin	Child Development Center [1]	11,800	11,800
CO: Fort Carson	Child Development Center [1]	8,400	8,400
CO: Fort Carson	Soldier Family Assistance Center	8,100	8,100
GA: Fort Gordon	Child Development Center [1]	7,800	7,800
GA: Fort Stewart	Soldier Family Assistance Center	6,000	6,000
HI: Schofield Barracks	Child Development Center	12,500	12,500
KS: Fort Riley	Transitioning Warrior Support Complex	50,000	50,000
KY: Fort Campbell	Child Development Center [1]	9,900	9,900
KY: Fort Campbell	Soldier Family Assistance Center	7,400	7,400
KY: Fort	Knox Child Development Center	7,400	7,400
LA: Fort Polk	Soldier Family Assistance Center	4,900	4,900
MO: Fort Leonard Wood	Starbase Complex 6, Phase 1		50,000
NC: Fort Bragg	Child Development Center [1]	8,500	8,500
NY: Fort Drum	Warrior in Transition Facilities	38,000	38,000
OK: Fort Sill	Child Development Center [1]	9,000	9,000
TX: Fort Bliss	Child Development Center [1]	5,700	5,700
TX: Fort Bliss	Child Development Center [1]	5,900	5,900
TX: Fort Bliss	Child Development Center [1]	5,700	5,700
TX: Fort Hood	Child Development Center [1]	7,200	7,200
TX: Fort Hood	Warrior In Transition Unit Ops Facilities	9,100	9,100
TX: Fort Sam Houston	Child Development Center [1]	7,000	7,000
VA: Fort Lee	Child Development Center [1]	7,400	7,400
Afghanistan: Bagram AB	Administrative Building [1]	13,800	13,800
Afghanistan: Bagram AB	Aircraft Maintenance Hangar	5,100	5,100
Afghanistan: Bagram AB	Ammunition Supply Point	62,000	62,000
Afghanistan: Bagram AB	Bulk Fuel Storage and Supply, Phase 3	23,000	23,000
Afghanistan: Bagram AB	Bulk Fuel Storage and Supply, Phase 4	21,000	21,000
Afghanistan: Bagram AB	New Roads	27,000	27,000
Afghanistan: Bagram AB	Power Plant	41,000	41,000
Afghanistan: Ghazni	Rotary Wing Parking	5,000	5,000
Afghanistan: Kabul	Consolidated Compound	36,000	36,000
Afghanistan: Various Locations	Counter IED Road—Route Alaska	16,500	16,500
Afghanistan: Various Locations	Counter IED Road—Route Connecticut	54,000	54,000
Iraq: Al Asad AB	Hot Cargo Ramp	18,500	18,500
Iraq: Al Asad AB	Landfill	3,100	3,100
Iraq: Al Asad AB	Power Plant	40,000	
Iraq: Al Asad AB	South Airfield Apron (India Ramp)	28,000	28,000
Iraq: Al Asad AB	Urban Bypass Road	43,000	
Iraq: Baghdad IAP	Water Supply, Treatment & Storage Ph III	13,000	13,000
Iraq: Camp Adder	Convoy Support Center Relocation, Phase II	39,000	39,000
Iraq: Camp Adder	Multi-Class Storage Warehouse	17,000	
Iraq: Camp Adder	POL Storage Area	10,000	10,000
Iraq: Camp Adder	Power Plant	39,000	
Iraq: Camp Adder	Wastewater Treatment & Collection System	9,800	9,800
Iraq: Camp Anaconda	Hazardous Waste Incinerator	4,300	4,300
Iraq: Camp Anaconda	Landfill	6,200	6,200
Iraq: Camp Anaconda	Power Plant	39,000	
Iraq: Camp Constitution	Juenile TIFRIC	11,700	11,700
Iraq: Camp Cropper	Brick Factory	9,500	
Iraq: Camp Marez	Landfill	880	880
Iraq: Camp Ramadi	Landfill	880	880
Iraq: Camp Speicher	Aviation Navigation Facilities	13,400	13,400
Iraq: Camp Speicher	Landfill	5,900	5,900
Iraq: Camp Speicher	Military Control Point	5,800	5,800
Iraq: Camp speicher	Power Plant	39,000	
Iraq: Camp Speicher	Rotary Wing Parking Apron	49,000	
Iraq: Camp Taqqadum	Landfill	880	880

[Dollars in thousands]

Location	Protect description	Request	Recommendation
Iraq: Camp Warrior	Landfill	880	880
Iraq: Fallujah	Landfill	880	880
Iraq: Mosul	Urban Bypass Road	43,000	
Iraq: Qayyarah West	North Entry Control Point	11,400	11,400
Iraq: Qayyarah West	Perimeter Security Upgrade	14,600	14,600
Iraq: Qayyarah West	Power Plant	26,000	
Iraq: Scania	Entry Control Point	5,000	5,000
Iraq: Scania	Water Storage Tanks	9,200	9,200
Iraq: Victory Base	Landfill	6,200	6,000
Iraq: Victory Base	Level 3 Hospital	13,400	13,400
Iraq: Victory Base	Wastewater Treatment & Collection System	9,800	9,800
Iraq: Victory Base	Water Treatment &. Storage Phase II	18,000	18,000
Iraq: Various Locations	Facilities Replacement	72,000	
Iraq: Various Locations	Overhead Cover—eGlass	135,000	135,000
Kuwait: Camp Arifjan	Communication Center	30,000	30,000
Worldwide: Unspecified	Planning and Design (GWOT)	64,200	52,800
Worldwide: Unspecified	Planning and Design (WIT)	14,600	14,600
Worldwide: Unspecified	Planning and Design (COG) [1]	6,000	6,000
Total		1,486,100	1,108,200

[1] Requested by the Department of Defense in fiscal year 2008 and/or the March 2008 Adjustments package.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The amended bill recommends $355,907,000 for Military Construction, Navy and Marine Corps. The funds are provided as follows:

[Dollars in thousands]

Location	Project description	Request	Recommendation
CA: Camp Pendleton	11th Marine Regiment HQ, Armory, BEQ	34,970	34,970
CA: Camp Pendleton	5th Marine Regiment Addition, San Mateo	10,890	10,890
CA: Camp Pendleton	Armory Intelligence Battalion, 16 Area	4,180	4,180
CA: Camp Pendleton	Armory, Regiment & Battalion HQ, 53 Area	5,160	5,160
CA: Camp Pendleton	BEQ & Mess Hall HQ (13) Area	24,390	24,390
CA: Camp Pendleton	EOD Operations Facility	13,090	13,090
CA: Camp Pendleton	ISR Camp—Intelligence Battalion	1,114	1,114
CA: Camp Pendleton	JIEDDO Battle Courses [1]	9,270	9,270
CA: Camp Pendleton	Military Police Company Facilities	8,240	8,240
CA: Twentynine Palms	Regimental Combat Team HQ Facility	4,440	4,440
CA: China Lake NAWS	JIEDDO Battle Courses [1]	7,210	7,210
CA: Point Mugu	JIEDDO Battle Courses [1]	7,250	7,250
CA: San Diego	Child Development Center [1]	17,930	17,930
CA: Twentynine Palms	JIEDDO Battle Courses [1]	11,250	11,250
FL: Whiting Field NAS	JIEDDO Battle Courses [1]	780	780
MS: Gulfport NCBC	JIEDDO Battle Courses [1]	6,570	6,570
NC: Camp Lejeune	Child Development Center [1]	16,000	16,000
NC: Camp Lejeune	JIEDDO Battle Courses [1]	11,980	11,980
NC: Camp Lejeune	Maintenance/Operations Complex 2/9.	43,340	43,340
SC: Parris Island MCRD	Recruit Barracks		25,360
VA: Yorktown NWS	JIEDDO Battle Courses [1]	8,070	8,070
Djibouti: Camp Lemonier	CJTF–HOA HQ Facility	29,710	
Djibouti: Camp Lemonier	Dining Facility	20,780	20,780
Djibouti: Camp Lemonier	Fuel Farm [1]	4,000	4,000
Djibouti: Camp Lemonier	Full Length Taxiway [1]	15,490	15,490
Djibouti: Camp Lemonier	Network Infrastructure Expansion	6,270	6,270
Djibouti: Camp Lemonier	Water Production	19,140	19,140
Djibouti: Camp Lemonier	Western Taxiway [1]	2,900	2,900
Worldwide: Unspecified	Planning and Design (GTF)	7,491	7,491
Worldwide: Unspecified	Planning and Design (GWOT)	4,300	4,300
Worldwide: Unspecified	Planning and Design (CDC) [1]	1,101	1,101
Worldwide: Unspecified	Planning and Design (JIEDDO) [1]	2,951	2,951
Total		360,257	355,907

[1] Requested by the Department of Defense in fiscal year 2008 and/or the March 2008 Adjustments package.

Joint IED Defeat Organization (JIEDDO) Battle Courses.—The amended bill recommends $65,331,000 to construct facilities for enhanced counter-improvised explosive device training in furtherance of the goals of the Joint IED Defeat Organization. These funds address a technical correction in the Administration's fiscal year 2008 Global War on Terror budget request and are offset by a rescission in title IX.

MILITARY CONSTRUCTION, AIR FORCE

The amended bill recommends $399,627,000 for Military Construction, Air Force. The funds are provided as follows:

[Dollars in thousands]

Location	Project description	Request	Recommendation
CA: Beale AFB	Child Development Center [1]	17,600	17,600
FL: Eglin AFB	Child Development Center [1]	11,000	11,000
NJ: McGuire AFB	JIEDDO Battle Courses [1]	6,200	6,200
NM: Cannon AFB	Child Development Center [1]	8,000	8,000
Afghanistan: Bagram AB	East Side Helo Ramp	44,400	44,400
Afghanistan: Bagram AB	ISR Ramp.	26,300	26,300
Afghanistan: Bagram AB	Parallel Taxiway Phase 2	21,400	21,400
Afghanistan: Bagram AB	Strategic Ramp	43,000	43,000
Iraq: Balad AB	Fighter Ramp	11,000	11,000
Iraq: Balad AB	Foxtrot Taxiway	12,700	12,700
Iraq: Balad AB	Helicopter Maintenance Facilities.	34,600	34,600
Kyrgyzstan: Manas AB	Strategic Ramp	30,300	30,300
Oman: Masirah AB	Expeditionary Beddown Site	6,300	6,300
Qatar: Al Udeid AB	Facility Replacements	40,000	30,000
Qatar: Al Udeid AB	Northwest (CAS) Ramp [1]	60,400	60,400
Worldwide: Unspecified	Planning and Design (GWOT)	35,000	35,000
Worldwide: Unspecified	Planning and Design (CDC) [1]	1,427	1,427
Total		409,627	399,627

[1] Requested by the Department of Defense in fiscal year 2008 and/or the March 2008 Adjustments package.

Joint IED Defeat Organization (JIEDDO) Battle Courses.—The amended bill recommends $6,200,000 to construct facilities for enhanced counter-improvised explosive device training in furtherance of the goals of the Joint IED Defeat Organization. These

funds address a technical correction in the Administration's fiscal year 2008 Global War on Terror budget request and are offset by a rescission in title IX.

MILITARY CONSTRUCTION, DEFENSE-WIDE

The amended bill recommends $890,921,000 for Military Construction, Defense-Wide. The funds are provided as follows:

[Dollars in thousands]

Location	Project description	Request	Recommendation
GA: Fort Benning	Hospital Replacement		350,000
KS: Fort Riley	Hospital Replacement		404,000
NC: Camp Lejeune	Hospital Addition		64,300
TX: Fort Sam Houston	Burn Rehabilitation Center	21,000	21,000
Qatar: Al Udeid AB	Logistics Storage Warehouse	6,600	6,600
Worldwide: Unspecified	Planning and Design (MTF)		45,021
Total		27,600	890,921

Medical Treatment Facilities Construction.—There is a great concern with the large backlog of needed recapitalization for medical treatment facilities for military service members and their families. The current Future Years Defense Plan (FYDP) for Tricare Management Activity military construction averages $412,000,000 per year for fiscal years 2009 through 2013, and much of this amount is accounted for by medical research facilities. With the services identifying recapitalization requirements ranging in the several billions of dollars, the current FYDP for medical construction is obviously and severely insufficient. The Department's inventory of medical treatment facilities is riddled with aging hospitals, clinics, and other facilities that do not meet current standards for medical care. Adding to this problem is the fact that several installations are adding thousands of personnel and dependents due to Base Realignment and Closure, the relocation of units from Europe and Korea to the United States, and the Growing the Force initiative that will add 92,000 active duty personnel to the Army and Marine Corps. The amended bill therefore recommends $863,321,000 for additional medical treatment facility construction. These funds will provide for the Army's top two priority hospital replacement projects in the United States as well as a top priority hospital addition for the Marine Corps.

The Department of Defense is also directed to develop a comprehensive master plan for medical treatment facilities construction, to include both recapitalization and new requirements. This plan shall include a comprehensive priority list of projects for all services, provide a cost estimate for each project, supply data on the current state of facilities and the projected change in demand for services due to growth for each location on the list, indicate the extent to which identified construction requirements are programmed in the FYDP, and indicate the resources required for associated planning and design work. This report shall be submitted to the Committees on Appropriations of both Houses of Congress no later than December 31, 2008.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

The amended bill recommends $11,766,000 for Family Housing Construction, Navy and Marine Corps. The funds are provided as follows:

[Dollars in thousands]

Location	Project description	Request	Recommendation
CA: Camp Pendleton	Public-Private Venture, Phase 6B	10,692	10,692
CA: Twentynine Palms	Public-Private Venture, Phase 2A	1,074	1,074
Total		11,766	11,766

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

The amended bill recommends $1,278,886,000 for Department of Defense Base Closure Account 2005 instead of $1,202,886,000 as requested by the Administration. The amount provided fully funds the Administration's request to expedite medical facility construction at Bethesda and Fort Belvoir, and provides an additional $862,976,000 for BRAC 2005 implementation.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

The amended bill recommends $100,000,000 for General Operating Expenses to implement the provisions of title V of this Act.

INFORMATION TECHNOLOGY SYSTEMS

The amended bill recommends $20,000,000 for Information Technology Systems to implement the provisions of title V of this Act, including support for any personnel increases within the Veterans Benefits Administration.

CONSTRUCTION, MAJOR PROJECTS

The amended bill recommends $396,377,000 for Construction, Major Projects to accelerate and complete planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan.

Polytrauma Center Initiative.—The nature of combat in Iraq and Afghanistan has resulted in new patterns of polytraumatic injuries and disabilities requiring specialized intensive rehabilitation and high coordination of care. Operating under a national Memorandum of Agreement with the Department of Defense (DOD), the Department of Veterans Affairs (VA) polytrauma rehabilitation centers continue to provide treatment and care to severely injured combat personnel requiring polytrauma inpatient rehabilitation. The medical care the VA is providing to military personnel is exceptional. However, space in the existing polytrauma facilities is dated, with cramped quarters and treatment facilities scattered throughout hospital campuses. These inefficiencies prove to be difficult for patients with mobility issues, compromised immune systems, and those suffering from psychological wounds. In an effort to accelerate the VA's planned expansion and consolidation of polytrauma rehabilitation centers on existing hospital campuses as outlined in the Department's February 2008 Five Year Capital Plan, the amended bill recommends providing $396,377,000 to fully fund the design and construction of these crucial projects.

GENERAL PROVISIONS, THIS CHAPTER

The amended bill includes the following general provisions for this chapter:

Section 1301 provides an additional appropriation for Military Construction, Army for the acceleration of barracks improvements at Army installations.

Section 1302 relates to the Armed Forces Institute of Pathology.

Section 1303 relates to the collection of certain debts owed to the Department of Veterans Affairs by service members killed in a combat zone.

CHAPTER 4—DEPARTMENT OF STATE AND FOREIGN OPERATIONS

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

INTRODUCTION

The budget request totals $5,073,608,000 in emergency supplemental funds for fiscal year 2008, and the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) provided $1,473,800,000 for immediate requirements. The amended bill provides for Department of State, Foreign Operations and Related Programs a total of $5,164,108,000, which is $90,500,000 above the pending budget request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The budget request included $2,283,008,000 for Diplomatic and Consular Programs, of which $575,000,000 was appropriated in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for operations and security at the United States Embassy in Iraq.

The amended bill includes an additional $1,465,700,000 for Diplomatic and Consular Programs, which is $242,308,000 below the pending request. Within the amount provided, $210,400,000 is for worldwide security protection. Funds for diplomatic and consular programs are to be allocated as follows:

DIPLOMATIC AND CONSULAR PROGRAMS

($ in thousands)

Activity	Pending request	Amended bill	Change from request
Iraq Diplomatic Operations	1,545,608	1,150,000	−395,608
Afghanistan—Operations and Worldwide Security Protection	162,400	200,200	37,800
Pakistan—Operations	0	7,500	7,500
Western Hemisphere Travel Initiative	0	1,000	1,000
Worldwide Security Protection	0	48,000	48,000
Civilian Workforce Initiative	0	55,000	55,000
Public Diplomacy	0	4,000	4,000
Total, Diplomatic and Consular Programs	1,708,008	1,465,700	−242,308

Afghanistan.—Within the total, the amended bill includes $200,200,000, which is $37,800,000 above the request, for necessary expenses for diplomatic and security operations in Afghanistan. Of this amount, $162,400,000 is for enhanced security operations, including additional high threat protection teams, increased overhead cover and physical security measures, replacement of armored vehicles, and local guard service. In addition, $19,000,000 is for the establishment of a Department of State-managed air transport capability in Afghanistan for Department of State and United States Agency for International Development (USAID) personnel to manage country programs, provide support for medical evacuation, and other security-related operations. Finally, $18,800,000 is for support of operations and personnel for Provincial Reconstruction Teams (PRTs) in Afghanistan.

Iraq.—Within the total, $1,150,000,000 is for the diplomatic and security operations of the United States Mission in Iraq, which is $395,608,000 below the pending request. The cost of operations of the United States Mission in Iraq totals $2,141,000,000 for fiscal year 2008, including $1,150,000,000 provided in this Act, $575,000,000 provided as bridge funding in Public Law 110–161 and $416,000,000 in funds carried over from prior year appropriations. Nearly $900,000,000 is requested for supporting security requirements for diplomatic and development personnel in Iraq.

The amended bill includes funding for mission operations, security, logistics support, information technology, and operations of PRTs. Congress has provided an additional $196,543,000 since fiscal year 2006 for follow-on facilities requirements identified by the Department of State, as follows: extend the perimeter wall; construct a dining facility; construct additional housing; construct a tactical operations center for Diplomatic Security; construct a static guard camp; and construct overhead cover. The actual cost of building the New Embassy Compound (NEC) has reached a total of $788,543,000 to date.

The number of permanent and temporary personnel assigned to Iraq, with the exception of USAID, should be decreased to accommodate all personnel within the NEC and any improvements can be made with previously appropriated funds. USAID will play a critical role in assisting the Government of Iraq in effectively allocating its budgetary resources.

The additional $43,804,000 requested for follow-on projects for the NEC in Baghdad is not included. At least $77,027,000 in prior year funding programmed for follow-on projects is available for obligation and these funds should be used to provide additional secure housing for a smaller number of personnel.

None of the funds provided under this heading in this Act shall be made available for follow-on projects, other than the proposed funding for overhead cover. The Department of State should include a detailed plan for the use of funds for follow-on projects as part of the spending plan required by this Act.

Due to an extended accreditation and verification process and the addition of follow-on projects, occupancy of the NEC offices and housing has been delayed. This rigorous process to address and validate whether the NEC was constructed to code and contract specifications was supported. Now that the process is complete, occupancy of the offices and housing should proceed without delay in order to provide the maximum protection to United States personnel.

The rationale for co-location of the Departments of State and Defense in the NEC is recognized. However, the proposed New Office Building and the Interim Office Building reconfigurations are projected to delay occupancy of NEC offices by up to one year. Given the difficult security environment in Baghdad, this lengthy delay is not acceptable. The Departments of State and Defense are expected to consult with the Committees on Appropriations on options for moving forward with limited co-location plans in the most accelerated, secure, and cost-effective manner. Any future construction in Iraq shall be subject to the Capital Security Cost Sharing Program, in the same manner as all other embassy construction projects worldwide.

There is a concern that private security contractors have been utilized without the necessary authority, oversight, or accountability. The Department of State is directed to provide a report to the Committees on Appropriations not later than 45 days after enactment of this Act on the implementation status of each of the recommendations of the October 2007 report of the Secretary of State's Panel on Personal Protective Services. The Department of State is encouraged to aggressively review security procedures and seek the necessary authority to ensure that increased security is achieved with effective oversight and accountability.

The Secretary of State should take appropriate steps to ensure that assistance for Iraq is not provided to or through any individual, private entity or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

Pakistan.—The amended bill includes $7,500,000 for operations, security, and personnel engaged in diplomatic activities to promote economic and political development in the Federally Administered Tribal Areas along the Pakistan and Afghanistan border.

Sudan.—The amended bill includes resources to support the diplomatic mission in Sudan including the United States Special Envoy for Sudan.

Buying Power Maintenance Account.—The amended bill provides authority to transfer funds available in this Act, and in a prior Act, to the Buying Power Maintenance Account in accordance with section 24 of the State Department Basic Authorities Act, to manage exchange rate losses in fiscal year 2008.

Civilian Workforce Initiative.—The amended bill provides $55,000,000 to increase the civilian diplomatic capacity of the Department of State to meet the increasing and complex demands of diplomacy in the 21st century. Within the total, $30,000,000 is for the initial development and deployment of a civilian capacity to respond to post-conflict stabilization and reconstruction challenges and $25,000,000 is to strengthen capabilities of the United States diplomatic corps and promote broader engagement with the rest of the world, including expanding training and enhanced interagency collaboration.

The amended bill includes funds to replace Foreign Service positions worldwide, which were previously moved to Iraq and to increase the number of positions participating in critical needs foreign language training. The Department of State has transferred approximately 300 Foreign Service positions from embassies around the world to Iraq and to associated language training, leaving key posts understaffed. These funds are to be used to support United States foreign policy in priority, understaffed regions, particularly South and East Asia, the Western Hemisphere, and Africa.

Funds made available for the civilian stabilization initiative are for the Active and Standby Response Corps portion of the initiative and to enhance operations of the Office of the Coordinator for Reconstruction and Stabilization. In addition to the funds provided to the Department of State, $25,000,000 is appropriated in this Act under the heading ''Operating Expenses of the United States Agency for International Development'' to implement the USAID portion of the civilian stabilization initiative. The funding request for the Civilian Response Corps will be considered as part of the fiscal year 2009 appropriations process and none of the funds provided in this Act are to be used to implement the Civilian Response Corps portion of the initiative.

Diplomatic Security-Worldwide Security Protection.—The amended bill also includes $48,000,000 above the request for worldwide security protection. The amount provided is available to restore 100 positions in the diplomatic security personnel that were redirected to Iraq to address urgent security requirements for United States personnel elsewhere in the world.

Directorate of Defense Trade Controls.—Increased demands on the Directorate of Defense Trade Controls' Office of Defense Trade Controls Licensing have led to delays in license processing. The Secretary of State is directed to review the workload demands and staffing needs of the office and report any recommendations to the Committees on Appropriations not later than 45 days after enactment of this Act.

Middle East Peace Process.—The security and support requirements for the personnel and operations that accompany the Middle East peace process have been, and should continue to be, supported through the operations funds available in fiscal year 2008. Any additional requirements associated with these activities will be considered during the fiscal year 2009 appropriations process.

Public Diplomacy.—The amended bill includes $4,000,000 for the Office of Public Diplomacy and Public Affairs to expand new media for targeted Arabic language television programs for the purpose of fostering cultural, educational, and professional dialogues through indigenous Arabic language satellite media.

Western Hemisphere Travel Initiative.—The amended bill recommends not less than $1,000,000 to expand public outreach efforts related to implementation of the Western Hemisphere Travel Initiative (WHTI). With WHTI implementation occurring as early as June 2009, there is concern about the lack of a comprehensive, coordinated plan between the Department of State, the Department of Homeland Security, and the United States Postal Service to broadly disseminate information to the traveling public concerning the final WHTI implementation requirements at the Nation's land and sea ports. The Department of State is encouraged to provide significantly increased outreach to border communities, including through radio, print media, and additional passport fairs.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes an additional $9,500,000 for Office of Inspector General (OIG) at the Department of State, which is $9,500,000 above the pending request. Of the total, $5,000,000 is to enhance the Department of State Inspector General's oversight of programs in Iraq and Afghanistan, $2,500,000 is for operations of the Special Inspector General for Iraq Reconstruction (SIGIR), and $2,000,000 is for operations of the Special Inspector General for Afghanistan Reconstruction (SIGAR).

The Department of State OIG, USAID OIG, SIGIR, and SIGAR each have independent oversight responsibilities in Iraq and Afghanistan. The inspectors general should, to the maximum extent practicable, coordinate, and de-conflict all activities related to oversight of assistance programs for the reconstruction of Iraq and Afghanistan to ensure that oversight resources are used effectively and are not unnecessarily duplicative.

To ensure continuity of oversight of permanent United States Missions, the USAID OIG and the Department of State OIG are expected to actively participate in oversight of all programs funded by this Act and prior Acts making appropriations for the Department of State and foreign operations, in particular oversight of diplomatic and development operations and facilities. Joint oversight with SIGIR or SIGAR is strongly encouraged; however once fully staffed, the Department of State OIG or the USAID OIG should, to the maximum extent practicable, be designated as the lead for any joint oversight conducted with SIGIR or SIGAR of funds involving diplomatic operations and facilities in Iraq and Afghanistan.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The amended bill includes an additional $76,700,000 for urgent embassy security, construction, and maintenance costs, which is $83,300,000 below the request. The funds are to construct 300 secure apartments and a secure office building, including the necessary perimeter security, utility, and dining facilities, for United States Mission staff in Afghanistan. Currently, there are a small number of permanent construction apartments and the majority of diplomatic and Mission personnel live in structures with limited protection. Additional funds for this purpose are provided in subchapter B.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The amended bill includes $66,000,000 for Contributions to International Organizations, which is for United States contributions to the UN Assistance Mission in Afghanistan and the UN Assistance Mission in Iraq. Funding is also provided to meet fiscal year 2008 assessed dues to organizations whose missions are critical to protecting United States national security interests, including the North Atlantic Treaty Organization, the International Atomic Energy Agency, and the Organization for the Prohibition of Chemical Weapons.

The Department of State is directed not later than 45 days after enactment of this Act, to provide a report to the Committees on Appropriations detailing total United States-assessed contributions, any arrears from prior years and potential arrears for fiscal years 2008 and 2009 for each of the organizations funded under this heading.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The budget request included $723,600,000 for Contributions for International Peacekeeping Activities, of which $390,000,000 of funds designated as an emergency was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for the United States contribution to the United Nations/African Union (UN/AU) hybrid peacekeeping mission to Darfur (UNAMID).

The amended bill includes an additional $373,708,000 for assessed costs to UN peacekeeping operations. Within the total under this heading, not less than $333,600,000 is provided for UNAMID, which is the same as the request. Additionally, the amended bill includes $40,108,000 to meet unmet fiscal year 2008 assessed dues for the international peacekeeping missions to countries such as the Democratic Republic of the Congo, Côte d'Ivoire, Haiti, Liberia, and Sudan.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The amended bill includes an additional $2,000,000 for International Broadcasting Operations to continue increased broadcasting to Tibet.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

The budget request included $80,000,000 for International Disaster Assistance. The Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) provided $110,000,000 for emergency humanitarian requirements.

The amended bill includes $220,000,000 for International Disaster Assistance, which is $220,000,000 above the pending request. These funds should be used to respond to urgent humanitarian requirements worldwide, including in Burma, Bangladesh, the People's Republic of China, and countries severely affected by the international food crisis.

USAID is directed to substantially increase food assistance for Haiti to address critical food shortages and malnutrition. Preventing hunger and combating poverty in Haiti should be a USAID priority.

As the State Peace and Development Council (SPDC) has compounded the humanitarian crisis in Burma by failing to respond to the needs of the Burmese people in the wake of Cyclone Nargis and by refusing offers of assistance from the international community, the Department of State and USAID should seek to avoid providing assistance to or through the SPDC.

The amended bill also includes funds under this heading and the heading ''Development Assistance'' in subchapter B to help address the international food crisis. Programs should address both rural and urban food requirements.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The budget request included $61,800,000 for Operating Expenses of the United States Agency for International Development, of which $20,800,000 was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for operations in Iraq.

The amended bill includes $150,500,000 for Operating Expenses of the United States Agency for International Development.

Of the funds provided under this heading, the amended bill includes $41,000,000 to continue support for security needs in Iraq and Afghanistan, which is the same as the request. In addition, $30,000,000 is included to increase support for staffing, security, and operating needs in Afghanistan and Sudan, and $19,500,000 in Pakistan.

The amended bill also includes $25,000,000 to support the development and deployment of a civilian capacity to respond to post-conflict stabilization and reconstruction needs. Funds made available for the civilian stabilization initiative are for the Active and Standby Response Corps portion of the initiative and none of the funds provided in this Act may be used to develop the Civilian Response Corps. Additional funding for this initiative is provided in the ''Diplomatic and Consular Programs'' account for the Department of State portion of the initiative.

In addition, the amended bill includes $35,000,000 to enable USAID to hire above attrition in fiscal year 2008. The Administration's request for fiscal year 2009 includes $92,000,000 for hiring 300 USAID foreign service officers as part of a three-year initiative. Funding provided in this Act is intended to support the hiring of additional Foreign Service officers in fiscal year 2008 in order to begin rebuilding the capacity of the Agency to carry out its mission. USAID is directed to consult with the Committees on Appropriations on the use of these funds and to recruit mid-career personnel. As USAID seeks to strengthen its workforce, USAID is encouraged to consult with the Department of Defense on ways to benefit from the experience of retiring officers, including establishment of a transition program.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

The amended bill includes an additional $4,000,000 for the United States Agency for International Development Office of Inspector General to support increased oversight of programs in Iraq and Afghanistan.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The budget request included $2,217,000,000 for Economic Support Fund (ESF), of which $208,000,000 was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for emergency requirements in the West Bank and in North Korea, as requested.

The amended bill includes $1,882,500,000 for ESF, which is $126,500,000 below the request. An additional $75,000,000 is provided under the heading Democracy Fund for political development programs for Iraq. Funds are to be allocated as follows:

ECONOMIC SUPPORT FUND

($ in thousands)

Country and region	Amended bill
Afghanistan	859,000
Bangladesh	25,000
Central America	25,000
Central African Republic	1,000
Chad	2,000
Democratic Republic of the Congo	12,500
Iraq	424,000
Jordan	175,000
Kenya	12,000

ECONOMIC SUPPORT FUND—Continued

($ in thousands)

Country and region	Amended bill
Mexico	20,000
Nepal	7,000
North Korea	53,000
Philippines	15,000
Sri Lanka	6,000
Sudan	45,000
Thailand	2,500
Uganda	17,500
West Bank and Gaza	171,000
Zimbabwe	5,000
Exchanges Africa	5,000
Total	1,882,500

Iraq.—The amended bill includes $424,000,000 for Iraq, which is $373,000,000 below the request. The sums provided enable the Department of State and USAID to continue programs in Iraq through the end of fiscal year 2008 and into the first two quarters of fiscal year 2009. After providing more than $45,000,000,000 to help rebuild Iraq, the United States should reduce bilateral assistance levels and reduce the number of Department of State personnel involved in the reconstruction effort who are located in Iraq. Funds provided for Iraq are to be allocated as follows:

IRAQ PROGRAMS

($ in thousands)

Activity	Pending request	Amended bill	Change from request
Provincial Reconstruction Teams (PRTs)	165,000	139,000	−26,000
Provincial Reconstruction Development Councils	100,000	85,000	−15,000
Local Governance Program	65,000	54,000	−11,000
Community Stabilization Program (CSP)	155,000	100,000	−55,000
Community Action Program (CAP)	0	75,000	75,000
Infrastructure Security Protection for Oil, Water and Electricity	70,000	0	−70,000
Operations and Maintenance of Key USG-Funded Infrastructure	134,000	10,000	−124,000
Iraqi-American Enterprise Fund	25,000	0	−25,000
Provincial Economic Growth (including Agriculture and Microfinance)	0	25,000	25,000
National Capacity Development	248,000	70,000	−178,000
Marla Fund	0	5,000	5,000
Total	797,000	424,000	−373,000

Community Action Program (CAP).—The amended bill includes $75,000,000 for continued support for the Community Action Program.

Community Stabilization Program (CSP).—The amended bill includes $100,000,000 for the CSP, which is $55,000,000 below the request. Recent findings of a March 18, 2008 USAID Inspector General audit (E–267–08–001–P) of possible fraud and misuse of some CSP funds are of concern. Therefore the amended bill withholds 50 percent of funding until the Secretary of State certifies and reports that USAID is implementing recommendations contained in the audit to ensure proper use of funds.

Enterprise Fund.—The amended bill does not include any funding for the creation, capitalization, operation, or support of any enterprise fund in Iraq. The Department of State is directed not to reprogram any funds made available by this or prior Acts for an enterprise or enterprise-related fund in Iraq.

Infrastructure Security Protection for Oil, Water, and Electricity.—The amended bill does not include funding for these functions, which should be supported by the Government of Iraq.

Marla Ruzicka Iraqi War Victims Fund.—The amended bill includes $5,000,000 for the Marla Ruzicka Iraqi War Victims Fund for continued assistance for Iraqi civilians who suffer losses as a result of the military operations.

National Capacity Development (NCD).—Within the amount provided in ESF for Iraq, $70,000,000 is provided for NCD, which is $178,000,000 below the request. The Government of Iraq should assume increasing responsibility for the cost of these activities.

Operations and Maintenance of Key U.S. Government-Funded Infrastructure.—The amended bill includes $10,000,000 for operations and maintenance of key United States government-funded infrastructure, which is $124,000,000 below the request. These functions should be funded by the Government of Iraq and this Act includes sufficient funding to allow the United States to provide technical assistance and training. In addition, the amended bill conditions the funds on the signing and implementation of an asset transfer agreement between the United States and Iraq.

Provincial Economic Growth.—The amended bill includes $25,000,000 for provincial economic growth activities.

Vulnerable Groups.—Up to $10,000,000 of funds made available for Iraq in this chapter, including from the Migration and Refugee Assistance and International Disaster Assistance accounts, should be made available for programs to assist vulnerable Iraqi religious and ethnic minority groups, including Christians. The Secretary of State should designate staff at United States Embassy Baghdad to oversee and coordinate such assistance.

Afghanistan.—The amended bill includes $859,000,000 in ESF for Afghanistan, which is $25,000,000 above the request. USAID is directed to review its reconstruction efforts in Afghanistan; focus its assistance, including capacity building, through local Afghan entities; give greater attention to accountability and monitoring to minimize corruption; and emphasize programs which directly improve the economic, social, and political status of Afghan women and girls. Funds provided for Afghanistan are to be allocated as follows:

AFGHANISTAN PROGRAMS

($ in thousands)

Activity	Pending request	Amended bill	Change from request
Civilian Assistance Program	0	10,000	+10,000
Governance and Capacity Building	135,000	165,000	+30,000
2009 Elections	100,000	70,000	−30,000
National Solidarity Program	40,000	65,000	+25,000
Health and Education	50,000	75,000	+25,000
North Atlantic Treaty Organization POHRF	0	2,000	+2,000
Power	175,000	150,000	−25,000
Provincial Reconstruction Teams (PRTs)/Provincial Governance	0	50,000	+50,000
Roads	329,000	200,000	−129,000
Rural Development/Alternative Livelihoods	0	65,000	+65,000
Trade and Investment	5,000	7,000	+2,000
Total	834,000	859,000	25,000

Civilian Assistance.—The amended bill includes $10,000,000 for USAID's Afghan Civilian Assistance Program to continue assistance for civilians who have suffered losses as a result of the military operations, and $2,000,000 for the NATO/ISAF Post-Operations Humanitarian Relief Fund.

Governance and Capacity Building.—The amended bill provides $165,000,000 for governance and capacity building programs, which is $30,000,000 above the request, to fund rule of law, human rights, and local and national capacity building.

National Solidarity Program.—The amended bill includes $65,000,000 for the National Solidarity Program to support small-scale development initiatives. The funding shall be programmed in a manner consistent with the Afghan National Development Strategy.

Power.—The amended bill includes $150,000,000 for power, which is $25,000,000 below the request. The request includes funding for gas and diesel power projects and there is a concern that diesel generators are costly to maintain and will exacerbate Kabul's already heavily polluted air. The completion of the north-south transmission line to enable Afghanistan to purchase electricity from its northern neighbors for distribution to other areas of the country is supported. Funding for the Northern Electrical Power System or the Shebergan Gas-

Fired Plant is not included. The World Bank should play a larger role in financing such infrastructure projects.

It is noted that Afghanistan has considerable potential for small hydro and solar power development to service Afghanistan's many remote communities that have no other access to electricity, and not less than $15,000,000 of the funds shall be used for renewable energy projects in rural areas.

Provincial Reconstruction Teams.—The amended bill provides $50,000,000 for PRTs in Afghanistan.

Roads.—The amended bill includes $200,000,000 for roads, which is $129,000,000 below the request.

Rural Development and Alternative Livelihoods.—The amended bill includes $65,000,000 for rural development and alternative livelihood programs and an additional $35,000,000 for counternarcotics under the ''International Narcotics Control and Law Enforcement'' account to expand counternarcotics programs in Afghanistan. The Secretary of State is directed to consult with the Committees on Appropriations on the use of these funds.

2009 Elections.—The amended bill includes $70,000,000 for preparations for the 2009 elections.

Bangladesh.—The amended bill includes $25,000,000 for assistance for Bangladesh for cyclone recovery and reconstruction assistance.

Central America.—The amended bill includes $25,000,000 for the countries of Central America in fiscal year 2008, in addition to funds otherwise made available for assistance for these countries, for a program to be called the ''Economic and Social Development Fund for Central America'', of which $20,000,000 is to be administered by USAID, in consultation with the Department of State. The purpose of the program is to promote economic and social development and good governance in targeted, low-income areas, including rural communities that are particularly vulnerable to drug trafficking and related violence and organized crime. These funds should support programs that emphasize community initiatives and public-private partnerships. United States funds should be matched with contributions from public and private sources to the maximum extent practicable. USAID is directed to consult with the Committees on Appropriations prior to the obligation of these funds. Of the funds available, $5,000,000 shall be administered by the Bureau of Educational and Cultural Affairs for educational exchanges with the countries of Central America.

Democratic Republic of the Congo.—The amended bill includes $12,500,000 for assistance for eastern Democratic Republic of the Congo for urgent conflict mitigation and recovery programs and for programs relating to sexual violence against women and girls. Of this amount, not less than $1,000,000 is to establish and support a training center for health workers who provide care and treatment for victims of sexual violence, and not less than $2,000,000 is for training military and civilian investigators, prosecutors, and judges to bring the perpetrators of such crimes to justice.

Exchanges with Africa.—The amended bill includes $5,000,000 for educational exchanges with countries in Africa, specifically to counter extremism. These funds should be administered by the Bureau of Educational and Cultural Affairs.

Jordan.—The amended bill includes a total of $200,000,000 for economic assistance for Jordan, of which $175,000,000 is appropriated under this heading, and $25,000,000 is appropriated through a general provision. The Government of Jordan remains a key ally and has played a leading role in supporting peace initiatives in the Middle East. Programming of these resources should be done in consultation with the Government of Jordan and refugee relief organizations and funds should be used to meet the needs of Iraqi refugees. The Secretary of State, after consultation with the Government of Jordan, the United Nations, and international organizations and non-governmental organizations with a presence in Iraq, is directed to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act detailing (1) short- and medium-term options the United States and other countries and organizations could pursue to assist Iraqis in Jordan to maintain their educational and vocational skills and earn income; and (2) longer term options that the United States and the Government of Jordan can take to address the economic, social and health needs of refugees from Iraq, including the feasibility of extending temporary residence status for Iraqis registered with the United Nations High Commissioner for Refugees.

Kenya.—The amended bill includes $12,000,000 for assistance for Kenya for political, ethnic and tribal reconciliation activities.

Mexico.—The amended bill includes $20,000,000 for assistance for Mexico for institution building and support of civil society. Funding for these purposes was requested through the International Narcotics and Law Enforcement (INCLE) account. The amended bill includes $5,000,000 for human rights training for police, prosecutors, and prison officials; $3,000,000 for victim and witness protection; and $3,000,000 to support NGOs and civil society. The amended bill also includes $5,000,000 for a literacy program for local police. USAID is encouraged to work with non-governmental organizations, civil society, and local police to replicate the literacy program being implemented in Nezahualcoyotl, Mexico. The amended bill also includes funding for the Office of the UN High Commissioner for Human Rights in Mexico (OHCHR). The Department of State is directed to work with the Mexican Government, the OHCHR, and civil society organizations in Mexico to promote respect for human rights by Mexican police and military forces.

Nepal.—The amended bill includes $7,000,000 for assistance for Nepal to strengthen democracy and support the peace process, including the demobilization and reintegration of ex-combatants, and for economic development programs in rural communities affected by conflict.

North Korea.—The amended bill includes up to $53,000,000 for energy-related assistance for North Korea in support of the goals of the Six-Party Talks Agreement, in addition to the $53,000,000 appropriated in division J of Public Law 110–161, which is the same as the total amount requested. Prior to the obligation of assistance for North Korea, the Secretary of State is directed to report to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under the Six-Party Talks Agreement.

Pakistan.—The amended bill does not include funding for assistance for Pakistan in this subchapter. These needs are addressed in funding appropriated in the fiscal year 2009 bridge.

Philippines.—The amended bill includes $15,000,000 for assistance for the Philippines for programs to further peace and reconciliation in the southern Philippines, and recognizes the shared interest between the United States and the Philippines in combating terrorism in this region.

Sri Lanka.—The amended bill includes $6,000,000 for assistance for Sri Lanka to be provided through USAID to support economic development programs in the eastern region of Sri Lanka to solidify recent gains against the Liberation Tigers of Tamil Eelam. These funds should be used to assist Tamil and Muslim minorities in Sri Lanka.

Sudan.—The amended bill includes $45,000,000 for assistance for Sudan to support election-related activities.

Thailand.—The amended bill includes $2,500,000 for assistance for Thailand to address economic and social development needs in southern Thailand. The Department of State is directed to consult with the Committees on Appropriations prior to the obligation of these funds.

Uganda.—The amended bill includes $17,500,000 for assistance for northern Uganda. These funds should be used to support economic development, governance, assistance for war victims, and reintegration of ex-combatants.

West Bank and Gaza.—The amended bill includes not more than $171,000,000 for economic assistance for the West Bank and Gaza, which is $24,000,000 below the request. The Department of State is directed to provide a report to the Committees on Appropriations not later than 90 days after the enactment of this Act on how United States economic assistance for the West Bank supports the larger Palestinian Reform and Development Plan as well as a description of other donor support of this plan. The report should describe how assistance from the United States and other donors will improve conditions in the West Bank, including through job creation and housing programs.

Zimbabwe.—The amended bill includes $5,000,000 for assistance for Zimbabwe to support political reconciliation activities.

DEPARTMENT OF STATE

DEMOCRACY FUND

The amended bill includes $76,000,000 for Democracy Fund programs, requested under the heading ''Economic Support Fund'', to be made available as follows:

Chad.—The amended bill includes $1,000,000 for democracy activities in Chad.

Iraq.—The amended bill includes $75,000,000 for democracy activities in Iraq. These funds are intended to be available through non-governmental organizations, including the National Endowment for Democracy, and not less than $8,000,000 for the United States Institute of Peace. These funds should be awarded expeditiously to prevent interruption of current operations.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The amended bill includes $390,300,000 for International Narcotics Control and Law Enforcement (INCLE) activities in Afghanistan, Iraq, Mexico, Central America, Haiti, the Dominican Republic, and the West Bank, which is $343,700,000 below the request. The Secretary of State is directed to consult with the Committees on Appropriations on the use of these funds.

Iraq.—The amended bill includes $85,000,000 for Iraq for justice and rule of law programs, which is $74,000,000 below the request. Funding for prison construction is not included.

Afghanistan.—The amended bill includes $35,000,000, which is $35,000,000 above the request, to support programs to strengthen counternarcotics efforts, to improve the training of the Afghan police, including border police, to advance the development of institutional capacity professionalism of the justice sector, and to help facilitate cooperation between the police and the judiciary at both the national and regional levels. The Department of State is directed to report to the Committees on Appropriations not later than 180 days after enactment of this Act on the level of counternarcotics cooperation by

the Government of Afghanistan at the national and regional level and should detail, nationally and by province, the steps that the Government of Afghanistan is taking to arrest and prosecute leaders of Afghan drug cartels; disarm and disband private militias; and end corruption among national and provincial police forces.

Central America.—The amended bill includes $24,800,000 for assistance for Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, and an additional $5,000,000 for Haiti and the Dominican Republic under the Merida Initiative. Although funding was requested only through the INCLE account, funding for the Merida Initiative is provided in the accounts from which such activities are traditionally funded. The amended bill provides funding for specialized police training and non-lethal equipment to strengthen the law enforcement and criminal justice institutions for the purpose of combating drug trafficking and related violent crime and increasing the capacity and professionalism of Central American police forces.

Impunity within the military and police forces of several of these countries and corruption within their justice systems is of concern. The Secretary of State is directed to submit a report in writing on mechanisms in place to ensure eligibility of recipients of United States assistance.

The omission of Haiti and the Dominican Republic from the request for the Merida Initiative makes it more likely that these vulnerable countries would become increasingly favored transit routes for drug traffickers. The amended bill includes $2,500,000 for Haiti and $2,500,000 for the Dominican Republic as part of the Merida Initiative to support counternarcotics and border security programs, anti-corruption, judicial reform, institution-building, and rule of law programs.

Mexico.—There is a shared responsibility between the United States and Mexico to combat drug trafficking and related violence and organized crime. The amended bill includes $215,500,000 to support programs to enable the Government of Mexico to respond to these threats in accordance with the rule of law. The amended bill includes $10,000,000 for demand reduction and drug rehabilitation activities; $3,000,000 to provide technical and other assistance to enable the Government of Mexico to put into service a unified national police registry; and not more than $24,000,000 for program development and support. To the extent possible, any equipment and technology purchases should be interoperable based on open standards with the equipment and technology being used by their United States Government counterparts.

Corruption and impunity within Mexico's military and police forces are of concern. Recommendations of the National Human Rights Commission have been ignored and investigations of violations of human rights by Mexican military and police forces rarely result in convictions. The Secretary of State, in consultation with relevant Mexican Government authorities, is directed to report to the Committees on Appropriations that mechanisms are in place to ensure eligibility of recipients of United States assistance.

There is concern with the failure to investigate and prosecute the police officers responsible for human rights violations, including rape and sexual violence against women, at San Salvador Atenco on May 3–4, 2006, and in Oaxaca between June and December 2006. These and other such violations by members of the Mexican military and police forces have been documented and require thorough, credible and transparent investigation and prosecution by the Mexican Attorney General.

The state and Federal investigations into the October 27, 2007, killing in Oaxaca of American citizen Bradley Will have been flawed and the Secretary of State is directed, not later than 45 days after enactment of this Act and 120 days thereafter, to submit a report to the Committees on Appropriations detailing progress in conducting a thorough, credible, and transparent investigation to identify the perpetrators of this crime and bring them to justice. The Department of State should work with Mexican Government authorities and relevant Federal government agencies of the United States to assist in the investigation of this case.

West Bank.—The amended bill includes $25,000,000 for ongoing training of vetted units of the Palestinian National Security Forces, which is the same as the request.

MIGRATION AND REFUGEE ASSISTANCE

The budget request included $230,000,000 for Migration and Refugee Assistance, of which $200,000,000 was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for emergency refugee requirements in Iraq and the West Bank and Gaza.

The amended bill includes $315,000,000 for Migration and Refugee Assistance, which is $285,000,000 above the pending request. Funds should be made available to meet unmet global refugee needs, including to assist Iraqi refugees in Jordan, Syria, Lebanon, Turkey, Egypt, and the surrounding region, as well as internally displaced persons in Iraq. Funds may also be used, if necessary, for the admissions costs of Iraqis granted special immigrant status under the Special Immigrant Visa program authorized by the National Defense Authorization Act of 2008. In addition, funds may be used to offset administrative costs associated with the expanded requirements of the Iraqi refugee program, in consultation with the Committees on Appropriations.

The humanitarian crisis involving Iraqi refugees and internally displaced persons is of concern and the Government of Iraq has dedicated insufficient resources to assist this most vulnerable segment of the Iraqi population. The Department of State shall urge the Government of Iraq to provide a substantial increase in funding for humanitarian assistance to the Iraqi refugee population residing in the region and within the country. In addition, the Secretary of State should ensure that the Senior Coordinator for Iraqi Refugee Issues gives particular attention to the needs of vulnerable minority groups, including ethnic and religious minorities.

The welfare and security of the 7,900 Lao Hmong in the Thai military camp in Petchaboon, northern Thailand is of concern and the Department of State is directed to urge the Government of Thailand to support a transparent screening process to identify those who have a legitimate fear of return to Laos. Any attempt to force the return of Hmong refugees to Laos is strongly opposed.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The amended bill includes $31,000,000 for the United States Emergency Refugee and Migration Assistance Fund to prevent depletion of this emergency fund.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The amended bill includes $13,700,000 for Nonproliferation, Anti-terrorism, Demining and Related Programs (NADR), which is $8,700,000 above the request.

Of these funds, $5,000,000 is for presidential protective service support in Afghanistan, which is the same as the request, and $2,500,000 is for a United States contribution to the Comprehensive Test Ban Treaty International Monitoring System.

Central America.—The amended bill also includes $6,200,000 for the Merida Initiative for the countries of Central America, which is $6,200,000 above the request. Although funding for these purposes was requested only through the INCLE account, funding has been provided in the NADR account, from which such activities are traditionally funded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The amended bill includes $137,500,000 for Foreign Military Financing Program, which is $137,500,000 above the request.

Central America.—The amended bill includes $4,000,000 to augment the ongoing naval cooperation program and maritime security assistance to strengthen the ability of the countries of Central America to improve maritime security and interdiction capabilities, including to complement existing regional systems and programs.

Jordan.—The amended bill includes a total of $50,000,000 for military assistance for Jordan, of which $17,000,000 is appropriated under this heading and $33,000,000 is appropriated through a general provision.

Mexico.—The amended bill includes $116,500,000 in support of military-to-military cooperation between the United States and Mexico.

SUBCHAPTER B—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

The budget request totals $3,605,000,000 in emergency supplemental funds for fiscal year 2009. The amended bill provides a total of $3,679,500,000 for the Department of State, Foreign Operations and Related Programs for fiscal year 2009 emergency supplemental requirements, which is $74,500,000 above the request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The amended bill includes $704,900,000 for Diplomatic and Consular Programs. Within this amount, $78,400,000 is available for worldwide security protection and not more than $550,500,000 is available as a bridge fund for Iraq operations.

To meet increased security and personnel requirements, the amended bill includes $89,400,000 for Afghanistan, $7,000,000 for Pakistan, $3,000,000 for Somalia, and $15,000,000 for Sudan. In addition, the amended bill includes $40,000,000 to continue the support of new positions to develop language and other critical skills of the diplomatic corps and for civilian post-conflict stabilization initiatives.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes $57,000,000 for Office of Inspector General at the Department of State, of which $15,500,000 is to continue oversight of programs in Iraq and Afghanistan, and the Middle East.

Special Inspector General for Iraq Reconstruction (SIGIR).—The amended bill includes $36,500,000 for SIGIR for continued oversight of United States reconstruction programs in Iraq, as authorized by section 3001 of Public Law 108–106.

Special Inspector General for Afghanistan Reconstruction (SIGAR).—The amended bill includes $5,000,000 for SIGAR, which is $5,000,000 above the request, and which is authorized by section 1229 of Public Law 110–181. Such funds shall be used for oversight of United States reconstruction programs in Afghanistan. None of the funds shall be used to duplicate investigations that have been

conducted or to support offices or systems of inspectors general at the Department of State or USAID. SIGAR should co-locate staff and ''back office'' support systems with other inspectors general to the extent feasible.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The amended bill includes $41,300,000 for urgent embassy security, construction, and maintenance costs. Funds should be used to construct safe and secure office space for the increasing number of diplomatic and development personnel living and working in Kabul, Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The amended bill includes $75,000,000 for Contributions to International Organizations.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The amended bill includes $150,500,000 for Contributions for International Peacekeeping Activities to fund the Administration's revised estimate of the United States-assessed contribution to international peacekeeping.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTNG OPERATIONS

The amended bill includes $6,000,000 for International Broadcasting Operations.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

The amended bill includes $75,000,000 for Global Health and Child Survival to continue programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

The amended bill includes $200,000,000 for Development Assistance, which is for a new Food Security Initiative to promote food security in countries affected by significant food shortages, such as programs to assist farmers to increase crop yields, including in Darfur. Of this amount, up to $50,000,000 should be used for local and regional purchase. The Secretary of State is directed to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds, on the proposed uses of funds to alleviate starvation, hunger, and malnutrition overseas, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

The amended bill includes $200,000,000 for International Disaster Assistance to meet urgent humanitarian requirements worldwide, including support for critical needs in Bangladesh, Burma, and the People's Republic of China. A portion of these funds should be used for assistance for internally displaced persons in Iraq and Afghanistan. In addition, funds are available under this heading to assist in the response to the international food crisis.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The amended bill includes $93,000,000 for Operating Expenses of the United States Agency for International Development to address staffing, security, and operating needs.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

The amended bill includes $1,000,000 for Operating Expenses of the United States Agency for International Development Office of Inspector General.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The amended bill includes $1,124,800,000 for Economic Support Fund to address critical health, economic, and security needs. These funds are to be allocated as follows:

ECONOMIC SUPPORT FUND

($ in thousands)

Country and region	Amended bill
Afghanistan	455,000
Bangladesh	50,000
Burma	5,300
Central African Republic	2,000
Chad	5,000
Democratic Republic of the Congo	10,000
Iraq	102,500
Jordan	100,000
Kenya	25,000
North Korea	15,000
Pakistan	150,000
Sudan	25,000
Uganda	15,000
West Bank and Gaza	150,000
Zimbabwe	15,000
Total	1,124,800

Afghanistan.—The amended bill includes $455,000,000 for assistance for Afghanistan.

Governance and Capacity Building.—The amended bill includes $20,000,000 for the National Solidarity Program to support small-scale development initiatives; and not less than $35,000,000 for preparations for the 2009 elections. The funding shall be programmed in a manner consistent with the Afghan National Development Strategy.

Rural Development and Alternative Livelihoods.—The amended bill includes not less than $35,000,000 for rural development and alternative livelihoods.

Bangladesh.—The amended bill includes $50,000,000 for cyclone recovery and reconstruction assistance.

Burma.—The amended bill includes $5,300,000 for assistance for Burma for humanitarian programs along the Thai-Burma border.

Iraq.—The amended bill includes $102,500,000 for assistance for Iraq.

Community Action Program (CAP).—The amended bill includes $32,500,000 for continued support for the Community Action Program.

Community Stabilization Program (CSP).—The amended bill includes $32,500,000 for continued support for the Community Stabilization Program.

Marla Ruzicka Iraqi War Victims Fund.—The amended bill includes $2,500,000 for the Marla Ruzicka Iraqi War Victims Fund for continued assistance for Iraqi civilians who suffer losses as a result of the military operations.

Provincial Reconstruction Teams (PRTs).—The amended bill includes $35,000,000 for continued support for the Provincial Reconstruction Teams.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The amended bill includes $199,000,000 for International Narcotics Control and Law Enforcement activities in Iraq, Afghanistan, the West Bank, Mexico, and Africa. The Secretary of State is directed to consult with the Committees on Appropriations on the use of these funds.

MIGRATION AND REFUGEE ASSISTANCE

The amended bill includes $350,000,000 for Migration and Refugee Assistance to respond to urgent humanitarian and refugee admissions requirements, including those involving refugees from Iraq, Afghanistan, and central Africa.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS

The amended bill includes $4,500,000 for Nonproliferation, Anti-terrorism, Demining and Related Programs, for humanitarian demining in Iraq.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The amended bill includes $302,500,000 for Foreign Military Financing Program, of which $100,000,000 is for assistance for Jordan, $170,000,000 is for assistance for Israel, and $32,500,000 is for assistance for Lebanon.

PEACEKEEPING OPERATIONS

The amended bill includes $95,000,000 for Peacekeeping Operations for programs in Africa to address needs beyond those projected in the fiscal year 2009 budget request, including for Darfur and $10,000,000 for Peacekeeping Operations in the Democratic Republic of the Congo (DRC). These funds are made available to support infantry battalions of the DRC armed forces, to protect vulnerable civilians in the eastern region of the country, and should be made available in accordance with thorough vetting procedures. The Department of State should ensure that trained units are being provided professional leadership, appropriate training in human rights, and adequate pay.

SUBCHAPTER C—GENERAL PROVISIONS, THIS CHAPTER

The amended bill includes the following general provisions for this chapter:

EXTENSION OF AUTHORITIES

Section 1401 extends certain authorities necessary to expend Department of State and foreign assistance funds.

IRAQ

Section 1402 imposes certain conditions and limitations on assistance for Iraq and requires reports.

AFGHANISTAN

Section 1403 imposes certain conditions and limitations on assistance for Afghanistan and requires a report.

WEST BANK

Section 1404 directs the Department of State to provide a report to the Committees on Appropriations not later than 90 days after enactment of this Act, and 180 days thereafter, on the Palestinian security assistance program.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

Section 1405 grants waiver authority to the President with respect to certain assistance to North Korea and the ''Glenn Amendment,'' which established automatic sanctions in the Arms Export Control Act on non-nuclear weapon states that detonate a nuclear device.

MEXICO

Section 1406 sets a ceiling on funding for Mexico at $400,000,000. The provision also provides a restriction on the use of funding for budget support or cash payments and restricts obligation of 15 percent of the funding provided under the headings ''Foreign Military Financing Program'' and ''International Narcotics Control and Law Enforcement'' until the Secretary of State submits a report in writing.

CENTRAL AMERICA

Section 1407 states that $65,000,000 may be made available for the countries of Central America, Haiti and the Dominican Republic and prohibits the use of funding for budget support or cash payments. The provision restricts obligation of 15 percent of the funding provided under the headings ''Foreign Military Financing Program'' and ''International Narcotics Control and Law Enforcement'' for the military and police forces until the Secretary of State submits a report in writing.

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Section 1408 provides authority to utilize $26,000,000 from appropriations for Diplomatic and Consular Programs from a prior Act and authority to transfer up to an additional $74,000,000 of the funds made available by this Act to the Buying Power Maintenance Account to manage exchange rate losses in fiscal year 2008. The Department of State shall consult on any proposed transfers resulting from this authority. The Department of State estimates the impact of currency fluctuations to be at least $260,000,000 on United States diplomatic operations worldwide.

In addition, the provision includes authority to transfer unobligated and expired balances after fiscal year 2008 into the Buying Power Maintenance Account to address future exchange rate losses. The Secretary of State shall submit a report to the Committees on Appropriations not later than October 15, 2008, on the amount transferred by this authority in this or any fiscal year, the total amount of exchange rate losses in fiscal year 2008, and the accumulated impact of losses from prior years.

Finally, authority is granted to the Broadcasting Board of Governors to transfer unobligated and expired balances after fiscal year 2008 into its Buying Power Maintenance Account.

SERBIA

Section 1409 authorizes the Secretary of State to withhold funds related to reimbursement of costs associated with damage to the United States Embassy in Belgrade resulting from the February 21, 2008, attack.

RESCISSIONS

Section 1410 rescinds prior year funds and makes them available for a contribution to the World Food Program and for programs in the INCLE account. The provision also rescinds prior year funds from the Iraq Relief and Reconstruction Fund.

DARFUR PEACEKEEPING

Section 1411 authorizes the President to utilize prior year Foreign Military Financing Program and Peacekeeping Operations funds for transfer or lease of helicopters or related equipment necessary for operations of the AU/UN hybrid peacekeeping mission in Darfur.

TIBET

Section 1412 provides up to $5,000,000 for the establishment of a United States Consulate in Lhasa, Tibet, under the headings ''Diplomatic and Consular Programs'' and ''Embassy Security, Construction and Maintenance'' in this and prior Acts, and recommends certain actions regarding the opening of such a consulate.

The Secretary of State is directed to submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act detailing efforts taken by the Department of State to establish a United States Consulate in Lhasa, Tibet, and a description of any policies or programs by the Government of the People's Republic of China aimed at undermining public support for Tibet including in the media, academia, and political arenas.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

Section 1413 provides $58,000,000 for assistance for Jordan, which is offset by a rescission of an equal amount from the Millennium Challenge Corporation.

ALLOCATIONS

Section 1414 requires that funds in the specified accounts shall be allocated as indicated in the respective tables in this explanatory statement. Any change to these allocations shall be subject to the regular notification procedures of the Committees on Appropriations.

REPROGRAMMING AUTHORITY

Section 1415 allows for reprogramming of funds made available in prior years to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

Section 1416 requires the Secretary of State to provide detailed spending plans to the Committees on Appropriations on the uses of funds appropriated in subchapters A and B. These funds are also subject to the regular notification procedures of the Committees on Appropriations.

TERMS AND CONDITIONS

Section 1417 establishes that unless designated otherwise in this chapter, the terms and conditions contained within the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) shall apply to funds appropriated by this chapter, with the exception of section 699K.

TITLE II—DOMESTIC MATTERS

CHAPTER 1—FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The amended bill provides an additional $150,000,000 for Food and Drug Administration, Salaries and Expenses, available until September 30, 2009. FDA is directed to provide the Committees on Appropriations monthly expenditures reports on the use of these funds.

CHAPTER 2—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes $210,000,000 for increased costs associated with the poor management of the 2010 Decennial Census. Within the funds provided, not less than $50,300,000 shall be used to restore funding associated with the approved March 26, 2008 reprogramming within the Bureau of the Census. Funds transferred pursuant to the reprogramming to address immediate shortfalls within the Field Data Collection Automation contract from the American Community Survey, Census Coverage Measurement activities, and other Census activities may result in increased risk and other unintended consequences to other parts of the Census. The $50,300,000 shall be available solely to complete previously planned activities and address vacancies in the aforementioned areas in order to reduce risk and ensure a successful 2010 Decennial Census.

The Census Bureau shall submit to the Committees on Appropriations of the Senate and the House of Representatives, within 30 days of enactment of this Act, a detailed plan showing a timeline of milestones and expenditures for the 2010 Decennial Census, and shall include a quantitative assessment of the associated risk to the program as it is currently constituted. In addition, the Inspector General shall submit quarterly reports to the Committees on Appropriations, until the conclusion of the 2010 Decennial Census, detailing the progress of the revised plan for the execution of the 2010 Decennial Census and any unanticipated slippages from the revised 2010 milestones, as well as reassessing the associated risk to the program. The Census Bureau is directed to provide the Inspector General with any required information so that the quarterly reports can begin 60 days after submission of the plan.

Because rising costs associated with the 2010 Decennial Census and the Department's and the Bureau's lack of contract oversight are cause for particular concern, the bill includes not less than $3,000,000 for the Department's Office of the Inspector General for Census contract oversight activities and not less than $1,000,000 solely for a reimbursable agreement with the Defense Contract Management Agency to review and improve Census contract management.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The amended bill includes $178,000,000 for additional costs of the Bureau of Prisons (BOP) related to the custody and care of inmates and the maintenance and operation of correctional and penal institutions. The BOP has been chronically underfunded in recent budget requests, due to consistently underestimated growth in inmate populations and inadequate funding requests for medical expenses. As a result, BOP facilities face rising staff-to-inmate ratios, placing corrections officers and inmates at unacceptable risk of violence. The amended bill includes funding for FCI Pollock activation costs and for inmate drug abuse treatment required by law. The Administration is urged to re-estimate BOP fixed costs and prisoner population for fiscal year 2009 and to provide the House and Senate Committees on Appropriations with those estimates no later than August 1, 2008. Further, the BOP is directed to notify the Committees of current staff-to-inmate ratios at all Federal prisons on a monthly basis.

OTHER AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

The amended bill includes $62,500,000 for Science, Aeronautics and Exploration.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The amended bill includes $22,500,000 for Research and Related Activities, of which $5,000,000 shall be available solely for activities authorized by section 7002(b)(2)(A)(iv) of Public Law 110–69.

EDUCATION AND HUMAN RESOURCES

The amended bill includes $40,000,000 for Education and Related Activities of which $20,000,000 is for section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) and $20,000,000, is for activities authorized by section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a).

CHAPTER 3—ENERGY

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

The amended bill includes an additional $62,500,000 for Science. The Department of Energy is instructed to utilize this funding to eliminate all furloughs and reductions in force which are a direct result of budgetary constraints. Workforce reductions which are a result of completed work or realignment of mission should proceed as planned. This funding is intended to maintain technical expertise and capability at the Office of Science, and may be used for National Laboratory Research and Development including research related to new neutrino initiatives.

Funding for research efforts shall not be allocated until the Office of Science has fully funded all personnel requirements.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

The amended bill includes an additional $62,500,000 for Defense Environmental Cleanup.

CHAPTER 4—LABOR AND HEALTH AND HUMAN SERVICES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The amended bill provides $110,000,000 for Unemployment Compensation State Operations to compensate the States for the administrative costs of processing the Unemployment Insurance (UI) claims workload for the balance of fiscal year 2008. New UI claims are increasing, reaching a level in April 2008 nearly 18 percent greater than the previous year. States are beginning to experience service degradation in the form of call center delays for claimants, waiting times for adjudication of disputed claims, and reductions in program integrity activities, tax collection, and tax audits. While funding in the Consolidated Appropriations Act, 2008 is sufficient to cover the costs of processing 2.4 million Average Weekly Insured Unemployment (AWIU), claims have already climbed above 2.9 million AWIU. The amount provided will compensate States for the claims workload estimated by the Department of Labor up to the point where additional funds are released under a legislated trigger.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

The amended bill provides $150,000,000 in additional funding for the National Institutes of Health to support additional scientific research. This funding is to be distributed on a pro-rata basis across the NIH institutes and centers.

CHAPTER 5—LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The amended bill provides the customary death gratuity to Annette Lantos, widow of Tom Lantos, late a Representative from the State of California.

TITLE III—NATURAL DISASTER RELIEF AND RECOVERY

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

The amended bill provides $89,413,000 for the Emergency Conservation Program for disaster relief. The recent Midwest floods and tornadoes have added to disaster relief funding needs. Therefore, these funds are provided to meet these and other disaster relief funding needs.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

The amended bill provides $390,464,000 for the Emergency Watershed Protection Program for disaster relief. The recent Midwest floods and tornadoes have added to disaster relief funding needs. Therefore, these funds are provided to meet these and other disaster relief funding needs.

CHAPTER 2—COMMERCE

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The amended bill provides $100,000,000 for economic development assistance in Presidentially-declared disaster areas to provide disaster relief, long-term recovery and restoration of infrastructure.

CHAPTER 3—CORPS OF ENGINEERS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

Public Law 109–148, the 3rd emergency supplemental appropriations act of 2006, Public Law 109–234, the 4th emergency supplemental appropriations act of 2006, and Public Law 110–28, the emergency supplemental appropriations act of 2007, provided funds to repair and restore hurricane damaged projects, accelerate completion of New Orleans area flood and storm damage reduction projects, and provide 100-year storm protection for the greater New Orleans area. The scope and magnitude of the work required has increased with time. The current cost estimate requires $5,761,000,000 in additional Federal funds and a non-Federal cost-share of $1,527,000,000.

The Administration requested this funding under the Construction account in the fiscal year 2009 budget. The amended bill provides the full amount of the request as a supplemental appropriation to ensure the existing schedule for completion of 100-year protection for the greater New Orleans area by 2011 is met. However, $2,926,000,000 is provided under Flood Control and Coastal Emergencies in order to provide continuity in appropriations for projects to repair, restore, and accelerate completion of the levels of protection authorized prior to Hurricane Katrina. None of the funds recommended for this purpose shall be available until October 1, 2008.

In addition, the amended bill provides $605,988,800 to respond to recent natural disasters. The Corps shall prioritize all projects to ensure that the most critical health and safety risks are addressed.

CONSTRUCTION

The amended bill includes $2,896,700,000 for Construction. Within the recommended funds, $1,077,000,000 is provided to complete the 100-year storm protection for the Lake Pontchartrain and Vicinity project; $920,000,000 is provided to complete the 100-year storm protection for the West Bank and Vicinity project; and $838,000,000 is provided for elements of the Southeast Louisiana Urban Drainage project that are within the geographic perimeter of the West Bank and Vicinity projects and the Lake Pontchartrain and Vicinity project.

The amended bill includes a provision which requires the Lake Pontchartrain and Vicinity, West Bank and Vicinity and Southeast Louisiana projects be cost shared 65 percent Federal and 35 percent non-Federal as proposed by the Administration with a resulting Federal cost of $2,835,000,000 and a non-Federal cost of $1,527,000,000. While the amended bill includes specific statutory dollar amounts for the three projects, statutory language has been included that would allow the Administration to request a reprogramming of funds, if required. However, the Corps should use this reprogramming ability sparingly.

Due to recent natural disasters, the Corps of Engineers has identified a number of projects that are currently under construction that have been damaged by storm and flood events. The amended bill includes $61,700,000 for the Corps to repair and rehabilitate these construction projects that were affected by natural disasters.

MISSISSIPPI RIVER AND TRIBUTARIES

Due to recent natural disasters, the Corps of Engineers has identified a number of Federally-maintained construction and maintenance projects that have been damaged or otherwise impacted by storm and flood events. The amended bill includes $17,590,000 for the Corps to repair and rehabilitate these projects that were affected by natural disasters.

OPERATION AND MAINTENANCE

Due to recent natural disasters, the Corps of Engineers has identified a number of navigation and flood damage reduction projects that have been impacted by storm and flood events. The amended bill provides $298,344,000 for the Corps to restore navigation channels and harbors to pre-storm conditions; and to repair eligible flood damage reduction and other projects in States affected by natural disasters.

FLOOD CONTROL AND COASTAL EMERGENCIES

The amended bill provides $3,152,854,800 for Flood Control and Coastal Emergencies. The funding includes, at full Federal expense, the following amounts: $704,000,000 to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 to improve protection at the Inner Harbor Navigation Canal; $456,000,000 to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 for repair and restoration of authorized protections and floodwalls; and $359,000,000 to complete the authorized protection for the Lake Pontchartrain and Vicinity Project, for the West Bank and Vicinity Project and the New Orleans to Venice Project. While the Committee has recommended specific statutory dollar amounts for the projects identified under this heading, statutory language has been included that would allow the Administration to request a reprogramming of funds, if required. However, the Corps should use this reprogramming ability sparingly.

Due to recent natural disasters, the Corps of Engineers has identified a number of projects that have been damaged by storm and flood events. The amended bill includes $226,854,800 for the Corps to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law; to repair and rehabilitate eligible projects that were affected by natural disasters; and to fund claims processing and discovery costs associated with Hurricane Katrina lawsuits.

The amended bill includes a provision directing the Corps to continue the NEPA alternative evaluation of all options for permanent pumping of storm water in the New Orleans metropolitan area with particular attention to Options 1, 2 and 2a and within 90 days of enactment of this Act provide the House and Senate Appropriation Committees cost estimates to implement Options 1, 2 and 2a of the above cited report. Current plans do not fully account for the operational challenges that arise during major storm events

and are not, therefore, fully protective of public safety.

EXPENSES

The amended bill includes $1,500,000 for additional oversight and management costs associated with Hurricane Katrina recovery efforts.

CHAPTER 4—SMALL BUSINESS

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Based on early estimates of damages due to severe storms and flooding in a number of states, the amended bill includes $164,939,000 in loan subsidy for the costs of providing direct loans for homeowners and business-owners so that they can recover from the effects of these disasters. The amended bill also includes a total of $101,814,000 for the administrative costs for carrying out the loan program. These funds will provide for the on site presence of Small Business Administration (SBA) employees to assist disaster victims in obtaining low interest loans from the SBA. Funding will support additional to staff in call centers, disaster resource sites, and loan processing centers and for field inspections to verify damages and losses of homes and businesses. Funding is also necessary to hire additional attorneys to carry out the loan closing process, as well as staff to service the loans. Of this amount, $6,000,000 may be transferred to the Salaries and Expenses account for indirect administrative expenses and $1,000,000 is for the Office of Inspector General for audits and reviews of disaster loans.

CHAPTER 5—FEMA DISASTER RELIEF

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

The amended bill provides an additional $897,000,000 for Disaster Relief. The recent Midwest floods and tornadoes have added to disaster relief funding needs. The 1993 Midwest floods cost FEMA over $1.1 billion fifteen years ago and the current damage is likely to cost at least this amount, but in inflated dollars. This funding is provided to meet these and other disaster relief funding needs.

CHAPTER 6—HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

The amended bill includes funding for Louisiana Permanent Supportive Housing, in the amount of $73,000,000. This is a new program, and the money is split between two accounts in the bill—the Homeless Assistance Grants and the Project-Based Rental Assistance programs. This program will provide funding for the 3,000 units of permanent supportive housing that are envisioned in the HUD-approved Louisiana Road Home Program. This will enable the promise of the Road Home Program to address the housing needs of our most vulnerable citizens, in particular extremely low-income homeless, disabled and frail elderly persons, to be fulfilled. Of the $73,000,000 provided, $20,000,000 will fund 2,000 project-based vouchers (funded for 1-year terms) with $3,000,000 in administrative fees, and $50,000,000 will fund 1,000 Shelter Plus Care units (funded for five-year terms). These are the ideal and proven housing programs for creating permanent supportive housing for the populations in question. The program funds are provided to the State of Louisiana or its designee or designees, and language is included stating that the administering entity or entities can act as a public housing agency for purposes of administering the funding.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

The amended bill provides $300,000,000 for the Community Development Fund for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas for which the President declared a major disaster.

TITLE IV—EMERGENCY UNEMPLOYMENT COMPENSATION

The amended bill includes language providing a temporary extension of unemployment benefits to workers who have lost their jobs. Specifically, the amended bill provides up to 13 weeks of extended unemployment benefits in every State to workers exhausting regular unemployment compensation. The extended benefits program will terminate on March 31, 2009. The percentage of workers exhausting unemployment benefits is currently 37 percent, which is higher than at the beginning of any of the past five recessions. Not only will workers and their families benefit from extended benefits, providing this financial assistance also can reduce the severity and duration of an economic downturn. Experts agree that extending unemployment benefits is one of the most cost-effective and fast acting forms of economic stimulus because workers who have lost their paychecks have little choice but to spend these benefits quickly.

TITLE V—VETERANS EDUCATIONAL ASSISTANCE

Title V of the amended bill includes provisions designed to expand the educational benefits for men and women who have served in the armed forces since the terrorist attacks of September 11, 2001. The provisions will closely resemble the educational benefits provided to veterans returning from World War II.

The benefits included in title V would apply to all members of the military who have served on active duty, including activated reservists and National Guard. To qualify, veterans must have served at least three months of qualified active duty, beginning on or after September 11, 2001. The amended bill provides for benefits to be paid in amounts linked to the amount of active duty service.

In addition to tuition and other established charges, the benefit includes a monthly stipend for housing costs as well as tutorial assistance and licensure and certification tests.

The amended bill would create a new program in which the government will agree to match, dollar for dollar, any voluntary additional contributions to veterans from institutions whose tuition is more expensive than the maximum educational assistance provided in the amended bill.

In addition, title V allows for members of the armed services to transfer their benefits to their spouse or children.

Finally, the amended bill provides for the veterans to have up to fifteen years after they leave active duty to use their educational assistance entitlement. Veterans would be barred from receiving concurrent assistance from this program and another similar program.

TITLE VI—ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

Chapter 1 of title VI is identical to the language of H.R. 5712, ''Close the Contractor Fraud Loophole Act,'' passed by the House on April 23, 2008. It closes a loophole in a proposed rule so that mandatory fraud reporting requirements would apply to U.S. contractors working overseas as well as to contractors working here at home.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

Chapter 2 of title VI is identical to the language of H.R. 3928, ''Government Funding Transparency Act of 2007,'' passed by the House on April 23, 2008. It requires any company or organization receiving at least $25 million and 80 percent or more of their revenue from federal payments to disclose the compensation of their most highly-compensated officers.

TITLE VII—MEDICAID PROVISIONS

Title VII of the amended bill includes language extending the current moratorium to April 2009 on four Medicaid regulations pertaining to: graduate medical education payments; limits on payments to government safety net providers; rehabilitation services; and school-based administrative and specialized medical transportation services for children. The amended bill also establishes a moratorium for the same period for two Medicaid regulations pertaining to: health care provider taxes and targeted case management. The cost of the moratoria is fully offset over five and ten years in the amended bill by provisions that extend an asset verification demonstration to all fifty States and reduce balances in the Physician Assistance and Quality Initiative Fund. These six moratoria are identical to those included in H.R. 5613, which was approved by the House by a 349–62 vote.

The moratorium on these six regulations is included in the amended bill due to concerns about their potential negative impact on essential medical services for millions of people, particularly for seniors, people with disabilities, and children, and on the providers of these safety net services. These regulations also would have a far-reaching impact on graduate medical education, outreach and supportive services designed to help individuals get the medical care they need, and foster care services.

According to the Congressional Budget Office (CBO), these regulatory changes would reduce Federal Medicaid spending by more than $17,500,000,000 over the next five years, shifting these costs to States and localities. These cuts would occur during an economic downturn when States and localities are least able to restore services. Further, the authorizing committees indicate that many of these regulations alter longstanding Medicaid policy without specific Congressional authorization.

Additional time is required to examine the potential impact of these regulations. Accordingly, the amended bill includes $5,000,000 for a study to be completed no later than September 2009 by an independent entity to assess the prevalence of the problems in the Medicaid program the regulations were intended to address and their impact on each State. The amended bill also includes $25,000,000 for the purpose of reducing fraud and abuse in the Medicaid program.

TITLE VIII—GENERAL PROVISIONS, THIS ACT

The amended bill includes the following general provisions:

Section 8001 establishes the period of availability for obligation for appropriations provided in this Act.

Section 8002 provides that, unless otherwise noted, all appropriations in this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 and section 301(b)(2) of S. Con. Res. 70, the congressional budget resolutions for fiscal years 2008 and 2009.

Section 8003 provides for a reduction of $3,577,845,000 from the Procurement; Research, Development, Test and Evaluation;

and Defense Working Capital headings within chapter 1 of title IX of this Act. The section also provides that the reduction shall be applied proportionally to each appropriation account under such headings, and to each program, project, and activity within each such appropriation account.

Section 8004 amends section 9310 of this Act, which prohibits the obligation or expenditure of funds available to the Department of Defense to implement any final action on joint basing initiatives. The amendment excepts funds deposited in the Department of Defense Base Closure Account 2005 from this restriction.

Section 8005 makes funds provided in Public Law 110–28, which remain available for obligation, within the operation and maintenance portion of the Defense Health Program for Post Traumatic Stress Disorder and Traumatic Brain Injury (TBI) available for psychological health and traumatic brain injury.

Section 8006 provides that this Act may be referred to as the ''Supplemental Appropriations Act, 2008''.

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
TITLE I			
MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS			
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Foreign Agricultural Service			
Public Law 480 Title II Grants, FY 2008 (emergency)...	350,000	850,000	+500,000
Public Law 480 Title II Grants, FY 2009 (emergency)...	395,000	395,000	---
Total, Chapter 1.....	745,000	1,245,000	+500,000
CHAPTER 2			
DEPARTMENT OF JUSTICE			
Office of Inspector General (emergency).....	---	4,000	+4,000
Legal Activities			
Salaries and expenses, general legal activities (emergency).....	4,093	1,648	-2,445
Salaries and expenses, United States Attorneys (emergency).....	5,000	5,000	---
Total, Legal activities.....	9,093	6,648	-2,445
United States Marshals Service			
Salaries and expenses (emergency).....	14,921	28,621	+13,700
Federal Bureau of Investigation			
Salaries and expenses, FY 2008 (emergency).....	101,122	106,122	+5,000
Salaries and expenses, FY 2009 (emergency).....	39,062	82,600	+43,538
Total, Federal Bureau of Investigation.....	140,184	188,722	+48,538
Drug Enforcement Administration			
Salaries and expenses (emergency).....	8,468	29,861	+21,393
Bureau of Alcohol, Tobacco, Firearms and Explosives			
Salaries and expenses (emergency).....	4,000	4,000	---
Federal Prison System			
Salaries and expenses (emergency).....	9,100	9,100	---
Total, Chapter 2.....	185,766	270,952	+85,186
CHAPTER 3			
DEPARTMENT OF DEFENSE			
Military construction, Army (emergency).....	1,440,750	1,108,200	-332,550
Military construction, Navy and Marine Corps (emergency).....	237,505	355,907	+118,402
Military construction, Air Force (emergency).....	305,000	399,627	+94,627
Military construction, Defense-Wide (emergency).....	27,600	890,921	+863,321
Total, Active Components.....	2,010,855	2,754,655	+743,800

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
Family housing construction, Navy and Marine Corps (emergency)	11,766	11,766	---
Base realignment and closure account 2005 (emergency)	415,910	1,278,886	+862,976
Total, Department of Defense	2,438,531	4,045,307	+1,606,776
DEPARTMENT OF VETERANS AFFAIRS			
Departmental Administration			
General operating expenses (emergency)	---	100,000	+100,000
Information technology systems (emergency)	---	20,000	+20,000
Construction, major projects (emergency)	---	396,377	+396,377
Total, Departmental Administration	---	516,377	+516,377
General Provisions			
Sec. 1301. Barracks improvements (emergency)	---	200,000	+200,000
Total, Department of Veterans Affairs	---	716,377	+716,377
Total, Chapter 3	2,438,531	4,761,684	+2,323,153
CHAPTER 4			
SUBCHAPTER A			
SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008			
DEPARTMENT OF STATE			
Administration of Foreign Affairs			
Diplomatic and consular programs (emergency)	1,708,008	1,465,700	-242,308
Worldwide security protection	(162,400)	(210,400)	(+48,000)
Office of the Inspector General (emergency)	---	9,500	+9,500
Embassy security, construction, and maintenance (emergency)	160,000	76,700	-83,300
Total, Administration of Foreign Affairs	1,868,008	1,551,900	-316,108
International Organizations			
Contributions to international organizations (emergency)	53,000	66,000	+13,000
Contributions for international peacekeeping activities, current year (emergency)	333,600	373,708	+40,108
Total, International Organizations	386,600	439,708	+53,108
Total, Department of State	2,254,608	1,991,608	-263,000
RELATED AGENCY			
Broadcasting Board of Governors			
International broadcasting operations (emergency)	---	2,000	+2,000
BILATERAL ECONOMIC ASSISTANCE			
Funds Appropriated to the President			
International disaster assistance (emergency)	---	220,000	+220,000
Operating expenses of the United States Agency for International Development (emergency)	41,000	150,500	+109,500

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
Operating expenses of the US Agency for International Development, Office of Inspector General (emergency)	---	4,000	+4,000
Other Bilateral Economic Assistance			
Economic support fund (emergency)	2,009,000	1,882,500	-126,500
Department of State			
Democracy Fund (emergency)	---	76,000	+76,000
International narcotics control and law enforcement (emergency)	734,000	390,300	-343,700
Migration and refugee assistance (emergency)	30,000	315,000	+285,000
U.S. Emergency Refugee and Migration Assistance Fund (emergency)	---	31,000	+31,000
Nonproliferation, anti-terrorism, demining and related programs (emergency)	5,000	13,700	+8,700
Total, Bilateral Economic Assistance	2,819,000	3,083,000	+264,000
MILITARY ASSISTANCE			
Funds Appropriated to the President			
Foreign Military Financing Program (emergency)	---	137,500	+137,500
Total, Subchapter A	5,073,608	5,214,108	+140,500
SUBCHAPTER B			
BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009			
DEPARTMENT OF STATE			
Administration of Foreign Affairs			
Diplomatic and consular programs (emergency)	1,064,450	704,900	-359,550
Worldwide security protection	(45,800)	(78,400)	(+32,600)
Office of the Inspector General (emergency)	16,800	57,000	+40,200
Embassy security, construction, and maintenance (emergency)	---	41,300	+41,300
Total, Administration of Foreign Affairs	1,081,250	803,200	-278,050
International Organizations			
Contributions to international organizations (emergency)	40,000	75,000	+35,000
Contributions for international peacekeeping activities, current year (emergency)	---	150,500	+150,500
Total, International Organizations	40,000	225,500	+185,500
Total, Department of State	1,121,250	1,028,700	-92,550
RELATED AGENCY			
Broadcasting Board of Governors			
International broadcasting operations (emergency)	---	6,000	+6,000
BILATERAL ECONOMIC ASSISTANCE			
Funds Appropriated to the President			
Global health and child survival (emergency)	---	75,000	+75,000
Development assistance (emergency)	210,000	200,000	-10,000

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
International disaster assistance (emergency)	270,000	200,000	-70,000
Operating expenses of the United States Agency for International Development (emergency)	60,000	93,000	+33,000
Operating expenses of the US Agency for International Development, Office of Inspector General (emergency)	---	1,000	+1,000
Total, Funds Appropriated to the President	540,000	569,000	+29,000
Other Bilateral Economic Assistance			
Economic support fund (emergency)	1,297,700	1,124,800	-172,900
Department of State			
International narcotics control and law enforcement (emergency)	225,000	199,000	-26,000
Migration and refugee assistance (emergency)	191,000	350,000	+159,000
Nonproliferation, anti-terrorism, demining and related programs (emergency)	---	4,500	+4,500
Total, Department of State	416,000	553,500	+137,500
Total, Bilateral Economic Assistance	2,253,700	2,247,300	-6,400
MILITARY ASSISTANCE			
Funds Appropriated to the President			
Foreign Military Financing Program (emergency)	170,000	302,500	+132,500
Peacekeeping operations (emergency)	60,000	95,000	+35,000
Total, Military Assistance	230,000	397,500	+167,500
Total, Subchapter B	3,604,950	3,679,500	+74,550
SUBCHAPTER C - GENERAL PROVISIONS			
Sec. 1410:			
(a)(1) World Food Program	---	20,000	+20,000
(a)(2) Andean Counterdrug Initiative (rescission)	---	-20,000	-20,000
(b)(1) International narcotics control and law enforcement (Sudan)	---	10,000	+10,000
(b)(2) International narcotics control and law enforcement (prior-year rescission)	---	-10,000	-10,000
(c)Iraq Relief and Reconstruction Fund (rescission of emergency appropriations)	---	-50,000	-50,000
Sec. 1413:			
(a)(b) Jordan	---	58,000	+58,000
(c) Millennium Challenge Corporation (rescission)	---	-58,000	-58,000
Total, Subchapter C	---	-50,000	-50,000
Total, Chapter 4	8,678,558	8,843,608	+165,050
GENERAL PROVISIONS			
DEPARTMENT OF HOMELAND SECURITY			
Customs and Border Protection			
Salaries and expenses (rescission)	-50,000	---	+50,000
Total, title I	11,997,855	15,121,244	+3,123,389

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
TITLE II			
DOMESTIC MATTERS			
CHAPTER 1			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration			
Salaries and expenses (emergency)	---	150,000	+150,000
CHAPTER 2			
DEPARTMENT OF COMMERCE			
Bureau of the Census			
Periodic censuses and programs (emergency)	---	210,000	+210,000
DEPARTMENT OF JUSTICE			
Federal Prison System			
Salaries and expenses (emergency)	---	178,000	+178,000
OTHER AGENCIES			
National Aeronautics and Space Administration			
Science, aeronautics and exploration (emergency)	---	62,500	+62,500
National Science Foundation			
Research and related activities (emergency)	---	22,500	+22,500
Education and human resources (emergency)	---	40,000	+40,000
Total, National Science Foundation	---	62,500	+62,500
Total, Other Agencies	---	125,000	+125,000
Total, Chapter 2	---	513,000	+513,000
CHAPTER 3			
DEPARTMENT OF ENERGY			
Energy Programs			
Science (emergency)	---	62,500	+62,500
Environmental and Other Defense Activities			
Defense environmental cleanup (emergency)	---	62,500	+62,500
Total, Chapter 3	---	125,000	+125,000
CHAPTER 4			
DEPARTMENT OF LABOR			
Employment and Training Administration			
State unemployment insurance and employment service operations (emergency)	---	110,000	+110,000

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
National Institutes of Health			
Office of the Director (emergency)	---	150,000	+150,000
Total, Chapter 4	---	260,000	+260,000
CHAPTER 5			
HOUSE OF REPRESENTATIVES			
Payments to Widows and Heirs of Deceased Members of Congress	---	169	+169
Total, title II	---	1,048,169	+1,048,169
TITLE III			
NATURAL DISASTER RELIEF AND RECOVERY			
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Farm Service Agency			
Emergency Conservation Program (emergency)	---	89,413	+89,413
Natural Resources Conservation Service			
Emergency Watershed Protection Program	---	390,464	+390,464
Total, Chapter 1	---	479,877	+479,877
CHAPTER 2			
DEPARTMENT OF COMMERCE			
Economic Development Administration			
Economic development assistance programs (emergency)	---	100,000	+100,000
CHAPTER 3			
DEPARTMENT OF THE ARMY			
Corps of Engineers - Civil			
Construction, general (emergency)	---	61,700	+61,700
Construction, FY 2009 (emergency)	5,761,000	2,835,000	-2,926,000
Mississippi River and tributaries (emergency)	---	17,590	+17,590
Operation and maintenance (emergency)	---	298,344	+298,344
Flood control and coastal emergencies	---	226,855	+226,855
Flood control and coastal emergencies, FY 2009(emerg.)	---	2,926,000	+2,926,000
Expenses (emergency)	---	1,500	+1,500
Total, Chapter 3	5,761,000	6,366,989	+605,989

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
CHAPTER 4			
Small Business Administration			
Disaster Loans Program Account:			
Direct loans subsidy (emergency)	---	164,939	+164,939
Administrative expenses (emergency)	---	101,814	+101,814
Total, Chapter 4	---	266,753	+266,753
CHAPTER 5			
DEPARTMENT OF HOMELAND SECURITY			
Federal Emergency Management Agency			
Disaster Relief (emergency)	---	897,000	+897,000
CHAPTER 6			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Permanent supportive housing (emergency)	---	73,000	+73,000
Community Planning and Development			
Community Development Fund (emergency)	---	300,000	+300,000
Total, Chapter 6	---	373,000	+373,000
Total, title III	5,761,000	8,483,619	+2,722,619
TITLE IV			
EMERGENCY UNEMPLOYMENT COMPENSATION			
Federal-State agreements, FY 2008 (emergency)	---	4,790,000	+4,790,000
Federal-State agreements, FY 2009 (emergency)	---	7,765,000	+7,765,000
Total, title IV	---	12,555,000	+12,555,000
TITLE V			
VETERANS EDUCATIONAL ASSISTANCE			
Veterans educational assistance, FY 2008 (emergency)	---	50,000	+50,000
Veterans educational assistance, FY 2009 (emergency)	---	746,000	+746,000
Total, title V	---	796,000	+796,000
TITLE VII			
MEDICAID PROVISIONS			
Medicaid moratorium, FY 2008 (emergency)	---	305,000	+305,000
Medicaid moratorium, FY 2009 (emergency)	---	805,000	+805,000
Total, title VII	---	1,110,000	+1,110,000

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
TITLE VIII			
GENERAL PROVISIONS			
Sec. 8003. General defense reduction (emergency).....	---	-3,577,845	-3,577,845
Grand total.....	17,758,855	35,536,187	+17,777,332
Appropriations.....	---	(88,169)	(+88,169)
Emergency appropriations.....	(17,808,855)	(35,586,018)	(+17,777,163)
Rescissions.....	(-50,000)	(-88,000)	(-38,000)
Rescissions of emergency funding.....	---	(-50,000)	(-50,000)

EARMARK DISCLOSURE STATEMENT FOR THE FURTHER HOUSE AMENDMENT RELATING TO SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEARS 2008 AND 2009

Neither the House amendment nor the explanatory statement contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives. However, the following tables are submitted disclosing those earmarks included at the request of the Administration:

Military Construction
[dollars in thousands]

Project Name	Location	Amount	Request By
Child Development Center	AK: Fort Wainwright	17,000	Administration
Child Development Center	CA: Fort Irwin	11,800	Administration
11th Marine Regiment HQ, Amory, BEQ	CA: Camp Pendleton	34,970	Administration
5th Marine Regiment Addition, San Mateo	CA: Camp Pendleton	10,890	Administration
Armory Intelligence Battalion, 16 Area	CA: Camp Pendleton	4,180	Administration
Armory, Regiment & Battalion HQ, 53 Area	CA: Camp Pendleton	5,160	Administration
BEQ & Mess Hall HQ (13) Area	CA: Camp Pendleton	24,390	Administration
EOD Operations Facility	CA: Camp Pendleton	13,090	Administration
ISR Camp - Intelligence Battalion	CA: Camp Pendleton	1,114	Administration
JIEDDO Battle Courses	CA: Camp Pendleton	9,270	Administration
Military Police Company Facilities	CA: Camp Pendleton	8,240	Administration
Public-Private Venture, Phase 6B	CA: Camp Pendleton	10,692	Administration
Public-Private Venture, Phase 2A	CA: Twentynine Palms	1,074	Administration
Regimental Combat Team HQ Facility	CA: Twentynine Palms	4,440	Administration
JIEDDO Battle Courses	CA: China Lake NAWS	7,210	Administration
JIEDDO Battle Courses	CA: Point Mugu	7,250	Administration
Child Development Center	CA: San Diego	17,930	Administration
Recruit Barracks	CA: San Diego MCRD	43,200	1/
JIEDDO Battle Courses	CA: Twentynine Palms	11,250	Administration
Child Development Center	CA: Beale AFB	17,600	Administration
Child Development Center	CO: Fort Carson	8,400	Administration
Soldier Family Assistance Center	CO: Fort Carson	8,100	Administration
JIEDDO Battle Courses	FL: Whiting Field NAS	780	Administration
Child Development Center	FL: Eglin AFB	11,000	Administration
Classrooms & Battalion Dining Facilities	GA: Fort Benning	30,500	1/
AIT Complex 1, Phase 1	GA: Fort Gordon	32,000	1/
Child Development Center	GA: Fort Gordon	7,800	Administration
Soldier Family Assistance Center	GA: Fort Stewart	6,000	Administration
Hospital Replacement	GA: Fort Benning	350,000	1/
Child Development Center	HI: Schofield Barracks	12,500	Administration

Transitioning Warrior Support Complex	KS: Fort Riley	50,000	Administration
Hospital Replacement	KS: Fort Riley	404,000	1/
Child Development Center	KY: Fort Campbell	9,900	Administration
Soldier Family Assistance Center	KY: Fort Campbell	7,400	Administration
Child Development Center	KY: Fort Knox	7,400	Administration
Soldier Family Assistance Center	LA: Fort Polk	4,900	Administration
Starbase Complex 6, Phase 1	MO: Fort Leonard Wood	50,000	1/
JIEDDO Battle Courses	MS: Gulfport NCBC	6,570	Administration
Child Development Center	NC: Camp Lejeune	16,000	Administration
JIEDDO Battle Courses	NC: Camp Lejeune	11,980	Administration
Maintenance/Operations Complex 2/9	NC: Camp Lejeune	43,340	Administration
Child Development Center	NC: Fort Bragg	8,500	Administration
Hospital Addition/Alteration	NC: Camp Lejuene	122,000	1/
JIEDDO Battle Courses	NJ: McGuire AFB	6,200	Administration
Child Development Center	NM: Cannon AFB	8,000	Administration
Warrior in Transition Facilities	NY: Fort Drum	38,000	Administration
Child Development Center	OK: Fort Sill	9,000	Administration
Student Barracks	SC: Fort Jackson	27,000	1/
Recruit Barracks	SC: Parris Island MCRD	19,900	1/
Child Development Center	TX: Fort Bliss	5,700	Administration
Child Development Center	TX: Fort Bliss	5,900	Administration
Child Development Center	TX: Fort Bliss	5,700	Administration
Child Development Center	TX: Fort Hood	7,200	Administration
Warrior in Transition Unit Ops Facilities	TX: Fort Hood	9,100	Administration
AIT Barracks	TX: Fort Sam Houston	47,000	1/
Child Development Center	TX: Fort Sam Houston	7,000	Administration
Burn Rehabilitation Center	TX: Fort Sam Houston	21,000	Administration
JIEDDO Battle Courses	VA: Yorktown NWS	8,070	Administration
AIT Complex 1, Phase 1	VA: Fort Eustis	50,000	1/
Child Development Center	VA: Fort Lee	7,400	Administration
Administrative Building	Afghanistan: Bagram AB	13,800	Administration
Aircraft Maintenance Hangar	Afghanistan: Bagram AB	5,100	Administration
Ammunition Supply Point	Afghanistan: Bagram AB	62,000	Administration
Bulk Fuel Storage and Supply, Phase 3	Afghanistan: Bagram AB	23,000	Administration

Bulk Fuel Storage and Supply, Phase 4	Afghanistan: Bagram AB	21,000	Administration
New Roads	Afghanistan: Bagram AB	27,000	Administration
Power Plant	Afghanistan: Bagram AB	41,000	Administration
East Side Helo Ramp	Afghanistan: Bagram AB	44,400	Administration
ISR Ramp	Afghanistan: Bagram AB	26,300	Administration
Parallel Taxiway Phase 2	Afghanistan: Bagram AB	21,400	Administration
Strategic Ramp	Afghanistan: Bagram AB	43,000	Administration
Rotary Wing Parking	Afghanistan: Ghazni	5,000	Administration
Consolidated Compound	Afghanistan: Kabul	36,000	Administration
Counter IED Road - Route Alaska	Afghanistan: Various Locations	16,500	Administration
Counter IED Road - Route Connecticut	Afghanistan: Various Locations	54,000	Administration
Hot Cargo Ramp	Iraq: Al Asad AB	18,500	Administration
Landfill	Iraq: Al Asad AB	3,100	Administration
South Airfield Apron (India Ramp)	Iraq: Al Asad AB	28,000	Administration
Water Supply, Treatment & Storage Ph III	Iraq: Baghdad IAP	13,000	Administration
Convoy Support Center Relocation, Phase II	Iraq: Camp Adder	39,000	Administration
Multi-Class Storage Warehouse	Iraq: Camp Adder	17,000	Administration
POL Storage Area	Iraq: Camp Adder	10,000	Administration
Wastewater Treatment & Collection System	Iraq: Camp Adder	9,800	Administration
Hazardous Waste Incinerator	Iraq: Camp Anaconda	4,300	Administration
Landfill	Iraq: Camp Anaconda	6,200	Administration
Fighter Ramp	Iraq: Balad AB	11,000	Administration
Foxtrot Taxiway	Iraq: Balad AB	12,700	Administration
Helicopter Maintenance Facilities	Iraq: Balad AB	34,600	Administration
Juvenile TIFRIC	Iraq: Camp Constitution	11,700	Administration
Landfill	Iraq: Camp Marez	880	Administration
Landfill	Iraq: Camp Ramadi	880	Administration
Aviation Navigation Facilities	Iraq: Camp Speicher	13,400	Administration
Landfill	Iraq: Camp Speicher	5,900	Administration
Military Control Point	Iraq: Camp Speicher	5,800	Administration
Rotary Wing Parking Apron	Iraq: Camp Speicher	49,000	Administration
Landfill	Iraq: Camp Taqqadum	880	Administration
Landfill	Iraq: Camp Warrior	880	Administration
Landfill	Iraq: Fallujah	880	Administration

North Entry Control Point	Iraq: Qayyarah West	11,400	Administration
Perimeter Security Upgrade	Iraq: Qayyarah West	14,600	Administration
Entry Control Point	Iraq: Scania	5,000	Administration
Water Storage Tanks	Iraq: Scania	9,200	Administration
Landfill	Iraq: Victory Base	6,200	Administration
Level 3 Hospital	Iraq: Victory Base	13,400	Administration
Wastewater Treatment & Collection System	Iraq: Victory Base	9,800	Administration
Water Treatment & Storage Phase II	Iraq: Victory Base	18,000	Administration
Facilities Replacement	Iraq: Various Locations	72,000	Administration
Overhead Cover - eGlass	Iraq: Various Locations	135,000	Administration
CJTF-HOA HQ Facility	Djibouti: Camp Lemonier	29,710	Administration
Dining Facility	Djibouti: Camp Lemonier	20,780	Administration
Fuel Farm	Djibouti: Camp Lemonier	4,000	Administration
Full Length Taxiway	Djibouti: Camp Lemonier	15,490	Administration
Network Infrastructure Expansion	Djibouti: Camp Lemonier	6,270	Administration
Water Production	Djibouti: Camp Lemonier	19,140	Administration
Western Taxiway	Djibouti: Camp Lemonier	2,900	Administration
Communication Center	Kuwait: Camp Arifjan	30,000	Administration
Strategic Ramp	Kyrgyzstan: Manas AB	30,300	Administration
Expeditionary Beddown Site	Oman: Masirah AB	6,300	Administration
Facility Replacements	Qatar: Al Udeid AB	40,000	Administration
Northwest (CAS) Ramp	Qatar: Al Udeid AB	60,400	Administration
Logistics Storage Warehouse	Qatar: Al Udeid AB	6,600	Administration

1/ The Committee learned through hearings, site visits, and Departmental briefings that trainee and recruit facilities and medical treatment facilities are two high priority areas in dire need of additional funds. The projects included were identified by the Department as high priority projects and were not included at the request of Members of Congress.

Army Corps of Engineers
[dollars in thousands]

Project Name	State	Amount	Request by
Repair and restore authorized protection and floodwalls	LA	393,000	Administration
Complete authorized protection	LA	359,000	Administration
Plaquemines Parish - non-Federal levees	LA	456,000	Administration

Outfall Canals - pumps and closures	LA	704,000	Administration
Inner Harbor Navigation Canal protection	LA	53,000	Administration
Armoring	LA	459,000	Administration
Reinforce and replace floodwalls	LA	412,000	Administration
Storm-proof pumping stations	LA	90,000	Administration
Lake Pontchartrain and Vicinity (100-year protection)	LA	1,077,000	Administration
Westbank and Vicinity (100-year protection)	LA	920,000	Administration
Southeast Louisiana (interior drainage)	LA	838,000	Administration

FY 2008/09 SUPPLEMENTAL APPROPRIATIONS—SUMMARY

[$ in millions; discretionary BA]

Agency and Account	Fiscal Year 2008					Fiscal Year 2009				
	President	House	Senate	House Round2	Round2 +/ − Request	President	House	Senate	House Round2	Round2 +/ − Request
Title I—Military Construction, Veterans, International Affairs, and Other Security-Related Matters										
Food Aid (PL 480)	350	850	850	850	500	395	395	395	395	0
Justice Department	147	147	230	188	42	39	83	83	83	44
Military Construction	2,439	4,642	3,443	4,245	1,807					
Veterans Affairs		120	557	516	516					
Dept. of State & Foreign Ops	5,074	5,074	5,255	5,164	91	3,605	3,600	3,419	3,680	75
Total, Title I	7,959	10,832	10,335	10,964	3,005	4,039	4,078	3,897	4,157	118
Title II—Domestic Matters										
Food & Drug Administration			275	150	150					
Census		210	210	210	210					
Bureau of Prisons		178	178	178	178					
Other Department of Justice			640							
NSA & NSF			400	125	125					
Department of Energy			400	125	125					
Secure Rural Schools			400							
Unemployment Comp admin.		110	110	110	110					
CDC & NIH			426	150	150					
LIHEAP			1000							
Other			11							
Science (included in above)			1,200	400	400					
Total, Title II	0	498	4,050	1,048	1,048					
Title III—Midwest Floods & Tornadoes, Hurricane Katrina and Other Natural Disasters										
Agriculture			180	480						
Commerce (EDA & NOAA)			150							
Law Enforcement Assist.			75							
Corps of Engineers			519	606		5,761	5,761	8,241	5,761	0
SBA Disaster Loans				267						
FEMA Disaster Relief				1,297						
Wildfires			450							
Hospital Grants			350							
Emergency Relief Highways			451							
HUD			−54	73						
Other			35							
Total, Disasters	0	0	2,156	2,723	2,723	5,761	5,761	8,241	5,761	0
TITLE IX—Defense Matters	100,054	96,622	99,506	99,506	−548	66,063	65,921	65,921	65,921	−142
Defense Reduction (sec. 8004)				−3,578	−3,578					
Total, Appropriations Titles	108,013	107,952	116,046	110,663	2,650	75,863	75,760	78,059	75,839	−24
FY 2009 Bridge (FY 2009 excluding Corps of Engineers)						70,102	69,999	69,818	70,078	−24
Veterans Education Assistance		40	40	50	50		676	677	746	746
Emergency Unemployment Comp		6,170	6,170	5,050	5,050		9,403	9,403	9,288	9,288
Medicaid & Other Health		450	530	345	345		1,150	1,225	850	850
Total (W/out Tax Surcharge)	108,013	114,612	122,786	116,108	8,095	75,863	86,989	89,364	86,723	10,860
Tax Surcharge		0		0			3,986		0	

FY 2008/09 SUPPLEMENTAL APPROPRIATIONS—MULTI-YEAR TOTALS

[$ in millions; discretionary BA]

Agency and Account	Two Years (FY 2008 & FY 2009)					Eleven Years (FY 2008–FY 2018)				
	President	House	Senate	House Round2	Round2 +/ − Request	President	House	Senate	House Round2	Round2 +/ − Request
MilCon, Vets, Int'l, Other Security	11,998	14,910	14,231	15,121	3,123	11,998	14,910	14,231	15,121	3,123
Domestic	0	498	4,050	1,048	1,048	0	498	4,050	1,048	1,048
Floods, Hurricanes, Other Disasters	5,761	5,761	10,397	8,484	2,723	5,761	5,761	10,397	8,484	2,723
Defense	166,117	162,543	165,427	161,849	−4,268	166,117	162,543	165,427	161,849	−4,268
Subtotal, Appropriations	183,876	183,712	194,105	186,502	2,626	183,876	183,712	194,105	186,502	2,626
Veterans Education Assistance		716	717	796	796		51,600	51,616	62,770	62,770
Emergency Unemployment Comp		15,573	15,573	14,338	14,338		11,137	11,137	9,962	9,962
Medicaid & Other Health		1,600	1,755	1,195	1,195		−7	2,849	−7	−7
TOTAL (w/out tax surcharge)	183,876	201,601	212,150	202,831	18,955	183,876	246,442	259,707	259,227	75,351
Tax Surcharge		3,986		4,792			52,286		62,835	

Mr. SCALISE. Mr. Speaker, I rise today in support of H.R. 2642 and strongly encourage my colleagues to vote in favor of this legislation.

I am pleased that the Democratic leadership has chosen to not delay this bill any longer by hijacking it with tax increases. Our troops in the field will now have the resources they need to be successful in the war on terror.

In addition to providing our troops with critical and timely funding, this bill also includes funding for the communities in southeast Louisiana that were devastated by the flooding after Hurricane Katrina.

On August 29, 2005, the failure of the federal levees resulted in over 1,400 deaths in my home State. Hundreds of thousands of Louisianians lost their homes. Over 80,000 small businesses were severely impacted. Of the 18 hospitals that served the area before Hurricane Katrina, only 10 have re-opened and continue to struggle financially. An estimated 217 square miles of coastal marshland were transformed to open water, expediting the erosion of Louisiana's coastal buffers that reduce the intensity of hurricanes before they strike our towns and cities.

While much progress has been made, our State is still struggling to recover from the Nation's worst natural disaster.

The legislation before us today not only helps to protect our troops in the field, it also takes us one step closer to protecting the citizens of south Louisiana from future flooding. This bill contains essential funding for the Army Corps of Engineers to make progress in completion of 100-year flood protection in South Louisiana. The bill also includes essential language directing the Corps of Engineers to provide an official cost estimate on the ''Pump to the River'' project, which will direct flood waters to the Mississippi River rather than Lake Ponchartrain, providing an important alternative method of flood prevention for thousands of citizens.

While I support the vital flood protection funding provided for in this bill, I am disappointed that the House leadership stripped critical funding that was included in the Senate version to allow local governments a longer payback period for their local cost share on levees. It is also very unfortunate that funding was stripped out for the hospitals in our area that are struggling financially to care for the uninsured citizens of southeast Louisiana, many of whom went to the State's Charity Hospital and the Federal Veteran's Administration Hospital that were closed down due to damage from Hurricane Katrina.

The Senate added a 30-year payback provision on the local cost-share for the Federal levees. This 30-year payback provision is critical to the recovery of south Louisiana. The levees that failed our city and our region were Federal levees. If our local governments are required to pay the 35 percent cost-share up front, it will likely prevent them from being able to move these critical flood protection projects forward. In addition, our State will likely be prevented from initiating any new coastal restoration efforts which would prevent hurricane protection efforts outside the greater New Orleans area.

Similarly, if the hospitals in our area are not provided immediate assistance, the stability of

our entire health care infrastructure could be jeopardized. These hospitals are currently caring for patients that before Hurricane Katrina were receiving care at the government-funded, State-run Charity Hospital and the Federal VA Hospital. Our local hospitals are incurring hundreds of millions of dollars in losses and continue to provide 90 percent of health care services in the region. Without immediate assistance, the sustainability of the entire health care system and a major economic engine of the New Orleans region will be made extremely vulnerable, which could hinder our recovery.

Critical law enforcement funding to combat the post-Katrina crime wave was also cut in the House version of the bill. These funds would have provided personnel, equipment and technology to apprehend perpetrators of violent crimes. The safety of the citizens is crucial to our rebuilding efforts.

I implore my colleagues to continue to support my efforts and the efforts of the entire Louisiana delegation as we work to restore these other important provisions that are not yet in the legislation. I encourage support for this important bill.

Mr. MURTHA. Mr. Speaker, today we once again consider a supplemental spending bill for our troops in both Iraq and Afghanistan.

The spending bill before us represents a compromise between both the House and Senate. It provides funding to take care of our troops in the field through the balance of fiscal year 2008, and through June 2009. The funding in this bill closely follows our vision of ''looking beyond the war in Iraq.''

For fiscal year 2008 this supplemental includes:

$825 million for National Guard and Reserve Equipment;

$1.6 billion for HMMWVs;

$3.1 billion for Medium and Heavy Tactical Trucks;

$102 million for Land Warrior equipment sets for next-to-deploy units;

$1.2 billion for various Joint Unmet Operational Needs as identified by the Department of Defense, but not included in the budget request;

$500 million for Army and Marine Corps Facility Maintenance and Repairs (this includes barracks);

$300 million for Facility Maintenance and Repairs at DoD medical treatment facilities;

$94.9 million for Wounded Warrior efforts;

$50 million for Family Advocacy Programs;

$570 million for treatment and research activities within the Defense Health Program; and

$3.5 billion to address the increasing cost of fuel that was not included in the budget request.

For fiscal year 2009 this supplemental includes:

$1.2 billion for military personnel and $51.9 billion for operation and maintenance. This is sufficient funding to maintain all anticipated military operations through June 2009;

$394.8 million for Bradley base sustainment;

$390.2 million for HMMWV recapitalization;

$1.1 billion for the Defense Health Program; and

$2.0 billion for the Joint Improvised Explosive Device Defeat Fund.

This is a good piece of legislation, and I'd ask my colleagues on both sides of the aisle to vote for this bill.

Mr. BLUMENAUER. Mr. Speaker, as we take up the final war supplemental of the Bush administration, the Bush legacy in Iraq is clear: a President who misled America, needlessly put our troops in harm's way, and threw billion of dollars of good money after bad.

Five years ago, I spoke out and voted against the invasion of Iraq. From that time I have opposed the open-ended funding and escalation of this terrible conflict, while the President has committed us to a growing military tragedy, foreign policy nightmare, and, increasingly, humanitarian crisis. I continue to believe that the best way to honor those whose lives have been lost in this tragic war is to end it quickly and responsibly.

It is a constant source of frustration that Congress has been unable to substantially curb our involvement in Iraq. Though this bellicose President may be content to wage a war and then leave the aftermath to his successor, Congress should know better. It is the men and women from our districts—whose names and faces we know—that are wounded and dying in Iraq. I cannot support the war funding amendment. It is fundamentally flawed, providing no requirements for withdrawal.

However, I am pleased that the second amendment provides almost $700 million in refugee assistance. Iraq has claimed the lives of thousands of Americans, and the Iraqi civilian death toll is several times that. George Bush famously proclaimed he would be no ''nation-builder.'' This has been sadly true for the 4.5 million Iraqis forced from their homes since the U.S. invasion. Tomorrow, June 20, is World Refugee Day, and I am pleased to see that this second amendment does more for Iraq's 2.5 million refugees and 2 million internally displaced persons.

I am also pleased that the amendment includes responsible domestic items such as the significant expansion of ''GI Bill'' education benefits, the protection of Medicaid from harmful cuts, an extension of unemployment benefits, and funding for domestic disaster relief, all necessary in our unsteady economy.

I am proud today to cast votes in support of our troops—by voting against unconditional war funding and this President's reckless war, and by voting for educational benefits and responsible international and domestic priorities.

Mr. HALL of New York. Mr. Speaker, today, this body once again considered legislation to provide funding for the ongoing military efforts in Iraq and Afghanistan. In the final analysis, this was one funding bill for two very distinct conflicts. In Afghanistan, the men and women of our military continue to perform an important mission by taking action against our enemies in the country that served as host to the Al Qaeda organization that attacked the United States of America on September 11th, 2001. The importance of the work they are doing with complete skill, courage, and professionalism has only been underscored by the recent resurgence of Taliban activity, which must be quelled. I am fully supportive of them and their mission. I have voted to provide funding solely for our military activities in Afghanistan, and would do so again if such a bill were to come before the House.

However the funding measure before us today also included funding for the war in Iraq without accompanying conditions on those funds or a timeline for withdrawal of American forces. I remain opposed to the President's mistaken war in Iraq, which has now claimed over 4,000 American lives, undermined our military and ability to respond to other threats abroad, and cost hundreds of billions of dollars that could have been used to meet pressing needs at home. The men and women in uniform serving in Iraq have performed brilliantly and heroically. It is time for the Iraqi government to take responsibility for Iraq and for America to start bringing our troops home. I cannot support the appropriation of additional funds without timelines that would begin to wind down our military involvement in Iraq, and therefore could not vote for that portion of the funding legislation considered by the House tonight.

However, I am pleased that I was able to vote for a separate piece of legislation tonight that addresses several important priorities here at home. Specifically, I am pleased that we were able to consider legislation to expand veterans educational benefits in order to honor the service of our men and women in uniform and give them every opportunity to succeed in life after they have served. Also included in this bill was a desperately needed extension of unemployment benefits that will help struggling middle class families weather the current economic storm. In addition, the piece of legislation that I was able to vote for this evening included a moratorium on six of the seven Medicaid regulations the Bush administration has unwisely decided to implement recently, I would have greatly preferred if the legislation prevented all seven regulations from coming into effect. Outpatient Graduate Medical Education is a vital component of medical education, and by disallowing Medicaid funding for it, this regulation will cost New York State as much as $300 million per year. On multiple occasions, both the House and Senate have passed a moratorium on all seven of these regulations overwhelmingly. I don't understand why we have decided to allow these unwise cuts to graduate medical education to continue now, when the votes exist to prevent it. However, I will continue to push for this final moratorium to be implemented and for this unwise rule to be overturned.

Mr. HONDA. Mr. Speaker, I rise today to express my thoughts on the two pieces of the $183.9 billion emergency supplemental appropriations bill that the House is considering today.

Last year, I joined nearly ninety of my colleagues in the House in sending a letter to President Bush pledging that I will only support appropriating additional funds for U.S. military operations in Iraq during Fiscal Year 2008 and beyond for the protection and safe redeployment of our troops out of Iraq.

The supplemental bill the House will vote on tonight does not include a number of important policy provisions regarding the war originally included in the bill that was sent to the Senate. These important provisions called for the responsible redeployment of U.S. troops from Iraq and required that troops begin to withdraw from Iraq within 30 days of the proposal becoming law, with a goal of completing withdrawal by December 2009.

I am disappointed that the supplemental bill we are considering today does not include these provisions, and instead provides $162 billion more for this disastrous war, without conditions.

I have heard and read the frustrated thoughts of many of my constituents who are simply tired of President Bush's war. They understand that we have spent an inordinate

sum of tax dollars fighting a war that should have never been waged. They understand that our economy is suffering as a result of our resources being poured into this war. Tonight, I will vote against continuing to fund this open-ended war.

However, Mr. Speaker, I remain in strong support of the second amendment to this supplemental appropriations bill, which will fund important domestic priorities. This domestic measure includes a new GI bill to restore full, 4-year college scholarships to veterans of the Iraq and Afghanistan wars to help make them part of an economic recovery like the veterans of World War II. It also includes an historic extension of unemployment insurance benefits and assistance to disaster-stricken areas in the Midwest where unprecedented floods have occurred. The number of Americans looking for work has grown by 800,000 over the last year, and the number of American jobs has declined by 260,000 since the beginning of 2008. Both of these measures are beneficial to our country, extraordinarily meaningful to our veterans, and will address the current economic struggle we face. As a representative of Silicon Valley, the hub of high technology in America, I am also happy that this amendment contains a modest amount of funding to help partially address the budget shortfalls facing the agencies that support our Nation's research and development efforts.

Mr. Speaker, I am disappointed that the amendment funding the war in Iraq is without strings or conditions, but more than pleased to prioritize our Nation's urgent priorities in the second amendment to this appropriations bill. We must continue to invest in a positive future for our country.

Mr. CONYERS. Mr. Speaker, I rise today to speak on H.R. 2642, the most recent authorization bill placed before the Congress to fund the continuing occupation of Iraq. Forged in the backrooms of the Capitol by Washington politicians, this bill seeks to strike an uneasy compromise. While it continues to fund overseas conflicts, the bill also includes long-overdue aid for segments of the American public desperate for help. Specifically, the bill provides $52 million for an expanded G.I. Bill, extends unemployment benefits in states, like Michigan, that have been hit the hardest by the current economic downturn, and postpones seven Medicaid reimbursement rate cuts. I support such aid, while rejecting the appropriation of an additional $165 million in war funds. As a responsible legislator and a man of peace, I urge my colleagues to understand that we can have guns or butter, but not both.

Mr. Speaker, it's unfortunate that it has taken the consideration of a war-funding bill to address these important domestic priorities. As you know, up until recently, the Administration and the Republican leadership have complained that the inclusion of this domestic funding in a war supplemental smacks of fiscal irresponsibility. To them, spending federal dollars to improve G.I. bill benefits for our battle-weary veterans, to extend unemployment benefits for those left behind by failed trickle-down economic policies, and to safeguard the reimbursement amounts paid to doctors, who provide medical care to the most vulnerable Americans, is spending that this country cannot afford.

Mr. Speaker, I have a message for this Administration and their congressional allies: Bettering and strengthening the lives of the American people is the purpose of this great institution. Such action is not optional. It is our sworn duty. And if anyone has shown fiscal recklessness, it has been this President. After 6 years of bloody war, this Nation is $592 billion dollars poorer. It is the height of callousness to say that we don't have enough money for our veterans, the unemployed, or our Medicaid doctors; that it is they who are expendable—even as the President burns through billions of taxpayer dollars in Iraq.

I suppose that we shouldn't be surprised that this Administration is willing to sacrifice the American people, while its allies at Halliburton, ExxonMobil, and Blackwater continue to make record profits off of this war. After all, this Administration ceased being accountable to the American voter long ago. In a recent interview with ABC News, the Vice President himself admitted as much. When asked whether or not it was significant that two-thirds of the American people now believe that the War in Iraq is no longer worth fighting, Mr. CHENEY responded, ''So?''

Mr. Speaker, the President and the Vice-President have forsaken their duty to be responsive to the public. As such, we in the Congress must step in and fill this void. Someone must give the American people a voice, especially when Executive Branch officers act in ways contrary to the public good.

Mr. Speaker, setting aside issues of education funding, job aid, and other worthy public policy aims, this body must not ignore the one undeniable reality that dominates everything that we will talk about this day: As of today, we have been at war for 1865 days, with no end in sight. If we approve this war funding, that number will likely climb to over 2000 days. We as a Nation have endured 1865 days of civil war, IEDS, ethnic cleansing, aid-worker beheadings, suicide bombings, sweetheart no-bid contracts, rank government corruption, and solemn vigils over flag draped coffins. Mr. Speaker, this war must end. The American people and the Iraqi people have endured enough. I urge my colleagues to vote against funding this war another day. Tomorrow, we will have been at war for 1866 days. It will be 1866 days too many.

Mr. MITCHELL. Mr. Speaker, I rise today in support of H.R. 5740, the Post 9/11 Veterans Education Assistance Act—bipartisan legislation that honors our men and women in uniform and strengthens our military.

I am pleased that this bill was included as part of the emergency war funding measure that the House is considering today because I believe taking care of those who serve in war is a cost of war. America should never fight wars without taking care of our own.

Since World War II, our Nation has offered education benefits to returning GIs. The Servicemen's Readjustment Act of 1944, the first GI Bill, which was passed unanimously by this House, paid for the tuition, books, fees, training costs, and even a monthly stipend for our returning veterans.

After World War II, nearly 8 million veterans, out of a wartime veteran population of 15 million, used the original GI Bill to earn an education. The economic return was unprecedented. For every dollar we spent on the GI Bill, we generated seven more into our national economy. Millions of newly educated veterans led our Nation in business and innovation and created the American middle class. It's no wonder the GI Bill of 1944 is regarded as one of the most successful pieces of legislation to earn this House's approval in the 20th century.

Since that time, Congress has passed other GI bills, but over time, the value of the education benefit has declined. The current Montgomery GI Bill, for example, was designed for peacetime service, and is not meeting the needs of our newest generation of veterans, many of whom are returning from combat in Iraq and Afghanistan.

Our veterans—whether active duty, Reservists, or National Guardsmen—deserve an education benefit that accounts for the stress of war and keeps up with the rapidly increasing cost of a higher education. That is why, with the backing of a broad, bipartisan coalition, I introduced H.R. 5740, the Post-9/11 Veterans Educational Assistance Act.

Under the legislation, GIs returning from Iraq or Afghanistan would receive up to 4 academic years of education benefits, including stipends for housing and books. They can even use their benefits at private schools through the Yellow Ribbon G.I. Education Enhancement Program, in which the Federal Government will match, dollar for dollar, any voluntary additional contributions to veterans from institutions whose tuition is more expensive than the maximum educational assistance provided under this legislation.

Veterans would even have up to 15 years after they leave active duty to use their education benefits.

When I was elected to this House, my constituents asked me to work in a bipartisan way to find reasonable solutions to our common problems. And I think we achieved that with this bill.

Working together with my Democratic and Republican colleagues, we attracted more than two-thirds of the House as cosponsors. Ninety-five Republicans, nearly half of the minority party's membership, lent their support.

I am happy that House leadership was able to build on this support and work with the President to come to a bipartisan agreement to provide this robust educational benefit to our veterans.

I encourage the Senate to act quickly to pass this new GI Bill and make good on our promise of a higher education.

Our veterans have fought for us. The least we can do is fight for them.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for these amendments today. They provide necessary funding for our troops, create new educational benefits for our veterans, and address domestic and global needs.

The war funding will pay for operations in Afghanistan and Iraq for the rest of this year and half of 2009. I support this because it will make it possible to provide the equipment, ammunition, fuel, and other supplies needed by our brave men and women serving in Iraq and Afghanistan who have shown such extraordinary skill, determination and endurance in answering their call to service.

I opposed the Bush Administration's rush to war in Iraq, and voted against the resolution that authorized the President to send our armed forces into that country on the theory that this was necessary in order to deprive the Saddam Hussein regime of weapons of mass destruction. So, I understand why some of my constituents who also opposed the war want Congress to reject this funding measure.

And I could not agree more that the record of the current Administration demonstrates an

enormous failure of leadership. We desperately need new leadership that will bring to a close our open-ended military engagement in Iraq and will refocus on the very urgent tasks of reducing the terrorist threats in Afghanistan and Pakistan.

But I am convinced that voting to deny funds to provide our men and women in uniform the resources they need to do their jobs is not the right way to bring about the change we need—especially because President Bush has shown he is prepared to veto funding for the troops rather than agree to change course.

This bill also improves veterans' educational benefits to more closely resemble the GI Bill of Rights that made it possible for so many World War II veterans to go to college. The GI Bill of Rights helped make possible the postwar growth of the middle class that was one of the greatest achievements of the Greatest Generation. Some have complained about the cost of providing similar benefits to those who are serving today. But to put those costs into perspective, we should remember that so far our spending for military activities in Afghanistan and Iraq has exceeded $800 billion.

By all indications, this bill will not be vetoed. Compromises were made on all sides to make it acceptable to the White House and the leadership of both parties. Of course, compromise means that everyone gives up something.

So there is good news: The bill addresses the needs of our soldiers and provides enhanced educational benefits for our veterans—but also extends unemployment benefits to help laid-off workers, provides relief for the thousands of people flooded out of their homes in the Midwest, and prevents the implementation of new rules that would increase the cost of healthcare, among other provisions. But there also is bad news: The bill does not include all the important policy provisions included in the first version of this bill, among them a requirement that our troops begin to redeploy from Iraq, a reminder to Iraq's government that U.S. troops will not remain in Iraq indefinitely.

I'm disappointed that the bill gives the President most of what he wants in Iraq spending without any significant policy constraints. Congress has tried and failed to include such constraints in previous spending bills, and here we have failed again. What we need is consensus here at home on a path forward in Iraq, but as long as the architect of our current Iraq policy occupies the White House, I'm afraid that won't happen.

I hope that the next Administration will give serious consideration to the recommendations of the Iraq Study Group as a framework for consensus. Those recommendations would be accomplished by legislation I introduced last year, which would support a course of escalating economic development, empowerment of local government, the provision of basic services, a ''surge'' in regional and international diplomatic efforts, and lightening the American footprint in Iraq.

Mr. Speaker, I voted against war in Iraq because, as I said then, the Bush Administration was rushing to war without necessary international support or a clear plan to prevent the chaos that would follow after Saddam Hussein was overthrown. I was concerned a prolonged conflict would devolve into civil war. Since U.S. troops entered Iraq more than 5 years ago, we have lost thousands of our brave service men and women, seen tens of thousands more wounded, and spent half a trillion dollars in taxpayer money.

Yet the President's mission is no clearer, he has still offered no exit strategy, our enemies in Afghanistan have regained their strength, and our armed forces have been stretched to the breaking point.

Only Democrats and Republicans working together can find the path out of Iraq. I will continue to work with colleagues on both sides of the aisle on further steps we can take to change our broader Iraq policy. But today, I will vote to provide funding for our troops in the field, enhanced educational benefits for our veterans, and assistance for Americans suffering through the current economic downturn and the high costs of healthcare.

Mr. HOLT. Madam Speaker, I regret that the House is taking up a supplemental funding measure for the war in Iraq without tying that funding to a withdrawal requirement. I was in Iraq last month and had the chance to speak at length with General Petraeus and Ambassador Crocker about the situation in that country. There is no disputing that our casualties are down, and that is due in no small part to General Petraeus's revised military approach to the conflict. But the purpose of the surge wasn't simply to reduce our casualties; it was to give the Iraqis time to resolve their political differences via dialogue, not car bombs. That has not happened, and there is no reason to believe it will happen. Indeed, the only thing Iraq's warring factions seem to agree on these days is that they oppose permanent U.S. bases in Iraq. This no-strings-attached funding measure will only make matters worse, which is why I cannot support it.

I am pleased to be able to support the new GI Bill. For the first time in over 60 years, our returning veterans will have a truly robust educational benefit waiting for them. We all know how successful the original GI Bill was and how much it contributed to fueling our country's economic and social progress it the decades after World War II. We need to make that kind of investment in our people once again. No one can dispute our veterans have earned it and no one can dispute the long term benefits our society will reap from implementing a new GI Bill. I look forward to seeing it become law.

This bill also provides a desperately needed 13-week extension of unemployment benefits for people who are struggling to find work in this tough economy. Since last year, the number of Americans seeking employment has swelled by 800,000 while the economy has lost 260,000 jobs.

In addition, the legislation blocks the implementation of dangerous Medicaid regulations that the Bush administration has issued which would cut $20 billion from Medicaid. I oppose these regulations and will continue to fight to protect the Medicaid program and the millions of Americans who rely on it for access to health care services.

Finally, the $400 million in funding for science included in the bill represents a downpayment in our continued effort to provide a robust investment for science, research and development, and innovation. By making a strong investment, we will support research that will help contribute to the Nation's long term economic growth.

Mr. VAN HOLLEN. Mr. Speaker, this Emergency Supplemental bill presents the House with two very distinct amendments—and two very separate decisions.

The first amendment we are being asked to consider would provide $165.4 billion for the ongoing wars in Iraq and Afghanistan. My position on the war in Iraq is clear. I believe the decision to invade Iraq was a mistake. And I simply cannot support giving this President a blank check to further mishandle our involvement in Iraq. Because this amendment does not include the conditions that were contained in the bill that the House passed, I will be voting no on this portion of the Supplemental today.

While I oppose this war, I have nothing but admiration and gratitude for our fellow citizens who choose to serve this Nation in uniform. It is in large measure because of my respect for their honorable service that I will be proud to support the second amendment before us today.

A centerpiece of this second amendment is a GI Bill for the 21st century. Just as a grateful Nation expanded opportunities for GIs returning home from World War II over 60 years ago, so now must our generation invest in our soldiers returning home from Iraq and Afghanistan so that they can get a 4-year college education. We have an obligation to invest in their future.

With the Nation's economy slowing, and our unemployment rate on the rise, this second amendment also appropriately includes a 13-week extension in unemployment benefits to sustain our fellow citizens and their families as they continue to look for work.

I am particularly pleased that this amendment places a moratorium on six Medicaid regulations that had threatened to cut needed services to those who rely on them—and that we have moved quickly to provide over $2.65 billion in disaster relief to assist in the recovery efforts after the tornadoes and flooding in the Midwest.

Finally, we can be proud that this amendment invests $550 million in critical scientific research to expand our medical knowledge, improve our energy efficiency and enhance our global competitiveness—including a $150 million investment in the National Institutes of Health (NIH), $150 million for the Food and Drug Administration (FDA), $62.5 million for the Department of Energy's Office of Science, $62.5 million for the National Aeronautics and Space Administration (NASA) and $62.5 million for the National Science Foundation (NSF).

For these reasons, this second amendment is exceptionally worthy of our support,

Mr. FRELINGHUYSEN. Mr. Speaker, America expects that when the United States sends our brave men and women into combat, we provide them with the resources to protect themselves and to accomplish their mission.

Finally today—after much delay—this Congress appears to be on the verge of providing our troops the funds they need to continue their courageous efforts in the Iraq and Afghanistan—both humanitarian for the Iraqi and Afghan people and military against those who would promote terror and chaos.

There's no doubt that this proposal is a clear victory for our troops and their families.

Thanks to the efforts of Mr. OBEY and Mr. MURTHA, Mr. LEWIS and Mr. YOUNG, this package ensures that our young; warfighters—all volunteers (Active, Guard and Reserve)—have the resources they need to protect themselves and do the job they've been sent to do.

But the bill also supports the troops and their families by bringing the Montgomery GI

Bill into the 21st Century. The legislation updates the GI Bill of Rights to recognize today's higher costs of higher education. And it also recognizes the new role of the Reserves and the National Guard—3,200 from New Jersey will deploy this summer to Iraq with our 50th Brigade Combat Team.

But Mr. Speaker, this measure also includes a new, permanent provision that allows current soldiers, sailors, airmen and Marines to transfer their educational benefits to a spouse or a child.

Mr. Speaker, this is a huge improvement. Too often our personnel and forced to leave the military service they love in order to pay for their children's college education. This bill allows experienced Marines, soldiers, airmen and sailors to transfer their benefits to a dependant without separating from the service.

This reform is good for the servicemember, good for the families and good for the Army, Navy, Air Force and Marines.

My colleagues, the supplemental we vote on today is far from perfect. However, it represents a clear victory for our troops and their families.

Mr. RYAN of Wisconsin. Mr. Speaker, I congratulate Chairman OBEY, Leader BOEHNER, and Mr. LEWIS for bringing a bill to the floor that provides funding for our troops without restrictions on our commanders.

My hometown is under water, and I am glad this bill provides funding to address flooding and to help the victims whose lives have been turned upside down by this flood.

Likewise I am glad that this bill provides assistance to those facing unemployment since one of the largest employers in my district—GM—recently announced it is closing a production facility.

However, this bill is part of a very disturbing trend in how we budget and legislate—Omnibus appropriation bills. We are now resorting to two omnibus appropriations bills a year. We need to find a way to budget for emergencies, but my problem with this bill is not with the unemployment extension funding or the flood funding. These are temporary costs that have been included in emergency supplementals in the past.

My concern is with the permanent expansion in an entitlement program that we are adding to an emergency supplemental appropriations bill. Mandatory spending doesn't belong on an appropriations bill because mandatory spending is forever.

An expansion in GI benefits is a good idea. However, we have an increasingly bad habit of just adding spending on top of the $3 trillion we are currently spending annually. I congratulate the Blue Dogs for initially objecting to the fact that the GI benefits in this bill were not offset. I don't support their remedy—which is to raise taxes—but if we are going to expand entitlements, we need to find offsets. In fact, we cannot afford the entitlements we have, much less an expansion in them.

We are going to spend over $30 trillion in the next ten years; surely we could have found $63 billion in offsets. But we didn't even try. In fact, the cost of the GI benefits has grown in this final bill.

We just kick the can down the road. The problem is that our children and grandchildren will live at the end of the road and all we are doing is leaving them with a mountain of debt.

PAYGO does not exist. It is waived every time we have to make a choice. We are sent here to make decisions—to make choices—to govern. Like the floods, this bill takes the path of least resistance; it passes the buck—and the debt to future generations.

We shouldn't budget or legislate this way, but I'm going to vote for this bill because it funds the troops and provides one-time emergency funding for unemployment assistance and floods.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this legislation to provide emergency supplemental appropriations for Fiscal Year 2008. This legislation contains funding for our troops, expands education benefits for veterans, extends unemployment benefits for workers and provides assistance for the victims of the floods in the MidWest.

This bill contains $161.8 billion for DOD funding for our troops to fight the wars in Iraq and Afghanistan. As the representative of Fort Bragg and Pope Air Force Base, I'm pleased that this bill provides $2.2 billion over the President's request to fully fund military quality of life initiatives—including funding for military child care centers, military hospitals and VA hospitals. For our returning troops, it includes a new GI bill that restores full, 4-year college scholarships to veterans of the Iraq and Afghanistan wars to help make them part of an economic recovery like the veterans of World War II. This legislation also provides up to 13 weeks of extended unemployment benefits in every state to workers exhausting the 26 weeks of regular unemployment benefits, and provides $2.65 billion for urgent disaster relief in response to Midwestern floods and tornadoes.

I will continue to work with my colleagues in Congress as well as the President and the Administration, to provide a new direction in Iraq and to meet the critical needs of the people of North Carolina's Second Congressional District.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1284, the previous question is ordered.

Pursuant to that resolution, the Chair will divide the question for voting between the proposed dispositions of the two Senate amendments.

The Clerk will designate the first proposed disposition.

The Clerk read as follows:

Proposal that the House concur in the Senate amendment to House amendment No. 1.

The SPEAKER pro tempore. The question is, Will the House concur in the Senate amendment to House amendment No. 1?

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote will be followed by 5-minute votes on concurring in the Senate amendment to House amendment No. 2 with an amendment, if ordered, and suspending the rules and adopting House Resolution 1029.

The vote was taken by electronic device, and there were—yeas 268, nays 155, not voting 12, as follows:

[Roll No. 431]

YEAS—268

Aderholt
Akin
Alexander
Altmire
Bachmann
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cantor
Capito
Carney
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hoyer
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Ortiz
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Scalise
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—155

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Becerra
Bishop (NY)

Blumenauer
Boswell
Brady (PA)
Braley (IA)
Butterfield
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Cohen
Conyers
Costello
Courtney
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Edwards (MD)
Ellison
Engel
Eshoo
Fattah
Filner
Flake
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kilpatrick
Klein (FL)
Kucinich
Langevin
Larson (CT)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Richardson
Rothman
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Solis
Speier
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—12

Bachus
Cannon
Farr
Gilchrest
Hulshof
Nunes
Perlmutter
Rush
Stark
Sullivan
Tiahrt
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair notes a disturbance in the gallery in contravention of the law and the rules of the House.

The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

□ 2004

Mrs. NAPOLITANO and Ms. ROYBAL-ALLARD and Messrs. ELLISON, ROTHMAN, MURPHY of Connecticut, ACKERMAN, BACA and COHEN changed their vote from ''yea'' to ''nay.''

Mr. BAIRD and Mrs. CUBIN changed their vote from ''nay'' to ''yea.''

So the Senate amendment to House amendment No. 1 was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SULLIVAN. Mr. Speaker, on rollcall No. 431 I was unable to record my vote. I intended to vote "yea" on that question. I ask that this statement appear in the RECORD adjacent to rollcall No. 431.

Mr. NUNES. Mr. Speaker, on rollcall No. 431, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. PERLMUTTER. Mr. Speaker, on rollcall No. 431, I missed this vote. Had I been present, on this amendment I would have voted "no."

The SPEAKER pro tempore. The Clerk will designate the second proposed disposition.

The Clerk read as follows:

Proposal that the House concur in the Senate amendment to House amendment No. 2 with an amendment.

The SPEAKER pro tempore. The question is, Will the House concur in the Senate amendment to House amendment No. 2 with an amendment?

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 416, noes 12, not voting 7, as follows:

[Roll No. 432]

AYES—416

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

NOES—12

Brady (TX)
Campbell (CA)
Cooper
DeFazio
Duncan
Flake
Franks (AZ)
Paul
Royce
Sensenbrenner
Smith (WA)
Weldon (FL)

NOT VOTING—7

Cannon
Gilchrest
Hulshof
Rush
Stark
Tiahrt
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 2013

So the Senate amendment to House amendment No. 2 with an amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING AND RECOGNIZING CHI-CHI RODRIGUEZ

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1029, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1029, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 433]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
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)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
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—19

Andrews
Cannon
Davis, Lincoln
DeLauro
Dicks
Gilchrest
Herseth Sandlin
Hirono
Hulshof
Murtha
Napolitano
Pickering
Rangel
Rush
Stark
Tiahrt
Visclosky
Walsh (NY)
Waters

□ 2021

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''Resolution congratulating and recognizing Mr. Juan Antonio 'Chi-Chi' Rodriguez for his continued success on and off of the golf course.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FARR. Madam Speaker, on roll-call 431, I was unable to record my vote. I intended to vote ''no'' on that question.

''NO. NO. THEY WON'T GO.''

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

Mr. POE. Madam Speaker, on Monday, five black-robed judges down the street decided that we weren't doing enough for illegal trespassers.

The Supreme Court just made it easier for illegals to extend their stay in the United States, even after they have been ordered to leave. People like Nigerian Samson Dada, who has been in our country illegally since 1998, can now manipulate and game the system in order to get more time. He has refused to go home, and the Supreme Court basically has said, ''It's okay. You can stay in spite of being lawfully deported.''

The Supreme Court's ruling overturned other court decisions upholding his deportation. In other words, the High Court ruled in favor of people who have laughingly ignored and disregarded our laws.

Once again, the Supreme Court has made law rather than interpret law. The five liberal judges on the Supreme Court who wish to write our laws should take off their black robes and run for Congress. After all, the Constitution I read says Congress should make law, not the Supreme Court.

Contrary to what the Supreme Court seems to believe, our justice system has an obligation to protect the rights of people who follow the law, not expand the privileges of those who are illegally on our land.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. KAPTUR). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, I want to talk about the energy policy this Congress has passed recently. This Congress has decided to spend a lot of taxpayer money and subsidize this concept of corn-based ethanol in the United States.

We are sending a lot of money to farmers to grow corn so that it can be burned in our vehicles. Now, I don't blame the farmers for what they do. After all, we have encouraged them to produce corn-based ethanol.

But the problem with corn-based ethanol is it is a pollutant. Now we are finding out from Science Magazine that it's a pollutant more so than was first thought from the beginning. Because of the subsidies, we are encouraging corn-based ethanol.

It also has raised corn prices throughout the world because no longer are we eating corn, we are burning it in our vehicles. It has increased the amount of land that we are tilling up, grasslands, for example, forest, for example, and turning it into agricultural land where we produce corn-based ethanol to burn in our vehicles.

It's also expensive. Everything that has to do with corn products has raised in prices over the last 2 years because we are not using corn in our foodstuffs, we are burning it in our vehicles. But probably the greatest problem with corn-based ethanol is how it's produced. Corn is one of those commodities that takes a lot of fertilizer. In fact, it takes more fertilizer to produce corn than any other product that we eat, such as rice or wheat or even the grasslands.

Because that fertilizer is being dumped in the Midwest, it drains off in the rivers down the Mississippi River and comes into the Gulf of Mexico. One would argue, so what? Well, the problem with that is, fertilizer has nitrogen in it and phosphorus. That nitrogen and phosphorus, when it goes into the Gulf of Mexico, has created what is called now a dead zone.

It's called a dead zone because nothing lives there except algae. The fish, the ones that are there, have died unless they have moved way offshore, you know, out there off the continental coast where we don't drill for crude oil any more.

This map here shows, this is a NASA map, satellite photo, shows that it's about 470 miles along our gulf coast, Texas, Louisiana, Mississippi. It even goes all the way to Florida, but it also extends out in the gulf about 178 miles.

□ 2030

It's a dead zone. Nothing grows there. Nothing lives there but algae, and it's all because Congress with unintended consequences is encouraging the production of corn-based ethanol, and the fertilizer goes down the Mississippi River and kills everything in this area. Madam Speaker, it stays for years. It gets bigger every year, this dead zone. It kills off the fish, and all of the fishermen along the gulf coast are having to go way out in the Gulf of Mexico out there where we don't drill for crude oil anymore, and they have to fish to get fish for Americans to eat.

Congress needs to reevaluate its policy of depending on some product that now not only is a pollutant but is an expensive pollutant, and it also creates havoc in the Gulf of Mexico by causing a dead zone. We need to be aware of such unintended consequences when Congress passes legislation.

Madam Speaker, we need an energy policy. We need an energy policy now—Americans demand it—but we also need some common sense in what we do, and maybe we should rethink the whole concept of corn-based ethanol because, after all, Madam Speaker, it's not going to save us all.

And that's just the way it is.

ENERGY INDEPENDENCE IN AMERICA

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the American people are crying out. The story in my district is no different than across our country. As gas prices continue to rise, Washington is deadlocked. The energy crisis is sapping our economic future coast to coast. Consolidation in the oil industry is putting a tourniquet on the heart of the American economy.

In 1983, the United States consumed about 18 percent of the world's oil supply. Today, with the price of oil at over $135 a barrel, our share of world oil consumption has grown to over 25 percent. We only have 5 percent of the world's population, but we consume 25 percent of the global oil supply.

During the last 25 years, our country has gone from producing the majority of its oil domestically to importing most of our oil from abroad. So, since 1997, the United States' gluttony for oil has boiled over, and we've been consistently importing more than half of the oil we consume since the late 1990s. The increasing levels of oil importation have caused our structural deficit to skyrocket and have encouraged the creation of a pipeline that flows in the wrong direction—straight from the Middle East.

This pipeline is not carrying back our finished cars or windmills or solar arrays, but, instead, hundreds of billions of dollars every year from the American people's pockets are going to some of the most undemocratic regimes in the world.

The GAO has recently come to a conclusion which is obvious to the American people. As oil companies continue to consolidate, the price of oil spikes. The GAO report shows that, for the seven large mergers they modeled, five led to increased prices. Especially with the ExxonMobil and MAP–UDS oil merger, gas prices have increased upwards of 2 cents a gallon. Since 1976, not a single refinery has been built in this country, and between 1991 and 2000, over 2,600 mergers in all segments of the U.S. petroleum industry have destroyed competition.

As fewer players control bigger segments of the industry, the American people lose. ExxonMobil reports earnings of $40 billion in a single year, and as the price of gasoline increases, these firms merge into even larger and larger conglomerates.

This week, we passed into law a farm bill with over $1 billion of incentives to begin converting a portion of our market to biofuels. That is long overdue. With gasoline prices reaching toward $5 a gallon, it's time for action here in Washington. The other body and the President should join us in passing H.R. 1252, the Federal Price Gouging Prevention Act, H.R. 5351, the Renewable Energy Act and Energy Conservation Tax Act of 2008, and a renewable energy portfolio standard to bring these new energy technologies into our Nation's grid. While our House of Representatives has acted on these bills, we really need a commitment from the other part of this institution and up Pennsylvania Avenue.

As this summer's driving season begins, Americans will be brutally reminded that energy innovation will never materialize unless we develop public policy that prevents the big oil companies from manipulating and from controlling our market. In fact, we really lost control in 1998 when over half of our market came from someplace else. From investigations into the futures market to a comprehensive antitrust policy, we can get rid of the corruption, manipulation and speculation that have driven the cost of oil higher and higher to a point where many of our people simply cannot afford it. The way out of this is innovation and invention, and these very same companies should not throttle that invention in this country. In fact, they should be investing in it themselves.

This government needs to take a lead in helping every American, if they so choose, to become a producer on the roofs of their houses and in the fields in their regions. We could have wind farms, geothermal, fuel cells, biofuels, cryogenic hydrogen. All of these are a part of America in the 21st century.

Mr. Speaker, it's really difficult to be a Member of Congress and to see the future and yet not be able to gain a majority of votes in both Chambers and the real leadership of the President of the United States to meet this critical national need. America's energy dependence is our largest strategic vulnerability. It's time that we stopped trying to bring in oil from every place else on the globe and, rather, become energy independent here at home.

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.)

OIL DRILLING IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I have great respect for Ms. KAPTUR, who just spoke. She and I have been friends for a long, long time, and I agree with much of what she just said.

We really need to move toward energy independence, and we need to use alternative methods of getting our independence. The problem is it's going to take time. If we use solar, if we use wind power, if we use all of these alternative sources, it's going to take time. It isn't going to happen in 1 year, 2, 3, or 4 years where we can not rely on oil or gas any longer. It's going to take time. In the meantime, Americans are paying $4-plus per gallon of gasoline because we don't have the oil necessary to keep the cost of gasoline down.

She is absolutely correct. We depend too much on foreign sources of oil. We depend on Saudi Arabia. We depend on Venezuela, which is not a friend of ours. We depend on Canada, on Mexico and on other countries throughout the world. We ought to be drilling right here in America. We have enough energy in this country to become energy independent.

Now, my colleagues on the other side of the aisle say, well, that's going to take time. It may take 10 years, if we get oil out of the ground today, to get it to market. Well, if that is the case, we still should do it, but experts whom I've talked to who have geological backgrounds say that we can start getting that oil to market within 1 or 2 years, and we could force the price of oil down very quickly if we decide we're going to drill here because it's going to put pressure on those who are producing oil that we're using around the world. It's going to force them to reevaluate the cost that they're charging us for the oil we're getting from them.

Some of my colleagues on the other side of the aisle say, oh, these oil companies have all of these permits, and they ought to be drilling where they have those permits now. Those permits run 5 to 10 years. If they don't drill in those areas, then those permits expire, and they're bid on by somebody else.

So why would an oil company not want to drill if they have a permit?

It's because, when they get that permit, they don't know how much oil is down there, and they're certainly not going to invest millions or billions of dollars to drill for oil when they know it's not there. Once they get the permit, they do a geological study, and they do seismic studies to find out if there's oil down there. If there is no oil there, they don't drill, and so they don't utilize their permits. That's why we need to get more land available for drilling.

Right now, on the Continental Shelf, we're using 3 percent of the available area. Ninety-seven percent is not being explored. We can do that in an environmentally safe way, and we ought to allow these oil companies to drill in those other areas and get permits to do it. If there's oil there, they're going to drill there.

Why don't they drill in some of these other areas where there might be some oil?

Well, it costs $2 billion to explore and to build an oil derrick, a platform, out in the Gulf of Mexico or out on the Continental Shelf. If they can't make $2 billion back, they ain't going to drill there. That's why these permits, many times, are not useful, and that's why we need to explore in other areas.

Now I'd like to also talk really briefly about the ANWR. They have done geological studies up there, and they know that there are billions of barrels of oil up there. If we drill there, we can get 1 million barrels of oil a day to help lower the price of gasoline in this country.

So, Mr. Speaker, if I were talking to Americans tonight instead of to my colleagues—and I can't do that because we can't address Americans—I would say this: You ought to contact your Congressman and Senators and say, ''I want my gas prices reduced, and I want you to drill in America. I want you to move this country toward energy independence.'' We talked about it 30 years ago under the Carter administration, and we never did it.

If I were talking to them, Mr. Speaker, I would say that you ought to tell your Congressman to get with the program, to drill in America, to make us energy independent, and to bring down the price of energy, especially that of our gasoline.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (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 Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

(Mr. MCCOTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DOCTOR-OWNED HOSPITALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. HASTINGS) is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, on June 8, the New York Times published a story that raised questions about Senators that amended legislation to protect home State hospitals from a new move in this Congress to ban doctor-owned hospitals. The article labeled these actions as ''special interest'' and questioned their appropriateness. It cited specific Senators, including a senior Senator from my State of Washington.

Mr. Speaker, I'm not familiar with the circumstances surrounding each hospital in the article, but I am very familiar with Wenatchee Valley Medical Center and efforts being undertaken by those who represented in Congress to protect this institution from the threat of a government-forced closure or sale.

The criticism leveled against the Washington State Senator in the New York Times article is unjustified and totally without merit. Senator MURRAY's action to protect the Wenatchee Valley Medical Center was entirely appropriate. In fact, it's what this Nation's citizens should expect from their elected representatives.

Mr. Speaker, it's troubling that the targets of scrutiny are those who are standing up and who are protecting their constituents and not those seeking to force the closure or sale of a hometown hospital system simply because it is doctor-owned.

The Wenatchee Valley Medical Center and its seven clinics serve a rural population, in my State, of a quarter of a million people in an area the size of the State of Maryland. The medical center accepts all patients regardless of their ability to pay, and it has a long record of providing quality care. Today, it is jointly owned by 150 doctors. For this simple reason, it is a target for some who think doctor ownership should be banned.

Twice in this Congress House Democrats have passed bills that would outlaw the Wenatchee Valley Medical Center as it exists today, not because of any poor care or bad behavior by its doctors but simply because it is owned by doctors. I offered amendments to both bills. Some of my amendments would have stopped the ban on doctor-owned hospitals. Others would have altered the ban to protect the Wenatchee Valley Medical Center. Unfortunately, House Democrat leaders blocked every one from even being debated and voted on the floor of the House. These same House leaders also swept aside the objections and concerns of at least eleven Democrats who have spoken out against this proposal and the harm it would cause to their local hospitals.

When I last spoke on the House floor against such legislation, I asked the Democrat chairman of the Energy and Commerce Health Subcommittee if he would work with me to exempt the few existing doctor-owned hospitals that would be impacted in both Democrat and Republican districts. He replied, ''The answer is no.''

The Democrat chairman of the Ways and Means Subcommittee on Health

was quoted by the New York Times as saying, ''He would prefer not to exempt any doctor-owned hospitals.''

When the Federal Government dictates that doctors can't own a hospital, Mr. Speaker, this is a step towards a Canadian-style, government-run health care system under which the Federal Government decides where, when, how, and even if Americans get care. This means Americans could be faced with waiting lists and rationing and bureaucrats, not doctors, making decisions about their health.

With those who control the House intent and insistent on banning doctor-owned hospitals, at a minimum, protection must be given to allow existing facilities like the Wenatchee Valley Medical Center to continue serving patients like it has, Mr. Speaker, for 60 years.

Being 1 out of 100, the powers of an individual Senator are considerable. Senator MURRAY used her committee position to add language protecting the Wenatchee Valley Medical Center to legislation that included the ban on doctor-owned hospitals.

Mr. Speaker, she has done the right thing. Despite what may have been printed in the New York Times, I will keep working with Senators MURRAY and CANTWELL and Congresswoman MCMORRIS RODGERS to fully protect the Wenatchee Valley Medical Center. I reject any notion that what Senator MURRAY has done is anything but appropriate and necessary, and I commend her for her actions.

□ 2045

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 June 19, 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 12,932 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, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victim, 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. And it seems so sad to me, Madam Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this Chamber.

So as a small gesture, I would ask those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

So Mr. Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,932 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Mr. Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is June 19, 2008, 12,932 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 Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING THE SERVICE OF GENERAL MICHAEL T. MOSELEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, I rise this evening to express my appreciation to a fine public servant and military officer, former Air Force Chief of Staff, General Michael T. Moseley, who recently resigned on orders from the Secretary of Defense.

The timing of this unprecedented decision to dismiss both top Air Force leaders only days before the decision on the tanker program, and during a time of wartime stress on Air Force personnel, is unfortunate. Nevertheless, every military and civilian officer knows that he serves at the pleasure of the President and can be dismissed for any reason. As professional leaders, General Moseley and former Secretary Wynne accepted that fact.

Unfortunately, the entire record of their decades of public service may be at risk of being pushed aside.

In particular regard to General Michael Moseley, it would be hard to find a more competent and experienced Air Force chief since the service's inception over 60 years ago. Entering the Air Force in 1971, he quickly rose through the ranks, and his competency as the top F–15 pilot led to command responsibilities around the world. Like no other Air Force Chief in a generation, General Moseley demonstrated he knew how to command air power during combat operations because he led coalition Air Forces in Afghanistan and Iraq that employed greater precision and air-ground coordination than ever before.

He served as Chief of the Air Force during a very tumultuous time. He confronted the challenging budget and personnel cuts posed by the Quadrennial Defense Review, as well as additional cuts administered or mandated by the administration.

He helped to steer the Air Force through some tough times, and in so doing, and to his credit, he always put the airmen and their families first. He recognized that our Nation unwisely took a ''holiday from history'' in the 1990s by delaying aircraft modernization and, as a result, our pilots are flying aircraft that average nearly 40 years of age. We have F–15s literally falling apart in the air. We have F–16s that are nearing the end of their service-life. We have 40-year-old tankers and 50-year-old bombers.

And we have Third World nations that are fielding fighters that are, or soon will be, equal to our fourth-generation fighters. And, at the same

time, we have not committed to recapitalizing our fighter fleet of F–22s and F–35s in the number necessary to meet validated military requirements. It takes almost 20 years to develop, test and field a new advanced weapons system. If we take more ''holidays from history'' we leave our Nation and future generations at risk. This Nation has taken for granted our traditional air superiority. And General Moseley was right to have pointed out these vulnerabilities.

We never know in advance our next adversary. We must be prepared and strong for both asymmetric threats as well as resurgent adversarial nations, and General Moseley understood this very well.

The Air Force is still called upon around the clock to undertake combat missions, targeted air strikes, deliver troops and cargo and provide intelligence platforms.

Our ground forces have come to rely on the Air Force, mainly because, well, they're so competent. And that's no accident. General Moseley understood this because he was there actually commanding airmen in combat operations.

General Moseley recognized the national security implications posed by the growing cybersecurity threat. He did not just wring his hands. He took concrete actions to establish the Air Force Cyber Command Initiative. He oversaw the historic development of Unmanned Aerial Vehicles in combat, and also instituted training to help instill a ''warrior ethos'' in the Air Force. He should be commended for that vision.

I am proud of General Moseley. His sense of responsibility to the Air Force's overall mission led him to voice legitimate with Congress on matters like serious deficiencies in aircraft modernization, even at the risk of his career. To me, this is real integrity. When we have hearings on the Armed Services Committee, what we're after is the real truth, unvarnished and unblinking. We're not looking for a sanitized version. General Moseley was an advocate for modernization, and this advocacy is something which, though he was absolutely correct in both fact and merit, earned him criticisms where he should have found support.

The Secretary of Defense cited a failure of leadership within the Air Force in regards to its nuclear mission. Those are indeed serious charges, but the Department of Defense shares the responsibility through the impact of both budget cuts and BRAC mandates. These cuts clearly de-funded and de-emphasized nuclear matters. Cuts that were not the Air Force's preferred choice have taken a toll, and those budgets cuts must be acknowledged and corrected by this and future secretaries if we are truly going to address shortfalls in nuclear surety matters. I know that first-hand, as even I have had to request funding additions to cover documented shortfalls in the Minuteman III modernization program.

So in conclusion, Mr. Speaker, I want to thank General Michael Moseley, as well as Secretary Michael Wynne, for their dedicated public service to our Nation and our fighting men and women. From where I sit as a member of the Armed Services Committee, I believe that both these Air Force leaders can hold their heads high. I believe they are both men of great personal integrity, and I wish them well in their future endeavors.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE NEW MANHATTAN PROJECT FOR ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, in 1961 President John F. Kennedy laid out a bold challenge, to put a man on the moon in less than 10 years. At the time, people called it unreasonable and absurd to put a man where no human had stepped before, using technology that hadn't even been developed yet, and to do it in less than 10 years seemed impossible.

But what we saw come out of that decade was a Nation that continued to defy the odds and achieve the seemingly impossible. When Neil Armstrong opened the door of Apollo 11 and set foot on the surface of the moon, he embodied the very essence of America, combining our hopes, our dreams and our determination. Americans rose to the challenge and changed the course of history.

Today we face a new challenge. The national average for a gallon of gasoline is now $4.07. Gas prices have risen nearly 75 percent since the Democratic majority took control just a year and a half ago. And this isn't a coincidence.

The majority's policy since taking power has been to restrict domestic energy production and increase taxes and regulations on U.S. energy suppliers. Simple economics tells us that limiting the supply of oil will increase costs. At a time when families in my district and across the country are struggling every day to cope with skyrocketing prices and a slowing economy, this is outrageous and irresponsible.

We continue to get the bulk of our energy fossil fuels, and 60 percent of that comes from foreign nations that, in many cases, do not share our interests. This is not just an economic problem. It's a national security crisis that demands both short and long-term solutions. We must increase our oil supply in the short-term, but we must also launch a national effort to harness American innovation if we hope to succeed in the long-term.

Like the first Manhattan Project that was established to insure the security of our Nation during World War II, today our national security depends on our ability to produce reliable sources of energy to fuel our economy and our national defense, independent from other nations.

That's why I've introduced a bold new initiative that will put us on the path to energy independence. The New Manhattan Project for Energy Independence, H.R. 6260, challenges the United States to achieve 50 percent energy independence in 10 years, and 100 percent energy independence in 20 years tape, and establishes a commission to lay out a plan to get there. A lot of people had talked about it, but it was time to put forth a bill and do something about it. That's what H.R. 6260 does.

Additionally, the bill sets out seven major goals that will put our Nation on this path. The New Manhattan Project will bring together the best and brightest minds in our Nation and encourage American innovation by awarding major cash prizes to anyone who successfully reaches one of these goals.

Specifically, Americans will be challenged to develop ways to double CAFE standards to 70 miles per hour, while making these vehicles affordable to consumers; improve home and energy efficiency by 50 percent on a wide scale, develop a solar power plant that costs no more than a coal-consuming power plant; make the production and use of biofuels cost-competitive with standard gasoline fuel; safely and cheaply store carbon emissions from coal-powered plants; safely store neutralized nuclear waste; and lastly, to produce sustainable electricity from a nuclear fusion reaction.

The processes to reach these goals are neither simple nor cheap, and many Americans may think them impossible. To make it possible for the inventor, researcher or company that achieves any of these goals, my proposal would provide significant cash prizes to the first person who reaches each of these goals. And to assist those who have promising ideas in these areas to help our country achieve energy independence, $10 billion will be set aside for grants to fund promising lines of research. In total, this bill would supply the same level of resources on the same scale as the original Manhattan Project, which is a total of $24 billion.

It is, in fact, possible that even after the major investments proposed in this bill, we may not be 100 percent energy

independent. But even if one of these goals is achieved, the impact would literally transform the energy sector. And if every one of these ambitious goals is reached, our country would be free from our addiction to foreign oil, and we will have guaranteed our economic and national security tape for future generations.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oklahoma (Ms. FALLIN) is recognized for 5 minutes.

(Ms. FALLIN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PETITION TO LOWER GASOLINE PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, I appreciate the opportunity to be here tonight to address you and the other Members of this body. And I wanted to bring to the attention, Mr. Speaker, the fact that I guess several weeks ago we had calls from constituents and seeing constituents at town hall meetings and other places. They had asked me if I had been on-line or on the Internet to sign some of the petitions that different people had up to bring down the price of gas. They were tired of going to the pump and paying $4 a gallon for the gas.

They had heard the promises from the Majority of the 110th Congress made back when they were running for office, that they had a commonsense plan to bring down the cost of skyrocketing gas which, at the time, was about $2.20. It's now about $4.08. So they were mystified as much as I was about what this secret plan was. And so they were going on-line and signing these Internet petitions asking us or letting us know, Members of this body, that they were demanding that gas prices come down, and by doing that, to drill here and to drill now.

One of those Internet sites, and there's many, but one is American Solutions. And I understand today, from reading an article, that over a million Americans have gone to that site and said, you know what? Let's drill here, let's drill now, and let's lower gas prices.

And so I was thinking to myself because I had gone into a service station to fill up with the $4 a gallon gas in my pickup truck, and there was a petition laying on the counter that said, you know, we want our gas prices brought down. Sign this petition.

And I thought, you know, not only is this an Internet, but people that are working at these service stations and I'm sure other places are having these petitions saying, you know, we need our energy costs brought down.

And Mr. Speaker, I said, you know, the American people need to know how their Members of Congress feel. We're hearing from them on all of these different petitions how they feel. They need to know how their representative feels.

So I came up with a petition. And basically, this petition says, American energy solutions for lower gas prices. And it brings onshore oil on-line. It brings deep water oil on-line. And it brings new refineries on-line. And that's pretty simple. That's about as simple as you can get in this body.

Everything we vote on here is so convoluted that many of the Members don't understand what they're voting on, Mr. Speaker. And a majority of the American people do not know. Some of these bills are three and four and 500 pages. And it's hard to consume all that information and understand what is going on. So a lot of Members can have an excuse to vote for or against it because, as Mr. OBEY said today on the floor, they make these bills to get 218 votes. So they take these bills and put as many sweeteners in it as they need to to get to 218. So many Members can say, well, it was a bad piece of legislation, but because they put X, Y, or Z in it, I voted for it.

I wanted to keep this petition as simple as possible. And so basically, what the petition says, I will vote to increase U.S. oil production, to lower gas prices for Americans. How much simpler can you get?

Mr. Speaker, you can't imagine some of the answers from the Members of this body for not wanting to sign this. They're unbelievable. I don't know how they're going to explain it to their constituents, but their constituents have an opportunity to see, and we update this, Mr. Speaker, on our Web site, which is house.gov/westmoreland, W-E-S-T-M-O-R-E-L-A-N-D. We update it after every series of votes, so it will be updated probably in about 30 or 45 minutes. It will be updated and you can go to that Web site. And we had 32,000 hits on that Web site last night, for people wanting to go and see how their congressman felt about it.

Now, we've had about 160 Congressmen that have signed this so far, so we're probably about 58 short of getting to 218, which is what you need to pass this.

So, Mr. Speaker, I would encourage all Americans to go to that and to find out how the Members of this House feel about lowering gas prices in this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their comments to the Chair.

□ 2100

GAO'S GOOD DECISION FOR WARFIGHTERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the majority leader.

Mr. INSLEE. Mr. Speaker, we come to the floor this evening to discuss this good news that we read yesterday for our warfighters doing great jobs for the U.S. Air Force and for the taxpayers who are providing the equipment for the Air Force and for a lot of working families in the United States. And that was the decision by the General Accountability Office to essentially allow the protests against the previous proposed decision by the United States Air Force to send a contract for the construction of 80 tankers which refuel our Air Force planes essentially overseas to a combination that is largely European by the Airbus Company.

And we are extremely gratified and vindicated that the General Accountability Office has found that in seven very fundamental ways, the decision by the Air Force to send this American tanker using American taxpayer dollars for American warriors essentially overseas, and they have found that this was a decision that violated some general principles of procurement in issuing contracts using taxpayer dollars. In a very forceful and powerful and unambiguous decision, the General Accountability Office, we call it the GAO up here, concluded that this purported decision to send this contract away was a bad decision, bottom line. And this decision must be reviewed and we hope ultimately reversed.

So we've come to the floor tonight to talk about why that decision was appropriate, why it is welcome, and why we hope the Air Force will move forward working with the bidders on this contract to really reach a decision that's going to be in the best interest of the country as a whole, including our warfighters and our taxpayers and our working families.

And just if I can by way just as a matter of background, this is a contract for eventually 179 what are called KC–X aircraft. The first tranche would be 80 aircraft. These are the tankers that refuel our airplanes, and they are obviously the backbone of our Air Force. Without tankers, we don't have an Air Force. This is perhaps the most critical of the one type of airplane we have because this type of airplane has to be right for the job, competent, survivable, cost-effective, or we don't have an Air Force that requires this refueling capacity.

Now, the contractor that we'll talk about tonight, the Boeing Company, has been essentially the exclusive suppliers of these tankers for the United States Air Force for five decades and with incredible success. The KC–135 has been an enormously successful airplane, and the Boeing family of workers that have provided it have been proud to provide that background. And they were, of course, a bidder to provide the Boeing 767 as the platform, a very well-respected workhorse airplane that is converted for tanker purposes.

And this bid was originally rejected by the Air Force and given to a consortium involving Airbus, and it is that decision that the GAO has found was illegal essentially and violated procurement policies.

Now, the GAO, they're sort of a neutral referee, if you will. They don't have any dog in this fight. They reviewed this decision with intimate care and concluded in seven ways, which we will talk about tonight, this decision was grievously flawed and has to be revisited. So we felt vindicated by that decision because we had been arguing on this floor for a couple months now that that decision was grievously wrong.

I'm joined tonight by at least two Members, PHIL HARE of Illinois and NANCY BOYDA of Kansas. And I would like to start by yielding to PHIL HARE of Illinois about his observations about how we need to restore this American plane to an American manufacturer to take care of American warfighters.

Mr. HARE. Mr. Speaker, yesterday was a victory for the American people. On Wednesday, the Government Accountability Office ruled that the Air Force broke its own contracting rules when it awarded a multi-billion dollar tanker contract to the Northrop Grumman Airbus team and recommended that the Air Force reopen the competitive bidding process. The GAO said the Air Force made ''a number of significant errors that could have affected the outcome of what was a close competition between Boeing and Northrop Grumman.''

Let me just touch on some of the main points of the GAO ruling.

The Air Force did not assess the relative merits of the tanker proposals in accordance with the criteria that the Air Force established. The Air Force awarded Northrop's bigger tanker extra credit even though no consideration was supposed to have been given for exceeding key performance objectives. The record did not indicate, as the Air Force claimed, that the Northrop tanker could refuel all current Air Force fixed-wing aircraft.

The Air Force conducted ''misleading and unequal decisions'' with Boeing by informing Boeing that it fully satisfied a key performance objective but later determined that Boeing had only partially met this objective.

The Air Force unreasonably favored Northrop after the company refused to agree to help set up maintenance depots within two years of the first airplane delivery, and the Air Force miscalculated the life-cycle costs of Boeing's tanker and incorrectly concluded that the Northrop tanker would have lowered costs.

The Air Force improperly increased Boeing's estimated nonrecurring engineering costs in accounting for program risk.

The GAO found seven major flaws in this election process, Mr. Speaker. Not one or two, but seven.

Mr. Speaker, most were doubtful that the decision would be overturned. Experts said it was highly unlikely that the GAO would uphold Boeing's protest because the GAO rarely sides with the protesting company. But fortunately for the American people, the GAO saw what Boeing had been saying all along: the competition was unfair and fundamentally flawed.

The GAO ruling leaves the Air Force with only one option: recompete the bid. Now, the Air Force has the opportunity to conduct a fair and open competition. And I strongly encourage them to consider an American company. Our economic and national security depends on it.

Mr. Speaker, while the GAO ruling in favor of Boeing is welcome, the GAO ruling does not address the broader economic and national security concerns raised by the tanker decision. The first, jobs, jobs, jobs.

Over the last 5 months, a record number of jobs had been lost, most of them from the manufacturing sector. In May, the unemployment rate made a 22-year high jump, reaching its highest level in more than 3½ years. But Air Force officials stated that employment effects were not considered in awarding the contract. And as a result, tens of thousands of good, high-paying jobs will be created in Europe.

Mr. INSLEE. Will the gentleman yield for a moment?

Mr. HARE. I will be happy to.

Mr. INSLEE. I think you seized on a very important point. This was not a decision by the GAO that they're just going to change this decision because they decided to favor American jobs. Now, we think that's a really important point, but the really fundamental aspects of GAO is they concluded the rules were violated in making the decision of what the best airplane for the money was. They did not take into consideration American jobs. We essentially—the Boeing family sort of won this on the merits of the airplane without any sort of special consideration that we were the hometown team, and I think that's a really important point, and I appreciate you making that.

Mr. HARE. I'm happy to.

And let me say, Mr. Speaker, I refer my colleagues to an article titled ''Bailing Out On America'' out of the EPI Briefing Paper. It is a job analysis report on the tanker decision from the nonprofit, nonpartisan think tank, The Economic Institute.

The report titled ''Bailing Out On America. Air Force tanker decision will ground at least 14,000 U.S. jobs,'' found that Boeing recreated at least twice as many U.S. jobs as the Northrop Grumman European Airbus team. According to the EPI report, Airbus Northrop exaggerates its own job claims. Equally important, the report states that U.S. job losses are likely to grow in the future if the contract is awarded to EADS because it will give the company sizable cost advantages and will lug up the future competitions to supply tankers to the Air Force.

Mr. Speaker, at a time when America is facing a recession, creating jobs in Europe is not in the best interest of the American people. We owe it to the American people to take advantage of the opportunity to create jobs right here in the United States and resuscitate our failing economy.

Several other issues remain outstanding not addressed in the GAO which includes a pending case before the World Trade Organization against EAD, the parent of Airbus, for accepting illegal subsidies, a violation of international trade laws. This and other issues must be addressed before the tanker program can move forward.

And let me just, if I could, my friend, just conclude by saying a couple of things.

We're fighting two wars here. We just got through passing billions of dollars to fund them. Not too long ago, the guidance system for bombs, I don't exactly know the exact part that was manufactured in India, was shipped off to be manufactured in China. That work is gone. National defense is a risk, in my opinion, and those jobs aren't coming back; and now we have a company who wants to build tankers outside of this Nation not knowing if tomorrow this company or this country that we seek to have this plane made by is going to remain friends with the United States.

I was on a talk show program and was amazed at the number of calls that I got from people saying, What are they thinking out there? How could they outsource national defense items to be manufactured by somebody other than the United States when we're at war? I have an arsenal in my district that made the Up-Armored Humvee doors that saved hundreds of lives, and I have to tell you, it makes no sense.

All we asked for was a fair shake for Boeing. The GAO report, I think, will give Boeing the opportunity to compete on what is fair. I commend the GAO for doing this, but let me be clear. We have an obligation to protect this country when we're at war, and the products that we produce to protect our men and women and to fight and sustain this war, whenever possible, ought to be made in this country and ought to be made by American workers.

And I thank my friends for inviting me this evening.

Mr. INSLEE. I appreciate the comments. Again, the GAO decision was not based on job creation or job loss, but we, of course, think that's an important value. And this isn't just those of us who are from the Boeing kind of country who feel this. A study by the Economic Policy Institute studied the proposals of Boeing in the competing European Airbus and concluded that the Boeing project would create twice as many jobs, 14,000 more jobs in this country than the other.

Now, we've seen a lot of these fancy ads by the Airbus contractors suggesting that it's an American airplane. But you can't have an airplane take off to Luce, France, as wonderful as that

country is, land it here and slap an American decal on it and make it an American airplane. And the EPI study, I think, is the most dispositive in showing that 14,000 additional jobs were at stake in this decision.

But again, Boeing wanted to win this on the merits on what's the best airplane. And that's what's so impressive about the GAO study that for seven, not just one sort of technical violation, not two technical violations, they concluded that this decision violated this sort of seven deadly sins of procurement policy. And every single one of them went against Boeing contrary to the law.

So this was a very powerful decision. I was going to use the word ''slam dunk,'' but I'm not sure that's a legal term of art. But that's what it was. This was not some sort of just minor technical decision.

I would like to now yield to NANCY BOYDA of Kansas who I appreciate joining us this evening.

Mrs. BOYDA of Kansas. Thank you very much, Mr. INSLEE. I appreciate being able to join this group.

And it is a good day. I think it's a very good day for America. I know that it was a good day for Kansans when we got the news that the GAO report upheld the protest. There were certainly sighs of relief.

Let me make it clear what we're relieved about. First and foremost, we're relieved about our own national security, and that's what everybody has ultimately been most concerned about. Outsourcing our national security, outsourcing our technology, we all know that it's very hard to keep secrets, to make sure that that intelligence stays in our own hands.

So number one, the people of Kansas were very, very happy that our national security today would be stronger tomorrow because we did not outsource this important contract. It's a huge, huge contract and obviously the implications for our country are tremendous.

When we look right now at the industrial base and we wonder sometimes why we're not getting enough equipment and why it has taken us so long to get equipment to Iraq and Afghanistan, our own industrial base is right here in America, and we need to keep it strong.

□ 2115

So, again, there was rejoicing in the streets of Kansas.

Let me make it clear, the first reason was for our national security, and keeping that technology here with that intelligence right here at home.

Mr. INSLEE. You used the word ''strong,'' and I think that's very important here, because the Boeing airplane, the Boeing 767 was found by the Air Force's own evaluation to have five times as many survivability discriminators as the Airbus plane. Now, that's a fancy term to mean it had five times as many characteristics that would allow the plane and its pilots and its crew to survive and complete its mission.

It is a stronger airplane from the sense of survivability. You used that term, and I just want to use a quote by former United States Air Force Chief of Staff and Retired General Ronald Fogelman who stressed survivability as an asset of the Boeing plane. He said, ''When I saw the Air Force's assessment of both candidate aircraft in the survivability area, I was struck by the fact that they clearly saw the KC–767 as a more survivable tanker.'' This was a statement to the ARSAG in his role that he was serving in as a consultant of Boeing. He said, ''To be survivable, tanker aircraft must contain systems to identify and defeat threats, provide improved situational awareness to the aircrew to avoid threat areas, and protect the crew in event of attack. The KC–767 has a superior survivability rating and will have greater operational utility to the joint commander and provide better protection to aircrews that must face real-world threats.''

Now, this just isn't Boeing talk. This is the Air Force's own conclusions that the ''discriminators''—it's a fancy word used in this business—that Boeing included more robust surface-to-air missile defense systems, cockpit displays that improve situational awareness, better electromagnetic pulse hardening, automatic route planning and rerouting, better armor protection features for the flight crew and critical aircraft systems, and better fuel tank explosion protection features.

The Boeing 767, according to the Air Force's own evaluation, concluded that Mrs. BOYDA's comment that this is a stronger airplane is correct.

Mrs. BOYDA of Kansas. I think what the American people are learning is that Boeing has been in the tanker business for decades. You know, 50, 60 years, they have been the supplier of these tankers, and can you imagine what these tankers do. These tankers are refueling aircraft that are speeding across our skies. They're refueling them in midair. This technology is something that clearly has taken years to develop. It's been done extremely well and extremely safely right in Kansas in our Forbes Field in Topeka, Kansas, where we have the KC–135E model.

We just retired the oldest KC–135E tanker in the country. It was 51 years old, and quite honestly, with maintenance, it could have been maintained. It was time to put it to rest, to take it down to the bone yard. It had done its duty and it served its country very well. But that Boeing tanker has been out there making sure that our country is safe for the last 51 years, and that's what they brought to this.

The fact that it has the safety and the survivability should not be any real shock to anyone. They have perfected this technology. They have embraced this technology, and they've provided this technology to our Air Force and to our entire military for the last 50, 60 years. And clearly, they had a lot to offer, just the fact they've had this much experience.

So the survivability, you know, it's nice to see that there's data and the analysis shows that, but they've been doing this for decades. It's no big shock that the product that they were going to deliver was something that the United States can be more assured that it will be done on time and with the quality that's suitable for our military that are putting their lives on the line when they're up in the sky, doing this incredibly dangerous midair refueling.

I also say, too, I have the honor of representing two Army bases: Fort Leavenworth and Fort Riley. I represent the headquarters of the National Guard there in Topeka, Kansas, which is where Forbes Field is. We have an Army and Air Force unit that are there, and then we have McConnell Air Force Base in Wichita.

But what I hear from a lot of our military is just the statement that when you're behind something, when you're out there, whether you're in the Army, whether you're in the Air Force, whatever branch, that when you're picking up something, whether it's munition, whatever you're in, the fact that that's made in America means something to them. They want to know that what they're using to defend the country and to keep themselves safe, it means something. And I've heard from people that it's very unsettling to pick up something and to think that our military equipment or military goods are not made here in the United States.

Clearly, if our Air Force had chosen Airbus, they would have gone out and done whatever it took to keep our country safe, but I've heard over and over again they'd like to be out there using American-made equipment, and it doesn't seem like too much to ask.

Mr. INSLEE. Maybe the question is why not the best, and in this case, the Air Force's own conclusion is the strongest, most survivable airplane essentially is the Boeing 767. So I appreciate this comment about strength from Kansas.

Now, I want to turn to my friend EARL BLUMENAUER from Oregon who's been a leader on a number of high-tech issues. I don't know if Mr. BLUMENAUER wants to address the fuel efficiency issues or other matters, but I'd appreciate his comments.

Mr. BLUMENAUER. Thank you, Congressman INSLEE. It's a pleasure to join with my colleagues from Illinois and Kansas for this conversation this evening.

This is serious business, and in a time when energy impacts are devastating our airline industry and when there is no part of the costs for the Air Force going up faster than fuel efficiency, I think we could spend the rest of the evening talking about the relative merits there and the advantage that this means in terms of operation and in terms of budget.

But I really wanted, if I could, just to circle back here for a moment because

I appreciate the focus that we're hearing from my colleagues about the merits of the issue.

Now, I come from a little sliver of the northwest. We're not the epicenter of that, but there's 1,000 high paying, family wage jobs just in my little district that are involved with this and is going to make a difference. But candidly, the way that the other proposal was structured, there would be a little residual benefit. It was sort of politically engineered, and there was a little bit, not nearly as much as the Boeing proposal, and Congress can and should consider that. It has huge impacts in some parts of the northwest, in the Midwest, and it has ripple effects throughout the economy.

And at the end of the day, this is something I think policy-makers have an obligation to be aware of and comment, and I appreciate my friend from Illinois talking about pending disputes with the WTO. There are serious allegations about unjustified subsidy for Airbus that really do need to be resolved, because we are in an anomalous situation where if we rush ahead with this and grant the award, perhaps on a basis that wasn't justified, we could end up further undermining the position of American industry by somebody who's not playing by the rules and further undercut us, which is something that, going back to the drawing table, allowing that challenge to work its way out, I think has great merit.

But I appreciate what my colleague from Kansas was talking about in terms of the end of the day we're talking about a critical component of our defense establishment. And while there's lots of complaints, and some that I think are merited that we need to review our military approach to make sure that we're not spending too much money fighting the Cold War, clearly there is no argument, no argument that we can afford to not have a robust and effective exercise of our air power, and the air refueling is essential to warfare today, things that are going on today and are going to go on tomorrow.

And when we're looking at a strategic, critical component of our ability to supply our troops, that is already averaging almost half a century, and before anybody could move forward it will pass that critical 50-year mark, this raises I think to a critical level.

And I hope that every single Member of Congress in the House and the Senate takes the time to review this GAO report because I think it's going to raise serious questions in their mind, as it did with GAO. We want to make sure that that evaluation is done in the most cost-effective manner—big questions about whether the bid does that—and we want to make sure we are treating, given the troubled history of this project—and some of us, Congressman INSLEE, we've been around a little bit. We've watched the bumpy ride to get to this point. This has got to be done letter perfect. We can't afford to have any questions or errors. And boy, any objective reasoning suggests that what we've heard, the way the Air Force handled it doesn't meet the bill.

Mr. INSLEE. I really appreciate again reiterating that we want this decision to be made on the merits, and one of those merits I want to point out just that I find incredible about this decision—and that's why I'm so happy about the GAO decision—is the recognition that the Air Force totally failed to consider accurately the lifecycle costs of these two proposals.

Now, obviously there's the up-front costs, but to the taxpayer, it's the lifecycle cost or the whole cost of maintaining and operating and parking the airplane that you really have to look at. And according to the GAO and the United States Air Force, they made a mistake in evaluating what the lifecycle costs were.

Just reading from a Reuters article June 12—it was a few days later confirmed by GAO—the U.S. Air Force has conceded that Boeing Company's proposed KC–767 refueling tanker would cost less over time than what was then the winning plane by Airbus.

And this is what the taxpayer has at stake in this thing, and this comes—we need to get down in the weeds a little bit—by the failure to take into consideration several things accurately. Number one, the Boeing airplane uses 24 percent less fuel. It's 24 percent more efficient. So you save, it's about somewhere between—I'm looking for my number here—according to a pretty good study, over the 40-year operational life, the Boeing plane would save $30 billion in projected fuel costs, $30 billion.

I'd like to yield to Mr. BLUMENAUER for a comment.

Mr. BLUMENAUER. I appreciate you zeroing in on this, Congressman INSLEE, because you, as much as anybody in Congress, have been spending the time looking at the consequences of our current use of energy. I think the evidence is not only in terms of the percentage that you referenced, almost a quarter less over a 40-year period, the evidence would suggest that the trend line for energy costs are likely to be understated.

Who would have thought, frankly, 6 months ago that we'd be bumping up against $140 a barrel oil and with the likelihood that it could go to $200 before it gets down below $100?

□ 2130

So the costs are magnified over time.

And given the fact that these planes have actually stayed in service far beyond their design life, that that is further—what if these are going to be operational for another 50 years? I think that projection just pales; it makes it all the more important that we do that.

I appreciate your focus. And I appreciate having a chance to join you in this discussion.

Mr. INSLEE. And by the way, there seems to be no doubt, these statistics we're giving are essentially inarguable. Airbus is not contesting the fact that the Boeing airplane is 24 percent more fuel. This is just fact. The GAO find that this is, I believe, one of the reasons of life cycle cost.

And by the way, it's just not fuel. Because the Airbus plane is so gargantuan, it's going to cost taxpayers an additional $2 billion in military construction to rebuild the hangers to hang them in and places to park the things. It will also cost $13 billion in additional manpower over the life cycle. So there are numerous reasons why the Boeing plane is a better deal for the taxpayers.

Mr. HARE. Will the gentleman yield? You know, you just mentioned $13 billion. We've tried now on two occasions to insure 10 million children for $6 billion. So if you take a look at the cost overrun just on the hangers and you look at the amount of money that we're spending—I think what's really important to also note here is the GAO rarely does this. Normally, the expectation would be that they were going to go with what they had. And when you read this report, and as my friend from Oregon said—and I hope that every Member of this Chamber will read it because I think it's critical if you're going to make an informed decision on this—if you read this, you will see that, indeed, Boeing didn't have a chance to compete fairly, you had tremendous cost overruns into the billions of dollars, you have thousands of American jobs. But again, I go back to my friend and say, this is a Nation at war fighting two wars, and we cannot allow the outsourcing.

My friend from Kansas mentions with great pride that she has bases, and these soldiers need and expect the best equipment, and Boeing can give that to them. But most importantly in this whole process is the whole question of fairness. We said this before. When I met with the Boeing people, they said, look, we don't want favoritism here, we just want some fairness brought into this process so we can compete. You can't complete when you change rules in the middle of the game. I liken this, and I was telling one of the Boeing people, it's like tying somebody's hands behind their back, putting a blindfold on, and fighting for the Heavyweight Championship of the world, you're at a slight disadvantage. And that's what happened in this report.

So I'm pleased. And I really appreciate my friend from the State of Washington for inviting me to be here tonight to talk about this because this is critical, this is critical for our national defense, it's critical for our jobs. And as you said, when you think of the billions of dollars that we're going to be wasting on this project that we could save, that we could be spending on other things, it really just makes a whole lot of sense. So again, I yield back and thank you very much.

Mr. INSLEE. Well, I appreciate that. And just so people know who may be

listening to this—and maybe even a couple of our colleagues, you never know, it's a slow night—I'll just read finding number six by the GAO. And they said, ''The Air Force's evaluation of military construction costs in calculating the offerer's most probable life cycle cost for their proposed aircraft was unreasonable. When the agency, during the protest, conceded that it made a number of errors in evaluation that, when corrected, resulted in Boeing displacing Northrop Grumman as the offerer with the lowest, most probable life cycle cost, the GAO concluded, and ultimately after they fixed their mistakes, concluded that the Boeing airplane is a better deal for the American taxpayer.'' Now, to me, if you've got a stronger airplane and a better deal for the American taxpayer, and peripherally, but not unimportantly, 14,000, at least, more jobs in America, this ought to be a slam-dunk decision. We hope that it will be, ultimately.

I will yield to Mrs. BOYDA.

Mrs. BOYDA of Kansas. I was just thinking, I think the American people are beginning to understand by now that specifications for this tanker, this refueling aircraft that is so important to us, there were some specifications that were given, this is what we want. And all of a sudden, here they come with this great big airplane, and now they want to be congratulated for not coloring in the lines, for not doing what they were asked to do. It kind of reminds you of a teacher that says you can write a paper, but it can only be 10 pages, and somebody wants extra credit for writing 13. Well, it was a 10-page paper assignment not a 13-page paper assignment.

So it's interesting that it has taken this long for the Air Force to understand that it was going to take this much more money to take this big tanker—it wasn't what the Air Force had asked for. The Air Force had asked for a tanker of the proportions and the specifications, and that's what Boeing did. They said, this is what you want. By the way, we've done this for the last 50 years, so we understand why you're asking for this. And they went about putting together a tanker that was the best deal with the very best equipment for the American people and for our military. And they did what they were asked to do. And all of a sudden, then all of this kind of bizarre math, this fuzzy math starts to come out, and some way or another it's going to be cheaper. It just never made any sense.

And let me finish by saying, I really applaud the GAO. I think many of us thought, well, it's going to be difficult for them to overturn that. But they sharpened up their pencils and they said, well, no, this doesn't make any sense. And so we've got to applaud the GAO for standing up and saying this is the right thing to do.

Mr. HARE. Well, I think the gentlelady from Kansas brings up a great point. Here's a company that's been manufacturing this for 50 years. So they're not the new kid on the block, they've been there and they've done that. And every time they've produced it, they've produced it with quality. And you don't have the WTO looking at them and all kinds of different things.

The bottom line here is this is a great product. And giving the opportunity for this company to be able to compete on a level playing field, that's all they were asking for, and now they're going to get the opportunity to do so. And I think at the end of the day, when that happens, I think the taxpayers will benefit, I think the American people will benefit, I think our troops will benefit. And, you know, as my friend said, when you start talking, as the late Senator Dirksen said, a billion here and a billion there, pretty soon you're talking about a lot of money.

So again, I thank the gentlelady for yielding, and I yield back.

Mr. INSLEE. And just to back up what Mrs. BOYDA said, she's not just whistling Dixie—or Kansas in this case—she has backed up what the GAO said. They said specifically, in finding number four of seven deadly sins, they said, ''The Air Force conducted misleading and unequal discussions with Boeing by informing Boeing that it had fully satisfied a key performance parameter objective relating to operational utility, but later determined that Boeing had only partially met this objective. And then there's a bunch of other language that's pretty technical.

But what happened here is, for some reason that I don't know for sure—I have some suspicions of what happened here, and that doesn't really matter—but for some reason the Air Force decided bigger was better. And they went and in their original decision opted for a bigger airplane and violated, in several different ways, the procurement rules in order to reach that conclusion.

Now, we've said that the Air Force has already recognized that their life cycle cost decisions were in error. But we really hope in this rebidding that they will not be persuaded that bigger is always better. And what we have found, and some of the things we've talked about tonight, why bigger is not better, it's actually worse in this particular case because when you build a plane that's that much bigger, that exceeds your real requirements, you end up spending a quarter more fuel and you end up spending $2 billion on construction costs.

And here's something that I think is important. The Airbus airplane can only use half as many airfields around the world as the Boeing 767. Now, you think of all the places we can end up in a military conflict around the world and all the relatively little airports that we may want to get involved in, I mean, who knew we were going to be flying from airports in Iraq 20 years ago when we made some procurement decisions? We have to be ready to fly these airplanes anywhere in the world. Yet the Airbus decision, if you buy this larger airplane, it can only use—I think it's either 200 or 400 airports that the Boeing plane can use that the Airbus plane cannot. I think that's really important, and one of the disadvantages of size. Plus, if you look at the requirements, the Boeing airplane fulfills the requirements that they asked for on how much capacity they had to have for refueling, Boeing met it.

So that's one of the things that Mrs. BOYDA was alluding to that GAO said, just because you do more than the requirement, it doesn't do you any good. Why give extra bonus points to something that just costs more money and eliminates half the airports in the world where you can land? That doesn't make sense. And I think that was one of the reasons that GAO decided.

And I yield to Mrs. BOYDA.

Mrs. BOYDA of Kansas. And as I understood it, too, one of the GAO findings was that the Airbus tanker wouldn't refuel all types of aircraft, too. So you had something that certainly was bigger. But what was found out was that bigger wasn't better in this particular instance; you needed longer runways to be able to land them. And so that limited the number of places.

But this Airbus tanker also wasn't even able to refuel as many different kinds of aircraft as the Boeing aircraft. And I will go right back on message of saying, I wonder why. Well, Boeing has been doing this for 50, 60 years, and they knew what they were doing. And so they understand the intricacies of what needs to be done and why you need to be flexible, and that flexible is finding that optimum way to do this. And the KC135Es were replaced by the Rs. They've been doing this and making these tankers and optimizing the whole process of making these tankers for decades.

Mr. INSLEE. And as a result of this decision that has now been reversed, thankfully—at least by the GAO, they're calling for a reversal—what really happened is that the original decision, the Air Force decided to buy excess capacity that was not needed and gave up a capacity that was needed, which was refueling all our types of aircraft. And the GAO concluded—this isn't just Boeing talking, it's the GAO concluded—that the Airbus cannot refuel some of the airplanes we have in stock right now.

So you sort of paid more money for more life cycle cost for the Airbus airplane, you bought capacity you did not need, and you gave up the one thing you do need, which is to be able to refuel every kind of airplane. What are we supposed to tell the pilots of the Tilt-Rotor aircraft; sorry, you don't get to fuel? We've made a procurement decision that, you know, you'll just have to take the long way around? It was a serious, serious misjudgment because they concluded, for reasons that

escape me, frankly, why bigger is better. And I think that's really the fundamental decision that was made in that regard.

I would like to, if I can, talk about something else that is important that was not in the GAO decision that I do think bears on this, and I think we, as Members of Congress, have a responsibility to look at, and that is this issue of whether or not it should be Federal policy to reward countries and companies that are violating international law on our trade agreements.

Right now, the United States Government has concluded that the Airbus company has been the recipient of billions of dollars of illegal subsidies, illegal subsidies from the governments in Europe, and has concluded with such force that the United States Government, the U.S. Trade Representative, has filed a claim, a lawsuit of sorts, against Airbus because of these illegal subsidies. So the United States Government has determined that this contractor has received illegal subsidies violative of international and consequentially United States law. But then what did the other agency of the U.S. government turn around and do—or tried to do before the GAO blew the whistle? They turned around and tried to give a $40 billion contract to the very company that's violating the trade laws. Now, how does that make us look in international law if we're suing them, saying there's illegal subsidies, and we turn around and give them a $40 billion contract while taking away 14,000 jobs here away from a very well known and successful contractor, the Boeing company? It's ludicrous. Talk about the right hand not knowing what the left hand was doing here.

This is an issue that the GAO did not review and the Air Force did not review because some people in the Senate did not allow them to do that—that's a whole other story how that happened—but it seems to me that we, as Members of Congress, should stand for the enforcement of these trade laws and not reward companies and contractors who we ourselves have concluded violated the law. And I think that's an obligation on us. It's beyond the obligation of the GAO. That wasn't their job, but I think it is our job.

Mr. HARE. Will the gentleman yield?

Mr. INSLEE. Yes.

Mr. HARE. Well, I'm a new Member here, but I ran on this whole issue of trade and fair trade, as you know. And you look at this, and here is a company—and I don't mean to be picking on them this evening, but facts really are facts, so let's see if we can get this straight. Here's a company who is in violation of trade laws, who was about to receive a $40 billion contract that would have cost us thousands of jobs to build a tanker that can't land at some airports.

Mr. INSLEE. Half the airports in the world.

Mr. HARE. Half the airports, and cannot fuel the necessary planes that we might have when we go to war. Now I may not be the sharpest knife in the drawer here, and I know this has been a long day, but again, I think clearly we had a company, as my friend from Kansas says, a company that's been doing this 50, 60 years, a stellar reputation, they could have produced a smaller craft that could land where it's supposed to land, fuel what it's supposed to fuel, and not reward this corporation for violating Federal trade laws.

□ 2145

So to me, this is really a no-brainer. And I think that every Member of the House, not only should they read the report, which I think is important, but I think they should listen to what my friend said just a few minutes ago, about do we really want to get down the slope of rewarding a company with a $40 billion or $4 million or whatever the contract is when they are in violation of Federal trade laws? I don't believe that is what the people sent us here to do. We're supposed to protect this country.

This is a great day. Yesterday was a great day for the GAO report. But we have to be vigilant here. We have to keep pushing on this. And I have to tell you, as long as we're here, I think we have an obligation to hold the Air Force's feet to the fire on this. People make mistakes. But let's don't make it again, and let's don't make it again, and let's don't make it to the tune of a $40 billion contract to a company that can't produce what we really need.

Mrs. BOYDA of Kansas. I would just say when it comes to the issues, and clearly it just was nonsensical. Again I really appreciate the fact that before we're talking about these kinds of issues, we're talking about the plane on the merits. Because I think that's the main thing that the American people, they want a plane that works. So I think we have established that that was the better choice. But what just absolutely cooks people back in Kansas is the concept that we have agreements, and there is no real enforcement of them. It's just like they're not even worth the paper that they're on. And to just blow it off and to say that, yes, we're in the middle of a disagreement, we're in the middle of a trade violation with the same company, just as you were saying, I agree with you in what you have said. I would just add the one thing that in Kansas, people do not understand why we put together policies, why we pass laws right here and then we fail to follow through on implementing them or enforcing them, whether it's issues of trade. Certainly that is just a very, very raw one in my district, whether it's issues of just, I won't go in any myriad of issues that we probably ought not to start down that path tonight. But that is just what really chaps people.

We have these agreements. Why do we even bother to do them if we're not going to implement them? Not only within the letter of the law, but the spirit of the law.

And so certainly we have an enormous aircraft industry in the State of Kansas. And again I would as much as it's a huge economic impact for us, first and foremost, we have so much military in Kansas, and I would again come back and say that this was ultimately about making sure that we have what we need to keep our country safe and to keep the men and women who are serving in our military safe. That was first and foremost.

Mr. INSLEE. And in making these arguments, I don't think any of us are apologetic for the fact that our constituents and families have been very active in the Boeing Company. My uncles and cousins, I remember my best friend growing up in south Seattle, his dad had the job of breaking Boeing airplanes. And his job was to try to figure out what you had to do to break a Boeing airplane. And when you were a kid growing up, to think that your job was to get to blow up things was pretty fun.

Mr. HARE. Sounds like my son.

Mr. INSLEE. One of his coolest jobs was they would take a Boeing 727 and put a jack underneath it, and jack that wing up and see how far they could jack that wing up before it failed. And when they failed, they would literally explode because of the tension. And those things get up almost 35, 45 degrees. They have incredible flexibility as well as strength. So I grew up with Boeing as part of my blood and family, in the interest of full disclosure. But I think the arguments we're making here tonight go well beyond our sort of familial and constituent interests and duties because I think what we're portraying is a decision that it was so far out of kilter that you had the GAO now blowing the whistle on it, and the GAO is like the referee. They had an instant replay. They had it right on videotape. And they concluded this was a decision that was way, way out of bounds. And we are now hopeful that the Air Force will fully and fairly re-evaluate this. And I think that they will conclude in something that all of us Members conclude, I think tonight.

And I was counting on what Mr. HARE said, five inarguable truths about this contract. I just want to list them, that nobody can argue, everybody would agree, even our Air Force colleagues would have to admit this. Number one, the Air Force's own conclusions showed that there were more survivable discriminators to show the survivability to the Boeing airplane helping the warfighter survive and do their jobs; Number two, the life cycle costs, when you include all the costs for maintenance and reconstruction of the hangars and everything, are less expensive in the Boeing airplane than the Airbus airplane; third, that the fuel life cycle costs are going to be less for the Boeing airplane than the Airbus airplane, in the billions of dollars; and fourth, and this wasn't in the GAO report but we know it to be true, if we go with the Airbus product here, we're going to be spending $40 plus billion of

American taxpayer dollars rewarding a company that our own Federal Government has concluded is guilty of very serious violations of Federal trade rules in the billions of dollars; and fifth, and one that is maybe closest to our hearts at the moment, the Boeing airplane will have at least, and probably more than this, 14,000 families more employed doing high quality work than the competitor.

So the GAO said there were seven major errors, which is extraordinary by the way, not just one, seven major fundamental errors. We will say tonight that there were five strikes and you're out, those are the five strikes that all of us can agree on I think. So we're hopeful that the GAO is heeded, if it is not by the Air Force, we will be doing our job here in Congress, and we will be finding the right avenue in the appropriations process to not allow this decision to stand to make sure that the right decision is made.

Mrs. BOYDA of Kansas. I would like to add just one other aspect, too, that we haven't really touched on too much. I serve on the House Armed Services Committee. And earlier this year, we had a hearing with the National Industrial Security Program we started back in 1993 to take the intelligence, again, and the intellectual property and to make sure that we were keeping classified information classified when it to came to the purchase and interaction with foreign companies.

And I asked the question, did they participate, what was their participation in this whole tanker contracting process, to make sure that this classified information about these tankers was being secured. And they really weren't very involved. I said, ''Well who is going to maintain the security? Who is going to see that there are trade secrets, there are national security aspects that are being, that should be maintained?'' And during the course, they didn't say this about the Boeing contracts specifically, but their own, the assessment was that the NISP had been so underfunded and so dismantled over the last several years that they said that their services overseeing foreign military contracts, they described it as Swiss cheese. So we have to look at the big picture here tonight and just throw that in as one additional thing.

There was not any real oversight for what we're going to do to maintain that intellectual property and to maintain that security, that classified and secure information I didn't see. And I was allowed to ask in a few instances, but there was no, I didn't at least find out what we were doing in order to keep or maintain that classified information. And the people that certainly seemed to be the ones that should be doing it said, no, they really weren't up to it or they weren't doing it. So another reason on top of everything else. I certainly appreciate the gentleman from Washington including me in this discussion tonight.

Mr. INSLEE. I appreciate your contributions on this and so many other things. And I want to say that this, I think, has opened many Members of Congress' eyes to the procurement policy. There are some issues we have to think about in general going forward of our procurement policy. But this is one we have to get fixed to start with before we act holistically. I would like to yield to Mr. HARE for closing comments.

Mr. HARE. I would like to thank the gentleman from Washington and my friend from Kansas for allowing me to be here tonight to talk about an issue that is incredibly important, not just in the State of Kansas, although it is important to every State and important to this world. So as you said, and I commend my friend, Mr. INSLEE, when he said, if we have to, and this continues, there is an appropriations process. Hopefully we don't have to go down that road. But I have to tell you. I think we have a responsibility for companies that violate international trade laws. I don't think you reward them. I certainly don't think you reward them with a $30 billion contract, as I said, to build a plane too big to land and not adequate to fuel the aircraft that we need.

So once again, let me just thank you, Congressman INSLEE, for your hard work and your leadership on this. To my friend from Kansas, we will do everything we can. And you have been wonderful. And the people of your State are fortunate to have somebody who stands up not only for the service people but for the people of this country. So thank you very much.

Mr. INSLEE. And thank you Mr. HARE. Our thoughts are with your flooded constituents in Illinois. We are thinking about them tonight.

Just a closing comment, where this goes from now, the Air Force is required within 60 days to respond to this protest. They will have 60 days within which to plan their next action in this regard. We know what we would like them to do. Following that, if decisions are not made as they should be, Congress can act in a variety of ways to make sure that this decision is right. And we stand ready, willing and able to do so.

And the longer this goes on, the more our colleagues frankly understand that something was not right in this decision and needs to be reversed. So as time goes on I think we will get closer.

Let me also say in criticizing the decision by the U.S. Air Force, I hope it goes without saying, we have undying respect for the people who serve in the United States Air Force. These are decisions that are hard fought, a lot of technical issues. A decision was not made here according to Hoyle. But do you know what? We have a process of fixing these things. And at the end of the day, the U.S. Air Force is going to be something we always admire. And we are going to get them the right airplane for the job. We know what that is, and we are going to get that job done for them.

Mrs. BOYDA of Kansas. I would like to thank my good friend from Illinois (Mr. HARE). We are freshmen together. And it's at times like this that I really am glad to be part of this freshman class and add our voices together. We've worked on so many things, whether it's trade, so many issues that our districts have a lot in common. And so it's actually a pleasure to stand up and work with the good people here tonight. And I really appreciate both of you and our friend from Oregon (Mr. BLUMENAUER). So thank you again to you both.

THE HIGH PRICE OF ENERGY

The SPEAKER pro tempore (Mr. ETHERIDGE). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BACHMANN. Mr. Speaker, I thank you for the privilege of being able to address the House for this special order of 60 minutes. And the topic tonight will be on the topic that's on the minds of Americans all across this country. It's the high price of energy and the impact that that is having on the middle class, on families, on individuals, on farmers and on businessmen.

There is nothing that is shocking us more now, Mr. Speaker, than the high cost of energy and the impact that that is having directly on people all across the country.

When I came into Washington, D.C. this week from my home in Minnesota, I had the privilege of representing the great people in the Sixth Congressional District in Minnesota. And I was reading the newspaper. And I was reading a few things. And I just wanted to bring a couple of headlines to the attention of the American people.

Here is one of the headlines that I read this week when I came in. It was on Tuesday of this week. This headline in USA Today said ''will gas prices plateau after hitting another record?'' It seems like every morning when we wake up and the clock radio goes off next to our bed, we hear about a new increase in the price in gasoline. And we're shocked. And it's like our day already starts out on the wrong foot because we hear about yet one more shocking increase. And we wonder what will we have to give up next? What will we have to give up? What will we have to yield out of our lives? It's a lot of bad news that has been coming this way with the American people.

Let me read this. It says ''$4 plus cost cuts demand even as supply is rising.'' It began, The price of gasoline set another record Monday where the average is going up now again. And this is something that the people are worried about.

□ 2200

This is something that the people are worried about, the record prices that are going up. As a matter of fact, the price of gasoline today is $4.07 and we will talk a little bit more about that as we go on during the course of the hour that we have together to talk about this very important issue.

Here is another headline that was in USA Today, and this is Tuesday's paper again, and it says, ''Prepare to pay if you don't gas up your car rental.'' If you can believe this, rental car companies are having to charge $8 a gallon when someone who is renting a car returns it to an airport with a less than full tank. Usually we try to guess as well as we can and fill that tank up before we return it to the car rental place because we know the price at the pump for the car rental will be higher.

Well, guess what, that price is now a whooping $8 to $10 a gallon that car rental companies are forced to charge their customers now when cars are returned to the car rental company with a less-than-full tank.

These are numbers, I believe, Mr. Speaker, that none of us ever thought in our wildest dreams that we would ever imagine that we could be paying. This is a lot of bad news that the American people are having to take, along with the flooding, the terrible, terrible conditions that people in Iowa are facing right now, in Arkansas and Missouri, with all of the impact of the weather.

We hear yet more negative reports about how our crops will be impacted. In Iowa, nearly all of the counties are devastated. I was born in the State of Iowa in Waterloo, Cedar Falls, where the Cedar River came up over its banks and flooded that downtown area, displacing hundreds and thousands of people from their homes, and people from their businesses.

And Iowa, as I know from my experience, is a leading corn producer and soybean producer, and so now we see that the price of corn will also probably be going up.

Well, I didn't ask for this hour, to manage this hour just to talk about gloom and doom and the negative. The reason why I started out with these comments, Mr. Speaker, is to identify with all of the American people at home right now who are experiencing this pain, who are experiencing this suffering that they never imagined they would be experiencing with the high cost of energy.

But I am here tonight because I want to talk about the great news, and the great news is this: we are privileged to stand right now on the answer to the problem that is plaguing us, the high cost of energy. And the great news is that we have a key. We have an answer. The American people, the American middle class don't need to suffer any longer. It is unnecessary because we have a key that can be the answer to our problem. And here it is. We can get back to our goal which is $2 a gallon gasoline. This isn't fantasy, this is reality. We can once again see America paying $2 a gallon gasoline.

Are you kidding? How is that going to happen, you ask. Well, easy. This is how we can do it. We need to start to explore here in America. Because the truth be told, America does not have a famine of energy, absolutely not. Just the opposite. We are sitting on the cusp of one of the greatest industries that can be developed in this century and on into the future, one that will deliver millions of high-paying jobs for Americans all across this country. In fact, in every State in this country America could become the leading exporter of energy. You heard me right. America could be the world's leading exporter of energy and create some of the highest-paying jobs known in the world because right here in America we are standing on a veritable treasure trove of energy. So we need to start here, start in America, to access these wonderful resources and we need to do it now in order to get back to $2 a gallon gasoline. In order to be able to get off of foreign dependence on energy, we need to explore here and we need to explore now because then the American people can start to pay less, and that paying less would get us back to $2 a gallon gasoline.

You say how is that possible? How is it possible that once again we could be paying $2 a gallon gasoline? Well, just think, it took us 25 years in this country to go from $1 a gallon gasoline to $2 a gallon gasoline; 25 years to go from $1 to $2.

How long did it take us to go from $2 a gallon gasoline to $4 a gallon gasoline and even more a gallon gasoline? It took us less than 2 years to go from $2 to $4.

Well, what changed? There are a few things that came into the mix. One is the American dollar came into a weakened position. And when the American dollar became weakened, the United States unfortunately found itself very dependent on foreign sources of energy that we were dependent on.

Do you know that from 2007 to 2008 the United States has become 7 percent more dependent on the OPEC nations for our energy, going exactly in the wrong direction.

I don't know of anyone right now, Mr. Speaker, who believes that America should become more dependent on foreign oil. In fact, what I hear from my constituents is can't we get less dependent.

Absolutely. We can be less dependent on foreign oil. In fact, we can become independent of foreign oil and we can become a leading exporter of energy to the world and we can become the head, and not the tail.

Right now America is busy becoming part of the tail when it comes to energy. But we can turn this around. We can become the leading producer and exporter. Well, you ask, how is that possible? I will tell you how it is possible. Take a look at the situation we are in right now. Here is the key to our answer, and now it is up to Congress to unlock that key, unleash this energy and bring the price of gasoline back down to $2 a gallon. It is Congress that has been the bad guy in this scenario. And it is Congress that can be the hero in this scenario. Congress.

Right now Congress has made it illegal, virtually illegal to be able to access this gift of energy. How did we do that? Congress has made it illegal to access the energy that is in the Arctic energy slope up in Alaska. Do you realize that we already have the Alaskan transatlantic pipeline that was built in the mid-1970s from Prudhoe Bay and has been piping oil from Alaska down into the lower 48. That pipeline is already up in existence, and it is only half of capacity flowing. With a very little effort, we could tap into the Arctic energy slope and begin accessing that over 10 billion barrels of oil that are available to us in the Arctic energy slope.

Do you realize that if we accessed this wonderful source of energy, we will increase American energy production by 50 percent, access to American resources by 50 percent. Also, we have the Outer Continental Shelf that is available to us for deep sea energy reserves.

Now get this, if you thought 10 billion barrels was a lot, just listen, this is 86 billion barrels of oil. You heard me, 86 billion barrels that are available to us to access of deep sea energy reserves that we could tap, get up online, and we could have access to and supply the American people and American industry so that energy would become one of the cheapest costs of doing business rather than one of the most expensive.

Let me give you one little story that I heard yesterday. Northwest Airlines is based in Minneapolis, Minnesota. We are proud to have this airline in our State. As you know, airlines have come under hard times. I was told yesterday that Northwest Airlines had paid about a billion and a half dollars for fuel last year. Do you know what they had to budget this year, an additional $2 billion to pay for the price of energy.

So Northwest Airlines, instead of spending about a billion and a half on energy, will have to spend this year $3.5 billion on energy. Can you imagine, if that's your industry and that cost, you have to somehow absorb, you just can't absorb it without passing that cost on to your consumer, to your customer, who will be purchasing your product. And those are people who fly on airplanes. That is why we see the price of airline tickets have gone through the roof and why airlines have had to park planes and reduce the number of seats and reduce capacity. Don't fool yourself, America is changing, and we are changing because we don't have energy.

Not only that, we have a gift of natural gas. In the gulf coast region in the Gulf of Mexico, we have what may be

the largest reserves of natural gas, 420 trillion cubic feet of natural gas exists right here in the gulf coast region. Do you know that natural gas can be used to fire up electric power plants. With modifications to cars and buses, we could run cars and buses on natural gas. Almost the world's largest supply right here in our backyard, illegal, off-limits. And 85 percent of our Outer Continental Shelf, illegal, off-limits. The Arctic energy slope, illegal, off-limits. And also shale. Do you realize that the Saudi Arabia of oil in the United States is this wonderful ring of Colorado, Utah and Wyoming, containing 1.3 trillion, yes, you heard me right, 1.3 trillion barrels of shale oil. This is one of the most exciting finds. We have one of the world's largest supplies of shale oil right here in our backyard. But guess what, it is off-limits. We are handcuffed. We can't access it. Who made all of this off-limits?

Do you realize the United States of America is one of the only countries in the world that has made it illegal to access the answer to our problem; made it illegal to access our own energy. We have this great gift waiting for us, great job producer waiting for us. And it is the United States Congress, your representatives, which have said no, no way, we are not going to access it.

When I talk to the American people about this back home, when I talk to average Minnesotans, they look at me and they say, MICHELE, what in the world is Congress thinking? Why in the world wouldn't they allow us? Don't they want us to have $2 a gallon gas? I wonder sometimes, too.

We have the key right here, and I have other Members who are with me right now who would also like to weigh in, who are leaders on this issue, passionate about this issue, people who are speaking out and advocating for you, the American people, who want you to be able to again get up in the morning with a happy, light heart realizing you can afford to go to the gas station because you can be paying $2 a gallon gas again. You can see your grocery bills go down. You can see your consumables go down. You can see the price that you are going to be paying for air conditioning this summer and your electric bill go down. This fall in Minnesota when all the furnaces kick back in again, to be able to see your heat bill go back down, this is all to be, all possible.

We have a great story to tell tonight, so I hope that you will listen for the next few minutes, and I would like to yield to the distinguished gentleman from Iowa (Mr. KING). There is not a day that goes by that Representative STEVE KING is not here on the floor advocating for the good of the American people, to get back to paying $2 a gallon gasoline.

With that, I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentlelady from Minnesota, and I appreciate the opportunity to speak and be recognized here on the floor, raising the issue of energy and gas costs.

I brought a poster which I will quickly show. This is where gas prices have gone, Mr. Speaker.

□ 2215

You know, we listen to an awful lot of criticism building up to the 2006 elections of the Bush administration and the Republican majority in Congress because of high gas prices, and here is where it ended. It was at $1.49 when President Bush was sworn into office, and it went to $2.33 the day NANCY PELOSI picked up the gavel.

She is the one that said that she was going to get us cheaper gas prices. The result of that is? You can see the graph, it shoots from $2.33 up to $4.08, $4.07, won't quibble over a penny, and going on up, with no plan to do anything except drive up the energy prices.

I am one of those that will say—and we have gotten a good look at that—but I am one of those that will say that everybody in this Congress doesn't want cheaper energy prices. Some people in this Congress want higher energy prices.

I think that goes all the way up to the leadership, and I can say that because I have watched these energy bills come to the floor. Every single thing that's affected the price of energy, at least that I can recall, drove the price up, not down, shut down and blocked the drilling and the access to energy across this country, across this continent.

When I came into this Congress, I was not convinced that anybody thought that gas prices ought to be higher. Then about 6, 7 months into the beginning of this 110th Congress, this Pelosi Congress, you finally convinced me. You convinced me that you want to see a higher gas price—because it doesn't seem logical that people in my district—and they are going to wonder about the rationale of it, but I have listened to the debate too long not to say it out loud, and it's this—that there are those in this Congress in significant numbers that believe that this planet is warming, and it's our fault.

If we can raise the cost of energy, people will use less of it, including gasoline. If they use less of it and ride their bicycle more, there will be fewer greenhouse emissions, and there will be less greenhouse gas go off into the atmosphere. If there is less going into the atmosphere, somehow they are going to save the planet. Well, there are a whole lot of things wrong with that equation, the worst of them is that the countries of and China and India, the emerging industrial nations are not going to back off on coal.

They are going to burn more coal, and they are building more generating plants. Whatever we do to slow down the coal or cut down on the emissions of our greenhouse gases is going to be more than offset. You talk about carbon offsets, it's being offset in India and China a lot faster than we could possibly shut down our consumption of energy in the United States, which shuts down our economy.

The equation for people that are holding the gavels that control this policy in this Congress today is drive up the cost of energy, drive up the cost so that people will use less energy. I said when gas got to be $3, what's the solution for $3 gas? The answer, $3 gas, because the American people are going to demand that their gas be cheaper.

Now we are at $4.07 or $4.08 gas, and what's the solution for that? Well, maybe, it's $4.07 or $4.08 gas. Maybe we are going to see a $5 gas or more. Maybe we are going to see crude oil go from $139 a barrel to maybe $200 a barrel or more. The predictions are saying that.

The futures don't quite say that yet, but the speculators are heading in that direction. Why are they doing that? Because they understand there is a policy in this Congress today, as we listened to Mrs. BACHMANN talk to us about this, to drive up the price of energy. The idea that we would ride our bicycles instead of drive our cars.

They can get by with it. They can get by with it because we put the hose in our tank, the nozzle in our tank. When we squeeze that nozzle we are paying 18.4 cents a gallon in gas tax. That's Federal, a lot of the States, 20 or more cents in gas tax as well so we can support our transportation in our roads. That's a user's fee. I fully support that.

The people that squeeze the nozzle to pump the gas into their tanks in my district and across this country believe that money is going to build new roads and rebuild existing roads. That's a sad thing to say, but about one-third of that money goes to that, and the balance of that goes to other causes. Some of them are extreme causes, extreme causes, like, for example, 28 percent used for environmental and archaeological compliance, 28 percent of the 18.4 cents that you put in there for gas tax per gallon is going to comply with environmentalist ideas and to look for arrowheads out there. That's 28 percent, and 17 percent goes to subsidized mass transit.

The people that are voting for those folks that hold the gavels that have this green idea that we should drive up the cost of energy, aren't paying for the cost of that energy because they are getting on the Metro down here at South Capitol and riding over to Falls Church for $1.25, subsidized by the gas tax that's paid in Mrs. BACHMANN's district, my district, Mr. GINGREY's district in Georgia and across this country. My constituents don't know that because we haven't told them enough.

But if I went to them and say, hey, I want to take 17 percent of your gas tax and spend it on something else and subsidize somebody else's transportation, they would object. That's why their constituents, though, the intercity urban Members of this Congress are not held accountable for higher energy

prices because it's being subsidized by the gas fees that are paid by people in my district and across the country.

By the way it doesn't work for us. It is an awful long drive to get to the Metro or the ''L'' or to get to the subway or to get to the trolley car like they have in San Francisco. But that's all subsidized by the gas that we are paying that's tax on part of this $4.07 that's out there.

Now, what is the thinking that's going on in the leadership of this Congress? Well, I pulled out one little thing, green, think green. We had a green initiative, called a Green the Capitol initiative that was initiated by Speaker PELOSI when shortly after she was sworn into this Congress.

Her idea was that we should show them how to do cap and trade. We should trade-off some carbon credits.

So I got some information that came out of the House Administration Committee, it goes back to the Chief Administrative Officer of the House, Mr. Dan Beard, who at the direction of Speaker PELOSI spent $89,000 to purchase carbon credits. Well, why purchase the carbon credits at the direction of the Speaker? Because the Speaker wanted to be sure that we were a carbon-neutral capital complex.

To be carbon neutral they shelled out $89,000 of your tax dollars, Americans, $89,000 to purchase carbon credits. I didn't know you could actually go on the market and do that, but you can. It has been done. The market was the Chicago Climate Exchange, not the Chicago Board of Trade, not the Chicago Mercantile, it was the Chicago Climate Exchange, a place where you can go and buy futures, I presume, and buy puts on carbon credits.

So $89,000 went out to carbon credits, and here is where they went, brokered through the Chicago Climate Exchange, this report, through the House Administration Committee—just some of the money I have been able to track, not all of it—$14,500 went to the North Dakota Farmers Union. Now, I don't think they actually farm anything, but it went to the North Dakota Farmers Union.

I know they do support some folks on the other side of the aisle very aggressively, and that's fine, this is America. The money went, $14,500, to the Farmers Union then it was redistributed through there to some of the farmers in places in North Dakota.

Some of the farmers, reportedly, were already doing no-till, but to try to convince them, give them incentive to switch over from till to no-till. Now, I don't know what the acres actually are—25, 35 percent of the acres around my neighborhood, I believe, are no-till.

It's a good practice. I support it. I have got good, responsible, neighbors that do use it. I encourage it. But to pay somebody that is already doing no-till extra money from the taxpayers through the capital complex and the Chicago Climate Exchange, so they will go and do no-till, doesn't seem to me to accomplish a single thing except get rid of some money and allow some leadership in this Congress to posture themselves as being carbon neutral.

What a glorious thing to accomplish, carbon neutral. You have got to dig back down through the paperwork and get the House Administration staff to find this. I didn't find out about it until we dug into it. So $14,500 to North Dakota Farmers Union, another $14,500 went to my State. It went to a reengineered generating plant in Iowa, Chillicothe, Iowa, $14,500, so that they could be having an incentive to clean up their act a little bit and emit less carbon. Those carbon credits were available to them, and we sent them the $14,500.

The problem was they had shut down before the money got there. There wasn't anything accomplished out of that we can determine. I am open to more information, that's what I know today. But those are two pieces at $14,500 each. I haven't chased the rest of the money down, but it occurs to me we didn't accomplish a single thing with carbon emissions and the Chillicothe plant.

We didn't get there with any money in time. That plant is shut down, not functioning, I understand. Some of the North Dakota farmers were already doing no-till.

Well, what we did was we set up an exchange now so that we can brokering money and taking taxpayer dollars and send them around the country and the industry, and private sector will be doing the same thing.

The value of these credits were estimated by the Heritage Foundation that they would start out at about $13 and then you figure out how you calculate what a unit is, but $13 a unit. In about 10 years they will be up to about $130 a unit. As near as I can determine, there is no audit system. Nobody is going to go check those farmers in North Dakota and find out if they actually switch to no-till, stayed off no-till or went off to do something else. I guess it won't pay to check that power plant in Iowa because it's not actually producing any power either.

That's just one of the things that happens when you get this myopic idea that you are going to worship at the altar of green instead of produce the energy that this country needs.

I would just point out another thing here, here is another little piece to look at. Here is the overall energy pie. This is the energy that we consume in America. Look at the number, it's 101.4 quatrillion BTUs, all together, and that's all the kinds of energy that we use. That's gas, that's diesel fuel, and it goes on, there is coal, there is natural gas.

This is the big picture of all of the energy that we are consuming, 101.4 quatrillion BTUs of energy. Now, that's a lot of energy. These are the proportions. I call it the energy pie, and the sizes of the slices of the pie, or the pieces of the production—you can see that nuclear is over here, and it has got a nice piece of that. It needs to be a lot more. But I have got also the ring here that shows us the production pie.

This is the exact diameter of the size of our production. You can see that the circle for the size of the volume of our production in America is 72 percent of the size of our consumption in America.

So what Republicans propose to do is grow these sources of energy so that this middle circle gets as big as the outer circle and maybe bigger. If it does, that will mean that we are exporting energy.

I will submit that every phase, every kind of energy has a future in this country. It needs to compete economically, we need to get into it. As Mrs. BACHMANN said, there is no sensible reason not to tap into the energy that sits underneath us, the Outer Continental Shelf, the North Slope of Alaska. I have gone up there.

By the way, if there is any environmental damage to take place in the North Slope of Alaska and in ANWR, we had already heard about it from the other side of the aisle. They would stand up and say here is where that bucket of crude oil spilled out on the tundra, but we have not done that. Even with 1970s technology we have did so efficiently, cleanly and safely, and, yes some little things did happen. I won't deny that.

We cleaned them up. We did so effectively and safely. Our technology is a lot better. We do directional drilling now.

If we drill ANWR, that will be the equivalent, there's 19.6 million acres. Drilling in ANWR on 2,000 acres is the equivalent of a postage stamp in the corner of a football field. It's out on a coastal plain.

The pictures that you see of the pristine alpine forest are false. There is not a single tree up there. Anybody that went to eighth grade knows, the Arctic Circle is a line north of which trees can't grow. There is not a single tree up there.

Tundra reconstitutes itself. I have seen acres of it where the Eskimos showed me, we kind of tore this up by accident. We smoothed it over and 5, 6 years later it grows back green. Looks good, I have seen it.

That environment was not damaged in the North Slope. It will not be damaged in ANWR. It's built out on ice roads. We punched the holes out. Even the most extreme environmentalist on the left side of this aisle in this Congress couldn't fly over the North Slope and point to the oil field, they wouldn't see it.

I can find it because I know what it looks like. I would like to take them up there and show them. All I saw for wildlife, there are no native caribou, by the way. I saw four musk oxen, that's it, standing there with their head down, they wouldn't know if there's an oil well next to them or not, but it's environmentally friendly.

We did it in a responsible fashion, and we have got 1 million barrels a day to bring down here. We need to open up every kind of energy, do it now, do it all the time, do it everywhere. Get it into the marketplace, get the rules out of the way, and let's not be punishing companies for producing energy. Yes, one of the slices on this pie needs to be conservation as well.

I thank the gentlelady from Minnesota for yielding to me, and thanks for leading this special order.

□ 2230

Mrs. BACHMANN. Thank you, Congressman KING.

I would ask the Speaker how much time remains.

The SPEAKER pro tempore. Approximately 30 minutes.

Mrs. BACHMANN. Thank you, Mr. Speaker. I appreciate that.

I'm sure everyone tonight, Mr. Speaker, can hear the passion in the voices of the people who are speaking in this Special Order hour. It's because we understand from our constituents back home how real this is for them. This is an issue where the American people are way ahead of people in Congress. They get it, how difficult this is, and that's why we have been repeatedly asking our constituents back home in our districts ''Why don't you go ahead and show us how painful this is, how difficult this is, how real this is. Take your receipts from your car when you go and fill up your tank or, if you are a trucker, when you fill up your truck. Take those receipts. Fill them up. Send them to us. Send them to your Member of Congress. We want to be able to have them here so we can demonstrate what tremendous agony this is for Americans.''

I believe that we should have bushel baskets full of receipts from people when they fill up their gas tanks so we can show people how real this is, the pain at the pump, because that represents money that every person is paying today, money that would be needless, that we don't have to pay because we know we can get back to $2 a gallon. How do we know that?

We know that rather than paying $4.07, which is today's national average for gasoline—it still shocks me when I see that number up on a billboard. We know we've got our answer. This is our answer: Our natural gift from God that he has given to the United States. God has given us these natural resources, and it is our obligation to be good stewards of what we have and to take dominion over this, to take dominion and to cultivate what we have in a safe, sound and environmentally sensitive way so we can take care of the needs of our people and yet also be good stewards of the land.

We have two very different philosophies that we're looking at. For those of us who are speaking now in the Special Order, we're saying explore America; do it now so that Americans can pay less. There is a completely different philosophy that has also been talked about in recent weeks, and that plan is to pay more and to drive less. That's really what it comes down to. Pay more and drive less. But is that what we want for Americans? Is that what we want for this generation and for the next generation? I don't, because this is what I'm concerned about: Whoever controls fuel will control our freedom. Think about that. Whoever controls our energy will control our freedom and will control the future.

Congressman STEVE KING of Iowa was talking a little bit about climate control legislation, and it's also called a cap-and-trade system. Now, I don't call it ''cap and trade.'' I call it ''tax and spend'' because that's really what it is, in a nutshell, if you want to know what ''cap and trade'' is.

Before I hand this off to Representative PHIL GINGREY from Georgia, who has some comments he would like to make, I just want to say a little bit about cap and trade, or what I call ''tax and spend.''

This proposal that has been coming from people who want you to pay more and drive less, that's their answer regarding this energy crisis. You pay more and you drive less. As a matter of fact, we heard from the nominee of one of the major political parties that his concern was not the high price that Americans are paying for gasoline but how quickly that price is rising.

Well, I think, for those of us who are speaking tonight in this special hour, our real concern is that high price of gasoline because we see not only is it impacting people personally in their pocketbooks, not only is it having a devastating impact on the economy, but it's also impacting our national security because, as we are more dependent on foreign oil and as we're paying ever-increasing prices and sending billions—and now it will soon be $1 trillion—off to other countries that don't like us very much, we are seeing that negative impact here at home.

Let me just say a few words about cap and trade, or tax and spend. Tax and spend works like this:

If you think you're already paying a high price for energy, now what your Federal Government wants to do is to force you to pay for the right to buy that energy. As if it isn't punishing enough to just buy the energy in the first place, you're going to have to pay for the right to buy energy. Now, think of that madness. You're going to have to buy a permit if you're a business. If you're an individual, you're going to be paying indirectly for that permit.

By the way, the Federal Government created the problem. Congress created these high prices. Now, if they haven't mucked it up already, Congress wants to charge you for the right to purchase overly inflated prices of energy. Think of that. By the year 2025, Congress in one bill wants to tax you $6.7 trillion. They want you to pay $6.7 trillion in this tax for the right to purchase very expensive energy. Think of what that is going to do to our economy.

If you do that and if we comply with what all of these grandiose schemes are, guess what the bottom line result will be out of this cap-and-trade or, what I call, tax-and-spend legislation? By the way, the brain trusts who have come up with this scheme have already spent this $6.7 trillion. They have already decided how they're going to spend this money.

But guess what the final result will be. If everything goes perfectly, according to plan, they will only reduce the Earth's temperature, according to their models, by seven one hundredths of a percent. Just think. Are we really willing to devastate the United States' economy? For what? To cool the Earth? Maybe. At seven one hundredths of a percent?

We need to think about this really carefully and have a debate right here, a genuine debate, where you see a few more Members of Congress in the room who are debating this very serious issue. This is serious enough that we are here tonight because we want the American people to know that there are answers, and we don't have to go along with all of this folderol, the tax and spend and all of the nonsense that goes on.

Let me tell you one of the first bills that we voted on this week. We voted to make it illegal to transport monkeys across State lines. I'm not making this up. This is absolutely the truth. We all got on planes that emit a lot of carbon. We came from all corners of the United States so that we could have the right—you heard me—to vote to make it illegal to transport monkeys across State lines. That was the most pressing thing that this body had to do this week while you were busy getting out of bed in the morning, paying $4.07 a gallon, thinking, ''Now what am I going to do? Now what am I going to have to give up so I can pay $4.07 a gallon?'' But don't worry. In the United States Congress, we made it illegal to transport monkeys across State lines.

If you don't think that's bad enough, do you know what we did a couple of weeks ago? It is absolutely true, and it happened right here on this floor. We voted to send your money—I did not vote for it, but enough people in this body voted for it. We voted to send $25 million of your money to foreign countries in foreign aid to pay for foreign cats and foreign dogs, not even American cats and dogs in foreign countries. We spent your money, $25 million, and sent it to foreign countries to pay for foreign cats and foreign dogs.

As if that were not bad enough, the next day, we sent more millions to foreign countries to pay for foreign birds. Well, at least we didn't do that for foreign monkeys. All we did is make it illegal to transport monkeys across State lines. This is what your United States Congress has been doing while you've been busy spending $4.07 a gallon. That's a travesty.

That's why we're here tonight to tell you don't give up hope yet. We're saying let's explore America. Let's explore

now so that you can pay less because, otherwise, we'll have to go with their answer. Remember what their answer is: Pay more. Drive less. I don't think that's what we want to do.

That's why I want you to hear from my distinguished colleague from Georgia's 11th District. His name is Dr. PHIL GINGREY. I'd like you to give him some attention so that he can talk to you about what he knows to be true about energy.

Mr. GINGREY. Mr. Speaker, I thank the gentlelady from Minnesota for yielding to me and for my having the opportunity tonight to join my colleagues to discuss what clearly is the most important issue facing our Nation at this particular time.

Mr. Speaker, you know my background is that of an OB/GYN physician, and health care has always been a passion of mine. Ever since I got here in the Congress, I've been working on health care legislation in a bipartisan way. Clearly, with 45 million, 47 million uninsured in this country, health care continues to be a very important issue, but when I talk now to my constituents in northwest Georgia, in the 11th District of Georgia, the most important thing to them as we come upon these Presidential and congressional elections in November of this year, without question, is the price of gasoline, and my colleagues have pointed this out so clearly, Mr. Speaker, with the statistics that they have given.

Mrs. BACHMANN just talked about the fact that the price of a gallon of gasoline, regular gasoline, is about $4.08 a gallon. Disease fuel is even higher than that. People are going to enjoy a 4th of July weekend at home this year, I can assure you, not just in my district in Georgia but across this country.

A few minutes ago, Mr. Speaker, my colleague from Iowa was talking about the Arctic National Wildlife Refuge. With his words, he was trying to put a picture, a description, in our colleagues' minds of what it looks like. I just happen to have a couple of posters that I want to show my colleagues. If we look at this first poster, I think that a lot of people across this country have received this in their mailbox, this picture as it may have appeared from MoveOn.org or from whoever happened to send this across the Nation, suggesting to people that the Arctic National Wildlife Refuge looks like this—some pristine, beautiful area with lots of swans and caribou and moose—and that this is a year-round picture of the Arctic National Wildlife Refuge.

Really, in fact, if my colleagues will take a look at this second poster, 11 months out of the year, this is what ANWR looks like. It's a frozen tundra. There is nothing there, Mr. Speaker and my colleagues, in the area, in the footprint, where we would drill and where there is plenty, plenty of oil. In fact, we estimate there could be 1.5 million barrels a day that we could add to our domestic production by drilling in this very small area, which is, I think, something like 2 square miles. In any regard, it is a very small area.

So what we have tried to present to our colleagues in this hour is the fact that we are suffering. Yet there is plenty of oil and natural gas within this country and on our Outer Continental Shelf. There are literally trillions of cubic feet of natural gas off of our east and west coasts. There are probably tens of billions of barrels of petroleum off of our Outer Continental Shelf in addition to that, that I mentioned, in ANWR, up in Alaska. Yet we are just simply doing nothing.

I have another poster, my colleagues, I want you to take a look at. This pretty well depicts what this ''do nothing'' Congress has been up to for the last year and a half under this new majority. If you would look at this cartoon, starting over here, I'll read it to you.

Now, this is from Congress. It says: We demand you energy companies do something about these high energy prices. Their first answer is: Well, we can drill in ANWR. Congress' response: Forget it.

The next cartoon: Well, how about offshore? the Outer Continental Shelf? Congress' response: Are you kidding?

The next response from these oil companies: Well, how about clean coal, converting coal to liquid in a clean way? We can come up with millions of gallons of petroleum by doing that. Congress' response: Out of the question.

Well, the oil companies say in this next cartoon: Well, how about nuclear power? We haven't licensed a new nuclear power facility for over 30 years in this country, back in the 1970s. You know, nuclear power since then has gotten more sophisticated. It's clean. It's safe. Congress' response: You must be joking.

Finally, the energy companies just throw up their hands and say: What? Congress' response: Well, don't just sit there. Do something.

Well, it's a cartoon, but it's also very serious. The bottom line is we are spending and have spent for the last 2 years all of our attention worrying about global warming and climate change. Yet here we have seen, in the 17 months that Speaker PELOSI has enjoyed her speakership, this Pelosi premium, and the price of gasoline has gone up about $1.75 a gallon.

□ 2245

It is clearly time to get some of these domestic sources on-line, these resources which are right here that we have, rather than continuing to depend on foreign countries, like the OPEC nations, like Venezuela, that are not very friendly to us. And that's, pure and simple, Mr. Speaker, the reason why we're here tonight to say to our colleagues, in a bipartisan way, we ought to do this.

And in addition to drilling for oil and natural gas and doing it now, certainly, there are other things, nuclear power, as I mentioned, alternative fuels, solar, wind farms, all of these things are part of the mix. But it is time, and it is time to act now. And that's what real leadership is. And that's what the Republican Party is trying to bring to this Congress and say to our colleagues, look, we have got six bills sitting right over there with discharge petitions which will allow us to do some of these things which will make us energy independent and absolutely will bring down that price of gasoline, almost overnight, because a lot of this is sort of speculation. And people, as soon as they realize that we are going to do something, the price will definitely come down.

So I appreciate the opportunity to be with my colleagues tonight. I know there are others here who want to weigh in on this issue, so I want to thank the gentlelady from Minnesota, especially thank her for giving me this time, and I yield back to her.

Mrs. BACHMANN. I thank the gentleman from Georgia, Dr. GINGREY. Thank you for those important words. And again, I appreciate the expertise that you bring to bear on this wonderful debate tonight.

Remember, there's two ways that we can go about approaching this problem. We can go with the philosophy that says pay more, drive less, put on your sweater, lower your thermostat and sit home, give in to defeat, just think it's over, suck your thumb.

Mr. Speaker, that's one philosophy that the American people could embrace, but I don't think that's the American way. I don't think that's the ''can do'' spirit. I don't think that's what the founders of this Nation bled and died for.

I think if they were here right now, they'd be telling us, wake up, take a look at reality. We have got the answer right here in America.

We haven't talked an awful lot about nuclear power tonight. That's something that we can look at as well. We've talked about exploring the Arctic energy slope, Representative STEVE KING spoke about that and what the landscape looks like and the fact that we can do this in a wonderfully clean, environmentally sensitive way. It's entirely possible.

We can explore our deep sea reserves which contain over 86 billion barrels of oil, perhaps even more. We can access those.

Also, our natural gas that's available to us in the Gulf of Mexico area, and also the shale energy reserves where we are the Saudi Arabia of oil in Colorado, Utah and Wyoming.

Nuclear power, we know that France derives 80 percent of its energy from nuclear power. I'm grateful that there's a nuclear power plant in my district in Monticello, Minnesota. It's such a wonderfully reliable source of energy, clean, and has zero emissions.

And also tax incentives for alternative energy. Can you believe that we would let these incentives expire, Mr.

Speaker, these incentives for alternative energies, whether it's wind, solar or biofuels? We shouldn't let these expire, we should extend these.

Because what we are saying on the Republican side of the aisle, Mr. Speaker, is let's get a big table, like a big table like we have here in the well this evening, and let's take every answer that America has, put it on the table, let's develop that resource. Let's have dominion over that resource. Let's open it up, cultivate it, use it in a wise way.

You know, Mr. Speaker, the United States is one of the only countries in the world that actually saw a reduction in its emissions over this last year. We didn't sign the Kyoto Treaty, yet nations all across the world that signed the Kyoto Treaty, they saw their emissions go up. Europe, the EU countries have signed a cap and trade system, or what we call the tax and spend system because that describes it more accurately. Europe has actually seen an increase in its emissions. Think of that.

I think it's good for us, I'm glad that Europe decided to go that route before the United States made the mistake of going down that road. It's important, Mr. Speaker, that we know what we're getting into before we take that plunge.

I just wanted to give a couple of statistics before I hand the next few moments over to my distinguished colleague from the great State of Michigan, Representative TIM WALBERG, and it's this: It's the facts. All we have to do is look at the facts. This isn't junk science. These are facts, Mr. Speaker. And if you look at the facts of voting patterns over the last 15 years, I'm not talking about the last 15 days, the last 15 months, but if you look at the voting patterns of this Congress over the last 15 years, Mr. Speaker, this is what you'll find out. Over 90 percent of the time, House Republicans voted to increase production of American-made oil and gas. You heard me right. Over 91 percent of the time Republicans voted to explore in America, to explore now for American oil and gas. The Republicans have not been the obstacles. The Republicans haven't been perfect by a long shot. There's a lot of missed opportunities the Republicans have made. But over 91 percent of the time you've been able to count, Mr. Speaker, the American people have been able to count on the Republicans to vote to explore for American oil and American gas now.

Let's take a look at the other statistic. Almost 90 percent of the time, 86 percent of the time, to be exact, that's the percentage of time that the House Democrats, over the last 15 years, have voted against increasing the production of American-made oil and gas. Those numbers are almost flipped. And I have no joy in giving those numbers, because my preference, and my heart is to see Republicans and Democrats come together. Now we're in a crisis. We can't be partisan right now. We have to be about America right now because now is about solutions and answers so we can get to our goal, $2 a gallon gasoline. And it's real, and it's possible, and we can get there sooner if we start now.

And with that, Mr. Speaker, I'd like to hand over the next few moments to my distinguished colleague from the great State of Michigan, Representative TIM WALBERG, who has tremendous passion, and who also has stood on this floor and managed an hour on energy so that he can also get his passion to the American people for the answers that he knows are available to make all of our lives better, Mr. Speaker, so we can get back to $2 a gallon gasoline.

Representative TIM WALBERG of Michigan.

Mr. WALBERG. I thank my friend from Minnesota for yielding a bit of time here this evening for me to talk on this issue. And my good friend from Georgia brought up a point, that we have legislation available that would deal with this issue, that would move us forward; legislation that isn't just talking. It is legislation that will have impact. We have discharge petitions on the floor of the House right now, two, in fact, one that I put forth last week, that would bring out of committee a bill that says simply, no more excuses. Let's get on with it. Exactly what you were talking about, Mrs. BACHMANN, from doing what we have to do, forgetting the talk and managing what we have.

And Mr. Speaker, I am standing here today to encourage my colleagues to sign that petition. If we won't deal with it in committee, let's bring it forward to say there is oil under the ground in ANWR, off our Outer Continental Shelf, the Bakken Reserve out in North Dakota, Montana, we have shale oil reserves, we have coal, clean coal technology that we can use, we've got nuclear power. We have articles written by the former, not the former, in fact the founder of Greenpeace who says we ought to be using nuclear power. It's clean, it's green, it doesn't add to the greenhouse effect, it's safe. We ought to be using it.

We have the opportunity, if we'll just take it right now, and I'm encouraging people, Mr. Speaker, that are of goodwill of this country, who want to continue on the wonderful situation, the lifestyle we have in this country that has been a blessing not only for us but for the rest of the world, to contact Members and encourage them to sign this petition to move forward, quit talking about it.

Last night I was shocked to get on my Blackberry a contact from my staff noting a point that was per program, Capitol Hill, that House Democrats, responding to President Bush's call for Congress to lift the moratorium on off shore drilling, in fact offered their approach of saying we ought to have nationalized refineries.

Now, this is the same country that runs Social Security, runs the VA hospitals, runs Medicare, and gives awful sorts of problems to the United States taxpayer. Now we're going to take over refineries and run those?

Hasn't that been tried in other countries without effect? Didn't Chavez take over refineries in his country, just by matter of fact say they are no longer use, private sector. They're mine?

That's not the direction we want to go. We need to use the resources we have.

Just this past weekend, I'll tell my colleagues, an interesting story. I have Michigan International Speedway in my district, in fact, 6 miles from my house. Dale Earnhardt, NASCAR race, first of the season at Michigan International Speedway, won the race. But he won the race on fumes. In fact, he ran out of gas going across the finish line. Now, he did that by choice. He used his resources well, to the point that he knew if he stayed on the track he would finish, even though he'd to coast across the line. He won.

Unlike America right now, we have the resources, we have the gas, we have the fuel, but we've chosen to turn it off. We've chosen to stop the race. We've chosen to go to the pit row. We've chosen to have our hot dogs instead of finishing the rays and having victory. We can do it.

On the other side of the ledger, the Governor of the great State of Michigan, and it is a great State, de Tocqueville, it's alleged, called us the wolverines and that's where we got the title because we don't have a wolverine in our State. But we were called the wolverines because anyone who could put up with the mosquitoes in the swamp infested region of Michigan had to be a wolverine of tenacity.

Well, 2 weeks ago the Governor made mention of the fact that she was now riding a bicycle to work from her residence to the Capitol each day, with her security detail following on their bicycles as well.

My wife and I enjoyed a bicycle ride this past weekend on our mountain bikes. We enjoyed it. It's good exercise.

But the Governor of the motor capital of the world riding a bicycle, that's not what we should push our citizens to do.

We have the resources. No more energy, No More Excuses Energy Act would be one of those things.

And Mrs. BACHMANN, I ask tonight that we encourage citizens, we encourage our colleagues, we encourage the action to take, to sign that petition, to get that bill that MAC THORNBERRY from Texas has sponsored that says, let's just get it done. Explore here, explore now, pay less. Drill here, drill now, pay less. Use the resources we have, and this country cannot only be great for ourselves, but we can also continue to be the resource for the rest of the world.

I thank you for the time you've given me. I wanted to give that commercial.

And Mr. Speaker, I thank you for the opportunity. And I give back my time.

Mrs. BACHMANN. Thank you to the representative from Michigan, TIM WALBERG. I appreciate that.

We are a great country. I believe that we are the greatest country that the world has ever seen. And in this country, in the fields of Pennsylvania, over 100 years ago was discovered a resource called oil; and that resource literally changed the world, changed this Nation, and allowed us to grow and to prosper in a way that our forefathers never dreamed would even be a possibility.

We have that future yet in front of us again, Mr. Speaker. That future lies before us. It isn't time to throw in the towel for the American people. I know I'm not willing to have my generation be the last generation that sees growth. I don't want my children to live in the shadow of history in a declining Nation.

I don't think most American people want that. We want a future. We want a hope, and that's something that we can have, and we have to have energy in order to make that happen.

Now, remember, there's two choices that we talked about tonight. We can have one that is pay more, drive less, put on your sweater, lower your thermostat and sit at home. That's one philosophy.

And as Representative WALBERG said, there were people on the opposite side of the aisle, Democrats yesterday who said, and I quote, we, the government, should own the refineries. Then we can control how much gets out into the market.

I stipulate, Mr. Speaker, that's exactly the wrong message for us. We, instead of having the Federal Government nationalizing industries, want to explore here, explore now, pay less. And I yield back.

□ 2300

REPUBLICANS' ENERGY ''SOLUTIONS'' WON'T SOLVE OUR ENERGY CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for half the remaining time until midnight.

Mr. BLUMENAUER. Thank you very much, Mr. Speaker, and I have enjoyed listening to the last hour from my colleagues on the other side of the aisle give their version of what we should do to deal with the energy problems that we face.

You know, I found it amusing what we didn't hear in the course of their discussion. They were able to talk for one solid hour, and there was no mention of conservation. The fact that the United States has less than 3 percent of the world's proven reserves of oil, that we consume almost 25 percent of it, that we waste more than any country in the world, that it has taken George Bush longer to get to 35-miles-per-gallon fuel efficiency than it took Jack Kennedy to get to the moon, not one word about something that was going to make a difference.

We didn't hear one word about how long it would take if they got everything they wanted, if they surrendered America's energy future in toto by giving all of the remaining oil and gas leases going to some of our most precious and sensitive areas that was highly speculative, and is in fact opposed by some Republican governors like Governor Schwarzenegger of California. If you just turned all of that over, they didn't talk about how long it would take to produce. And our friends at home can do a little bit of research from independent analysts, and they'll find that that's 7 to 10 years into the future. They didn't talk about how long that would take.

You didn't hear one word about popping the speculative bubble. If they had been attending the hearings that we have had here in Congress in the course of the last couple months, we would find that experts, including people from the oil industry, have testified that up to $50 of this increase in the price of a barrel of oil is due to speculation. And we haven't heard one word about what they would do to pop the speculative bubble, which much faster than anything you can talk about draining all our resources and turning available land over to the oil companies, this would make a difference immediately.

We haven't heard from them about all of the flip-flopping that's going on. You know, we heard this land is off-limits. George Bush I issued an executive order that declared areas off limits to drilling. George Bush II and the Republican Congress for the previous 6 years didn't do anything about this. But George Bush, by a stroke of the pen, could reverse what his father put in place. Yet our friends didn't have anything to say about that.

It's interesting watching the flip-flopping that's going on in the Republican party. JOHN MCCAIN was against drilling in these sensitive areas when he was a candidate for President in 2000. In fact, he's maintained a position against drilling in the sensitive offshore areas until a few days ago when he's decided to change. Of course, he does not agree with my friends on the other side of the aisle that we should go into the Arctic Wildlife Refuge. Maybe he understands that that's the last place we should drill instead of the next.

We're finding that it is fascinating watching the jujitsu here where people are flipping around changing positions and there is no consistency, there is no honesty in terms of how long it would take, there is no effort to deal with some of the things that are actually running up the prices.

Mr. Speaker, the Democrats in Congress have been passing initiatives since we regained control to improve fuel efficiency that was approved over the objection of the Republicans and over the objection of George Bush and was delayed. We have had initiatives to improve efficiency to give people more tools, to shift from lavish subsidies to the most profitable corporations in the history of the planet, the oil companies that really don't need extra subsidies, and give it to alternative sources of energy like wind and solar that do need it now.

We are very concerned that we use the resources that are available now. It is absolutely facetious to suggest that we have locked up all of America's energy resources. What you didn't hear from my friends that have been talking for an hour is the fact that there are 68 million acres already under control of the oil and gas industry that they have chosen not to explore. They're not in production. 68 million acres. Indeed, the majority of the land that is available right now they have chosen not to use.

We have legislation from a number of my colleagues that I am proud to cosponsor that would simply require that the oil companies use it or they lose it. If they are going to have these leases, they're going to have to explore it. And if they don't, then they will lose the opportunity to tie up even more land. That simple expedient of using it or losing it would spark far more exploration than anything my colleagues talked about for an hour and would do it much sooner.

Second, we need to pop the speculative bubble. They haven't said anything about that. Not one word, other than one of my colleagues, to acknowledge that the speculators are at work. But no focus about what we're going to do about it.

As I mentioned, we have heard, including a top executive from ExxonMobil that testified before our Committee on Energy Independence and Global Warming, that speculation, along with weakening of the dollar and geopolitical risk, is responsible for driving oil prices up to $50 a barrel.

Now, I don't know whether the speculative bubble is $5 a barrel or $50 a barrel, but that is something that this Congress should do something about. It's something the administration has turned a blind eye to, and it's something my Republican colleagues have nothing to say about.

We have legislation to deal with that.

Congressman LARSON from Connecticut has legislation that is pretty straightforward that if you are going to speculate in oil futures, you have to be willing to take delivery. Now, this is supported by people who are in the oil—it wouldn't affect anybody who is in the oil and gas business who's producing or delivering, but the people who are simply there to profit from speculation would have their wings clipped a little bit.

The Enron loophole which excluded this speculative activity in energy which was approved under the watch of

this administration and the Republicans of Congress, excluded it from supervision from the Commodities Futures Trading Commission. We think it's time to close the Enron loophole. We think it's time to have more oversight rather than less.

Let's deal, for instance, with the amount of margin, the leverage that people who are doing something that's perfectly appropriate trying to make a buck, but we want to make sure that we don't have yet another speculative bubble that is hammering the American economy like we've seen with the housing bubble, what we saw in the stock market bubble. People turn a blind eye to it. We suggest we shouldn't do that.

It is important to ramp up efforts at conservation. As I mentioned, it's taken George Bush, who sat in before us speaking from the podium immediately in front of me and declared that we were addicted to oil, the same George Bush who said at $50 a barrel the oil companies didn't need subsidies to be encouraged to develop oil resources but yet has consistently fought our efforts to shift unnecessary subsidies when oil prices were twice that.

It's taken this administration longer to get to 35 miles per gallon than it took Jack Kennedy to get to the moon.

We need to help provide consumers with more choices. We need to accelerate our efforts dealing with alternative fuels.

I see my colleague, JAY INSLEE, has joined us here in the Chamber. Congressman INSLEE serves with me on the Speaker's Select Committee on Energy Independence and Global Warming who's done a great deal of work and research and has listened to the testimony that I have heard that there are a vast array of entrepreneurs ready to go right now with plug-in hybrids, with electric cars, that we should be accelerating this effort.

And before I turn to my colleague to elaborate on that, somebody who speaks with great passion, authority, and conviction, I would mention that the Federal Government itself, under the Republican administration, continues to have a vast fleet of gas-hungry SUVs. We're spending $3½ billion through GSA for hundreds of thousands of vehicles and millions of gallons of gasoline. Wouldn't it be nice for this administration to get serious about not competing with the rest of American consumers by moving to more fuel-efficient cars ourselves, more biodiesel, alternative energy sources, plug-in hybrids, to be a leader rather than making the problem worse?

Congressman INSLEE, I appreciate your taking time late at night to join me. I appreciate your leadership and advocacy, and I wonder if you might want to talk a little bit about some of the choices, based on your research and work, that should be made available to the American consumer.

Mr. INSLEE. You bet. And any time an optimist is talking at 11 o'clock at night about America's great energy future—and I think we do have a very great energy future before us, and I appreciate you sharing that sense of optimism.

And I'm optimistic because it is my belief that America has the same right stuff we had in the 1960s when Kennedy sent us to the moon and that same right stuff, that same intellectual fever, that same sense of a can-do spirit, that same innovative spirit is really available to us if we, in this building, will simply unshackle that creative power of America to solve our energy woes.

And the reason I came over here tonight is that I am very concerned that some folks are promoting an alleged plan that won't solve our problems but will short-sell the Americans' spirit of being really able to solve this problem through technological gains.

I heard some of my colleagues on the other side of the aisle today proposing what they call an energy plan which is to simply drill more holes in the ground. And I would suggest very strongly that that is a plan doomed for total and abject failure, which is something at $4 a gallon of gas and a war in the Middle East and global warming nipping on our heels we can't run the risk of failure.

And I'm just going to suggest what has been proposed is too little, too late, and too timid.

And the first two are obvious why they're too little and too late. We know that it's too little simply to drill a few more holes in the ground in the United States because we don't have the oil. Even if we drill in Mount Rushmore, Yellowstone National Park, and the Capitol Mall, we could drill in the south lawn of the White House, but we don't have the oil that can make any significant difference in the price of oil.

Oil is a fungible product that is sold on a worldwide market, and every single expert that has testified—and we're not talking Democrats or Republicans; we're talking to people who know the oil industry—and every single expert that we have talked to has told us even in the long term, because our dinosaurs somehow died under the Saudi Arabia soil, we don't have the oil to make a difference in the price. Simple economic fact.

□ 2315

The simple fact is we use 25 percent of the world's oil. The experts have told us, even if you drill in the south lawn of the White House, we've only got 3 to 3.2 percent of the world's oil supply. Because oil trades on a worldwide market, we can maximize and we won't be able to change the worldwide price of oil more than a couple of cents.

And I want to make sure people understand this. There's a bunch of hooey coming from across the other side of the aisle that you're going to get $2 a gallon of gasoline if we drill on the south lawn of the White House. It's a bunch of hooey.

Every single expert who has testified in the United States Congress for the last 2 years has told us that if you maximize drilling, if you ignore all of any environmental concerns we have, you will not change the price of oil more than a couple of pennies because it simply isn't enough to make a difference. The oil under Saudi Arabia is many, many, many fold the oil that we have no matter where we drill.

So telling Americans that we are going to be able to affect the price of oil by expanding drilling in the United States is simple flimflam, and it reminds me of that great movie with George W. Scott called ''The Flim-Flam Man.'' He said he identified himself as a master of back stabbing, cork screwing and dirty dealing. And I think, frankly, it is a flimflam to tell people that it's going to solve it. It's too little.

But it's too late because we shouldn't wait till 2030. The first oil that would flow from these new holes in the ground wouldn't flow until 2030. It is too late. It is too late for the Americans.

And it's too timid. Now, I believe Mr. BLUMENAUER talked about this a little bit, but we have really one significant thing we can do in the short-term, and that is to end this rampant speculation that the experts are telling us is driving up the price that is not a function of supply and demand. It's hard to explain these increases any other way but rampant speculation.

And tomorrow, I'll be joining Representative BART STUPAK, who's doing great work leading the House to a bill that will finally close the loopholes that have allowed these speculators to act in a nontransparent, sort of dark hole, of energy—of oil trading. And you know, they operate—and the one thing that was entirely appropriately named—It's called the Enron loophole. Man, that was the right name for that loophole, where these traders can do swaps, and we don't know about it.

So we need to close these loopholes. That can have a short-term impact this year where we don't have to wait 20 years for a resolution. So it's too little, too late.

But I just want to really focus on the part about being too timid. We need a bold, courageous, over-the-horizon, visionary energy plan that's fitting of the talents of the American people. Drilling holes in the ground is 140-year technology. It is old, mature technology. We do it quite well, and we've done it for a long time.

Now is the time to turn the page and add to our portfolio of energy sources a whole new suite of technological sources that can power our cars and our homes, and I want to mention two of them. Okay?

In the last 2 weeks, I've met with two people. One is a guy named Felix Cramer, who's a guy who essentially helped invent the plug-in hybrid car. You plug it in, you run it for 40-plus miles on electricity, and if you want to

drive more, you use gasoline or ethanol. These are technologies that we need to strive on.

And next week, I meet some folks at the A123 battery company in Boston. These are the folks who are making the lithium ion batteries that will be able to drive your car ultimately 100 miles and 40 miles now without a charge.

We don't have to shackle ourselves to oil for the next 100 years. We've got to break our addiction to oil. We have the capacity to do this, but if we're timid, if we're pessimistic, if we're shortsighted, we will simply do what we've done for 140 years, which is drill holes in the ground.

And we have a policy, and I've introduced a bill called the New Apollo Energy Act which basically says that this country's going to go on a course of technological innovation, and this truly has the capability of breaking the chains of oil, and I know we're capable of doing that.

So I appreciate Mr. BLUMENAUER starting this discussion.

Mr. BLUMENAUER. I appreciate, Mr. INSLEE, your continued advocacy, being on message, moving legislative initiatives, and helping educate the American public about the potential of the New Apollo Project, the potential for our economy, the potential for a new era.

I want to conclude because I guess we only have half an hour, so I've got a few minutes left. So I'm going to conclude by just running through what we didn't hear this evening. I want to be very, very focused on this because what we didn't hear was an honest explanation of what the problem is and where we're going to go. If for some reason we have a few more moments, I'll be happy to flip back to my friend, but let me just finish my thoughts here.

The notion that we are going to somehow surrender our energy future to the Big Oil companies, allow them to lease everything else, and have it their will to take some of our most precious, sensitive places and run roughshod over the will of the people in California or Florida or elsewhere, New Jersey, I mean, a whole host of places that would be affected by this and somehow get $2 a gallon gasoline is poppycock. And I think my good friend from Washington said hooey.

But you look at any independent, honest, objective expert, and they will say, you may be able to affect things 7 to 10 years from now a penny or two below what the price otherwise would be because we're caught up in a global initiative.

It is as phony as Senator MCCAIN's proposal for a gas tax holiday which would only give the holiday to the Big Oil companies, and we'd rely on their magnificent generosity to trickle a little of that down. No indication that that would happen.

We didn't hear one word about global warming, which even Senator MCCAIN and Senator OBAMA agree on and we are going to be dealing with a carbon-constrained economy.

Not one word about conservation. We can't afford to continue to waste more oil than any country in the world.

We heard an attack on cap-and-trade, which is where the United States and every other developed economy is going. We're going to have a carbon-constrained economy. We're not going to enable people to continue to pollute the environment with massive amounts of carbon, slowly cook the planet, raise sea levels and temperatures with extreme weather. That's not going to happen. The American public understands that. The evangelical community, the environmental community, organized labor and business are moving in this direction.

It was George Bush the first's decision to issue many of these protections via executive order, and George Bush the second—if he had been serious about this, would have done it years ago. He would have changed his father's decision if he was serious about it before he was running in Florida and California. He hasn't.

It will take 7 to 10 years for this to get to market. We will, as Mr. INSLEE has mentioned, we will deal with closing the Enron loophole and squeezing the speculators.

We need to use what we have now, the use-it-or-lose-it. Sixty-eight million acres are now open to the large oil companies right now, an area the size of Georgia and Illinois combined. We're going to advance legislation that says they we're going to use that before we mortgage the rest of our energy future for them, or we'll give it to somebody who will.

I'm amazed that my friends continue to come to the floor and attack bicycles. I find that somewhat amusing because I've been working for a dozen years on bike partisanship. I know there are many Members on the Republican side of the aisle that don't believe the rhetoric of their extreme Members and their leadership who belittle the role that new technologies can play or the application of old technologies.

You know, today, if you go down to the G2 entrance in the Rayburn building, you can't find a place to park a bike. Members and staff are coming here in droves. At $4 or $5 a gallon, you bet it makes sense. Making an opportunity for our children to walk or bike to school safely, you bet it makes sense. Would we be talking about morbidly obese, 300-pound sixth graders if more kids could do that? Yet somehow the Republican leadership has chosen to try and belittle the most effective form of urban transportation ever designed and, in fact, is supported by many of the Republicans themselves.

At the Republican convention and the Democratic convention, Mr. Speaker, we're going to have 1,000 bicycles, and you watch these people who try and belittle cycling. You watch delegates line up to use it, to travel around Minneapolis and Denver, to actually see the community at 10 miles an hour, to get through security and parking hassles, to be able to get a little exercise and save some energy.

But that is symptomatic of their approach to try and score political points, to make fun of things that make a difference, and ultimately, it's why their approach is doomed to fail.

Democrats, since we assumed control, have been working on initiatives to give the American consumer more choices, to protect the environment, to encourage conservation, to give them more fuel-efficient cars, to give them mass transit, to give people in rural and small town America and our urban centers more opportunities about how they move, where they live, to get more out of the energy that we've got and develop new technologies that are more sustainable, that will lead to the revitalization not just of the environment but to our economy.

Mr. INSLEE. Will the gentleman yield for a minute?

Mr. BLUMENAUER. I would be happy to yield to the gentleman.

Mr. INSLEE. I always appreciate Mr. BLUMENAUER's question of isn't it kind of funny to watch people stuck in traffic, driving to the gym to ride the stationary bicycle, and I always kind of appreciate that irony.

I want to point out in talking about this theme of why we need a bold energy plan rather than a timid one, I want to point out three e-mails I've got in the last 24 hours that I think depict the future that we optimists see rather than pessimists who just want to remain addicted to oil.

One was an e-mail I got about 4 hours ago from the United States Climate Change Science Program. This is a program in the George Bush administration. They just released their report about what the United States is going to face due to global warming. We're not talking about Kenya or India. We're talking about the United States.

And today at 1:30, they released their report. This is the official scientific assessment of the administration of George Bush. And they concluded, Among the major findings reported in this assessment are that droughts, heavy downpours, excessive heat, and intense hurricanes are likely to be become more commonplace as humans continue to increase the atmospheric concentrations of heat-trapping greenhouse gases. The report is based on scientific evidence that a warming world will be accompanied by changes in the intensity, duration, frequency, and geographic extent of weather and climate extremes.

That is the Bush administration's own people recognizing that the science says that we are in some dire consequences.

In talking to my friends here tonight, who have been stacking sandbags in Iowa, in the second 500-year flood in about 14 years, I think we can see something's happening. I'm not saying this flood is specifically caused

by global warming, but what we do know is these kind of incidents are going to become more frequent over time.

Now, what is the response from this side of the aisle from that scientific information?

□ 2330

You know, this side of the aisle, they trust science. They believe in science because they use cell phones, which are based on quantum mechanics. And they fly on Boeing airplanes, which are based on advanced physics. But when it comes to the science of global warming, what is their response? Their response is, let's just drill more oil and use more oil and pollute more global warming gases. That is a nonstarter of a strategy that can save the planet from the problems that the George Bush administration scientific assessment this afternoon says we're in for. That is too timid.

Now, the second e-mail I got, I got it about 35 minutes ago, it was from the Nano Solar Company in Palo Alto, California. The Nano Solar Company is a thin cell photovoltaic company. And thin cells are a new type of photovoltaic. It's a solar cell that creates electricity just from sunlight. And it's thin cell, where you just spray this material on a plastic coating and boom, you've got yourself a solar cell. It's much cheaper to make than a silicon-based photovoltaic cell. Today they announced that they were the first company in the world to have one gigawatt of manufacturing capacity for photovoltaics, which can dramatically decrease the cost of production of photovoltaics.

Now, we have a vision on this side of the aisle to help those companies expand. And if they do, we're going to eventually be able to break this addiction to oil. And that company is part of a vision where we use solar power, wind power, enhanced geothermal power, potentially clean coal, potentially some other sources to produce electricity and run cars on electricity. That's a vision that's up to the innovative capability. But the answer from this side of the aisle is, no, no, don't help these new companies that are advancing these new technologies, just help the old companies that learned how to drill for oil 140 years ago in Pennsylvania. That is an old technology. It's a horse-and-buggy technology. It's worked really well. Gasoline is a great fuel, except for its global warming capacity.

The third e-mail I want to mention; yesterday afternoon I received an e-mail from the Ausra Energy Company that announced that they are opening their first solar thermal plant—in California, I believe—in about 2 or 3 weeks. Now, solar thermal energy is where you use mirrors to concentrate the sun's light; you generate heat; you heat water or oil; and you generate steam power based electricity. It has a potential to be energy just as cheap as coal-fired electricity in the next decade.

These people are for real. They have multiple million dollars of capital funding; they have now signed contracts in Florida and California to provide electricity for almost 400,000 homes. These are the breakthrough projects that we need to foster rather than going back to just the old technology.

And my concern about what my friends across the aisle are proposing is that we are proposing to really chain ourselves to the past here while the rest of the world is moving ahead. You know, we're in a race right now. We were in a space race in the sixties, and we won because we had leadership from John F. Kennedy who said, let's beat the Russians, let's go to the moon in 10 years. Now we need some leadership from this building to say, let's beat the Germans in solar cell technology, let's beat the Danes in wind turbine technology. Let's be the company that gets the Nano Solars and the Ausras of the world to start selling products to China.

And I'll tell you another place we can get gasoline from, from the Sapphire Energy Company. It's a company in Washington and California that just raised about $50 million. And they have an algae-based material that can make, not ethanol, not biodiesel, but gasoline, gasoline just like you put in your tank today. Now, there's a company that could use a step forward so that, instead of having to drill in these environmentally sensitive areas, we can produce our own fuel without competing with food crops. And that product can be mass produced probably sooner than we can get major league drilling going in offshore areas.

Now, that is not a guarantee, it is not a guarantee. None of these new technologies are lead pipe cinches. But they have very good prospects of success, they have attracted very significant private capital, and we know that they have a chance to do what we need, domestically produce clean energy that doesn't destroy the planet through climate change.

And so we have adopted a position of assisting these breakthrough technologies, allowing drilling to continue in the United States where it has been leased. And there are 68 million acres today of public land owned by the United States Federal Government that has been leased to the oil and gas companies where they are fully capable of drilling wells, and they have not done so. In fact, there has been a lot of talk about the Arctic. Five out of the six oil companies that are drilling oil in any major league way internationally have no interest in the Arctic because it's too expensive to get to. We haven't even talked about cost associated with these things.

So we believe this country is ready for a bold new vision, and we're ready to tackle that. And that's why my new Apollo energy project, the Bart Stupak bill, that will bring these speculators into the bright light of regulation so they don't do to us what Enron did to Washington and Oregon and California, that's a vision for this country, and we're ready to rock and roll on it. We're looking forward to a new President so we can get on with that job.

I yield to Mr. BLUMENAUER.

Mr. BLUMENAUER. Thank you. And I appreciate your pulling these pieces together, Congressman INSLEE. I think you hit the nail on the head.

I am hopeful that throughout all of this, that we can conduct this debate from this point forward by being honest with the American public. There is no one single cause for what we've seen happen with oil prices—speculation, world market, increased demand, hiccup here, there are a whole host of things that we see. Likewise, there is no one single solution. We need a comprehensive array.

We do want to restrain speculation, whether it's $1 a barrel or $50 a barrel. It's unfair to the American consumer. It's unfair to the industries and small business people, and homeowners that rely on fairly priced petroleum products.

We need to encourage using the energy leases that are out there right now before we consider surrendering our energy future by turning over even more leases. Use the 68 million acres that are available now.

We have to stop wasting more oil than anybody else on the planet. Three times I've had an amendment that has passed in our legislation to close the Hummer loophole, but with our tax code, we're still subsidizing, with your tax dollars, the purchase of the largest, most fuel-inefficient, expensive vehicles, costing the Treasury hundreds of millions of dollars and working against ourselves. We need to change that; something that we have been unable to do with the current configuration, but it has passed the House.

We need to develop new energy sources, not just drain petroleum dry. But we need to be serious about solar, wind, tidal. We need to be serious about new technologies, as you point forward. We need to work on how the land use system is in place. In too much of America it's illegal for somebody who works in a drugstore to live in an apartment above that drugstore. We artificially separate uses.

We have too many long commutes. Too many people have to burn a gallon of gas to buy a gallon of milk. We need to have a more rational and thoughtful approach to a land use system that will make transportation work better.

And last, but not least, we need more transportation choices for Americans, whether it's Amtrak revitalized, streetcars, buses, light rail, heavy rail—God forbid bicycles and pedestrian. They're all part of a mix. And every American ought to have a wider range of choice, and the Federal Government ought to be working to do this.

Mr. INSLEE, I appreciate your joining me this evening. I appreciate your

analysis and your leadership. And if you have any concluding thoughts, I would turn to you at this point before yielding back.

Mr. INSLEE. My only point is that I think it was May 25, 1961, John F. Kennedy stood right there and said we're going to go to the moon. And what we heard today from some of my colleagues across the aisle is, let's just go to Cleveland, that will be enough.

Just being addicted to oil is beneath the bold vision that Americans are asking for right now. And we really have only one hope of significantly reducing gas prices over the long term, and that is to develop sources that are an alternative to oil and gas. We need to no longer be slaves to the oil companies and addicted to the needle of the gas pump. We need to be the masters, where we decide whether we're going to use electricity in our cars or algae-based biofuels that a little algae particle produced, or a combination or those things, or public transportation, as you so radically suggested, or a bicycle, and maybe even walk on occasion, if our minds were into that.

When we have these choices, Americans will be freed from this oil addiction. And until we have those choices, we will not. We stand for giving America those choices. The other side stands for continued addiction for the next several centuries. We'll let the people decide.

Thanks for having this discussion.

Mr. BLUMENAUER. Well said.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. VISCLOSKY (at the request of Mr. HOYER) for today after 6:30 p.m. and June 20, 2008 on account of funeral of a close friend.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of official business.

Mr. WOLF (at the request of Mr. BOEHNER) for today, from 1 p.m. through 4 p.m., on account of giving the commencement address at Potomac Falls High School in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HARE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. HASTINGS of Washington) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 26.

Mr. JONES of North Carolina, for 5 minutes, June 26.

Mr. BURTON of Indiana, for 5 minutes, June 23, 24, 25, and 26.

Mr. CALVERT, for 5 minutes, June 24, 25, and 26.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. FORBES, for 5 minutes, today.

Ms. FALLIN, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Friday, June 20, 2008, at 9 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

DONNA F. EDWARDS, Maryland, Fourth.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7213. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 06-08, pursuant to 31 U.S.C. 1351 and 1517(b); to the Committee on Appropriations.

7214. A letter from the Secretary, Department of Homeland Security, transmitting a report of a violation of the Antideficiency Act by the Department of Homeland Security, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7215. 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.

7216. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-42 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services; to the Committee on Foreign Affairs.

7217. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-68 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Canada for defense articles and services; to the Committee on Foreign Affairs.

7218. 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 datata, defense services and defense articles to the Goverment of Mexico (Transmittal No. DDTC 049-08); to the Committee on Foreign Affairs.

7219. 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 services and defense articles to the Government of Kuwait (Transmittal No. DDTC 002-08); to the Committee on Foreign Affairs.

7220. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to sections 36(c) and 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment and the export of defense articles and services to the Government of Norway (Transmittal No. DDTC 070-08); to the Committee on Foreign Affairs.

7221. A letter from the Ambassador at Large, Department of State, transmitting a letter detailing necessary corrections in the Department's annual report, ''Country Reports on Terrorism 2007''; to the Committee on Foreign Affairs.

7222. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the eighth annual Trafficking in Persons Report, pursuant to Public Law 106-386, section 110; to the Committee on Foreign Affairs.

7223. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report by the U.S. Global AIDS Coordinator on the Involvement of Faith-Based Organizations in Global Fund to Fight AIDS, Tuberculosis, and Malaria Programs, pursuant to Section 625(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act for Fiscal Year 2008, Pub. L. 110-161; to the Committee on Foreign Affairs.

7224. A letter from the Assistant Director for Policy, OFAC, Department of the Treasury, transmitting the Department's final rule — Alphabetical Listing of Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers — received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7225. A letter from the Secretary, Judicial Conference of the United States, transmitting Judicial Conference determination that United States Judge G. Thomas Porteous, Jr., of the Eastern District of Louisiana, has engaged in conduct for which consideration of impeachment may be warranted, pursuant to 28 U.S.C. 355(b)(1); to the Committee on the Judiciary.

7226. A letter from the Assistant Secretary of the Army for Civil Works, Department of

Defense, transmitting the Department's position on the re-authorization of the Upper Guadalupe River, San Jose, California, flood damage reduction project; to the Committee on Transportation and Infrastructure.

7227. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's final report for the Illinois River Basin Restoration Comprehensive Plan; to the Committee on Transportation and Infrastructure.

7228. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 162(m)-Excessive Compensation 26 CFR 1.162-27(e) (Rev. Rul. 2008-32) received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7229. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 897.—Disposition of investment in United States real property, 26 CFR 1.897-1: Taxation of foreign investment in United States real property interests; definition of terms. (Rev. Rul. 2008-31) received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7230. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 3402.—Income Tax Collected at Source 26 CFR 31.3402(g)-1: Supplemental Wage Payments (Also: 31.3401(b)-1(a)) (Rev. Rul. 2008-29) received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7231. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Change in Reporting Section 404(k) Dividends [Announcement 2008-56] received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7232. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2008-20 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 14, 2007 to the present, pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on Foreign Affairs and Appropriations.

7233. A letter from the Secretary, Department of Labor, transmitting a copy of a draft bill entitled, the ''Unemployment Compensation Program Integrity Act of 2008''; jointly to the Committees on Ways and Means and Oversight and Government Reform.

7234. A letter from the Administrator, General Services Administration, transmitting a copy of a draft bill entitled, ''The General Services Enhancement Act of 2008''; jointly to the Committees on Oversight and Government Reform, Transportation and Infrastructure, the Judiciary, Armed Services, and Foreign Affairs.

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 1284. Resolution providing for consideration of the Senate amendments to the House amendments to the Senate amendment to the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–720). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 1285. Resolution providing for consideration of the bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes (Rept. 110–721). Referred to the House Calendar.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 2818. A bill to amend title 38, United States Code, to provide for the establishment of Epilepsy Centers of Excellence in the Veterans Health Administration of the Department of Veterans Affairs; with amendments (Rept. 110–722). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2452. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes; with an amendment (Rept. 110–723). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5001. A bill to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia; with an amendment (Rept. 110–724). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6109. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster hazard mitigation program, and for other purposes (Rept. 110–725). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. REYES (for himself, Mr. HOEKSTRA, and Mr. SMITH of Texas):

H.R. 6304. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI:

H.R. 6305. A bill to clarify the authorities for the use of certain National Park Service properties within Golden Gate National Parks and San Francisco Maritime National Historic Park, and for other purposes; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts:

H.R. 6306. A bill to authorize United States participation in, and appropriations for the United States contributions to, the fifteenth replenishment of the resources of the International Development Association and the eleventh replenishment of the resources of the African Development Fund, and for other purposes; to the Committee on Financial Services.

By Mr. MCDERMOTT (for himself and Mr. WELLER):

H.R. 6307. A bill to amend parts B and E of title IV of the Social Security Act to assist children in foster care in developing or maintaining connections to family, community, support, health care, and school, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mr. CAPUANO, and Mr. KANJORSKI):

H.R. 6308. A bill to ensure uniform and accurate credit rating of municipal bonds and provide for a review of the municipal bond insurance industry; to the Committee on Financial Services.

By Mr. ELLISON:

H.R. 6309. A bill to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level and establish additional requirements for certain lead hazard screens, and for other purposes; to the Committee on Financial Services.

By Mr. KIND (for himself, Mr. RYAN of Wisconsin, Mr. BOREN, and Mr. PEARCE):

H.R. 6310. A bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, Mr. KILDEE, Mr. KLEIN of Florida, Ms. MCCOLLUM of Minnesota, and Mr. KIND):

H.R. 6311. A bill to prevent the introduction and establishment of nonnative wildlife species that negatively impact the economy, environment, or human or animal species' health, and for other purposes; to the Committee on Natural Resources.

By Mr. KANJORSKI (for himself, Mr. MOORE of Kansas, and Mr. ROYCE):

H.R. 6312. A bill to advance credit union efforts to promote economic growth, modify credit union regulatory standards and reduce burdens, to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes; to the Committee on Financial Services.

By Mr. ETHERIDGE:

H.R. 6313. A bill to amend the Safe Drinking Water Act to reauthorize the technical assistance to small public water systems; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HONDA, Ms. BERKLEY, Ms. HIRONO, Mr. REYES, Mr. BAIRD, and Mr. GRIJALVA):

H.R. 6314. A bill to increase awareness of the existence of and to overcome gender bias in academic science and engineering through research and training, and for other purposes; to the Committee on Science and Technology.

By Ms. MOORE of Wisconsin (for herself, Mr. ISRAEL, Mr. FRANK of Massachusetts, and Mr. SHAYS):

H.R. 6315. A bill to authorize United States participation in, and appropriations for the United States contribution to, an international clean technology fund, and for other purposes; to the Committee on Financial Services.

By Mr. DOGGETT (for himself, Mr. BLUMENAUER, Mr. VAN HOLLEN, Mr. EMANUEL, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mr. BRADY of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. OLVER, Mr. HOLT, Mr. STARK, Ms. BERKLEY, Ms. SCHWARTZ, Mr. CROWLEY, Mr. MCNULTY, Mr. MEEK of Florida, Mr. MORAN of Virginia, Mr. PASCRELL,

Mr. THOMPSON of California, Mr. CONYERS, Mrs. JONES of Ohio, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. CAPUANO, Ms. CASTOR, Mr. CHANDLER, Ms. CLARKE, Mr. CLEAVER, Mr. COHEN, Mr. COURTNEY, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. FARR, Mr. FILNER, Mr. GUTIERREZ, Mr. HARE, Mr. HINCHEY, Ms. HIRONO, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KENNEDY, Mr. KLEIN of Florida, Mr. KUCINICH, Ms. LEE, Ms. ZOE LOFGREN of California, Mrs. MALONEY of New York, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SESTAK, Mr. SHERMAN, Mrs. TAUSCHER, Ms. TSONGAS, Ms. WATERS, Ms. WATSON, Mr. WELCH of Vermont, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. YARMUTH, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. FATTAH, and Mr. DELAHUNT):

H.R. 6316. A bill to reduce global greenhouse gas emissions through the creation of a domestic carbon market and international trade measures, and to direct the revenue therefrom to public interests; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Foreign Affairs, Science and Technology, Financial Services, Education and Labor, Natural Resources, Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DRAKE:

H.R. 6317. A bill to amend chapter 31 of title 40, United States Code (commonly known as the Davis-Bacon Act) to provide an exemption from the prevailing wage requirements for certain non-profit organizations; to the Committee on Education and Labor.

By Mr. HIGGINS:

H.R. 6318. A bill to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway''; to the Committee on Transportation and Infrastructure.

By Mr. HILL:

H.R. 6319. A bill to establish the Commission on Affordable Health Care to study and provide recommendations for establishing a health care system to provide affordable health care to all citizens of the United States and for the roles of certain health care entities in providing such services under such system, and to provide for expedited Congressional consideration of such recommendations; to the Committee on Energy and Commerce, and in addition to the Committee on Rules, 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. MARKEY (for himself, Mrs. WILSON of New Mexico, Mrs. CAPPS, Ms. SOLIS, and Mr. FRANK of Massachusetts):

H.R. 6320. A bill to ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st Century; to the Committee on Energy and Commerce.

By Mr. MCHUGH:

H.R. 6321. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit against income tax to assist individuals with high residential energy costs; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 6322. A bill to amend the District of Columbia School Reform Act of 1995 to permit the District of Columbia government to exercise authority over the Public Charter School Board in the same manner as the District government may exercise authority over other entities of the District government; to the Committee on Oversight and Government Reform.

By Mr. SENSENBRENNER (for himself, Mrs. BIGGERT, Mr. MARIO DIAZ-BALART of Florida, Mr. EHLERS, and Mr. SMITH of Texas):

H.R. 6323. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; to the Committee on Science and Technology.

By Mr. UDALL of Colorado (for himself and Mr. PERLMUTTER):

H.R. 6324. A bill to facilitate the importation of ethanol; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 6325. A bill to require the Administrator of the Environmental Protection Agency to establish a plan to reduce the total amount of packaging used on consumer products in the United States; to the Committee on Energy and Commerce.

By Ms. WOOLSEY:

H.R. 6326. A bill to provide for a Federal employees program to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAMP (for himself and Mr. ELLISON):

H. Con. Res. 374. Concurrent resolution supporting the spirit of peace and desire for unity displayed in the letter from 138 leading Muslim scholars, and in the Pope's response; to the Committee on Foreign Affairs.

By Ms. SLAUGHTER:

H. Res. 1284. Resolution providing for consideration of the Senate amendments to the House amendments to the Senate amendment to the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; considered and agreed to.

By Mr. LEWIS of Georgia (for himself and Mr. JOHNSON of Georgia):

H. Res. 1286. A resolution recognizing and celebrating the 20th anniversary of the National Black Arts Festival; to the Committee on Education and Labor.

By Mr. MORAN of Kansas (for himself, Mr. HOBSON, and Mr. SHULER):

H. Res. 1287. A resolution commending the Honor Flight Network, its volunteers, and donors, for enabling World War II veterans to travel to our Nation's capital to see the World War II Memorial created in their honor; to the Committee on Veterans' Affairs.

By Mr. SESTAK (for himself, Mr. COSTA, Mrs. GILLIBRAND, Mrs. MCCARTHY of New York, and Mr. RAMSTAD):

H. Res. 1288. A resolution supporting the goals and ideals of National Campus Safety Awareness Month; to the Committee on Education and Labor.

By Mr. SHAYS (for himself and Mr. PERLMUTTER):

H. Res. 1289. A resolution urging the President to direct the Commodity Futures Trading Commission to work with the United Kingdom Financial Services Authority to establish position limits on oil futures traded by traders on the Intercontinental Exchange that are similar to those established by the Commodity Futures Trading Commission for traders on the New York Mercantile Exchange; to the Committee on Agriculture.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. GOODLATTE.
H.R. 154: Ms. WATERS, Mr. RYAN of Ohio, Ms. RICHARDSON, and Mrs. LOWEY.
H.R. 503: Mr. WATT.
H.R. 554: Mr. WAXMAN.
H.R. 760: Mr. BISHOP of New York.
H.R. 821: Ms. WOOLSEY.
H.R. 823: Mr. FOSTER.
H.R. 1050: Mr. RUSH and Mr. COHEN.
H.R. 1070: Mr. REYES.
H.R. 1228: Mr. CLEAVER.
H.R. 1321: Mr. BURGESS.
H.R. 1399: Mr. CAZAYOUX.
H.R. 1405: Mr. ROTHMAN.
H.R. 1420: Ms. SOLIS and Mr. CARSON.
H.R. 1476: Mr. HELLER.
H.R. 1552: Mrs. LOWEY.
H.R. 1589: Ms. ROS-LEHTINEN.
H.R. 1610: Mr. KING of Iowa, Ms. ZOE LOFGREN of California, Mr. MCDERMOTT, Mr. HILL, and Mr. HODES.
H.R. 1621: Mr. ELLSWORTH.
H.R. 1647: Mr. SESTAK.
H.R. 1732: Mr. BISHOP of Georgia.
H.R. 1738: Mr. BLUMENAUER.
H.R. 1770: Mr. DAVID DAVIS of Tennessee.
H.R. 1809: Mr. CARSON.
H.R. 2012: Mr. MOLLOHAN and Mr. BOREN.
H.R. 2123: Mr. CARSON.
H.R. 2165: Mr. MILLER of North Carolina.
H.R. 2169: Mrs. CHRISTENSEN.
H.R. 2244: Mrs. LOWEY.
H.R. 2260: Mr. BOREN.
H.R. 2279: Mr. KELLER, Mr. MCCARTHY of California, Mr. HASTINGS of Washington, Mrs. BLACKBURN, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 2325: Mr. HOLDEN.
H.R. 2343: Mr. KILDEE, Mr. WU, and Mr. MURTHA.
H.R. 2371: Ms. SOLIS.
H.R. 2376: Mr. KLINE of Minnesota.
H.R. 2407: Ms. BORDALLO.
H.R. 2520: Mr. CARSON.
H.R. 2558: Mrs. CUBIN and Ms. PRYCE of Ohio.
H.R. 2606: Mr. PLATTS.
H.R. 2611: Mr. CARSON and Mr. SESTAK.
H.R. 2670: Mr. MARCHANT.
H.R. 2689: Mr. PASTOR.
H.R. 2762: Mr. EHLERS.
H.R. 2802: Mr. PICKERING.
H.R. 2833: Mr. HINOJOSA and Mr. HOLT.
H.R. 2842: Mr. RUSH.
H.R. 2880: Mr. FORTENBERRY.
H.R. 3008: Mr. GRIJALVA.
H.R. 3010: Mr. DICKS.
H.R. 3024: Mr. PRICE of North Carolina and Mr. LEVIN.
H.R. 3089: Mr. HASTINGS of Washington.
H.R. 3098: Mr. ROSS.
H.R. 3175: Ms. ESHOO.
H.R. 3219: Mr. ANDREWS.
H.R. 3286: Mr. WU.
H.R. 3289: Ms. RICHARDSON, Mr. THOMPSON of California, Mr. CLYBURN, Mr. MITCHELL, Ms. SLAUGHTER, and Mr. TAYLOR.
H.R. 3319: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3334: Mr. BLUMENAUER.

H.R. 3366: Mr. CLEAVER and Mr. CARSON.
H.R. 3401: Mr. CLEAVER.
H.R. 3452: Mr. GALLEGLY.
H.R. 3458: Mr. KUHL of New York.
H.R. 3487: Mr. RANGEL.
H.R. 3546: Mr. SHERMAN.
H.R. 3563: Ms. NORTON.
H.R. 3622: Mr. MCCAUL of Texas and Mr. SHUSTER.
H.R. 3652: Mr. HODES.
H.R. 3654: Mr. CAZAYOUX.
H.R. 3750: Mr. EMANUEL.
H.R. 3896: Ms. HIRONO.
H.R. 3995: Mr. BOOZMAN, Mr. DANIEL E. LUNGREN of California, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, and Mr. GUTIERREZ.
H.R. 4066: Mr. SHAYS.
H.R. 4138: Mr. REICHERT.
H.R. 4183: Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, and Ms. JACKSON-LEE of Texas.
H.R. 4335: Mr. FOSTER and Mr. BARROW.
H.R. 4450: Ms. SCHAKOWSKY and Mr. KING of New York.
H.R. 4453: Ms. WATSON.
H.R. 4460: Mr. GERLACH.
H.R. 4461: Mrs. MALONEY of New York.
H.R. 4544: Mr. ISSA, Mr. MCDERMOTT, Mrs. Davis of California, Mr. BURGESS, Mr. WALZ of Minnesota, Ms. HIRONO, Mr. BISHOP of Georgia, Mr. HOLT, Mr. PEARCE, Mr. TIBERI, and Mr. BISHOP of Utah.
H.R. 4987: Mr. BARTLETT of Maryland.
H.R. 5038: Mr. MCGOVERN.
H.R. 5155: Mr. ALTMIRE.
H.R. 5176: Mr. AL GREEN of Texas, Mr. VAN HOLLEN, Mr. VISCLOSKY, and Mr. PASTOR.
H.R. 5244: Ms. LINDA T. SÁNCHEZ of California.
H.R. 5353: Mr. DOYLE, Mrs. LOWEY, and Mr. CARSON.
H.R. 5435: Mr. BACA and Mr. GUTIERREZ.
H.R. 5454: Mr. BOREN.
H.R. 5467: Mr. HOLDEN, Mrs. GILLIBRAND, Mr. LINCOLN DAVIS of Tennessee, Mr. ROSS, Mr. BOSWELL, Mr. WILSON of Ohio, Ms. LORETTA SANCHEZ of California, and Mr. PASCRELL.
H.R. 5469: Mr. HARE.
H.R. 5488: Mr. CARSON and Mr. FARR.
H.R. 5496: Mr. RUSH.
H.R. 5516: Mr. BRADY of Pennsylvania, Mr. WALBERG, Mr. SESTAK, Mr. CARSON, Mr. ENGLISH of Pennsylvania, M. HODES, Mr. MCNERNEY, Mr. HOLDEN, Mr. GENE GREEN of Texas, Mr. LAMPSON, and Mr. DOYLE.
H.R. 5532: Mr. PRICE of North Carolina.
H.R. 5534: Mr. KIRK, Mr. BARTLETT of Maryland, and Mr. TOM DAVIS of Virginia.
H.R. 5535: Ms. MOORE of Wisconsin, Mr. PAYNE, Mrs. MALONEY of New York, Ms. WOOLSEY, Mr. ALLEN, Mrs. DAVIS of California, Mr. LOEBSACK, Mr. HINCHEY, Ms. LEE, Mr. MEEKS of New York, Mr. COHEN, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. JACKSON of Illinois, and Mr. PALLONE.
H.R. 5546: Mr. VISCLOSKY.
H.R. 5559: Mr. HELLER and Mr. KLINE of Minnesota.
H.R. 5564: Mrs. MCMORRIS RODGERS.
H.R. 5591: Mr. KLINE of Minnesota.
H.R. 5602: Ms. SUTTON and Ms. BALDWIN.
H.R. 5603: Mr. CARNEY.
H.R. 5611: Mr. HODES and Mr. MELANCON.
H.R. 5632: Ms. HIRONO, Ms. ESHOO, Mr. GRIJALVA, and Mr. HINCHEY.
H.R. 5660: Ms. HIRONO and Mr. STARK.
H.R. 5674: Mr. JOHNSON of Georgia.
H.R. 5709: Mr. GOODE and Mr. ALTMIRE.
H.R. 5731: Mr. DUNCAN.
H.R. 5737: Mr. MARIO DIAZ-BALART of Florida and Mr. HASTINGS of Washington.
H.R. 5739: Ms. JACKSON-LEE of Texas.
H.R. 5760: Mr. BOOZMAN.
H.R. 5767: Mr. ABERCROMBIE and Mr. LYNCH.
H.R. 5793: Mr. CALVERT and Mr. INSLEE.
H.R. 5821: Mr. FLAKE.
H.R. 5854: Mr. SCHIFF and Mr. COBLE.
H.R. 5881: Ms. LINDA T. SÁNCHEZ of California.
H.R. 5898: Ms. JACKSON-LEE of Texas.
H.R. 5908: Mr. CALVERT.
H.R. 5925: Mr. SKELTON and Ms. KAPTUR.
H.R. 5927: Mr. SHAYS.
H.R. 5942: Mr. BLUMENAUER and Mr. TIBERI.
H.R. 5971: Mr. DUNCAN.
H.R. 5984: Mr. FORTUÑO, Mr. GOHMERT, Mr. WESTMORELAND, Mr. GOODE, Mr. FEENEY, Mr. BILBRAY, Mr. WALBERG, Mr. COLE of Oklahoma, Mr. ROGERS of Kentucky, Mr. BRADY of Texas, Mr. KLINE of Minnesota, Mr. RENZI, Mr. KING of Iowa, Mr. WOLF, Mr. HOBSON, Mr. LUCAS, Mr. MCCARTHY of California, and Mr. THORNBERRY.
H.R. 5987: Mr. PLATTS.
H.R. 5990: Mr. SMITH of Washington.
H.R. 6032: Mr. BISHOP of Georgia.
H.R. 6057: Mr. CARSON.
H.R. 6064: Mrs. NAPOLITANO, Ms. WATSON, Ms. LEE, Mr. CARNAHAN, Mrs. MALONEY of New York, Mrs. MILLER of Michigan, Mr. KLEIN of Florida, Ms. BERKLEY, Mr. DELAHUNT, and Mr. BLUMENAUER.
H.R. 6076: Mr. BOSWELL.
H.R. 6089: Mr. GRIJALVA, Mr. MARKEY, Mr. COHEN, Mr. RUSH, and Mrs. SCHMIDT.
H.R. 6107: Mr. BOYD of Florida, Mr. TIBERI, Mr. FORTUÑO, Mr. HASTINGS of Washington, and Mr. MCCARTHY of California.
H.R. 6108: Mr. MCCARTHY of California, Mr. KELLER, and Mr. FORTUÑO.
H.R. 6133: Mr. MCCARTHY of California.
H.R. 6138: Mr. PETERSON of Pennsylvania and Mr. MCCARTHY of California.
H.R. 6144: Mr. CLEAVER.
H.R. 6151: Mr. DEFAZIO.
H.R. 6160: Mr. PASTOR, Mr. MILLER of North Carolina, and Mr. SESTAK.
H.R. 6170: Mr. SHUSTER.
H.R. 6180: Mr. DINGELL.
H.R. 6192: Mr. TANCREDO and Mr. BURTON of Indiana.
H.R. 6199: Mr. BISHOP of New York, Ms. CLARKE, and Mr. SERRANO.
H.R. 6205: Ms. BALDWIN.
H.R. 6209: Mr. ISSA and Ms. WATSON.
H.R. 6210: Ms. DEGETTE, Mr. CHILDERS, and Mr. EMANUEL.
H.R. 6211: Mr. DUNCAN, Mrs. BACHMANN, Mr. GINGREY, and Mr. CALVERT.
H.R. 6219: Mr. LATTA, Mrs. BLACKBURN, Mr. WAMP, Mr. PENCE, Mr. GALLEGLY, Mr. PUTNAM, Mr. GARRETT of New Jersey, Mr. KINGSTON, Mr. DAVID DAVIS of Tennessee, Mrs. BACHMANN, Mr. GOODE, Mr. FEENEY, Ms. FOXX, Mr. KING of Iowa, Mr. BARTLETT of Maryland, Mr. DAVIS of Kentucky, Mr. RYAN of Wisconsin, Mr. GOHMERT, Mr. WESTMORELAND, Mr. BARRETT of South Carolina, Mr. PRICE of Georgia, and Mr. JORDAN.
H.R. 6220: Mr. TERRY and Ms. PRYCE of Ohio.
H.R. 6224: Mr. GRIJALVA.
H.R. 6233: Mr. WITTMAN of Virginia.
H.R. 6234: Mr. DAVID DAVIS of Tennessee.
H.R. 6251: Mr. WELCH of Vermont, Mr. ARCURI, and Mr. BLUMENAUER.
H.R. 6256: Mr. SIRES, Mr. SCHIFF, Mr. ARCURI, Mr. ROTHMAN, Mr. SPACE, Mr. ISRAEL, AND MR. LIPINSKI.
H.R. 6261: Mr. LOEBSACK.
H.R. 6265: Mr. KUHL of New York.
H.R. 6268: Mr. PERLMUTTER and Ms. DEGETTE.
H.R. 6287: Mr. DONNELLY.
H.J. Res. 39: Mrs. SCHMIDT.
H.J. Res. 50: Mr. HARE, Mr. SAXTON, Mr. DAVIS of Kentucky, Mr. ORTIZ, Mr. FARR, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. SPRATT, Mr. MCGOVERN, Mr. REYES, and Mr. WILSON of South Carolina.
H.J. Res. 67: Mr. FORBES.
H.J. Res. 79: Mr. WAXMAN, Mr. BISHOP of New York, and Mr. LIPINSKI.
H.J. Res. 89: Mr. RADANOVICH.
H. Con. Res. 163: Mr. ALTMIRE and Mr. CRENSHAW.
H. Con. Res. 244: Mr. LYNCH, Mr. FATTAH, and Mrs. MCCARTHY of New York.
H. Con. Res. 250: Mr. MARCHANT.
H. Con. Res. 296: Mr. EHLERS, Mr. BROUN of Georgia, Mr. BILBRAY, Mr. BUCHANAN, Mr. RUSH, Mr. PETRI, Mrs. MYRICK, Mr. BARRETT of South Carolina, Mr. PLATTE, Mr. BUYER, Mr. HELLER, and Mr. ENGLISH of Pennsylvania.
H. Con. Res. 342: Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. GOODE, Ms. ESHOO, and Mr. MITCHELL.
H. Con. Res. 356: Mr. BOOZMAN.
H. Con. Res. 360: Ms. LINDA T. SÁNCHEZ of California.
H. Con. Res. 364: Ms. LINDA T. SÁNCHEZ of California, and Ms. HIRONO.
H. Con. Res. 369: Mr. KIRK, Mr. CALVERT, and Mr. KING of New York.
H. Res. 55: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 97: Mr. SCHIFF.
H. Res. 281: Mr. MCINTYRE.
H. Res. 353: Mr. TIERNEY, Ms. DEGETTE, Mr. HONDA, Ms. SOLIS, Mr. DENT, and Ms. WATERS.
H. Res. 415: Mrs. GILLIBRAND.
H. Res. 870: Mr. SARBANES.
H. Res. 883: Ms. SOLIS and Mr. NADLER.
H. Res. 970: Mr. HALL of Texas, Mr. JOHNSON of Illinois, Mr. TIAHRT, Mr. UPTON, Mr. HOEKSTRA, Mr. LIPINSKI, Mr. EHLERS, Mr. MORAN of Kansas, Mr. CAMP of Michigan, Mr. DAVID DAVIS of Tennessee, Mr. WELLER, Mr. TERRY, Mr. CAMPBELL of California, Mrs. BLACKBURN, Mr. DAVIS of Kentucky, Mrs. CUBIN, Mr. KIRK, Mr. RADANOVICH, Mr. MANZULLO, Mr. TIM MURPHY of Pennsylvania, Mr. SULLIVAN, Mr. REHBERG, Mr. HAYES, Ms. ESHOO, Mr. SHUSTER, Mrs. MYRICK, Mr. GERLACH, Mr. PICKERING, Mr. FOSSELLA, Mr. BARRETT of South Carolina, Mr. ENGLISH of Pennsylvania, and Mr. BRADY of Texas.
H. Res. 988: Ms. ESHOO, Mr. ENGEL, Mr. GONZALEZ, Ms. SOLIS, Mr. TERRY, and Mr. BUYER.
H. Res. 1019: Mr. MCGOVERN, Mr. HONDA, and Mr. ROTHMAN.
H. Res. 1143: Mr. BOOZMAN and Mr. ISSA.
H. Res. 1151: Mr. HOLDEN, Mrs. CAPITO, Ms. BORDALLO, Mr. DAVIS of Kentucky, Mr. PLATTS, Mr. WALSH of New York, Mr. SHULER, and Mr. LIPINSKI.
H. Res. 1161: Mr. SESTAK and Mr. JOHNSON of Georgia.
H. Res. 1231: Mr. COBLE, Mr. KILDEE, Mr. BOSWELL, Mr. FEENEY, Mr. PATRICK MURPHY of Pennsylvania, Mr. LINCOLN DAVIS of Tennessee, Mr. HOLDEN, Mr. MOORE of Kansas, Mr. BOYD of Florida, Mr. SCHIFF, Mr. ELLSWORTH, Mr. BROWN of South Carolina, Mr. COHEN, Mr. BOOZMAN, Mr. BISHOP of New York, Mrs. MYRICK, Mr. THOMPSON of California, Mr. BISHOP of Georgia, Mr. RODRIGUEZ, Mr. MELANCON, Mr. ARCURI, Mr. KIND, Mr. BACA, Mrs. BOYDA of Kansas, Mr. MORAN of Kansas, Mr. TANNER, Mr. MCINTYRE, Ms. BERKLEY, Mrs. LOWEY, Mr. GALLEGLY, Mr. SNYDER, Mr. CHANDLER, Mr. MAHONEY of Florida, Mrs. GILLIBRAND, Mr. BILBRAY, Mr. WELCH of Vermont, Mr. WILSON of Ohio, and Mr. ROSS.
H. Res. 1248: Mrs. DAVIS of California, Mr. CARNEY, Mr. MURPHY of Connecticut, Mr. BILBRAY, and Mrs. GILLIBRAND.
H. Res. 1249: Mr. MILLER of North Carolina.
H. Res. 1271: Ms. BORDALLO, Mrs. MCCARTHY of New York, Mr. CARSON, and Mr. CALVERT.
H. Res. 1282: Mr. BARRETT of South Carolina, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. ROSKAM, Mr. MCHENRY, Mr. BONNER, Ms. FOXX, and Mr. BISHOP of Utah.
H. Res. 1283: Mr. COOPER, Mr. COHEN, Mr. WOLF, Mr. ROGERS of Kentucky, Mr. MCINTYRE, Mr. HALL of Texas, Mr. MOORE of Kansas, and Mr. BILBRAY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CONYERS

The provisions in H.R. 6304, the FISA Amendments Act of 2008, that warranted a referral to the Committee on the Judiciary do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY MR. REYES

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 6304, the FISA Amendments Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

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. 6041: Mr. CARTER, Mr. SESSIONS, Mr. MARCHANT, Ms. GRANGER, and Mr. CONAWAY.

H. Res. 356: Mr. CONAWAY.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

279. The SPEAKER presented a petition of the Common Council of the City of Ithaca, New York, relative to a Resolution calling for talks to begin as early as possible between the Chinese Government and His Holiness the Dalai Lama to discuss ending the respression of Tibetan demonstrations; to the Committee on Foreign Affairs.

280. Also, a petition of the Common Council of the City of New Britain, Connecticut, relative to Resolution No. 30074 expressing opposition to the war in Iraq after it's misleading and deceptive methods of garnering initial support; jointly to the Committees on Armed Services and Foreign Affairs.