United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, JUNE 25, 2008 No. 106

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 25, 2008.

I hereby appoint the Honorable ARTUR DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Archie E. Barringer, Veterans Medical Clinic, Fayetteville, North Carolina, offered the following prayer:

Our Father, we thank You for this grand and glorious occasion which has brought us together. We thank You for the privilege of living in a free country, for the right to assemble to represent the will of our people, and to invoke the laws of this great land.

We ask now for Your divine direction, wisdom, and guidance in all the issues that will come before this body of legislators today.

We know, O God, these are perilous times in which we live. We are confronted and bombarded with opposition and evil that threaten our very way of life, from within and from without.

Grant us the courage combined with commitment, pride, tempered by humility and dedication driven by determination to be the best, to stand in the gap, and to be all You would have us be in order to protect, preserve, and defend those freedoms God has intended for all mankind. And may we persevere until that day when we shall beat our spears into pruning hooks, our swords into plowshares, and study war no more.

For we ask this prayer, O Lord, in Your name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. WILSON of Ohio 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 REVEREND ARCHIE E. BARRINGER

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina (Mr. HAYES) is recognized for 1 minute.

There was no objection.

Mr. HAYES. Mr. Speaker, today, I rise to honor Reverend Archie Barringer and to thank him for being here today to deliver this morning's prayer.

Reverend Barringer has dedicated his life to serving his country as a soldier, his fellow soldiers and veterans, his community, and most importantly the Lord.

I would like to thank all of our military chaplains for the exceptional service and spiritual guidance to our soldiers, veterans, and their families.

Mr. Speaker, many of our veterans of Christian faith are complaining that they are being religiously disenfranchised by the VA's effort to neutralize chapels, services, and memorials. Reverend Barringer has spoken out against what he feels are overly aggressive practices and guidelines, in fact. He resigned rather than implement what he felt were discriminatory policies.

Mr. Speaker, it is my hope that his presence here today will help raise awareness of these issues so that we may preserve the tenets and principles that have served as the religious foundation for so many of our veterans for so many years.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

JUSTICE REVIUS O. ORTIQUE

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

Mr. JEFFERSON. Mr. Speaker, the death of Justice Revius O. Ortique this past Sunday marked the passing of a true public servant and a selfless leader. A man of historic firsts, most notably the first African American member of the Civil District Court of Louisiana and the first African American member of Louisiana's Supreme Court, he blazed a trail for others to follow. He was an outstanding lawyer, winning landmark civil rights cases, and serving as president of the National Bar Association. He served our community as a leader of our Urban League and as chair of the New Orleans Aviation Board. He served our Nation, as an army officer and as an appointee to significant Federal posts by five different Presidents.

Justice Ortique was a man of community, faith, and family. He was a man who loved justice, and he pursued it for

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himself and for others his entire life. Our Nation is better for his service, his leadership, and his commitment to his country. We pray God's comfort for his wife of over 60 years, Miriam, his daughter, Rhesa, and her husband, Alden, and his grandchildren Chip, Heidi, and Todd.

SUCCESS WE CAN BUILD UPON

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

Mr. WILSON of South Carolina. Mr. Speaker, as we approach Independence Day, I am grateful for the success of our troops in Iraq and in Afghanistan to protect American families by defeating terrorists overseas. With two sons who have served in Iraq and my former National Guard 218th Brigade in Afghanistan, I know firsthand our military's accomplishments.

The Department of Defense reports violence in Iraq has declined significantly. Security incidents have fallen to their lowest level in 4 years. Civilian deaths are down 75 percent from a year ago, with the Iraqi military taking greater control over military operations against al Qaeda and Iranian-backed militias.

Increased security has led to increased political and economic progress where Iraqis are sharing oil revenues, are developing and implementing a budget, and are taking greater financial responsibility for building their infrastructure. We should recognize these achievements to eliminate terrorist safe havens so our decisions here in Washington do not reverse this progress, which would threaten our allies and American families.

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

BIG OIL DOESN'T NEED MORE LAND TO DRILL; THEY SHOULD USE IT OR LOSE IT

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

Mr. WILSON of Ohio. Mr. Speaker, with gas prices reaching $4 a gallon and rising, the American people are searching for real relief at the pump. While Washington Republicans continue to advocate for the same failed energy policies that got us where we are today, Democrats are providing American consumers with real solutions.

We must increase drilling. I support a new piece of legislation that says to oil companies: Use it or lose it. Use the leases you have on land where we know there is oil or lose those leases to an oil company that is willing to drill.

Oil companies that are raking in record profits are currently sitting on 68 million acres of leased oil-rich Federal land that they are not drilling. The amount of oil which could be produced from these reserves would nearly double the total U.S. production. If oil companies drilled those 68 million acres, the U.S. could produce an additional 4.8 million barrels a day.

Mr. Speaker, this week, we will have the opportunity to tell Big Oil to either use the leases they have or to lose them.

ENERGY INDEPENDENCE

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

Mrs. CAPITO. Mr. Speaker, I rise today, calling for expanded domestic energy exploration and for a truly comprehensive energy policy, including renewables.

Access to oil and natural gas resources from Federal lands and waters is critical to the energy supply of West Virginia consumers, businesses, and homeowners. Specifically, the Outer Continental Shelf will be increasingly important to our Nation's energy future. Approximately 25 percent of U.S. oil and natural gas production comes from offshore areas. Technology has allowed the industry to explore deeper in the Gulf of Mexico and to make many new discoveries.

However, current policy unnecessarily keeps many promising prospects off limits, restraining additional growth and supplies. Congress and past Presidents have put a stop to offshore drilling and development. This must end. With gas prices at more than $4 a gallon and filling up the minivan at $70, we simply cannot afford to deliberately ignore our abundant resources. It is time to use our resources and to use our common sense.

IS DIPLOMACY MORE DANGEROUS?

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

Mr. KUCINICH. Yesterday, the value of shares on the Lisbon stock market dropped amid rumors of a military attack on Iran's nuclear research facilities.

The Bush administration has been mindlessly threatening the use of nuclear bunker busters on Iranian nuclear facilities. The Physicians for Social Responsibility have analyzed the effect of such an attack: ''Within 48 hours, fallout would cover much of Iran, most of Afghanistan, and spread into Pakistan and India. Fallout from the use of a burrowing weapon such as the B61–11 would be worse than from a surface or air-burst weapon due to the extra radioactive dust and debris ejected from the blast site. In the immediate area of the two attacks, our calculations show that, within 48 hours, an estimated 2.6 million people would die; over 10.5 million people would be exposed to significant radiation from fallout.''

Do we really believe the best way to deal with Iran's nuclear facilities is to blow them up? Where are our spiritual values? our moral sensibilities? Is diplomacy more dangerous?

BROADCASTER FREEDOM ACT

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

Mr. PENCE. One year ago, over 300 Democrats and Republicans stood together to oppose efforts to restore the so-called Fairness Doctrine to the airwaves of this country for a single year. It was an encouraging vote. But, following that vote, I introduced the Broadcaster Freedom Act, which would permanently ban the Fairness Doctrine from ever coming back, and so far, not one single House Democrat has signed our position for an up-or-down vote on broadcast freedom. Now we know why.

Asked yesterday if she supported reviving the Fairness Doctrine, Speaker NANCY PELOSI replied, ''Yes.'' At a meeting at the Christian Science Monitor, she said that the Broadcaster Freedom Act would not receive a vote because ''the interest of my caucus is the reverse.''

I say to Speaker PELOSI, with respect, defending freedom is the paramount interest of every Member of the American Congress.

I urge my Democrat colleagues to take a stand for freedom. Oppose the Democrat leadership's plan to censure the airwaves of American talk radio and American Christian radio. Sign the discharge petition for broadcast freedom, and help us send the Fairness Doctrine to the ash heap of broadcast history where it belongs.

BIG OIL DOESN'T NEED MORE LAND TO DRILL; THEY SHOULD USE IT OR LOSE IT

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

Ms. SHEA-PORTER. Mr. Speaker, every day, American consumers are being squeezed at the pump. They can no longer afford for Congress to be divided on this issue.

I urge every Member of Congress to support legislation on the floor that would compel the oil industry to drill on the public lands it already controls. Big Oil would either have to produce from these lands, would have to show they are being diligent in their development or would have to give up the right to control even more Federal energy resources.

Simply put, we are telling Big Oil to either use it or lose it.

Experts estimate that 68 million acres of leased land could produce 4.8 million barrels of oil, which would nearly double the Nation's total oil production.

Congressional Republicans and President Bush are calling for domestic

drilling, saying it is the only solution to control high prices. Republicans should then be demanding that Big Oil drill on the 68 million acres where they already have leases.

Mr. Speaker, Americans have been deeply hurt by the prices at the pump. Republicans should join with the Democrats and should tell Big Oil companies to get to work now.

WHO DO WE FIGHT?

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

Mr. POE. Mr. Speaker, who do we fight against? We have been at war in Iraq and Afghanistan for years. We heard that we are fighting a war on terror. But what does that mean? Who are the people at war with America?

Now, after all this time, our government has decided we must have a politically correct name for our enemy. No longer can we use the term ''Jihadist,'' the primary meaning being a holy war to subject the world to Islam. After all, using that term might hurt our enemies' feelings.

And certainly the most accurate term, ''Islamo-Fascists,'' is strictly taboo because it might further anger our enemies by insinuating they are a bit radical when they murder in the name of religion.

So the government insists that we call the bad guys ''extremists'' or ''terrorists.''

That vague term won't indicate the war against us is waged in the name of radical Muslim religious doctrine. But isn't that the reason for this war?

The term ''Jihadist'' is not a reflection on all Muslims. After all, many Muslims are literally fighting these radical ideas.

In a war, we must specifically define our enemy. Otherwise, we don't know who they are or why we fight.

And that's just the way it is.

SUPPORTING THE DESIGNATION OF A NATIONAL TOURETTE SYNDROME DAY

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

Mr. SIRES. Mr. Speaker, today, I rise to help raise awareness of Tourette syndrome. This is a misunderstood disorder that affects an unknown number of Americans. The experts think that maybe 200,000 of us suffer from this neurological disorder; although no one really knows because it is often misdiagnosed. That is why we need to increase awareness and applaud those who work on a daily basis to make this one of the issues that we must be aware of.

In my home State, the New Jersey Center for Tourette Syndrome and Associated Disorders provides an innovative, multidisciplinary, multi-institutional approach to the treatment for those in New Jersey who have the Tourette syndrome and for their families. It is the first and only program of its kind in the Nation, and it serves as a model for other centers.

In concert with the State legislature, they declared every Wednesday in New Jersey as Tourette Syndrome Day to call attention to this disorder. In order to continue to bring awareness to this disorder, today, I will introduce a resolution supporting the designation of a National Tourette Syndrome Day.

□ 1015

LIFT BAN ON OFFSHORE DRILLING

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

Mr. BARRETT of South Carolina. Mr. Speaker, last week, Senator JOHN MCCAIN stated that we need to lift the Federal moratorium on offshore drilling for oil and gas. President Bush also agreed that the U.S. needs to lift its long-standing ban on offshore oil and gas drilling so we can increase our energy production here.

I agree. We need to increase U.S. oil production to lower gas prices for American families. Mr. Speaker, the U.S. has access to 112 billion barrels of onshore and offshore oil and access to 1 to 2 trillion barrels of recoverable oil shale. To ban exploration of these energy sources is simply outdated.

The rise in gas prices has brought a daily increase in the cost of consumer goods due to higher transportation costs, groceries and airfare. American families are looking for relief, Mr. Speaker, and the President is correct when he said Americans are turning to Washington for solutions. The only way we can help these families is to lift the ban on energy resources that we have here at home.

BIG OIL: USE IT OR LOSE IT

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

Mr. BRALEY of Iowa. Mr. Speaker, the two men most responsible for our record prices at the pump today are President Bush and Vice President CHENEY. They came to the White House from the executive suites of Big Oil, and their energy policies continue to mirror Big Oil's agenda.

President Bush has, once again, called for drilling in ANWR even though his own Energy Department has said that opening up the Arctic would only save pennies per gallon 10 years from now. Now the President has suggested opening up the Outer Continental Shelf to drilling even though 80 percent of the oil available there is already open to leasing.

Why would we give Big Oil access to more of our land and waters if they refuse to drill on the 68 million acres they have now? If President Bush believes that drilling is the answer, why isn't he demanding that Big Oil use the land they already have?

Mr. Speaker, Republicans have repeated the same domestic drilling rhetoric for years. Tomorrow they have the chance to act on that rhetoric and to tell Big Oil to either use it or lose it by joining us in passing the Responsible Federal Oil and Gas Lease Act of 2008.

CRITICAL ENERGY NEEDS

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

Mr. STEARNS. Mr. Speaker, the U.S. faces a critical need to encourage domestic petroleum production. It seems as if the United States has unilaterally disarmed itself in the competition for energy supplies by imposing a host of unnecessary restrictions on domestic oil and energy production. Indeed, in the past three decades, we've thwarted construction of refineries and nuclear power plants that could have helped to ease the competition for energy supply and that could have secured greater energy independence for all of us.

Further, taxes on the major domestic oil producers lower incentives for new investments, and they add more costs to finished products at the pump. Furthermore, there is growing doubt that the recent rush to develop corn-based ethanol and other alternative and renewable energy sources will bring genuine relief or true energy security. By creating a bonanza for corn growers and agribusiness giants, we have succeeded in driving up food prices both in the United States and abroad.

American families deserve better from the Democrat-controlled Congress.

PRESERVING HEALTH CARE ACCESS

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

Ms. GIFFORDS. Mr. Speaker, yesterday, with my enthusiastic support, the House passed the Medicare Improvements for Patients and Providers Act, H.R. 6331.

In Cochise County, which is a rural part of my southern Arizona district, access to primary health care is a real challenge, but it is a challenge that particularly impacts our seniors.

This legislation protects payments for community physicians, for critical hospitals and for ambulances in rural areas. In southern Arizona, these doctors and hospitals provide vital services to our seniors throughout a very rural part of America, including areas like Naco, Sierra Vista, Douglas, and Bisbee, Arizona.

I would like to take a moment to thank members of my senior advisory council and my health care advisory council. They have worked diligently to highlight the need for improving access to health care for our seniors, especially in underserved and remote areas.

Yesterday was a good day in the House of Representatives. I urge my colleagues in the Senate to take swift action this week to also pass this legislation and to send it to the President.

CNN HOST SAYS MEDIA BIASED

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

Mr. SMITH of Texas. Mr. Speaker, Howard Kurtz, host of CNN's program ''Reliable Sources,'' has strongly criticized the media's coverage of Senator BARACK OBAMA's breaking his promise that he would accept public campaign funds.

Last Sunday, Kurtz argued: ''All of these liberal commentators who have always supported campaign finance reform, getting big money out of politics, many of them are defending OBAMA. And I have to think the press is cutting him a break here.''

Kurtz concluded the segment by saying, ''If George W. Bush had done this, blown off public financing as he considered doing during the 2004 campaign, there would be howls in the media about one candidate trying to buy an election.''

A recent poll found that, by more than a 3-to-1 margin, voters believe the media favors Senator BARACK OBAMA over Senator JOHN MCCAIN. The media should report the facts, not slant the news.

EXPLORING, ELIMINATING AND ENCOURAGING

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

Mr. PERLMUTTER. Mr. Speaker, there have been a lot of complaints by the Republican side of the aisle as to the increase in gas prices, but I would have to say: Is it any wonder that gas prices have increased with two oil men in the White House? The question is what is being done. I would say it is the three E's.

First, explore the 68 million acres that are under lease to the oil companies today. Let's extract the oil that we have under lease and not go explore ANWR or the Outer Continental Shelf.

Two, eliminate the gouging and the hoarding and the speculating that is going on that is increasing the price of oil per barrel by $60 or $70 per barrel.

The third E, encourage alternatives. We can no longer be hooked on just one commodity. We have to have other approaches and other ways to power this Nation or we will have to learn this lesson over and over and over again. That is what the Democratic Congress is doing—exploring what we have, eliminating the gouging and encouraging alternatives.

BOY SCOUT TRAGEDY AT LITTLE SIOUX RANCH

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

Mr. FORTENBERRY. Mr. Speaker, I would like to commend my colleague Congressman LEE TERRY for introducing the resolution expressing heartfelt sympathy for the victims and families following the tornado that hit Little Sioux, Iowa.

On June 11, we were given a stark reminder of just how fragile life is. In 1 minute, the Boy Scouts at the Little Sioux Scout Ranch were attending a leadership camp, Boy Scouts undoubtedly filled with joy, laughter and achievement, all of those wonderful things that make scouting a core ideal of America. In the next minute, a tornado tore through the camp, taking the lives of 4 Boy Scouts and injuring 40 others.

The four scouts who lost their lives—Aaron Eilerts from West Point, Nebraska, and Josh Fennen, Sam Thomsen and Ben Petrzilka from Omaha—were exemplary young men.

After the tornado struck, many other young men applied first aid to the injured and worked to free those trapped in the rubble. Clearly, the scouts lived up to their motto, ''Be prepared.''

Mr. Speaker, may God bring comfort to the families and friends of those who lost loved ones that day.

HONORING OFFICER JOSE RIVERA

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

Mr. CARDOZA. Mr. Speaker, it is with great sadness that I rise today to honor the late Jose Rivera, a correctional officer at the Federal penitentiary in Atwater, California.

Officer Rivera's life was taken by two inmates on Friday, June 20, 2008. He was 22 years old. He is survived by his mother, Terry, by his sisters Teresa, Martha and Angelica and by his brother, Daniel.

After graduating from Le Grand High School, he served for 4 years in the Navy, completing two tours of duty in Iraq, and he began his career as a correctional officer on August 5, 2007. His life of service was cut tragically short.

Mr. Speaker, I have long voiced my concerns, most recently in a letter I sent in April to the director of the Bureau of Prisons, about the lack of sufficient resources and staff to safely operate our Federal prisons.

The fact is that staffing levels are decreasing while inmate populations are increasing. The Atwater Penitentiary is operating at 85 percent of the staffing level and is at 25 percent overcapacity for inmate levels.

As we honor Officer Rivera's legacy of commitment and service to our country, his senseless death is a reminder that we must provide adequate funds to keep our prisons and our communities safe.

REDUCE PRICE AT THE PUMP

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

Mrs. BLACKBURN. Mr. Speaker, in middle Tennessee today, you are going to pay about $3.93 for a gallon of gas. My constituent families know that this price is outrageous, and they know that now they are being faced with choices: How much are they going to put in the tank or how much are they going to put in that grocery cart when they go to the grocery store? This is unacceptable, and my constituents know that.

They also know that there are some things that we could and should be doing. May I offer a suggestion to that, Mr. Speaker. Here is a simple way to start:

To the Democrat leadership, admit you made a mistake, and repeal the so-called Energy Independence and Security Act that you passed last December that didn't produce one bit of oil or gas or move anything to the marketplace. It put in place roadblocks, and we have far too many roadblocks to putting gas into the pumps and into our cars.

Specifically, let's repeal section 526 of this so-called Energy Policy Act, and let's get rid of a roadblock that makes it more difficult for the U.S. Government to address the needs that we have and, certainly, for our Air Force.

There are many things that we could and should be doing before we leave for July 4. There are things that we could and should be doing to make certain that our constituents have a safer July 4th celebration.

Let's reduce the price at the pump.

DEMOCRATS HELP REBUILD ECONOMY

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

Mr. JOHNSON of Georgia. Mr. Speaker, with the price of groceries, gasoline and health care rising every day, Americans everywhere are feeling the economic squeeze. They worry about losing their jobs and their homes, and they fear losing their standard of living.

The Democratic Congress has led the way in working to jump start the American economic recovery by approving $107 billion in stimulus checks that have already reached 76 million homes.

With job losses exceeding 324,000 this year, with 48,000 having been lost in the month of May alone, we acted quickly last week to extend unemployment benefits for millions of workers who are having a hard time finding a job. These benefits will help struggling families put food on the table and gas in their cars.

Congress has passed the most comprehensive legislation responding to the devastating housing crisis. The package will help millions of families avoid foreclosure, and it will rehabilitate properties in areas hit hard by the housing crisis.

Mr. Speaker, this is a good beginning, but we must do more to alleviate the economic hurt Americans are enduring, and we must work together to turn the failed Bush-McCain economy around.

□ 1030

DRILL HERE, DRILL NOW, PAY LESS

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I have been informed that the rules of the House do not allow me to wear a lapel pin or a lapel sign, so I had to take this off. I was going to use this chart, but I thought, maybe, since the rules allow it, I would take this pin off and put it here so people can see what it says. It says, simply, ''Drill here. Drill now. Pay less.''

It is also symbolic of the smallness of the area that would be affected if we went offshore or if we went to ANWR. It would have to be about a pin dot here of this size to display what it would actually represent in ANWR versus all of Alaska.

Drill here in the United States. American resources. Drill now, not 20 years from now, not 30 years from now. Now. Pay less. As the futures market would look at the change in policy and would recognize that we're no longer going to hamstring ourselves, they would begin to understand that prices would not go up as fast as they have been going, and we would begin to pay less.

Drill here. Drill now. Pay less for the American people.

HONORING SUPERINTENDENT DAN NERAD

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

Mr. KAGEN. Mr. Speaker, for those, like me, who believe in the invaluable resource that is our public schools, it is a bittersweet time in the Green Bay School District. Dan Nerad, the superintendent of the largest public school system in my district for the past 7 years, is leaving to assume a similar position in Madison, Wisconsin.

Dan began his career in Green Bay 33 years ago. He is known for his intelligence, for his integrity and for his candor. He tackled the toughest problems of our time in Wisconsin—school security and the achievement gap between minority and Caucasian students—while at the same time dealing with a shrinking financial resource.

While his leadership will be missed, he is to be congratulated for taking the next step in an already distinguished career. Green Bay's loss will almost certainly be Madison's gain. He leaves an indelible mark on our children, on our educators and on our community. And I wish him well.

Thank you, Superintendent Dan Nerad.

KOREAN WAR ANNIVERSARY

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

Mr. ROYCE. On this day, on this very day 58 years ago, North Korea invaded South Korea. Over the course of the next 3 years after that invasion until July 27 of 1953, until that armistice brought a halt to the fighting, more than 36,000 Americans died, and more than 1.5 million South Korean soldiers and civilians became casualties of that act of aggression.

In the aftermath of this conflict, the Republic of Korea has flourished, becoming the world's 11th largest economy and becoming the United States' 7th largest trading partner. Seoul is a vibrant city which has hosted the Olympic Games and the World Cup.

As cochairman of the U.S.-Republic of Korea Interparliamentary Exchange, I have had the chance to see this miraculous growth up close in South Korea.

Mr. Speaker, as is inscribed in the Korean War Memorial here in Washington, D.C., it is important that we never forget those who nobly sacrificed their lives for the cause of freedom and liberty.

UNEMPLOYMENT INSURANCE NECESSARY FOR 3.8 MILLION JOBLESS AMERICANS

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

Mr. PAYNE. Mr. Speaker, with the Bush economy losing 325 jobs so far this year, it is important for the House to extend a financial lifeline to millions of unemployed workers, many in my home State of New Jersey and across the Nation, who are having trouble finding jobs. Today, 1.6 million Americans have exhausted all of their unemployment benefits. The numbers are expected to grow to more than 3 million Americans by the end of this year.

Last week, with strong support from both Democrats and Republicans, this House passed legislation giving workers and their families an extended 13 weeks of benefits so that they don't have to worry about losing their homes and their cars while they're looking for work.

For weeks, despite continued bad economic news and huge job losses in the airline and auto industries, the White House actually threatened to veto the legislation. Fortunately, they have reconsidered, and they are now supporting that the unemployment insurance will continue.

E-PRESCRIBING AND ITS POTENTIAL TO IMPROVE QUALITY AND HEALTH OUTCOMES IN OUR HEALTH CARE SYSTEM

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

Ms. SCHWARTZ. Mr. Speaker, under the Democratic-controlled Congress, the country is moving in a new direction. Improvements in our health care delivery system are key parts of this new direction.

I applaud my colleagues for an overwhelming bipartisan victory yesterday in support of our Nation's seniors, disabled and health care providers.

The Medicare bill we passed yesterday will not only prevent the impending physician fee cut, but it will also strengthen Medicare and will provide more accessible access to service and will promote improved patient safety and health outcomes.

I'm proud to be a leader in Congress in promoting health technology. The legislation I introduced last year, which was included in the Medicare bill yesterday, promotes the use of E-prescribing by Medicare providers. Electronic prescribing will eliminate injuries, hospitalizations and mortalities that occur each year as a result of 1.5 million prescription errors annually.

The use of E-prescribing is smart; it is timely, and it is a major step forward in expanding the use of electronic medical records. It has the potential to improve quality, to improve health outcomes and to reduce costs in our health care system.

I urge the Senate to pass and accept our legislation.

DEMOCRATS OFFER A NEW ENERGY POLICY THAT REJECTS THE FAILED POLICIES OF THE PAST

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

Mr. ELLISON. Mr. Speaker, with two former oil executives in the White House, is it any wonder why gas prices are at a record high? President Bush's energy policy, created in secret by Vice President CHENEY and by Big Oil, leaves us dangerously dependent on foreign oil, and it hurts our economy and American families.

Washington Republicans only offer more drilling, even though 68 million acres of Federal oil reserves are already open and leased for development. New drilling won't lower prices for years to come. In fact, drilling in the pristine Alaskan Wildlife Refuge wouldn't yield oil for 10 years, and in 22 years, it would only save consumers about 2 cents a gallon.

Mr. Speaker, if congressional Republicans really are interested in helping consumers at the pump today, they will join us this week in passing legislation that forces Big Oil to either drill

where they already have leases or to lose those leases. It's time Big Oil uses it or loses it.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 430. An act to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the ''Conrad B. Duberstein United States Bankruptcy Courthouse''.

H.R. 781. An act to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the ''Colonel Charles D. Maynard Lock and Dam''.

H.R. 1019. An act to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayagüez, Puerto Rico, as the '' Rafael Martinez Nadal United States Customhouse Building''.

H.R. 2728. An act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the ''Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station''.

H.R. 3712. An act to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the ''James M. Ashley and Thomas W.L. Ashley United States Courthouse''.

H.R. 4140. An act to designate the Port Angeles Federal Building in Port Angeles, Washington, as the ''Richard B. Anderson Federal Building''.

H. Con. Res. 32. Concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2403. An act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse''.

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''.

S. 3009. An act to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the ''J. James Exon Federal Bureau of Investigation Building''.

S. 3145. An act to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway''.

PROVIDING FOR CONSIDERATION OF H.R. 2176, BAY MILLS INDIAN COMMUNITY LAND CLAIMS SETTLEMENT

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1298 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1298

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution 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, to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2176 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Washington, Representative HASTINGS.

All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1298.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 1298 provides for consideration of H.R. 2176, a bill which provides for, and approves, the settlement of certain land claims of the Bay Mills Indian Community.

In lieu of the substitute reported by the Committee on Natural Resources, the rule makes in order the substitute printed in the Rules Committee report. The Rules substitute consists of the text of H.R. 2176 with that same language and the text of H.R. 4115 as reported by the Committee on Natural Resources. That bill provides for, and approves, the settlement of certain land claims of the Sault Sainte Marie Tribe of Chippewa Indians.

This is a fair rule, and it gives the proponents and opponents of the two Michigan Indian land claims bills a straight up-or-down vote on the bills.

Mr. Speaker, the underlying legislation seeks to settle a land claim agreement which was reached in 2002 by the then-Republican Governor of Michigan John Engler and the two tribes. The current Democratic Governor of Michigan, Jennifer Granholm, has also approved the deal.

Under these bills, both tribes have agreed to relinquish their claims to land in Charlotte Beach, located in Michigan's Upper Peninsula, in exchange for a parcel of land outside of Port Huron, Michigan. The agreement reached between the tribes and the State allows the tribes to conduct gaming on their new land.

If approved by Congress and the President, this agreement secures the private ownership rights of the Charlotte Beach land in question and will help to restore the fair market value of the land. It will also provide the two tribes with an opportunity to help create jobs and economic opportunities in Port Huron while further providing for their membership.

The underlying bill conforms with the Indian Gaming Regulatory Act, and the land being given to the two tribes was selected by the State of Michigan as appropriate places for economic development.

Mr. Speaker, the underlying legislation is nothing new. Under the Constitution, only Congress—not the Department of the Interior or a Federal court—holds the power to settle Indian land title and claims. As such, Congress has taken similar action in at least 14 different instances in recent years when there have been disputed land claim settlements. Not once in those instances did Congress prohibit a tribe from conducting gaming on the tribal lands. We also never forced a tribe to jump through hoops to exercise its right to do what it wishes on its own land. I see no reason why we should start now.

Mr. Speaker, I have little doubt that today's debate on this issue will be both spirited and intense. Nevertheless, I am hopeful that the House will do the right thing and pass this rule and the underlying legislation.

□ 1045

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend and namesake from Florida, the other Mr. HASTINGS, for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, this bill deals specifically with Indian land claims settlements in Michigan and designating new tribal trust lands that will be used to open any new Indian casinos in two Michigan towns.

The Michigan delegation is split in their support and opposition to this legislation, with the two Representatives whose districts will become home to the new casinos being strongly in favor of this proposal.

Generally, Mr. Speaker, it has been my long-held view that when it comes

to matters that affect individual congressional districts that the House should give great consideration and deference to the views of the Representatives elected by the voters in those districts.

However, I know many of my colleagues join me in having various serious concerns about our Nation's broken Indian gaming law, as well as the troubling issue of Indian tribes seeking to acquire new, prime locations to open casinos where no business or interest would be allowed to do so otherwise, and doing this without the ability of the local community to have a say in the expansion of gambling in their community.

These aren't just matters affecting Michigan. They affect States across the Nation. Yet, this House is not being permitted to debate needed improvements to Federal Indian gaming law.

This totally closed rule blocks every single Member of this House from coming to the floor and offering an amendment to this bill. The House is being severely restricted and is spending its time refereeing a parochial Michigan dispute instead of addressing the larger, more serious matters confronting other States.

This violates the promises made by the liberal leaders of this House to the American people to operate in an open manner. This is not an open process, Mr. Speaker. It's a closed process. It's not open when debate is restricted only to Michigan when, in fact, there are very serious issues affecting many States all across this country.

Congress created the ability of Indian tribes to get special treatment in opening casinos, and we've got a duty to police this process.

The Federal Indian Gaming Regulatory Act is broken and needs improvement. The simple fact the House is spending several hours today debating this Michigan matter is evidence that the law is broken.

If the House is going to spend time debating this subject, we should be fixing the larger problem. And if Congress is going to spend its precious time resolving a Michigan dispute, then we could use some real help in the State of Washington, my home State, where the citizens are seeing a dramatic expansion of Indian gaming, more casinos, bigger casinos, higher betting limits, with big profits being collected, and yet our State doesn't get one dime in revenue sharing.

One of the reasons the proponents of this Michigan legislation, including the State's Governor, argue in favor of creating this new tribal land and two new casinos is because it will bring in millions of dollars in more revenue to the government of Michigan.

Yet, in my home State of Washington, our State government gets nothing from Indian casinos that generate over $1.3 billion a year in revenue. In fact, there was a proposed revenue sharing of $140 million a year that the Governor of Washington State rejected without input from the citizens of the State or a vote of the State legislature. Some would say, well, your Governor made a terrible deal, and I would, of course, wholeheartedly agree. But there is something seriously wrong if a law allows giveaways of this magnitude to Indian casinos.

But instead of allowing the House to discuss and consider amendment on the larger issues of revenue sharing, compact negotiations, and off-reservation gaming, today's debate is restricted just to Michigan.

Meanwhile, the liberal leaders of this House continue to refuse to let Representatives consider and vote on solutions to lower the price of gas in our country.

Prices are skyrocketing. In Florida, the average price for a gallon of unleaded regular gasoline is $4.03. In Michigan, it's $4.07. In my State of Washington, it's $4.33. That's 31 cents higher than just a month ago and $1.20 higher than a year ago.

Mr. Speaker, our Nation needs to produce more American-made energy. We have the resources and technology to do it now. Now we just need to get the will of Congress here to allow it. For far too long, our Nation's reserves have been off limits. We can't afford these policies anymore, Mr. Speaker.

America has abundant reserves in Alaska, in the West and offshore. Let's produce more oil and natural gas here in our country.

But of course, this isn't the only answer. We need to invest in more nuclear power, hydropower, wind, solar, and other new energy sources. But all of this needs to happen in addition to tapping our own oil and gas reserves.

Gas prices just keep going up and the liberal leaders of this Congress just can't say ''no'' to American-made energy anymore.

Let the House debate proposals to generate more energy here in America. Stop blocking a House vote on tapping into America's oil and gas reserves while the price of gasoline climbs higher and higher.

So, Mr. Speaker, I will urge my colleagues to vote ''no'' on the previous question so that the House can right away debate solutions to our higher gasoline prices.

With that, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I would urge my friend from Washington—I understand his passion and the need to stay on message about gas prices, but we're here talking about House Resolution 1298, which is the Bay Hills Indian Community, the land settlement matter with the State of Michigan, and a bill that came out of Natural Resources.

My friend is insistent that we do something about oil. Well, when the Democrats on yesterday tried to pass price gouging, it was the Republicans that categorically rejected it. It's kind of hard to do something when people won't let you do nothing, particularly in the other body.

I am very pleased, Mr. Speaker, to yield 2 minutes to my very good friend from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise in strong opposition to H.R. 2176.

I believe this bill will lead to an unprecedented expansion of off-reservation Indian gaming by offering a blueprint to any Indian tribe that wants to circumvent the laws regulating Indian gaming in order to build a casino outside the boundaries of its sovereign territory.

And let me show you, Mr. Speaker, what I'm talking about. We are looking at the two Indian reservations that have requested this special interest legislation. The land they are talking about is hardly an ancestral part of their reservation. It is 350 miles away from their ancestral lands where they already have a casino.

As a Las Vegas Representative in Congress, I do not oppose gaming. I can attest to the positive impact that gaming can have on a community. I have no problem with other communities trying to replicate the Las Vegas experience, and I support the right of tribes to participate in gaming on their reservations, as both of these tribes already do.

But the bill we are considering today is an attempt to circumvent the Indian Gaming Regulatory Act, using a bogus land claim, a bogus land claim that has already been tossed out of State court and Federal court, and the result if this bill passes will be two new off-reservation casinos more than 350 miles from the lands of these two tribes.

Now, why are they coming to Congress? Because they have lost in State court. They have lost in Federal court. They do not comply with the Indian Gaming Regulatory Act. So what do you do if you want a casino 350 miles away from your reservation? You find a friendly Congressman to introduce special interest legislation in Congress.

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

Mr. HASTINGS of Florida. I yield the gentlelady 1 additional minute.

Ms. BERKLEY. How do we know this land claim is bogus? In his testimony before Congress in 2002, the chairman of the Sault Saint Marie Tribe called this land deal ''shady,'' ''suspicious'' and ''a scam,'' until his tribe partnered up with the shady, suspicious land deal, and all of a sudden switched his position.

But more than 60 tribes across this country have announced their opposition to H.R. 2176, in which Congress for the first time would allow a tribe to expand its reservation into the ancestral lands of another tribe for the express purpose of gaming.

This bill is opposed by the Department of the Interior, the NAACP, UNITE HERE, and a unanimous House Judiciary Committee. To sum up the issue: Congress is being asked to pass special interest legislation benefiting two tribes, each of which already has

gaming, based on a suspect land claim that has already been thrown out of court, so they can open casinos hundreds of miles from their ancestral lands, in direct competition with existing facilities.

Mr. Speaker, I am honored to be here today with Chairman CONYERS and Congresswoman KILPATRICK to share my opposition to H.R. 2176. I believe this bill will result in an unprecedented expansion of off-reservation Indian gaming by offering a blueprint to any Indian tribe that wants to circumvent the laws regulating Indian gaming in order to build a casino outside the boundaries of its sovereign territory.

As Las Vegas's representative in Congress, I do not oppose gaming. I can attest to the positive impact that gaming can have on a community. I have no problem with other communities trying to replicate the Las Vegas experience, and I support the right of tribes to participate in gaming on their reservations, as both of these tribes already do. But the bill we are considering today is an attempt to circumvent the Indian Gaming Regulatory Act using a bogus land claim that has already been tossed out of both Federal and State court, and the result if the bill passes will be two new off-reservation casinos more than 350 miles from the lands of these two tribes. And beyond that, if this bill becomes law, any one of the more than 500 recognized Native American tribes can argue that they have the right to sue private landowners in an attempt to bargain for gaming somewhere else.

How do we know the land claim is bogus? In his testimony before Congress in 2002, the chairman of the Soo Saint Marie tribe called it "shady," "suspicious," and "a scam." Soon thereafter, his tribe became a party to the deal and switched its position. But more than 60 tribes across the Nation have announced their opposition to H.R. 2176, in which Congress for the first time would allow a tribe to expand its reservation into the ancestral lands of another tribe for the express purpose of gaming.

This bill is also opposed by the Department of the Interior; the NAACP; UNITE HERE; and a unanimous House Judiciary Committee. To sum up the issue: Congress is being asked to pass special interest legislation benefiting two tribes, each of which already has gaming, based on a suspect land claim that has already been thrown out of State and Federal court, so they can open casinos hundreds of miles from their ancestral lands, in direct competition with existing facilities that have helped revitalize a major American city.

If this bill is brought to the floor, I will strongly urge my colleagues to oppose it.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly appreciate the gentleman yielding time to me.

This rule allows us to proceed, and I wish to speak in strong support of the underlying bill, and I rise in very strong support of H.R. 2176, which is sponsored by Mr. BART STUPAK of Michigan and cosponsored by myself and also the companion bill, H.R. 4115, sponsored by Mr. DINGELL, because these bills impact only three congressional districts in this House, only three, period. And those districts are Mr. STUPAK's and my district and Mr. DINGELL's.

These bills are offered in the spirit of bipartisanship, and they are offered to settle a land claim that has existed in our State of Michigan, actually, for well over 100 years, about 150 years, when the State literally stole land from the Indians.

And after the Indians spent decades seeking justice, the land claim settlement was negotiated by former Governor John Engler, and here is what he had to say about it, Mr. Speaker.

He said: "As Governor of Michigan, it was my duty to negotiate the land settlement agreements between the State of Michigan and Bay Mills and the Sault Tribe in 2002 . . . In December of 2002, I signed the agreement with the Sault Tribe. I am proud that every concerned party involved in this settlement supports this agreement. This is a true example of a State and the Tribes promoting cooperation rather than conflict."

I think it is important to note that these bills are supported by every elected official who represents the City of Port Huron, including the current Governor, Jennifer Granholm, both United States Senators, myself, the State senator there, the State representatives, all of the county commissioners, the entire city council, and most importantly, the citizens themselves who voted "yes" on a city-wide referendum.

It is supported by civic groups. It is supported by educational leaders, by labor leaders like the UAW, by every law enforcement officer in the county, including the county sheriff, the county prosecutor, and the police chiefs.

It is about fairness and opportunity for one of the most economically distressed areas in the Nation, where the current unemployment rate, by best estimates, is somewhere between 14 to 16 percent.

And it has been very unfortunate, in my opinion, that the opponents have been so untruthful about their opposition to these bills.

For instance, they say that it is precedent setting, and yet the truth is in this bill. In section 3(b), the bill states the following: "The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any tribe and State."

The opponents also say that it allows for off-reservation gaming. Yet the truth is in section 2(a)(2) of the bill. It states: "The alternative lands shall become part of the Community's reservation immediately upon attaining trust status."

And they also say it violates a 2004 Michigan referendum.

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

Mr. HASTINGS of Washington. I yield the gentlelady 1 additional minute.

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

The truth is that it actually, the referendum—and as a former Secretary of State, I understand what ballot language actually says—it says, "Specify that voter approval requirement does not apply to Indian Tribal gaming."

So clearly, most of the opposition, Mr. Speaker, to these bills comes from those who already have theirs, and they don't want anybody else to have it.

□ 1100

They don't want competition. And I think that is un-American. This bill is about fairness and opportunity for an area that desperately needs it. It is about justice.

The city of Port Huron is home to the Blue Water Bridge, which is the second busiest commercial artery on the Northern Tier. It is the only international crossing where there is a gaming facility on the Canadian side and there is not one on the U.S. side. And if you were a very good golfer—maybe not me, but a good golfer—you could hit a golf ball and hit that Canadian casino facility right now where 80 percent of the revenues comes from America. Those are U.S. dollars and U.S. jobs that are being sent right across the river.

I urge my colleagues to be fair.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to my good friend, the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. ALCEE HASTINGS, I salute you for bringing this bill to the floor from the Rules Committee. I support the rule, without qualification.

Ladies and gentlemen, why do so many people approve this bill if it has so many problems? Well, because it's a bit like a wolf in sheep's clothing; you don't know what's underneath it. And so reciting all of these folks—starting with the Governor of my State—don't know what's underneath this bill. When H.L. Mencken says it's not about the money, you can bet it's about the money. And when I hear my colleagues say—and I'm going to count the times that it will happen today—"It's not about casinos. This is not about casinos, folks."

Oh, no, that's what it's about. Okay?

Let's start off with something that we should try to get clear. The assertion that this is about getting justice for two tribes who have waited for all these many years to get justice and we finally were able to get it to the Congress. How charming. How disingenuous.

This so-called land claim—and we spent a good amount of time on it—to the extent there really was ever a land claim, arose in the 19th century. It didn't have anything whatsoever to do with the tribe's historical lands or any treaty with the U.S. Government. The Charlotte Beach land in question apparently was a private gift to the tribe—and in those days it was one tribe—by individual members of the

tribe who had brought it. And rather than deed the land directly over to the tribe, the members evidently deeded it over to the Governor of Michigan—neither of the two that have been mentioned—to hold in trust for the tribe. That was back in the 1850s. It's not clear if the previous owner tribal members or anyone else ever told the tribe or the Governor about the gift. In any event, the lands were totally neglected by the tribe. About 30 years later, they were sold off by the State for a longstanding property tax delinquency.

The so-called land claim lay moribund and forgotten for 100 years, as best we can tell. And in 1982 one of these tribes, the Sault, asked the Interior Department to review and pursue a claim for the loss of the Charlotte Beach land. The Interior Department declined, saying the case had no merit. They renewed the request in 1983 and in 1992, getting the same answer each time. The Interior closed the files on the matter, and that was the end of it.

Then one day an enterprising lawyer, a member of the bar doing land research, looking for an Indian land claim he could help engineer and do the authorization to build a new casino outside the established legal process, came across a record of the delinquency sale.

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

Mr. HASTINGS of Florida. I yield my colleague an additional 1 minute.

Mr. CONYERS. I thank my colleague.

By that time, the tribe had divided.

There were two possible candidates for reasserting the claim. The first tribe he contacted, the Sioux, was not interested. But the other one, Bay Mills, was very interested. And so this wonderful lawyer began preparing a case to file based on the delinquency sale he had uncovered and its connection to the tribe he had interest in.

A bare week before the lawsuit was filed, another enterprising gentleman purchased some land within the Charlotte Beach claim area. Coincidental. And within a few months, he had entered into a so-called settlement with the tribe regarding the so-called land claim in which he agreed to give the tribe a parcel of land he already owned near Detroit.

Now, all the other off-reservation casinos are 10 miles away, 20 miles away, not 350 miles away.

He also agreed to sell the tribe some additional land adjacent to the parcel. Enough land for a new casino—and not too far from Detroit.

But the settlement was conditioned on the Interior Department taking the land into trust, a necessary step to its being eligible for an Indian casino.

That part didn't work out like they'd planned, so that settlement was eventually scrapped in favor of Plan B, back to the courts in an attempt to get a favorable court ruling to take to Interior.

As we know, Plan B also failed. So then came Plan C, which brings us here today.

But the three plans are not that different. They all share the same objective. The difference is just means to an end. Apparently, any means.

And who was backing Mr. Golden? The details are still somewhat shrouded in mystery.

But we do know that the principal stakeholders in this off-reservation Indian casino venture are Michael Malik and Marian Illich, wealthy casino developers from the State of Michigan, who have opened casinos from coast to coast and in Hawaii, bankrolling legislation and referenda as needed to open the way.

And they have also been quite active politically in Washington in recent years as well. I won't go into the details of that now, but I think you get the idea.

Many of the facts I have just recited are in the public record. The essence of the rest were laid out in testimony by one of the two tribes, the Sioux Tribe, the tribe that initially wouldn't take the bait, back before they were persuaded to go after their own short-cut to getting an off-reservation casino.

That statement can be found in the printed hearing of the Senate Committee on Indian Affairs, held on October 10, 2002, on the bill S. 2986, a precursor bill to the one we are considering today.

That was 5 long years ago, of course. And the chairman, or chief, of that tribe at the time, Bernard Bouschor, who gave that testimony, who had held that elected position for 17 years at the time he testified, no longer holds that position.

And his tribe, who now stands to gain an off-reservation casino that could take in hundreds of millions of dollars a year, is now busy doing what they can to disown his testimony.

But if my colleagues find Chief Bouschor's testimony credible, as I do, it certainly lays out the course of events in a way that some were quite likely not aware of before. And any assertion that this is a legitimate Indian land claim just won't stand up to those facts.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank my colleague and friend from Washington for yielding.

You know, Mr. Speaker, the original intent of why we allow gambling on Indian reservations was so that we could give some economic opportunity to full-blooded Indians on their native tribal lands in very remote areas in which hardly any economic opportunity existed.

So what do we have now? Now we see various Indian tribes that have already achieved tremendous economic benefits that are now wanting to put casinos in urban and suburban areas that are long distances from their native tribal lands and where there is a lot of economic opportunity, and to fill those, not even helping any of the people in their tribe who are back on the reservation.

With a bill like this, we have strayed a long ways from the original intent of Indian gambling. Now, this bill is about two tribes specifically in Michigan. I am from California, but yet this trend, this movement, is not limited to just Michigan. Throughout the country, you see groups either trying to create new tribes in urban areas in order to locate gambling operations or, like these in Michigan, to extend from a remote area and set up new gambling in a new metropolitan area. All of this has nothing to do with the original intent of the Indian gambling laws.

If communities like Detroit, or anywhere, wish to have gambling, they don't need this House; they don't need this Congress; they don't need the Indian gambling laws to do it. Through their State and local communities, they can allow people to gamble. They can set up various gambling operations, if they want, within their community and within their State. That's up to them. But let us not all here in this House, in this Congress, set a trend. Let's not set a precedent. Let's not use Indian tribes in order to dot the urban and suburban areas of this country with monopoly gambling operations.

Mr. HASTINGS of Florida. Mr. Speaker, at this time, I am very pleased to yield 2 minutes to the dean of the House, my good friend, JOHN DINGELL, the gentleman from Michigan.

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

Mr. DINGELL. Mr. Speaker, before us is a very simple responsibility. It is a power that has been exercised exclusively by Congress since the very first Congress in 1789, when in the Indian Nonintercourse Act of that year, only Congress may extinguish Indian land claims. That has been the law ever since.

So before us is simply the question of whether we're going to accept or deny a settlement agreed upon by the tribes and by the State of Michigan to resolve a serious problem in the Upper Peninsula, in the district of our good friend and colleague, Mr. STUPAK.

Having said that, what is going to happen is this legislation will permit us to resolve those questions, to enable Indians to resolve the land claims concerns that they have, and to allow the State of Michigan to resolve its concerns and to allow its citizens to remove clouds over the title on the lands which they own up there, and which will enable the Indians to begin to live a more orderly and proper life.

This legislation was opposed by my friend, Mr. Jack Abramoff, who left a rather spectacular and smelly legacy. And it is a chance for us now to undo some of the nastiness that he sought to do by preventing the resolution of these questions.

I urge my colleagues to support the rule. I urge my colleagues to support the settlement of these rights which were agreed upon between two Governors of the State of Michigan—Governor Engler, a Republican, and Governor Granholm, a Democrat.

And this legislation is not only supported by the affected tribes and citizens of the Upper Peninsula but also by the AFL–CIO and the UAW and a wide roster of other unions that are strongly supportive of this.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I appreciate this opportunity—and to my colleagues, in a bipartisan effort—to make sure we can maintain restrictions on off-reservation casinos and gambling.

I want to point out five key areas, Mr. Speaker, that, I think, are part of the argument.

First and foremost, I do support tribal gaming. I think it's been very successful. As a matter of fact, a number of our properties from Nevada are partners across the country with tribal gaming establishments. So, when the rules are followed, I think it's a very appropriate approach to revenues for the communities.

But first of all, Mr. Speaker, the bill authorizes an unprecedented expansion of off-reservation gaming. Never before has the U.S. Congress been in the business of deciding whether a community should and can have a casino. I don't think it's the job of the U.S. Congress to make decisions for local and State governments. Does that mean someone from Iowa or from Illinois or from Arizona could come in and request to have a casino in their back yard? I don't think that was the intent of the Tribal Gaming Act. And this is a dangerous precedent. It permits unlimited expansion across this country.

Number two, it overrides a careful review process. Currently, Mr. Speaker, if a tribe wants to build a casino, there is a process in place. All the rules must be followed; all inspections must be done. I think that's an appropriate use of the process that's available currently under U.S. law.

Number three, it also violates the 1993 Tribal Compact by the Michigan tribes. I know there are arguments on both sides of that, but there was an agreement made in 1993.

Number four, as a Member of Congress from the great State of Nevada, one of my jobs is to make sure we can uphold the wishes of a particular State. This legislation overrides the wishes of Michigan people. In 2004, there was a referendum that limited gaming to specific areas that were approved by local and State governments. This has not happened in this case.

Number five, I know my colleague from Nevada, Congresswoman SHELLEY BERKLEY, talked about the validity of the land claims. There is a question.

But the bottom line, Mr. Speaker, is, should Members of Congress be making a decision for local communities and for State governments on whether there should be tribal gaming or whether there should be expansion? I stand here today in a bipartisan effort with my colleagues from across the aisle, asking for the balance of this Congress to vote ''no.'' It establishes a dangerous precedent expanding casinos across our country without following the proper rules and regulations.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I appreciate the opportunity to be here, and I appreciate the bipartisan spirit in which this debate is conducted and why this is just a bad idea.

Many of us come to this microphone, to this well, through our conclusions from a whole variety of backgrounds and interests. I think back, not all that long ago, when I had a good friend in town, and we had a great philosophical debate about organized gambling coming to his town. And he was all for it. He had been, I think, the third generation of a great restaurant in that town. It was very well known, well known all over the State, and he said it would boost his business. Well, about 2 years after that casino landed in that town, he closed his doors. I think it was in his family for decades. It broke his heart. There was trembling in his voice when we had a conversation over the phone. Because, when organized gambling comes to your town, there are very few who will make a whole bunch, and there are a whole bunch who will lose a lot.

And it is not the economic tool that people profess. Study after study after study clearly shows there is more net loss, that there is more cannibalization of small businesses around these organized gambling casinos than there is success and benefit that happens inside.

Certainly, the local governments that house them love it; it means cash to them. That's great. But at what price? And we really need to stop ourselves and ask, at what price?

□ 1115

We already have more casinos in Michigan than we have public universities. And this isn't about fairness for this tribe. This tribe has seven casinos already, $400 million in revenue. And what they are asking to do is something unprecedented. The Federal court ruled against them. The State court ruled against them. But they said let's go around all of those things, including a 2004 referendum by the State of Michigan that said enough is enough, we're going to cap it right here at what we have. They went around all of those things, and it's like putting a casino from a tribe in Washington, DC in Cleveland and saying, ''This is part of our heritage, you need to help us.'' That's not what this is. This is about organized gambling and putting it in a place where they think they can make more than the $400 million in revenue they are already making.

I just plead with this House and this Congress don't set this precedent. And I don't care if they say it in the bill or not, it is a precedent. And every community in America will wake up one day and say we can do this too. We can come to Congress. We can show up and go around our States and our legislatures and our people and the courts, and we'll go to Congress too and get special treatment to have an organized gambling casino in a neighborhood near you.

A lot of people speak for both sides of this issue, but very few will speak for the folks who will lose everything when these casinos come to town.

I plead with this House not to do this. It's not the right thing to do. We know it's not the right thing to do. I encourage all of us to vote ''no'' on the rule and vote ''no'' on the subsequent legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, after I made my opening remarks, my friend from Florida stood up and said that I was on message, and I thank him very, very much for the compliment because I was talking about something that the American people clearly, clearly are concerned about, and that is the high energy costs and particularly the high prices of gasoline. So I think, Mr. Speaker, it's time for the House to debate ideas for lowering prices at the pump and for addressing the skyrocketing price of gasoline.

By defeating the previous question, the House will have that opportunity. If the previous question is defeated, I will move to amend the rule, not rewrite the rule, just amend the rule, to make in order and allow the House to consider H.R. 5656, introduced by Representative HENSARLING of Texas.

If this House has time to spend several hours debating Indian land claims and new casinos in Michigan, then it certainly has time to debate the high price of gasoline. It's time we start producing more American-made energy. Our country can't afford the knee-jerk, no-to-any-drilling-in-America approach that the liberal leaders of this House still cling to. The citizens of our country can't afford a Congress that does nothing. It's time for this House to act, and defeating the previous question will allow us to do so.

So, Mr. 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 Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues, then, to defeat the previous question so this House can get serious about rising gas prices and so we can start producing American-made gasoline and energy.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

I am forever amazed, Mr. Speaker, at my colleagues' way of going about trying to assert something into measures

that we are dealing with, that, when all is said and done, don't have anything to do with the measure that we're dealing with.

I agree with my colleague that we have a serious crisis in this country having to do with energy policy. But I also would urge him to understand that the President's energy policies have failed this country and that when he and his party were in the majority and had an opportunity to do all the things they are talking about, that many of them were not done.

The fact is there are 68 million acres offshore and in the United States that are leased by oil companies. They are open to drilling and are actually under lease but are not developed. The fact is that if oil companies tapped the 68 million Federal acres of leased land, it could generate additional oil, six times what ANWR would produce at its peak. The fact is 80 percent of the oil available in the Outer Continental Shelf is in regions that are already open to leasing, but the oil companies haven't decided it's worth their time to drill there. And, when they are saying it's not worth their time, they are saying they don't have the equipment to do it. The fact is that drilling in the Arctic Wildlife Refuge wouldn't yield any oil for a considerable period of time in the future, probably as many as 8 to 10 years, and then would only save the consumer less than 2 cents per gallon in 2025.

All of us know all the things to say here. We know to say ''switchgrass'' and ''shale'' and ''geothermal'' and ''solar,'' and we could go on and on and on with the number of potentials for alternative energy. But yesterday, when we tried to do something about price gouging, it was the minority party that defeated the measure, that was on the floor of the House, under suspension.

Now, Mr. Speaker, back to the bill. I support gaming in this country. I support the MGMs and the Harrah'ses of the world and their right to run a casino wherever legally they may be permitted to do so. I support the Seminole Indians and the Miccosukee Tribes in Florida that I am proud to represent. And I support and have supported continuously their right to run a casino. I also support Jai Lai in my community and their right to run a casino. I also support casinos in my community and their right to run a casino, just like I support these two tribes in Michigan as well. I also support competition and economic development and the job creation it can spur. And I take full exception to my colleague from Lansing, who is a dear friend of mine on the other side who spoke earlier. I can attest to job creation in the Seminole and Miccosukee Indian Tribe areas that were told that there would be no jobs created, and literally thousands of people, mostly not Native Americans, are working in those establishments.

Finally, I support all of us in this body coming to terms with what happened to Native Americans, Africans, and people of Caribbean descent and others after Columbus discovered America in 1492. I'm always reminded of Flip Wilson's comedy routine that he did that, if Columbus discovered America, then the Native Americans must have been running down the shoreline, saying, ''Discover me.''

So, before Members of this body start talking about Indian tribes unfairly swapping pieces of land, they should remember that the land wasn't ours in the first place. We took it from the tribes and then often relocated them to some far-off, remote, and undesirable place that we could find for them to be placed.

Mr. Speaker, this is not an ideal situation for any of us in this body. We all wish that a unanimous agreement would have materialized in Michigan. Yet, despite a land claims compact being reached by the State and the tribes, a Republican and Democratic governor, some just don't want this agreement to go through, and that is their prerogative. Thus, as it has done at least 14 times in the recent past, Congress must do what is right and settle this dispute. When an injustice has been done and there are efforts to perpetuate that injustice, something must be done. Someone must step in and stop it from happening again.

I urge my colleagues to do just that and to support the previous question, the rule, and the underlying legislation.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1298 OFFERED BY MR. HASTINGS OF WASHINGTON

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. 5656) to repeal a requirement with respect to the procurement and acquisition of alternative fuels. 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 House Oversight and Government Reform; and (2) an amendment in the nature of a substitute if offered by Representative Waxman, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 1O9th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 6275, ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1297 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1297

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6275) to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, 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 Ways and Means 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, 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 Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 6275 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

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

GENERAL LEAVE

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1297 provides for consideration of H.R. 6275, the Alternative Minimum Tax Relief Act of 2008, under a closed rule. The rule provides for 1 hour of debate, controlled by the Committee on Ways and Means.

As Americans know, the alternative minimum tax was enacted in 1969 with a very legitimate intent: to ensure fairness in our tax system by avoiding the situation where very wealthy individuals don't pay taxes and to close loopholes. It is in the same spirit of fairness that we consider legislation today that will keep the middle class out of being hit by the alternative minimum tax when it was never intended that they would be caught up in its web and who have been because of inflation and because of no adjustments in the Tax Code.

The Alternative Minimum Tax Relief Act of 2008 will provide, one, 25 million Americans with over $61 billion in tax relief. Two, it offers property tax relief to homeowners and expands the child and adoption credits to parents. Nearly 50,000 families in my own State of Vermont, Mr. Speaker, will see tax relief from this legislation.

However, in order for the tax relief to be fair, we have to ensure that the cost of the tax relief is not simply passed on, the credit card debt, to our children, and we have already saddled the next generation with $9 trillion in debt, costing us $1 billion a day in interest payments, money that could be spent on other, much more productive things. Enacting an AMT patch today when we don't pay for it would simply shift that $62 billion burden from the middle class on to their children and their grandchildren. What we fail to pay today they will be forced to pay tomorrow with interest.

Furthermore, we do pay for this tax relief by improving the Tax Code. With the bill's offsets, we are closing two very large tax loopholes, one that has benefited very wealthy hedge fund managers at the expense of middle class taxpayers, and let me talk about that first.

The ''carried-interest'' loophole. It is a preferential rate of capital gains tax, a 15 percent rate that gets applied to income earned by many people who do financial work.

□ 1130

Right now, under current law, the income earned by many investment fund managers at a private equity firm, and hedge funds, are taxed at the lower capital gains tax rate. So you have this very unjustified situation where some of these folks who are making, in some cases, billions of dollars, pay a tax rate lower than the secretaries who work in their firms, and they do this when they don't actually put their capital at risk but manage the capital of others.

A second loophole that is closed in this bill stops major oil companies from receiving what is called a special domestic production subsidy through the Tax Code. As we all know, record gas prices, the record cost of a barrel of oil is resulting in oil company profits that are unparalleled in the history of this country, in some cases, as high as $11 billion in a single 3-month period. So it's clear that those companies are doing very well and that they do not need continued taxpayer assistance.

I commend Chairman RANGEL and Chairman NEAL and the Committee on Ways and Means for their excellent work on this legislation, and I encourage my colleagues to support the rule and the underlying legislation.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank my friend, the gentleman from Vermont, for not only yielding me this time to discuss the proposed rule for consideration of the alternative minimum tax, but I want to thank him for his friendship in the committee and the professional nature of the way he conducts himself.

Mr. Speaker, today we are going to debate a tax increase on America. No surprise. The American public has gotten used to this. The tax-and-spend Democrat Congress, the new Congress, the new way to run Washington, D.C. has resulted in not only economic failures here in this country the last 18 months but also higher gas prices, the inability that we have to control the flow in energy that comes into this country and has made us now more than ever to where we have to go get our energy overseas, send our money overseas, and not be able to be energy sufficient here in this country.

But now I find out that the excuse for raising taxes on Americans today is that there's a loophole in the tax law—a loophole—and unintended consequences. The bottom line is that it's the tax law, it was therefore reasoned, and the opportunity for us to grow our economy and build jobs and have job creation and to protect the American consumer is why these were parts of the tax law. It is not unintended consequences, it is not a loophole, it is the law, the tax law of the United States that I am very proud of, and I am disappointed to see that the Congress today will be debating new tax increases on the American people.

So I rise in strong opposition to this closed rule, yet another closed rule by this new majority that we have here, and to the underlying legislation, which takes the baffling approach, once again, of raising taxes on Americans and on the American economy during a downturn of our economy, rather than taking a way to prevent a tax increase on hardworking and unsuspecting middle class taxpayers, which sets the stage for even more job-killing tax increases in the very near future just to prevent the current low-tax policies that Republicans in Congress worked so hard to pass and to support on behalf of American taxpayers.

I think it's interesting, Mr. Speaker, that when Republicans bring tax bills to the floor of the House of Representatives, we are able to tout how many jobs our tax bill will create, how many jobs the economy will create. I have never, ever heard of a Democrat tax-and-spend bill that then touts how many jobs will be created, because they don't. They kill jobs. They kill jobs in America every time we do what we are doing today with the new Democrat majority to raise taxes on America.

Under the Democrats' flawed policy of pay-as-you-go logic used to defend this legislation, in just 2 short years—when a number of critically important tax policies like the $1,000 Republican tax credit and the Republican lower tax rate on income and capital gains and dividends are set to expire, that created job growth—the new Democrat majority pay-as-you-go rules will require more than $3.5 trillion in tax increases, and that is what they stand for today, increasing taxes on the American people, killing jobs all across the country, and yet they want to blame President Bush. Just incredible.

It makes no sense to me why we are hamstringing our economy and saddling working families with higher taxes when revenues aren't the problem. Washington is already collecting more taxes as a percentage of GDP than the historical average over the last 40 years.

We don't have a revenue problem. We have a spending problem. What Washington really has is a spending problem that this new Democrat majority can't fix and can't solve because they are all about taxing and spending. Federal spending is higher by nearly $530 billion more than the Congressional Budget Office's 2000 projection for the year 2007. So going back to 2000, and they projected how much money we would need to spend, we are $530 billion more this year, thanks to a new Democrat majority, making increased spending the main reason why 99 percent of our Nation's worsened budget picture over the last 7 years is occurring. We have got a downturn in the economy because we are raising taxes and spending to support a bloated government.

Mr. Speaker, the American people have known for a long time that Republican Members of Congress support an economically responsible solution to solving the alternative minimum tax problem. Just contrast this year's Republican budget proposal, which prevented expansion of the AMT for the next 3 years and achieved full repeal in 2013, with the Democrat budget. If you compare them, the Democrat budget, which jammed a $70 billion tax increase into our economy to pay for simply a temporary 1-year fix, and did nothing about AMT for the next 5 years after that. A 1-year fix, raising taxes $70 billion, rather than fixing the problem.

Mr. Speaker, taxpayers are already aware that last month, House Republicans unanimously supported a clean AMT patch without tax increases to prevent more than 25 million families—including 21 million families who didn't owe AMT in 2007—from paying an additional $61.5 billion that's going to come due this next April, just like we did in December of last year and just like we will continue to do if Republicans once again become the majority party in Congress.

What taxpayers may not realize is that House Democrats used to be for the same thing—at least that was until they won the majority. And with it came the opportunity to salivate, to get all this money, and to couple what used to be a bipartisan, commonsense tax prevention policy with massive, unnecessary tax hikes that burden this country, and for 18 months we have seen the promise of higher taxes, and it's killing our economy. As recently as last December, the House passed a ''clean'' AMT patch, without crippling the economy with tax increases, by an overwhelming majority of 352–64.

The only thing worse than House Democrats' tax-and-spend flip-flops on this issue is the fact that their comrades in the other body—including Finance Chairman MAX BAUCUS—have already recognized the reality that at the end of this day, the AMT patch will not be paid for, and that this cynical exercise meant to provide political cover is in fact dead-on-arrival the moment it passes this House. But let it be said: It's another opportunity for the new Democrat majority to show how much they want tax increases to ruin our economy.

The cost of this political gamesmanship is really quite simple: the exposure of millions of middle class taxpayers to an average tax increase of $2,400, and the increased likelihood of a repeat of last year's mismanaged process in which the late enactment of the patch prevented the IRS from processing AMT-affected returns until about 4 weeks into the filing season. It was a disaster this year as a result of the new majority.

What is worse, Mr. Speaker, is how the Democrat Congress proposed to raise the additional $61 billion of additional taxes just to prevent this tax increase. That's right. We are going to have a tax increase on the tax increase on middle class families who were never intended to pay this.

First, and rather unsurprisingly, this Democrat ''Drill-Nothing'' Congress helps repeal a tax deduction that helps American companies to produce energy for American consumers, but they are going to take that advantage away from consumers. It will only hurt energy exploration in this country, and now what we are going to see is that the American consumer will pay more at the pump.

While this proposal is laughable at best for everyone tuning in on C–SPAN across America today, it is about par for the course for the Democrat Party that also thinks that suing OPEC, not increasing the supply of American energy, will help bring down prices for consumers.

Second, this bill increases taxes on entrepreneurs that create jobs and improve failing companies, and raises the long-term capital gains rate on them from 15 to 35 percent, or even higher. So the people that are the ''goose that are laying the golden egg'' are once again slaughtered by this new Democrat proposal.

Once again, I know that most people around this country watching this debate understand that raising taxes on job creators reduces jobs and hurts our economy. But don't worry. You can blame President Bush for that, for the actions of this Congress.

Unfortunately, this proposal is not a surprise, coming from a Democrat Congress that believes when real estate and credit markets are at their weakest, that is the optimal time to raise taxes and send our economy over the edge.

Finally, the bill goes back on America's word by increasing taxes on transactions with treaty countries by mandating a new reporting requirement on private companies so that the IRS can know directly how much is being paid to merchants every year, including the Social Security or tax identification numbers associated with those transactions.

Mr. Speaker, I have got to hand it to the new Democrat majority. Every single week, they find out a new way to assault the taxpayer, every single week they find a way to raise taxes, to increase spending, and more rules and regulations. They did it again this week. Congratulations to the new Democrat majority.

Mr. Speaker, I strongly oppose this tax increase, and I will tell you that I will continue to stand up on the side of taxpayers and middle class Americans who say enough is enough.

I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I am the last speaker on our side. I will reserve the balance of my time until the gentleman from Texas has an opportunity to close.

Mr. SESSIONS. I thank the gentleman.

Mr. Speaker, I will tell you—you've already heard me say it—this massive tax increase, once again, not only on the economy, but on Americans, could be done a different way. It could be solved. It could be solved by following through on promises that were made by both parties to do something about the AMT.

We've got to do something. We continue to see middle class Americans caught in the crossfire. Today, we see it's not just a crossfire with inability to solve the problem, it's partially solved for 1 year by raising $61 billion worth of new tax increases on Americans that they will have to pay this next April.

□ 1145

Mr. Speaker, since taking control of Congress in 2007, this Democrat Congress has totally neglected its responsibility to do anything constructive to address the domestic supply issues that have created skyrocketing gas, diesel and energy costs that American families are facing today. As a matter of fact, gas rose 10 cents a gallon across America just in the last few days.

So, today, I urge my colleagues once again to vote with me to defeat the previous question so this House can finally consider real solutions to the energy problems and the high costs that

we are facing. If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 5656, which would repeal the ban on acquiring advanced alternative fuels, introduced by my good friend JEB HENSARLING of Texas back in March, almost 3 full months ago.

This legislation would reduce the price of gasoline by allowing the Federal Government to procure advanced alternative fuels derived from diverse sources like oil shale, tar sands and coal-to-liquid technology—in other words, marketplace answers—just by allowing the government to do that.

Section 526 of the Energy Independence and Security Act of 2007, which this Democrat Congress passed, places artificial and unnecessary restraints on the Department of Defense in getting its fuel from friendly sources, like coal-to-liquid, oil shale and tar sands resources that are all abundant in the United States and Canada. Needless to say, it raises grave national and economic security concerns.

Mr. Speaker, this new Democrat Congress wants us to spend hundreds of billions of dollars to go build another Dubai. They want consumers in this country to pay higher costs. By doing so, it is a national security issue. We must do something. Adding alternatives to the supply chain is what is important.

Mr. Speaker, Canada currently is the largest U.S. oil supplier. It sent 1.8 million barrels per day of crude oil and 500,000 barrels per day of refined products to the United States in 2006. According to the Canadian Government, about half of the Canadian crude is derived from oil sands, with the oil sands production forecast to reach about 3 million barrels a day in 2015. Section 526, passed by this Democrat House, choked this flow of fuel from one of our Nation's most reliable allies and economic partners, and it increased our military's reliance on fuels from unfriendly and unstable governments around the world.

Mr. Speaker, I ask unanimous consent to have the text of that amendment and the 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. Mr. Speaker, I urge my colleagues to vote for our military, for energy independence for Americans, and to help American consumers in this time of need and to support our economy by increasing the amount of oil we import and produce from friendly and reliable sources like Canada and from our own American, buy-American proven resources, these advanced alternative fuels, by voting to defeat the previous question.

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

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my friend from Texas characterizes a bill that will provide tax relief to 25 million Americans as a tax increase, and it is just flat out wrong. There are 25 million Americans. These are folks who earn between $40,000, $50,000, $60,000 a year, who, if we do not pass this legislation, will find themselves essentially being the target of legislation that was intended in 1969 to have millionaires pay their fair share.

We are talking about soldiers returning from Iraq and Afghanistan who get a job as a police officer or as a carpenter. We are talking about some our school teachers all across the country. We are talking about sanitation workers who are struggling hard on $40,000 or $50,000 a year, oftentimes with two people in that family who are working, raising three or four kids. We are saying in this legislation that we are going to protect you, because we know you need to have that money to pay your bills.

We also have to level with the American people. This is going to be $61 billion in tax relief for those incredibly hard-working Americans who are getting clobbered by these $4-plus gas prices. They can't fill up their tank. They have got cars or SUVs or trucks that they have to drive, and they don't have the money to get something that is a little bit more fuel efficient. A lot of them have long commutes. This legislation is going to give them the opportunity to keep a little bit more money in their pocket so they can make it from one end of the week to the other and can pay their bills.

Now, the question is for this Congress, do we pay for it, or do we put it on the credit card? As to what my friend from Texas is characterizing as a tax increase, let me go through it, because I think Americans have a commitment to fairness, and I think Americans know a very commonsense proposition, and that is we have all got to bear the burden. We all have to pay our share of the load.

There are two very glaring situations in the Tax Code, and attention should be paid to them, and it is overdue. One is this hedge fund exemption, where folks who make an awful lot of money pay at a capital gains rate. What is unfair about it? If you are a financial advisor, if you or I ask someone to help us figure how to invest our money, we pay them a fee, and of whatever earnings they get, they pay a regular tax rate just like any other American. Whatever that rate is—15, 20, 35 percent—that is what they pay.

If you are a hedge fund executive and you make billions, because of this provision in the Tax Code, which I am calling a loophole, they get to pay at a 15 percent rate. That is costing the treasury billions of dollars, and it is also a glaring unfairness, because you literally have a situation where the hedge fund manager who is doing the same work as another financial advisor down the street pays one rate, 15 percent, while the other person doing the same work, working just as hard but who is perhaps making less money, pays 35 percent.

You also have this bizarre situation where the person making this immense amount of money pays a much lower tax rate than the secretary, than the back office help in that very same firm. I think most Americans see a basic fairness, and let's have the income tax rate apply to earned income. That is what this provision does.

The second question is on the oil company exemption, and I am using the word ''loophole.'' What is a ''loophole''? I think, commonly, you know it when you see it. What a ''loophole'' is in this case is giving taxpayer benefit to very successful companies that do very well in what they do—explore for oil, sell it. We are taking money from the taxpayers of America to give it to major American and foreign oil companies. These are mature industries that are making hundreds of billions of dollars, and they don't need taxpayer help.

So this legislation provides 25 million Americans with tax relief, and it is the folks who need it. It asks other Americans, the hedge fund executives, to pay at the income tax rate, and it has oil companies foregoing what has been an incredibly good deal—tax credits that they get at the expense of the American taxpayer.

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. 1297 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. 5656) to repeal a requirement with respect to the procurement and acquisition of alternative fuels. 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 House Oversight and Government Reform; and (2) an amendment in the nature of a substitute if offered by Representative Waxman, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information 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 on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

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

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

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 3195, ADA AMENDMENTS ACT OF 2008

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1299 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1299

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990. 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 Education and Labor 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, to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3195 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Ms. SUTTON. Mr. 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

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1299.

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

There was no objection.

Ms. SUTTON. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1299 provides for consideration of H.R. 3195, the ADA Amendments Act of 2008. The rule makes in order as base text the bill as reported by the Committee on Education and Labor that was identical to the bill as reported by the Committee on the Judiciary. The bill provides for 1 hour of debate, with 40 minutes controlled by the Committee on Education and Labor and 20 minutes by the Committee on the Judiciary. The rule waives all points of order against consideration of the bill, except clauses 9 and 10 of rule XXI. Lastly, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in strong support of House Resolution 1299 and the underlying bill, H.R. 3195, the ADA Amendments Act. It was nearly 18 years ago that the Americans with Disabilities Act was signed into law. It sent a resounding message that discrimination against individuals with disabilities would not be tolerated, not in employment, not in transportation, not in housing, not in services, or in any other area of our daily lives. It was a law intended to tear down the barriers, preventing individuals with disabilities from reaching their full potential. It was a commitment from Congress that discrimination in any form would not be tolerated.

The Americans with Disabilities Act was an historic civil rights law, the most sweeping since the Civil Rights Act of 1964. Yet, despite the broad application of other civil rights statutes, a series of court decisions has dramatically narrowed the scope of the ADA. Unfortunately, this has denied millions of disabled Americans the protections Congress had originally intended for them.

Mr. Speaker, the intent of Congress was to allow individuals with disabilities to fully participate in society, free from the fear of discrimination. Yet Supreme Court interpretations have shifted the focus from whether an individual has experienced discrimination to whether an individual could even be considered ''disabled enough'' to qualify for the protections of the law.

In making this determination, the Court has implemented a standard that excludes many individuals originally intended to be covered by the ADA. They have held that the definition of ''disability'' must be applied ''strictly to create a demanding standard for qualifying as disabled.'' In addition, the Court has found that mitigating measures that help address an impairment, such as medication, hearing aids or other treatments, must be considered in determining whether an impairment is disabling enough to qualify under the ADA.

□ 1200

And so millions of Americans with disabilities have found themselves in a Catch-22. They face employment discrimination because of their disabilities, yet they may be denied relief under the ADA because they are considered ''too functional'' to qualify for its protections. Mr. Speaker, this is completely at odds with the original intent of Congress and the original focus of the ADA.

Due to these narrow interpretations, individuals with serious conditions such as epilepsy, diabetes, cancer, cerebral palsy, multiple sclerosis, and developmental disabilities have found themselves excluded from the protections afforded by the ADA.

Basic equality under the law has been denied to millions of disabled Americans for too long. But today, after months of hard work on all sides of this issue, we seek to fulfill the

promise we made to Americans with disabilities nearly two decades ago.

And let me be clear. The ADA Amendments Act does not expand the original scope of the ADA. Rather, it restores the promise that Congress made to every single American, a promise that everyone will have an equal opportunity to succeed; that we will tear down the barriers that prevent individuals from reaching their full potential; and that we will be judged on our abilities rather than on our disabilities.

The ADA Amendments Act clarifies that the ADA's protections are intended to be broad. It also restores the focus to wrongful discrimination. Our bill clarifies that anyone who is discriminated against because of an impairment, whether or not this impairment limits the performance of any major life activities, is entitled to the ADA protection.

And, finally, it states that mitigating measures will not disqualify people with disabilities from the protections afforded by the ADA.

I am proud to join with over half of the Members of this body as a cosponsor of this important bill. Today we are demonstrating our commitment to every American that discrimination will not be tolerated. This should be the case whether based on race, national origin, gender, age, religion, sexual orientation or disability. By upholding this most important of principles, our country will be richer for it.

I urge my colleagues to support this rule and the underlying bill.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank the gentlewoman, my friend from Ohio, for yielding me the time to discuss this proposed rule for consideration of the Americans with Disabilities Restoration Act of 2007. And a hearty congratulations to the new Democrat majority for their openness as we celebrate the 58th closed rule, a new record for the United States Congress.

Mr. Speaker, I rise in support of the underlying legislation, which would amend and improve the Americans with Disabilities Act, or ADA as it is called, that was enacted into law in 1990 by President George Herbert Walker Bush with the strong bipartisan support of Congress.

The ADA—which was passed to, and I quote, provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities—protects individuals from discrimination in hiring, firing, pay, and other terms and conditions of employment on the basis of a person's disability.

Often referred to as the world's first comprehensive disability anti-discrimination law, the ADA specifies what employers, government agencies, and the managers of public facilities must do to ensure that persons with disabilities have the opportunity to fully participate in our society.

The ADA consists of three major titles protecting Americans with disabilities:

Title I prohibits discrimination in public or private employment;

Title II prohibits discrimination at public entities, like public universities or hospitals;

And title III prohibits discrimination at places of public accommodations like hotels and restaurants.

Mr. Speaker, this law has made a world of difference for millions of Americans with disabilities. But, for all of the great results that have come from this law, I believe it can still be improved. For far too long, our Federal courts, including the Supreme Court, have wrestled with some of the contents of Congress' intent in defining the ADA key concepts.

For example, the ADA requires employers to make reasonable accommodations to facilitate employees with disabilities but not if this causes undue hardship, leaving the courts to decide what is reasonable and what is undue. Most of all, Federal courts have spent years being puzzled over exactly who is considered disabled under the law. But, today, we have the opportunity to pass this legislation and to clarify Congress' intent, finally settling these outstanding questions of law once and for all, or so we hope.

I want to be clear that these shortcomings do not in any way minimize the great things that this legislation has achieved for disabled people in America. Today, many public accommodations like hotels, restaurants, and recreation facilities have opted for voluntary compliance. We have cut curbs, the areas where sidewalks slope down, to be at a level of the street to allow easy passage for wheelchairs and for other mechanisms that aid the disabled, which were virtually unheard of before ADA was passed and that now are in compliance in most major cities.

Unfortunately, since 1999, several U.S. Supreme Court decisions have narrowly provided the definition of disabilities so much so that persons with serious conditions, such as epilepsy, muscular dystrophy, cancer, diabetes, and cerebral palsy have been determined to not have impairments that meet the definition of ''disability'' under the ADA.

H.R. 3195 builds upon the ADA's original intent by clarifying what disabilities qualify an individual for coverage, and they address a number of the statute's further limitations that have been raised by disability advocates.

Because of this ambiguity, today, I join with more than 250 of my colleagues in supporting this legislation, which passed out of the Judiciary Committee by unanimous consent and out of the Education and Labor Committee by a vote of 43–1. Like my colleagues, I support expanding the definition of ''disabled,'' which was the main goal of this legislation, as well supporting to ensure that people with disabilities do not lose their coverage under the ADA because their condition is manageable and treatable with medication.

These policies have been endorsed by the U.S. Chamber of Commerce, the National Association of Manufacturers, the Society for Human Resource Management, the Human Resources Policy Association, and many other pro-business organizations.

From the disability community, this legislation was also supported by the National Epilepsy Foundation, the American Diabetes Association, the American Association of People with Disabilities, and other leading advocacy groups.

Mr. Speaker, the ADA has transformed the American society since its enactment, helping millions of Americans with disabilities to succeed in the workplace and making transportation, housing, buildings, services, and other elements of daily life more accessible to individuals with disabilities.

I applaud my colleagues for bringing this legislation, an important action, to the floor today, and I look forward to its passage.

I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I am the last speaker on this side, so I will reserve my time until the gentleman has closed for his side and yielded back his time.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

Since taking control of Congress in 2007, this Democrat Congress has totally neglected its responsibilities to do anything constructive to address the domestic supply issues that have created skyrocketing gas, diesel, and energy costs that American families are facing today, including costs that are unacceptable for many disabled Americans who are struggling to be able to get to work or to live their life.

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 crisis. If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 5656, yet another time this Republican party is on the floor to say we support consumers and that we support American independence and security. This bill, H.R. 5656, would repeal the ban on acquiring advanced alternative fuels, and this bill was introduced by my dear friend JEB HENSARLING of Texas way back in March, 3 months ago.

This legislation would reduce the price of gasoline by allowing the Federal Government to procure advanced alternative fuels derived from diverse sources like oil shale, tar sands, and coal-to-liquid technology, commonsense marketplace answers to make sure that the American consumer and America is competitive with the world, rather than sending billions of dollars overseas, funding American enemies and providing the world with jobs and opportunities outside of what the consumer intended in this country.

Section 526 of the Energy Independence and Security Act of 2007, which this Democrat Congress passed, places artificial and unnecessary restraints on the Department of Defense. Perhaps it is no surprise that this Democrat Congress places artificial and unnecessary restraints on the Department of Defense in getting its own fuel from friendly sources, like the coal-to-liquid, oil shale, and tar sands resources that are abundant in the United States and in Canada, our friend to the north. Needlessly raising grave national and economic security concerns is what this Democrat Congress has done to our military.

Mr. Speaker, Canada is currently the largest U.S. oil supplier. It sent 1.8 million barrels every day of crude oil and 500,000 barrels per day of refined products to the United States in 2006. That is according to the Canadian government. About half of the Canadian crude is derived from oil sands, with the sands production forecast to reach almost 3 million barrels per day in 2015.

Section 526 is choking this flow of fuel from one of our Nation's most reliable allies and economic partners, and is increasing the military's reliance on fuels from unfriendly and unstable countries. On top of that, it is causing the American consumer to pay more at the pump. We saw a 10-cent rise in the price of each gallon of gasoline just in the last week.

Mr. Speaker, now is the time for action. Now is not the time to be suing OPEC and to be saying ''no'' to a balanced energy proposal.

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 (Mr. HOLDEN). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I urge my colleagues to vote for our military and for our economy, including many disabled people who are having a tough time paying for the high energy costs as a result of this Democrat Congress' insensitive position to not allow Americans to have their own energy independence. It is time that we produce more from America and from friendly places, like reliable sources like Canada.

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

Ms. SUTTON. Mr. Speaker, my good friend from Texas is trying to shift the discussion away from this fantastic, fantastic bill, the Americans With Disabilities Act Amendments, onto an issue of energy. But the American people know that for the past 7 years this country under this administration has been following an energy policy from the White House written by the Vice President with the oil executives.

Truth be told, there are 68 million acres of leased land available for drilling. And we believe that, of course, that drilling should be taking place on that 68 million acres of leased land, but we also believe that we should be looking diligently for alternative forms of energy.

The reality of it is that this is a deflective tactic. This House has passed under this new Congress landmark energy legislation that will provide relief in years to come.

□ 1215

We have also passed measure after measure after measure that would provide relief to American consumers but only to have them blocked by those on the other side of the aisle and by the administration.

But, today, we don't rise to dwell on that. We rise to support and to celebrate this bill. The Americans with Disabilities Act was passed in 1999 with such a broad coalition of support that it was regarded as a mandate, Mr. Speaker, and we have made progress in a number of areas to ensure individuals with disabilities are fully able to participate in society. But, in many ways, the ADA is a promise that remains unfulfilled.

Today, through the ADA Amendments Act, we are unequivocally demonstrating our commitment to the principle of equal opportunity for all Americans. We will be removing the hurdles individuals with disabilities have faced when trying to enjoy the freedoms that are the right of every American.

The ADA Amendments Act has the full support of one of the most diverse coalitions of groups I have ever seen, from the disability community, the civil rights community, groups representing pro-business interests, and from Members on both sides of the aisle from this, the people's House.

It represents a balance between the interests of employers and individuals with disabilities, and it demonstrates our resolve to ensure that all Americans can work to reach their full potential.

I strongly urge my colleagues to support this rule and the underlying legislation. 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. 1299 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. 5656) to repeal a requirement with respect to the procurement and acquisition of alternative fuels. 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 House Oversight and Government Reform; and (2) an amendment in the nature of a substitute if offered by Representative Waxman, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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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.

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

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

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: Ordering the previous question on House Resolution 1298; adopting House Resolution 1298, if ordered; ordering the previous question on House Resolution 1297; adopting House Resolution 1297, if ordered; ordering the previous question on House Resolution 1299; and adopting House Resolution 1299, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 2176, BAY MILLS INDIAN COMMUNITY LAND CLAIMS SETTLEMENT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1298, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 226, nays 194, not voting 14, as follows:

[Roll No. 449]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
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
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Graves
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
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
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)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—194

Aderholt
Akin
Alexander
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)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
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)
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
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—14

Baca
Cannon
Cubin
Gillibrand
Kuhl (NY)
Lampson
Mahoney (FL)
Pryce (OH)
Putnam
Rush
Snyder
Speier
Watson
Wexler

□ 1243

Messrs. WHITFIELD of Kentucky, REICHERT, DONNELLY, and ENGLISH of Pennsylvania changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

Mr. HASTINGS of Washington. 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 207, nays 204, not voting 23, as follows:

[Roll No. 450]

YEAS—207

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson

Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
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)
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—204

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Conaway
Courtney
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)
Eshoo
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Keller
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Langevin
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, Gary
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ruppersberger
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—23

Baca
Bilbray
Cannon
Cubin
Gillibrand
Honda
Kuhl (NY)
Lampson
Mahoney (FL)
Neal (MA)
Pryce (OH)
Putnam
Rogers (AL)
Ros-Lehtinen
Rush
Saxton
Snyder
Speier
Udall (NM)
Walsh (NY)
Watson
Wexler
Whitfield (KY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1251

Mr. HILL 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.

PROVIDING FOR CONSIDERATION OF H.R. 6275, ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1297, 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.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 194, not voting 15, as follows:

[Roll No. 451]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
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
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
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
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
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
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)
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.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays

Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Baca
Barton (TX)
Cannon
Cubin
Gillibrand
Lampson
Mahoney (FL)
Manzullo
Pryce (OH)
Putnam
Rush
Snyder
Speier
Watson
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1258

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.

Mr. HASTINGS of Washington. 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 224, nays 193, not voting 17, as follows:

[Roll No. 452]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
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
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
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
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
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)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
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)
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
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
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)
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
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Baca
Bilbray
Bishop (GA)
Blunt
Cannon
Cubin
Dingell
King (NY)
Lampson
Mahoney (FL)
Pryce (OH)
Putnam
Rush
Snyder
Speier
Watson
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1304

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.

PROVIDING FOR CONSIDERATION OF H.R. 3195, ADA AMENDMENTS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1299, 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.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 194, not voting 19, as follows:

[Roll No. 453]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Arcuri
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
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
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
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
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)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
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.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
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)
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Baca
Blunt
Burton (IN)
Cannon
Cubin
Lampson
Mahoney (FL)
McNerney
Miller, George
Pryce (OH)
Putnam
Ruppersberger
Rush
Snyder
Speier
Walberg
Watson
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1312

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 resolution was agreed to.

A motion to reconsider was laid on the table.

ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

Mr. RANGEL. Mr. Speaker, I call up the bill (H.R. 6275) to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, 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. 6275

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Alternative Minimum Tax Relief Act of 2008''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—INDIVIDUAL TAX RELIEF

Sec. 101. Extension of increased alternative minimum tax exemption amount.

Sec. 102. Extension of alternative minimum tax relief for nonrefundable personal credits.

TITLE II—REVENUE PROVISIONS

Sec. 201. Income of partners for performing investment management services treated as ordinary income received for performance of services.

Sec. 202. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.

Sec. 203. Limitation on treaty benefits for certain deductible payments.

Sec. 204. Returns relating to payments made in settlement of payment card and third party network transactions.

Sec. 205. Application of continuous levy to property sold or leased to the Federal Government.

Sec. 206. Time for payment of corporate estimated taxes.

TITLE I—INDIVIDUAL TAX RELIEF

SEC. 101. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking ''($66,250 in the case of taxable years beginning in 2007)'' in subparagraph (A) and inserting ''($69,950 in the case of taxable years beginning in 2008)'', and

(2) by striking ''($44,350 in the case of taxable years beginning in 2007)'' in subparagraph (B) and inserting ''($46,200 in the case of taxable years beginning in 2008)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''or 2007'' and inserting ''2007, or 2008'', and

(2) by striking ''2007'' in the heading thereof and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

TITLE II—REVENUE PROVISIONS

SEC. 201. INCOME OF PARTNERS FOR PERFORMING INVESTMENT MANAGEMENT SERVICES TREATED AS ORDINARY INCOME RECEIVED FOR PERFORMANCE OF SERVICES.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 is amended by adding at the end the following new section:

''SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIP.

''(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

''(1) IN GENERAL.—Notwithstanding section 702(b)—

''(A) any net income with respect to such interest for any partnership taxable year shall be treated as ordinary income for the performance of services, and

''(B) any net loss with respect to such interest for such year, to the extent not disallowed under paragraph (2) for such year, shall be treated as an ordinary loss.

All items of income, gain, deduction, and loss which are taken into account in computing net income or net loss shall be treated as ordinary income or ordinary loss (as the case may be).

''(2) TREATMENT OF LOSSES.—

''(A) LIMITATION.—Any net loss with respect to such interest shall be allowed for any partnership taxable year only to the extent that such loss does not exceed the excess (if any) of—

''(i) the aggregate net income with respect to such interest for all prior partnership taxable years, over

''(ii) the aggregate net loss with respect to such interest not disallowed under this subparagraph for all prior partnership taxable years.

''(B) CARRYFORWARD.—Any net loss for any partnership taxable year which is not allowed by reason of subparagraph (A) shall be treated as an item of loss with respect to such partnership interest for the succeeding partnership taxable year.

''(C) BASIS ADJUSTMENT.—No adjustment to the basis of a partnership interest shall be made on account of any net loss which is not allowed by reason of subparagraph (A).

''(D) EXCEPTION FOR BASIS ATTRIBUTABLE TO PURCHASE OF A PARTNERSHIP INTEREST.—In the case of an investment services partnership interest acquired by purchase, paragraph (1)(B) shall not apply to so much of any net loss with respect to such interest for any taxable year as does not exceed the excess of—

''(i) the basis of such interest immediately after such purchase, over

''(ii) the aggregate net loss with respect to such interest to which paragraph (1)(B) did not apply by reason of this subparagraph for all prior taxable years.

Any net loss to which paragraph (1)(B) does not apply by reason of this subparagraph

shall not be taken into account under subparagraph (A).

''(E) PRIOR PARTNERSHIP YEARS.—Any reference in this paragraph to prior partnership taxable years shall only include prior partnership taxable years to which this section applies.

''(3) NET INCOME AND LOSS.—For purposes of this section—

''(A) NET INCOME.—The term 'net income' means, with respect to any investment services partnership interest, for any partnership taxable year, the excess (if any) of—

''(i) all items of income and gain taken into account by the holder of such interest under section 702 with respect to such interest for such year, over

''(ii) all items of deduction and loss so taken into account.

''(B) NET LOSS.—The term 'net loss' means with respect to such interest for such year, the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).

''(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

''(1) GAIN.—Any gain on the disposition of an investment services partnership interest shall be treated as ordinary income for the performance of services.

''(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

''(A) the aggregate net income with respect to such interest for all partnership taxable years, over

''(B) the aggregate net loss with respect to such interest allowed under subsection (a)(2) for all partnership taxable years.

''(3) DISPOSITION OF PORTION OF INTEREST.—In the case of any disposition of an investment services partnership interest, the amount of net loss which otherwise would have (but for subsection (a)(2)(C)) applied to reduce the basis of such interest shall be disregarded for purposes of this section for all succeeding partnership taxable years.

''(4) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner—

''(A) the excess (if any) of—

''(i) the fair market value of such property at the time of such distribution, over

''(ii) the adjusted basis of such property in the hands of the partnership,

shall be taken into account as an increase in such partner's distributive share of the taxable income of the partnership (except to the extent such excess is otherwise taken into account in determining the taxable income of the partnership),

''(B) such property shall be treated for purposes of subpart B of part II as money distributed to such partner in an amount equal to such fair market value, and

''(C) the basis of such property in the hands of such partner shall be such fair market value.

Subsection (b) of section 734 shall be applied without regard to the preceding sentence.

''(5) APPLICATION OF SECTION 751.—In applying section 751(a), an investment services partnership interest shall be treated as an inventory item.

''(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

''(1) IN GENERAL.—The term 'investment services partnership interest' means any interest in a partnership which is held by any person if such person provides (directly or indirectly) a substantial quantity of any of the following services with respect to the assets of the partnership in the conduct of the trade or business of providing such services:

''(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

''(B) Managing, acquiring, or disposing of any specified asset.

''(C) Arranging financing with respect to acquiring specified assets.

''(D) Any activity in support of any service described in subparagraphs (A) through (C).

For purposes of this paragraph, the term 'specified asset' means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate, commodities (as defined in section 475(e)(2))), or options or derivative contracts with respect to securities (as so defined), real estate, or commodities (as so defined).

''(2) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

''(A) IN GENERAL.—If—

''(i) a portion of an investment services partnership interest is acquired on account of a contribution of invested capital, and

''(ii) the partnership makes a reasonable allocation of partnership items between the portion of the distributive share that is with respect to invested capital and the portion of such distributive share that is not with respect to invested capital,

then subsection (a) shall not apply to the portion of the distributive share that is with respect to invested capital. An allocation will not be treated as reasonable for purposes of this subparagraph if such allocation would result in the partnership allocating a greater portion of income to invested capital than any other partner not providing services would have been allocated with respect to the same amount of invested capital.

''(B) SPECIAL RULE FOR DISPOSITIONS.—In any case to which subparagraph (A) applies, subsection (b) shall not apply to any gain or loss allocable to invested capital. The portion of any gain or loss attributable to invested capital is the proportion of such gain or loss which is based on the distributive share of gain or loss that would have been allocable to invested capital under subparagraph (A) if the partnership sold all of its assets immediately before the disposition.

''(C) INVESTED CAPITAL.—For purposes of this paragraph, the term 'invested capital' means, the fair market value at the time of contribution of any money or other property contributed to the partnership.

''(D) TREATMENT OF CERTAIN LOANS.—

''(i) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS INVESTED CAPITAL OF SERVICE PROVIDING PARTNERS.—For purposes of this paragraph, an investment services partnership interest shall not be treated as acquired on account of a contribution of invested capital to the extent that such capital is attributable to the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any partner or the partnership.

''(ii) LOANS FROM NONSERVICE PROVIDING PARTNERS TO THE PARTNERSHIP TREATED AS INVESTED CAPITAL.—For purposes of this paragraph, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services to the partnership shall be treated as invested capital of such partner and amounts of income and loss treated as allocable to invested capital shall be adjusted accordingly.

''(d) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

''(1) IN GENERAL.—If—

''(A) a person performs (directly or indirectly) investment management services for any entity,

''(B) such person holds a disqualified interest with respect to such entity, and

''(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,

any income or gain with respect to such interest shall be treated as ordinary income for the performance of services. Rules similar to the rules of subsection (c)(2) shall apply where such interest was acquired on account of invested capital in such entity.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) DISQUALIFIED INTEREST.—The term 'disqualified interest' means, with respect to any entity—

''(i) any interest in such entity other than indebtedness,

''(ii) convertible or contingent debt of such entity,

''(iii) any option or other right to acquire property described in clause (i) or (ii), and

''(iv) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

Such term shall not include a partnership interest and shall not include stock in a taxable corporation.

''(B) TAXABLE CORPORATION.—The term 'taxable corporation' means—

''(i) a domestic C corporation, or

''(ii) a foreign corporation subject to a comprehensive foreign income tax.

''(C) INVESTMENT MANAGEMENT SERVICES.—The term 'investment management services' means a substantial quantity of any of the services described in subsection (c)(1) which are provided in the conduct of the trade or business of providing such services.

''(D) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign corporation, the income tax of a foreign country if—

''(i) such corporation is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(ii) such corporation demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this section, including regulations to—

''(1) prevent the avoidance of the purposes of this section, and

''(2) coordinate this section with the other provisions of this subchapter.

''(f) CROSS REFERENCE.—For 40 percent no fault penalty on certain underpayments due to the avoidance of this section, see section 6662.''.

(b) APPLICATION TO REAL ESTATE INVESTMENT TRUSTS.—

(1) IN GENERAL.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

''(9) EXCEPTION FROM RECHARACTERIZATION OF INCOME FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS.—

''(A) IN GENERAL.—Paragraphs (2), (3), and (4) shall be applied without regard to section 710 (relating to special rules for partners providing investment management services to partnership).

''(B) SPECIAL RULE FOR PARTNERSHIPS OWNED BY REITS.—Section 7704 shall be applied without regard to section 710 in the case of a partnership which meets each of the following requirements:

''(i) Such partnership is treated as publicly traded under section 7704 solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

''(ii) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate

investment trust (determined with the application of section 267(c)).

''(iii) Such partnership meets the requirements of paragraphs (2), (3), and (4) (applied without regard to section 710).''.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 7704(d) is amended by inserting ''(determined without regard to section 856(c)(8))'' after ''856(c)(2)''.

(c) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

''(6) The application of subsection (d) of section 710 or the regulations prescribed under section 710(e) to prevent the avoidance of the purposes of section 710.''.

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 is amended by adding at the end the following new subsection:

''(i) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(6), subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.''.

(B) CONFORMING AMENDMENTS.—Subparagraph (B) of section 6662A(e)(2) is amended—

(i) by striking ''section 6662(h)'' and inserting ''subsection (h) or (i) of section 6662'', and

(ii) by striking ''GROSS VALUATION MISSTATEMENT PENALTY'' in the heading and inserting ''CERTAIN INCREASED UNDERPAYMENT PENALTIES''.

(3) REASONABLE CAUSE EXCEPTION NOT APPLICABLE.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(B) by striking ''paragraph (2)'' in paragraph (4), as so redesignated, and inserting ''paragraph (3)'', and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment to which this section applies by reason of subsection (b)(6).''.

(d) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 is amended by inserting ''section 710(b)(4) (relating to distributions of partnership property),'' before ''section 736''.

(2) Section 741 is amended by inserting ''or section 710 (relating to special rules for partners providing investment management services to partnership)'' before the period at the end.

(3) Paragraph (13) of section 1402(a) is amended—

(A) by striking ''other than guaranteed'' and inserting ''other than—

''(A) guaranteed'',

(B) by striking the semicolon at the end and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(B) any income treated as ordinary income under section 710 received by an individual who provides investment management services (as defined in section 710(d)(2));''.

(4) Paragraph (12) of section 211(a) of the Social Security Act is amended—

(A) by striking ''other than guaranteed'' and inserting ''other than—

''(A) guaranteed'',

(B) by striking the semicolon at the end and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(B) any income treated as ordinary income under section 710 of the Internal Revenue Code of 1986 received by an individual who provides investment management services (as defined in section 710(d)(2) of such Code);''.

(5) The table of sections for part I of subchapter K of chapter 1 is amended by adding at the end the following new item:

''Sec. 710. Special rules for partners providing investment management services to partnership.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after June 18, 2008.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes June 18, 2008, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—Section 710(b) of the Internal Revenue Code of 1986 (as added by this section) shall apply to dispositions and distributions after June 18, 2008.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(d) of such Code (as added by this section) shall take effect on June 18, 2008.

(5) PUBLICLY TRADED PARTNERSHIPS.—For purposes of applying section 7704, the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 202. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.—

(1) IN GENERAL.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).''.

(2) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

''For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(b) LIMITATION ON OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME FOR TAXPAYERS OTHER THAN MAJOR INTEGRATED OIL COMPANIES.—

(1) IN GENERAL.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(A) IN GENERAL.—If a taxpayer (other than a major integrated oil company (as defined in section 167(h)(5)(B))) has oil related qualified production activities income for any taxable year beginning after 2009, the amount of the deduction under subsection (a) shall be reduced by 3 percent of the least of—

''(i) the oil related qualified production activities income of the taxpayer for the taxable year,

''(ii) the qualified production activities income of the taxpayer for the taxable year, or

''(iii) taxable income (determined without regard to this section).

''(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—The term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.''.

(2) CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking ''subsection (a)(1)(B)'' and inserting ''subsections (a)(1)(B) and (d)(9)(A)(iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 203. LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.

(a) IN GENERAL.—Section 894 (relating to income affected by treaty) is amended by adding at the end the following new subsection:

''(d) LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.—

''(1) IN GENERAL.—In the case of any deductible related-party payment, any withholding tax imposed under chapter 3 (and any tax imposed under subpart A or B of this part) with respect to such payment may not be reduced under any treaty of the United States unless any such withholding tax would be reduced under a treaty of the United States if such payment were made directly to the foreign parent corporation.

''(2) DEDUCTIBLE RELATED-PARTY PAYMENT.—For purposes of this subsection, the term 'deductible related-party payment' means any payment made, directly or indirectly, by any person to any other person if the payment is allowable as a deduction under this chapter and both persons are members of the same foreign controlled group of entities.

''(3) FOREIGN CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'foreign controlled group of entities' means a controlled group of entities the common parent of which is a foreign corporation.

''(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

''(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(4) FOREIGN PARENT CORPORATION.—For purposes of this subsection, the term 'foreign parent corporation' means, with respect to any deductible related-party payment, the common parent of the foreign controlled group of entities referred to in paragraph (3)(A).

''(5) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provide for—

''(A) the treatment of two or more persons as members of a foreign controlled group of

entities if such persons would be the common parent of such group if treated as one corporation, and

''(B) the treatment of any member of a foreign controlled group of entities as the common parent of such group if such treatment is appropriate taking into account the economic relationships among such entities.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 204. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new section:

''SEC. 6050W. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

''(a) IN GENERAL.—Each payment settlement entity shall make a return for each calendar year setting forth—

''(1) the name, address, and TIN of each participating payee to whom one or more payments in settlement of reportable payment transactions are made, and

''(2) the gross amount of the reportable payment transactions with respect to each such participating payee.

Such return shall be made at such time and in such form and manner as the Secretary may require by regulations.

''(b) PAYMENT SETTLEMENT ENTITY.—For purposes of this section—

''(1) IN GENERAL.—The term 'payment settlement entity' means—

''(A) in the case of a payment card transaction, the merchant acquiring bank, and

''(B) in the case of a third party network transaction, the third party settlement organization.

''(2) MERCHANT ACQUIRING BANK.—The term 'merchant acquiring bank' means the bank or other organization which has the contractual obligation to make payment to participating payees in settlement of payment card transactions.

''(3) THIRD PARTY SETTLEMENT ORGANIZATION.—The term 'third party settlement organization' means the central organization which has the contractual obligation to make payment to participating payees of third party network transactions.

''(4) SPECIAL RULES RELATED TO INTERMEDIARIES.—For purposes of this section—

''(A) AGGREGATED PAYEES.—In any case where reportable payment transactions of more than one participating payee are settled through an intermediary—

''(i) such intermediary shall be treated as the participating payee for purposes of determining the reporting obligations of the payment settlement entity with respect to such transactions, and

''(ii) such intermediary shall be treated as the payment settlement entity with respect to the settlement of such transactions with the participating payees.

''(B) ELECTRONIC PAYMENT FACILITATORS.—In any case where an electronic payment facilitator or other third party makes payments in settlement of reportable payment transactions on behalf of the payment settlement entity, the return under subsection (a) shall be made by such electronic payment facilitator or other third party in lieu of the payment settlement entity.

''(c) REPORTABLE PAYMENT TRANSACTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable payment transaction' means any payment card transaction and any third party network transaction.

''(2) PAYMENT CARD TRANSACTION.—The term 'payment card transaction' means any transaction in which a payment card is accepted as payment.

''(3) THIRD PARTY NETWORK TRANSACTION.—The term 'third party network transaction' means any transaction which is settled through a third party payment network.

''(d) OTHER DEFINITIONS.—For purposes of this section—

''(1) PARTICIPATING PAYEE.—

''(A) IN GENERAL.—The term 'participating payee' '' means—

''(i) in the case of a payment card transaction, any person who accepts a payment card as payment, and

''(ii) in the case of a third party network transaction, any person who accepts payment from a third party settlement organization in settlement of such transaction.

''(B) EXCLUSION OF FOREIGN PERSONS.—Except as provided by the Secretary in regulations or other guidance, such term shall not include any person with a foreign address.

''(C) INCLUSION OF GOVERNMENTAL UNITS.—The term 'person' includes any governmental unit (and any agency or instrumentality thereof).

''(2) PAYMENT CARD.—The term 'payment card' means any card which is issued pursuant to an agreement or arrangement which provides for—

''(A) one or more issuers of such cards,

''(B) a network of persons unrelated to each other, and to the issuer, who agree to accept such cards as payment, and

''(C) standards and mechanisms for settling the transactions between the merchant acquiring banks and the persons who agree to accept such cards as payment.

The acceptance as payment of any account number or other indicia associated with a payment card shall be treated for purposes of this section in the same manner as accepting such payment card as payment.

''(3) THIRD PARTY PAYMENT NETWORK.—The term 'third party payment network' means any agreement or arrangement—

''(A) which involves the establishment of accounts with a central organization for the purpose of settling transactions between persons who establish such accounts,

''(B) which provides for standards and mechanisms for settling such transactions,

''(C) which involves a substantial number of persons unrelated to such central organization who provide goods or services and who have agreed to settle transactions for the provision of such goods or services pursuant to such agreement or arrangement, and

''(D) which guarantees persons providing goods or services pursuant to such agreement or arrangement that such persons will be paid for providing such goods or services.

Such term shall not include any agreement or arrangement which provides for the issuance of payment cards.

''(e) EXCEPTION FOR DE MINIMIS PAYMENTS BY THIRD PARTY SETTLEMENT ORGANIZATIONS.—A third party settlement organization shall be required to report any information under subsection (a) with respect to third party network transactions of any participating payee only if—

''(1) the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions exceeds $10,000, and

''(2) the aggregate number of such transactions exceeds 200.

''(f) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person with respect to whom such a return is required a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return, and

''(2) the gross amount of the reportable payment transactions with respect to the person required to be shown on the return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made. Such statement may be furnished electronically.

''(g) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary or appropriate to carry out this section, including rules to prevent the reporting of the same transaction more than once.''.

(b) PENALTY FOR FAILURE TO FILE.—

(1) RETURN.—Subparagraph (B) of section 6724(d)(1) is amended—

(A) by striking ''and'' at the end of clause (xx),

(B) by redesignating the clause (xix) that follows clause (xx) as clause (xxi),

(C) by striking ''and'' at the end of clause (xxi), as redesignated by subparagraph (B) and inserting ''or'', and

(D) by adding at the end the following:

''(xxii) section 6050W (relating to returns to payments made in settlement of payment card transactions), and''.

(2) STATEMENT.—Paragraph (2) of section 6724(d) is amended by inserting a comma at the end of subparagraph (BB), by striking the period at the end of the subparagraph (CC) and inserting '', or'', and by inserting after subparagraph (CC) the following:

''(DD) section 6050W(c) (relating to returns relating to payments made in settlement of payment card transactions).''.

(c) APPLICATION OF BACKUP WITHHOLDING.—Paragraph (3) of section 3406(b) is amended by striking ''or'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', or'', and by adding at the end the following new subparagraph:

''(F) section 6050W (relating to returns relating to payments made in settlement of payment card transactions).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following:

''Sec. 6050W. Returns relating to payments made in settlement of payment card and third party network transactions.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to returns for calendar years beginning after December 31, 2010.

(2) APPLICATION OF BACKUP WITHHOLDING.—

(A) IN GENERAL.—The amendment made by subsection (c) shall apply to amounts paid after December 31, 2011.

(B) ELIGIBILITY FOR TIN MATCHING PROGRAM.—Solely for purposes of carrying out any TIN matching program established by the Secretary under section 3406(i) of the Internal Revenue Code of 1986—

(i) the amendments made this section shall be treated as taking effect on the date of the enactment of this Act, and

(ii) each person responsible for setting the standards and mechanisms referred to in section 6050W(d)(2)(C) of such Code, as added by this section, for settling transactions involving payment cards shall be treated in the same manner as a payment settlement entity.

SEC. 205. APPLICATION OF CONTINUOUS LEVY TO PROPERTY SOLD OR LEASED TO THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Paragraph (3) of section 6331(h) is amended by striking ''goods'' and inserting ''property''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

SEC. 206. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting ''100 percent''.

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 59.5 percentage points.

The SPEAKER pro tempore. Pursuant to House Resolution 1297, 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. 6275

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Alternative Minimum Tax Relief Act of 2008''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—INDIVIDUAL TAX RELIEF

Sec. 101. Extension of increased alternative minimum tax exemption amount.

Sec. 102. Extension of alternative minimum tax relief for nonrefundable personal credits.

TITLE II—REVENUE PROVISIONS

Sec. 201. Income of partners for performing investment management services treated as ordinary income received for performance of services.

Sec. 202. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.

Sec. 203. Limitation on treaty benefits for certain deductible payments.

Sec. 204. Returns relating to payments made in settlement of payment card and third party network transactions.

Sec. 205. Application of continuous levy to property sold or leased to the Federal Government.

Sec. 206. Time for payment of corporate estimated taxes.

TITLE I—INDIVIDUAL TAX RELIEF

SEC. 101. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking ''($66,250 in the case of taxable years beginning in 2007)'' in subparagraph (A) and inserting ''($69,950 in the case of taxable years beginning in 2008)'', and

(2) by striking ''($44,350 in the case of taxable years beginning in 2007)'' in subparagraph (B) and inserting ''($46,200 in the case of taxable years beginning in 2008)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''or 2007'' and inserting ''2007, or 2008'', and

(2) by striking ''2007'' in the heading thereof and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

TITLE II—REVENUE PROVISIONS

SEC. 201. INCOME OF PARTNERS FOR PERFORMING INVESTMENT MANAGEMENT SERVICES TREATED AS ORDINARY INCOME RECEIVED FOR PERFORMANCE OF SERVICES.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 is amended by adding at the end the following new section:

''SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIP.

''(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

''(1) IN GENERAL.—Notwithstanding section 702(b)—

''(A) any net income with respect to such interest for any partnership taxable year shall be treated as ordinary income for the performance of services, and

''(B) any net loss with respect to such interest for such year, to the extent not disallowed under paragraph (2) for such year, shall be treated as an ordinary loss.

All items of income, gain, deduction, and loss which are taken into account in computing net income or net loss shall be treated as ordinary income or ordinary loss (as the case may be).

''(2) TREATMENT OF LOSSES.—

''(A) LIMITATION.—Any net loss with respect to such interest shall be allowed for any partnership taxable year only to the extent that such loss does not exceed the excess (if any) of—

''(i) the aggregate net income with respect to such interest for all prior partnership taxable years, over

''(ii) the aggregate net loss with respect to such interest not disallowed under this subparagraph for all prior partnership taxable years.

''(B) CARRYFORWARD.—Any net loss for any partnership taxable year which is not allowed by reason of subparagraph (A) shall be treated as an item of loss with respect to such partnership interest for the succeeding partnership taxable year.

''(C) BASIS ADJUSTMENT.—No adjustment to the basis of a partnership interest shall be made on account of any net loss which is not allowed by reason of subparagraph (A).

''(D) EXCEPTION FOR BASIS ATTRIBUTABLE TO PURCHASE OF A PARTNERSHIP INTEREST.—In the case of an investment services partnership interest acquired by purchase, paragraph (1)(B) shall not apply to so much of any net loss with respect to such interest for any taxable year as does not exceed the excess of—

''(i) the basis of such interest immediately after such purchase, over

''(ii) the aggregate net loss with respect to such interest to which paragraph (1)(B) did not apply by reason of this subparagraph for all prior taxable years.

Any net loss to which paragraph (1)(B) does not apply by reason of this subparagraph shall not be taken into account under subparagraph (A).

''(E) PRIOR PARTNERSHIP YEARS.—Any reference in this paragraph to prior partnership taxable years shall only include prior partnership taxable years to which this section applies.

''(3) NET INCOME AND LOSS.—For purposes of this section—

''(A) NET INCOME.—The term 'net income' means, with respect to any investment services partnership interest, for any partnership taxable year, the excess (if any) of—

''(i) all items of income and gain taken into account by the holder of such interest under section 702 with respect to such interest for such year, over

''(ii) all items of deduction and loss so taken into account.

''(B) NET LOSS.—The term 'net loss' means with respect to such interest for such year, the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).

''(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

''(1) GAIN.—Any gain on the disposition of an investment services partnership interest shall be treated as ordinary income for the performance of services.

''(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

''(A) the aggregate net income with respect to such interest for all partnership taxable years, over

''(B) the aggregate net loss with respect to such interest allowed under subsection (a)(2) for all partnership taxable years.

''(3) DISPOSITION OF PORTION OF INTEREST.—In the case of any disposition of an investment services partnership interest, the amount of net loss which otherwise would have (but for subsection (a)(2)(C)) applied to reduce the basis of such interest shall be disregarded for purposes of this section for all succeeding partnership taxable years.

''(4) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner—

''(A) the excess (if any) of—

''(i) the fair market value of such property at the time of such distribution, over

''(ii) the adjusted basis of such property in the hands of the partnership,

shall be taken into account as an increase in such partner's distributive share of the taxable income of the partnership (except to the extent such excess is otherwise taken into account in determining the taxable income of the partnership),

''(B) such property shall be treated for purposes of subpart B of part II as money distributed to such partner in an amount equal to such fair market value, and

''(C) the basis of such property in the hands of such partner shall be such fair market value.

Subsection (b) of section 734 shall be applied without regard to the preceding sentence.

''(5) APPLICATION OF SECTION 751.—In applying section 751(a), an investment services partnership interest shall be treated as an inventory item.

''(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

''(1) IN GENERAL.—The term 'investment services partnership interest' means any interest in a partnership which is held by any person if such person provides (directly or indirectly) a substantial quantity of any of the following services with respect to the assets of the partnership in the conduct of the trade or business of providing such services:

''(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

''(B) Managing, acquiring, or disposing of any specified asset.

''(C) Arranging financing with respect to acquiring specified assets.

''(D) Any activity in support of any service described in subparagraphs (A) through (C).

For purposes of this paragraph, the term 'specified asset' means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate, commodities (as defined in section 475(e)(2))), or options or derivative contracts with respect to securities (as so defined), real estate, or commodities (as so defined).

''(2) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

''(A) IN GENERAL.—If—

''(i) a portion of an investment services partnership interest is acquired on account of a contribution of invested capital, and

''(ii) the partnership makes a reasonable allocation of partnership items between the portion of the distributive share that is with respect to invested capital and the portion of such distributive share that is not with respect to invested capital,

then subsection (a) shall not apply to the portion of the distributive share that is with respect to invested capital. An allocation will not be treated as reasonable for purposes of this subparagraph if such allocation would result in the partnership allocating a greater portion of income to invested capital than any other partner not providing services would have been allocated with respect to the same amount of invested capital.

''(B) SPECIAL RULE FOR DISPOSITIONS.—In any case to which subparagraph (A) applies, subsection (b) shall not apply to any gain or loss allocable to invested capital. The portion of any gain or loss attributable to invested capital is the proportion of such gain or loss which is based on the distributive share of gain or loss that would have been allocable to invested capital under subparagraph (A) if the partnership sold all of its assets immediately before the disposition.

''(C) INVESTED CAPITAL.—For purposes of this paragraph, the term 'invested capital' means, the fair market value at the time of contribution of any money or other property contributed to the partnership.

''(D) TREATMENT OF CERTAIN LOANS.—

''(i) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS INVESTED CAPITAL OF SERVICE PROVIDING PARTNERS.—For purposes of this paragraph, an investment services partnership interest shall not be treated as acquired on account of a contribution of invested capital to the extent that such capital is attributable to the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any partner or the partnership.

''(ii) LOANS FROM NONSERVICE PROVIDING PARTNERS TO THE PARTNERSHIP TREATED AS INVESTED CAPITAL.—For purposes of this paragraph, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services to the partnership shall be treated as invested capital of such partner and amounts of income and loss treated as allocable to invested capital shall be adjusted accordingly.

''(d) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

''(1) IN GENERAL.—If—

''(A) a person performs (directly or indirectly) investment management services for any entity,

''(B) such person holds a disqualified interest with respect to such entity, and

''(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed, any income or gain with respect to such interest shall be treated as ordinary income for the performance of services. Rules similar to the rules of subsection (c)(2) shall apply where such interest was acquired on account of invested capital in such entity.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) DISQUALIFIED INTEREST.—The term 'disqualified interest' means, with respect to any entity—

''(i) any interest in such entity other than indebtedness,

''(ii) convertible or contingent debt of such entity,

''(iii) any option or other right to acquire property described in clause (i) or (ii), and

''(iv) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

Such term shall not include a partnership interest and shall not include stock in a taxable corporation.

''(B) TAXABLE CORPORATION.—The term 'taxable corporation' means—

''(i) a domestic C corporation, or

''(ii) a foreign corporation subject to a comprehensive foreign income tax.

''(C) INVESTMENT MANAGEMENT SERVICES.—The term 'investment management services' means a substantial quantity of any of the services described in subsection (c)(1) which are provided in the conduct of the trade or business of providing such services.

''(D) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign corporation, the income tax of a foreign country if—

''(i) such corporation is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(ii) such corporation demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this section, including regulations to—

''(1) prevent the avoidance of the purposes of this section, and

''(2) coordinate this section with the other provisions of this subchapter.

''(f) CROSS REFERENCE.—For 40 percent no fault penalty on certain underpayments due to the avoidance of this section, see section 6662.''.

(b) APPLICATION TO REAL ESTATE INVESTMENT TRUSTS.—

(1) IN GENERAL.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

''(9) EXCEPTION FROM RECHARACTERIZATION OF INCOME FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS.—

''(A) IN GENERAL.—Paragraphs (2), (3), and (4) shall be applied without regard to section 710 (relating to special rules for partners providing investment management services to partnership).

''(B) SPECIAL RULE FOR PARTNERSHIPS OWNED BY REITS.—Section 7704 shall be applied without regard to section 710 in the case of a partnership which meets each of the following requirements:

''(i) Such partnership is treated as publicly traded under section 7704 solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

''(ii) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

''(iii) Such partnership meets the requirements of paragraphs (2), (3), and (4) (applied without regard to section 710).''.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 7704(d) is amended by inserting ''(determined without regard to section 856(c)(8))'' after ''856(c)(2)''.

(c) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

''(6) The application of subsection (d) of section 710 or the regulations prescribed under section 710(e) to prevent the avoidance of the purposes of section 710.''.

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 is amended by adding at the end the following new subsection:

''(i) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(6), subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.''.

(B) CONFORMING AMENDMENTS.—Subparagraph (B) of section 6662A(e)(2) is amended—

(i) by striking ''section 6662(h)'' and inserting ''subsection (h) or (i) of section 6662'', and

(ii) by striking ''GROSS VALUATION MISSTATEMENT PENALTY'' in the heading and inserting ''CERTAIN INCREASED UNDERPAYMENT PENALTIES''.

(3) REASONABLE CAUSE EXCEPTION NOT APPLICABLE.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(B) by striking ''paragraph (2)'' in paragraph (4), as so redesignated, and inserting ''paragraph (3)'', and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment to which this section applies by reason of subsection (b)(6).''.

(d) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 is amended by inserting ''section 710(b)(4) (relating to distributions of partnership property),'' before ''section 736''.

(2) Section 741 is amended by inserting ''or section 710 (relating to special rules for partners providing investment management services to partnership)'' before the period at the end.

(3) Paragraph (13) of section 1402(a) is amended—

(A) by striking ''other than guaranteed'' and inserting ''other than—

''(A) guaranteed'',

(B) by striking the semicolon at the end and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(B) any income treated as ordinary income under section 710 received by an individual who provides investment management services (as defined in section 710(d)(2));''.

(4) Paragraph (12) of section 211(a) of the Social Security Act is amended—

(A) by striking ''other than guaranteed'' and inserting ''other than—

''(A) guaranteed'',

(B) by striking the semicolon at the end and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(B) any income treated as ordinary income under section 710 of the Internal Revenue Code of 1986 received by an individual who provides investment management services (as defined in section 710(d)(2) of such Code);''.

(5) The table of sections for part I of subchapter K of chapter 1 is amended by adding at the end the following new item:

''Sec. 710. Special rules for partners providing investment management services to partnership.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after June 18, 2008.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes June 18, 2008, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—Section 710(b) of the Internal Revenue Code of

1986 (as added by this section) shall apply to dispositions and distributions after June 18, 2008.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(d) of such Code (as added by this section) shall take effect on June 18, 2008.

(5) PUBLICLY TRADED PARTNERSHIPS.—For purposes of applying section 7704, the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 202. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.—

(1) IN GENERAL.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).''.

(2) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

''For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(b) LIMITATION ON OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME FOR TAXPAYERS OTHER THAN MAJOR INTEGRATED OIL COMPANIES.—

(1) IN GENERAL.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(A) IN GENERAL.—If a taxpayer (other than a major integrated oil company (as defined in section 167(h)(5)(B))) has oil related qualified production activities income for any taxable year beginning after 2009, the amount of the deduction under subsection (a) shall be reduced by 3 percent of the least of—

''(i) the oil related qualified production activities income of the taxpayer for the taxable year,

''(ii) the qualified production activities income of the taxpayer for the taxable year, or

''(iii) taxable income (determined without regard to this section).

''(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—The term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.''.

(2) CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking ''subsection (a)(1)(B)'' and inserting ''subsections (a)(1)(B) and (d)(9)(A)(iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 203. LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.

(a) IN GENERAL.—Section 894 (relating to income affected by treaty) is amended by adding at the end the following new subsection:

''(d) LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.—

''(1) IN GENERAL.—In the case of any deductible related-party payment, any withholding tax imposed under chapter 3 (and any tax imposed under subpart A or B of this part) with respect to such payment may not be reduced under any treaty of the United States unless any such withholding tax would be reduced under a treaty of the United States if such payment were made directly to the foreign parent corporation.

''(2) DEDUCTIBLE RELATED-PARTY PAYMENT.—For purposes of this subsection, the term 'deductible related-party payment' means any payment made, directly or indirectly, by any person to any other person if the payment is allowable as a deduction under this chapter and both persons are members of the same foreign controlled group of entities.

''(3) FOREIGN CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'foreign controlled group of entities' means a controlled group of entities the common parent of which is a foreign corporation.

''(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

''(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(4) FOREIGN PARENT CORPORATION.—For purposes of this subsection, the term 'foreign parent corporation' means, with respect to any deductible related-party payment, the common parent of the foreign controlled group of entities referred to in paragraph (3)(A).

''(5) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provide for—

''(A) the treatment of two or more persons as members of a foreign controlled group of entities if such persons would be the common parent of such group if treated as one corporation, and

''(B) the treatment of any member of a foreign controlled group of entities as the common parent of such group if such treatment is appropriate taking into account the economic relationships among such entities.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 204. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new section:

''SEC. 6050W. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

''(a) IN GENERAL.—Each payment settlement entity shall make a return for each calendar year setting forth—

''(1) the name, address, and TIN of each participating payee to whom one or more payments in settlement of reportable payment transactions are made, and

''(2) the gross amount of the reportable payment transactions with respect to each such participating payee.

Such return shall be made at such time and in such form and manner as the Secretary may require by regulations.

''(b) PAYMENT SETTLEMENT ENTITY.—For purposes of this section—

''(1) IN GENERAL.—The term 'payment settlement entity' means—

''(A) in the case of a payment card transaction, the merchant acquiring bank, and

''(B) in the case of a third party network transaction, the third party settlement organization.

''(2) MERCHANT ACQUIRING BANK.—The term 'merchant acquiring bank' means the bank or other organization which has the contractual obligation to make payment to participating payees in settlement of payment card transactions.

''(3) THIRD PARTY SETTLEMENT ORGANIZATION.—The term 'third party settlement organization' means the central organization which has the contractual obligation to make payment to participating payees of third party network transactions.

''(4) SPECIAL RULES RELATED TO INTERMEDIARIES.—For purposes of this section—

''(A) AGGREGATED PAYEES.—In any case where reportable payment transactions of more than one participating payee are settled through an intermediary—

''(i) such intermediary shall be treated as the participating payee for purposes of determining the reporting obligations of the payment settlement entity with respect to such transactions, and

''(ii) such intermediary shall be treated as the payment settlement entity with respect to the settlement of such transactions with the participating payees.

''(B) ELECTRONIC PAYMENT FACILITATORS.—In any case where an electronic payment facilitator or other third party makes payments in settlement of reportable payment transactions on behalf of the payment settlement entity, the return under subsection (a) shall be made by such electronic payment facilitator or other third party in lieu of the payment settlement entity.

''(c) REPORTABLE PAYMENT TRANSACTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable payment transaction' means any payment card transaction and any third party network transaction.

''(2) PAYMENT CARD TRANSACTION.—The term 'payment card transaction' means any transaction in which a payment card is accepted as payment.

''(3) THIRD PARTY NETWORK TRANSACTION.—The term 'third party network transaction' means any transaction which is settled through a third party payment network.

''(d) OTHER DEFINITIONS.—For purposes of this section—

''(1) PARTICIPATING PAYEE.—

''(A) IN GENERAL.—The term 'participating payee' '' means—

''(i) in the case of a payment card transaction, any person who accepts a payment card as payment, and

''(ii) in the case of a third party network transaction, any person who accepts payment from a third party settlement organization in settlement of such transaction.

''(B) EXCLUSION OF FOREIGN PERSONS.—Except as provided by the Secretary in regulations or other guidance, such term shall not include any person with a foreign address.

''(C) INCLUSION OF GOVERNMENTAL UNITS.—The term 'person' includes any governmental unit (and any agency or instrumentality thereof).

''(2) PAYMENT CARD.—The term 'payment card' means any card which is issued pursuant to an agreement or arrangement which provides for—

''(A) one or more issuers of such cards,

''(B) a network of persons unrelated to each other, and to the issuer, who agree to accept such cards as payment, and

''(C) standards and mechanisms for settling the transactions between the merchant acquiring banks and the persons who agree to accept such cards as payment.

The acceptance as payment of any account number or other indicia associated with a payment card shall be treated for purposes of this

section in the same manner as accepting such payment card as payment.

''(3) THIRD PARTY PAYMENT NETWORK.—The term 'third party payment network' means any agreement or arrangement—

''(A) which involves the establishment of accounts with a central organization for the purpose of settling transactions between persons who establish such accounts,

''(B) which provides for standards and mechanisms for settling such transactions,

''(C) which involves a substantial number of persons unrelated to such central organization who provide goods or services and who have agreed to settle transactions for the provision of such goods or services pursuant to such agreement or arrangement, and

''(D) which guarantees persons providing goods or services pursuant to such agreement or arrangement that such persons will be paid for providing such goods or services.

Such term shall not include any agreement or arrangement which provides for the issuance of payment cards.

''(e) EXCEPTION FOR DE MINIMIS PAYMENTS BY THIRD PARTY SETTLEMENT ORGANIZATIONS.—A third party settlement organization shall be required to report any information under subsection (a) with respect to third party network transactions of any participating payee only if—

''(1) the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions exceeds $10,000, and

''(2) the aggregate number of such transactions exceeds 200.

''(f) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person with respect to whom such a return is required a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return, and

''(2) the gross amount of the reportable payment transactions with respect to the person required to be shown on the return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made. Such statement may be furnished electronically.

''(g) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary or appropriate to carry out this section, including rules to prevent the reporting of the same transaction more than once.''.

(b) PENALTY FOR FAILURE TO FILE.—

(1) RETURN.—Subparagraph (B) of section 6724(d)(1) is amended—

(A) by striking ''and'' at the end of clause (xx),

(B) by redesignating the clause (xix) that follows clause (xx) as clause (xxi),

(C) by striking ''and'' at the end of clause (xxi), as redesignated by subparagraph (B) and inserting ''or'', and

(D) by adding at the end the following:

''(xxii) section 6050W (relating to returns to payments made in settlement of payment card transactions), and''.

(2) STATEMENT.—Paragraph (2) of section 6724(d) is amended by inserting a comma at the end of subparagraph (BB), by striking the period at the end of the subparagraph (CC) and inserting '', or'', and by inserting after subparagraph (CC) the following:

''(DD) section 6050W(c) (relating to returns relating to payments made in settlement of payment card transactions).''.

(c) APPLICATION OF BACKUP WITHHOLDING.—Paragraph (3) of section 3406(b) is amended by striking ''or'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', or'', and by adding at the end the following new subparagraph:

''(F) section 6050W (relating to returns relating to payments made in settlement of payment card transactions).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following:

''Sec. 6050W. Returns relating to payments made in settlement of payment card and third party network transactions.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to returns for calendar years beginning after December 31, 2010.

(2) APPLICATION OF BACKUP WITHHOLDING.—

(A) IN GENERAL.—The amendment made by subsection (c) shall apply to amounts paid after December 31, 2011.

(B) ELIGIBILITY FOR TIN MATCHING PROGRAM.—Solely for purposes of carrying out any TIN matching program established by the Secretary under section 3406(i) of the Internal Revenue Code of 1986—

(i) the amendments made this section shall be treated as taking effect on the date of the enactment of this Act, and

(ii) each person responsible for setting the standards and mechanisms referred to in section 6050W(d)(2)(C) of such Code, as added by this section, for settling transactions involving payment cards shall be treated in the same manner as a payment settlement entity.

SEC. 205. APPLICATION OF CONTINUOUS LEVY TO PROPERTY SOLD OR LEASED TO THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Paragraph (3) of section 6331(h) is amended by striking ''goods'' and inserting ''property''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

SEC. 206. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting ''100 percent''.

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 59.5 percentage points.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

□ 1315

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

Mr. Speaker, some time ago, in an effort to make certain that 159 taxpayers who are very wealthy had some tax liability, the Congress at that time passed the alternative minimum tax. What they neglected to do was to index the tax structure for inflation, and as a result we find people making 30, 40, $50,000 caught up as though they were wealthy taxpayers trying to avoid or evade their tax liability.

Now, the President should know, as other Presidents, that this is a very, very unfair tax. The truth of the matter is it should not even be in this structure. But in the close to 7 years that the President has been in office, he has not seen fit to give us a tax reform bill so that we can do what everyone in this House would want done, and that is to eliminate this fiscal threat from now some 25 million taxpayers.

So what do we have to do? Every year we have to come down and so-called ''patch it'' because, politically speaking, no one is going to go home and say that they did nothing about it.

So what is the difference between what we want to do in the majority and the other side? Well, if you listen carefully, you would see that the President has put this AMT in every budget except the one we have this year, which means that in the budget he never intends to remove it or have it removed. What does putting it in the budget mean? It means that you expect the money that would be coming from the alternative minimum tax to be there to spend. I can understand that, except that Congress says that we're not going to collect that money. So what we would believe is that if we're taking $61 billion out of the economy that we shouldn't go to China and Japan and ask them once again to bail us out but we should take a look at the Tax Code and to find out just what things in the Tax Code, what preferential treatment, what loopholes are there so that when we repair the AMT, at least for this year, we will be able to say we didn't borrow the money and we didn't put this burden on our children and our grandchildren.

So the four areas that we concentrated on to raise the money to get this bill passed is the carried interest. What is that? All it says is that if two groups of people, one a corporation and the other a partnership, are managing someone else's money and if, indeed, they don't put their own money in it, that the tax rate should be 35 percent. Somehow a group has manipulated the system, made themselves a partnership, said they didn't put in their own money, but they still consider it a capital investment, and they are now taxed at the rate of 15 percent. We think it's unequal, it's wrong, and we correct it.

The other area that we have a concern about is people who use tax havens for money earned in the United States to avoid taxes. They put it overseas. In the area of credit cards, we have the major credit card holders that reimburse vendors, and all we ask the vendors to do is to report the money they've had for reimbursement. And then, of course, we have our oil industry that received tax credits that they were not entitled to, and certainly at the obscene profits they're making, I hate to believe that someone believes that the government should further subsidize the moneys that they're making.

So, Mr. Speaker, it's going to be interesting to see how the other side explains as to why they don't have to pay for this. Certainly, if indeed we do nothing, $61 billion of tax burden is going to fall on 25 million good American taxpayers, and we want to fill that

gap of the $61 billion. The other side says it doesn't exist, and so I can't wait to sit down so I can listen to their very interesting argument.

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

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

Today's bill, Mr. Speaker, represents a clear difference between the two parties in the House when it comes to tax policy. Republicans believe that Congress should not raise taxes on one group of taxpayers in order to prevent a tax increase on another set of taxpayers. To say that another way, we don't believe we ought to have to raise taxes to preserve something that's already in the Tax Code.

Now, we are certainly for continuing to patch the alternative minimum tax. That's been the practice for the last several years. The President, in his budget for the last several years, has had an AMT patch in his budget without increasing taxes on somebody else. So we are certainly for that. But we are not for imposing a tax increase in a like amount on another set of taxpayers. That just doesn't make sense to us.

Without this patch, another 21 million families would come under the AMT, and their average tax increase would be about $2,400 per taxpayer. So we certainly want to prevent that. But in 2007, we had the patch in place; so we did not collect the AMT revenue from those 21 million taxpayers. And yet we collected, last year, in revenues to the Federal Government, about 18.7, 18.8 percent of gross domestic product. The historic average of revenues coming into the Federal Government for the last 40 years has been about 18.3 percent of GDP. So last year with the AMT patch in place, those 21 million taxpayers protected from the AMT, we brought in substantially more in revenues to the Federal Government than we have historically.

So why, then, should we be so intent on increasing taxes to prevent those 21 million taxpayers from paying $2,400 apiece more in taxes in 2008? The only explanation is somebody just wants to get more revenue into the Federal Government. Now, they may say, well, we want to do that because the deficit is really high and we want to get the deficit down. Well, I wonder, if we took a poll across America, how many Americans would say, ''Yes, I want to get the deficit down and I want to do it by raising taxes'' and how many Americans would say, ''Yes, I want to get the deficit down, but I want to do it by controlling spending''? My guess is more Americans would say, ''I want to get the deficit down by controlling spending.'' But the PAYGO rules that are in effect, while they give us the opportunity to reduce spending to ''pay for'' all of these things, not once have we seen a cut in spending being offered by the majority to pay for any of these items. It's always a tax increase.

So, yes, if you want to get the deficit down to zero, you can do it by increasing taxes, and under the PAYGO baseline, if we were to follow it, we would continue to increase the take of the Federal Government from American taxpayers until at the end of a 10-year window we'd be taking in 20.5 percent of GDP, an historic high, or pretty close to an historic high, and certainly only a couple times in our Nation's history have we even approached that level of revenues coming into the Federal Government.

Now, I think it's a legitimate question as to what is the appropriate level of GDP that we should bring in to the Federal Government, and Chairman RANGEL alluded to that in his statement by saying that, I believe he said, the President hasn't offered a tax reform plan. That's true, I guess, he hasn't. But you know what? Under the Constitution, the President can't even introduce a bill, much less pass one. That's the job of the Congress.

So if we want to do tax reform, which I think is appropriate, we ought to have this discussion about what is the appropriate level of revenue that we should bring in? What is the appropriate take of the Federal Government of everything that Americans make? Is it 18.3 percent, the historic average? Is it 18.7 percent, what we took in last year? Or is it 20.5 percent? I don't know what the magic number is, but that's a legitimate debate, and we ought to have that debate in the context of writing a new tax system for the United States that is more modern, more efficient, and more competitive. So I hope that the chairman will, in his constitutional prerogative as the chairman of the Ways and Means Committee, undertake that task, have that debate, so that we can solve this problem once and for all of the AMT, the complexity of the code, and the continuing diminution of competitiveness that we enjoy with our tax system, vis-a-vis our competitors around the world.

This bill employs some pay-fors, some tax increases, that I believe would be onerous and would add to the lack of competitiveness in our Tax Code. For example, there is a provision that would, for the first time, ignore tax treaties that we have entered into in good faith with other countries around the world and would impose upon companies doing business, foreign companies doing business, through a United States subsidiary in this country, creating jobs in this country, a 30 percent tax, despite the fact that we have a tax treaty that says that company would get a deduction for that income and would not have to pay that 30 percent tax because they'd be paying taxes in the country where we have a tax treaty.

Now, yes, they say, well, but the ultimate parent is somewhere where there's not a tax treaty, but that still violates the spirit of the tax treaty that we have with the country where the immediate parent of the United States subsidiary resides. That change in our Tax Code would discourage at the margin that capital from coming to this country, being invested in this country, and creating jobs in this country.

Those companies that I'm talking about employ a substantial number of Americans; 5.3 million Americans are employed by those kinds of companies. Do we want to jeopardize those jobs? And 19 percent of all United States exports, helping us a little bit to get the balance of trade going our way, 19 percent of all exports come from companies like that. And just last year they reinvested nearly $71 billion back into their United States operations. That's capital, that's investment that we should want here and not discourage through tax changes like the one in this bill.

So, Mr. Speaker, I would say to the Members of this body that we ought to reject the majority's offering that they put forward today to save 21 million taxpayers from coming under the AMT because they would impose a like amount of tax increase on another set of taxpayers. Let's not increase taxes on any set of taxpayers, certainly not in this fragile economy.

We will later offer a motion to recommit that corrects the error, that strips the bill of the pay-fors, and it would allow this body to vote on a clean AMT patch to save those 21 million taxpayers from the increased tax burden but not increase taxes on somebody else.

□ 1330

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

Mr. RANGEL. I have no further speakers, Mr. Speaker.

GENERAL LEAVE

Mr. RANGEL. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 6275, as amended.

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

There was no objection.

Mr. MEEK of Florida. Mr. Speaker, I am pleased to be a cosponsor to this bill that will give Alternative Minimum Tax Relief to those families in my district and the entire State of Florida who will be unfairly hit with this tax in 2008.

While the AMT was not intended to burden our working families, now in 2008 it does. Initially, the AMT applied to fewer than 20,000 taxpayers. In 2007, it applied to 4.2 million taxpayers. By 2008, up to 26 million taxpayers are projected to be subject to the AMT. Moreover, it is the middle- to upper-middle-income taxpayers who are the targets of this tax. It is our married taxpayers and larger families that are especially going to fall under this tax.

An astounding increase in the number of working families in Florida will be hurt by the AMT in 2008 if something is not done. It is projected that over six times the number of working families will be hurt by the AMT in my State of Florida in 2008 than were hurt by this tax in 2005. In 2005, there were 161,000 AMT returns filed in the State of Florida. However,

in 2008, it is estimated that 956,000 AMT returns will be filed in Florida—a more than six times increase between 2005 and 2008.

In 2007, Florida ranked seventh in the number of returns that were caught. with the Alternative Minimum Tax burden. However, in 2008, Florida is projected to rank fifth in the number of returns caught with the AMT. So even in the one year, 2007 to 2008, the number of working families in Florida caught with the AMT has increased tremendously.

Originally, the AMT was intended to cover only America's high-income taxpayers to ensure that they pay at least a minimum amount of federal taxes. But now, it is not this group that will be the most adversely affected by the AMT. It is our hard-working families—over 950,000 hard-working families in Florida alone that will be hit unintentionally and unfairly with this tax. This is not what the AMT was intended to do, and it is time for those families in Florida and elsewhere to get badly needed relief from this tax.

Mr. CONYERS. Mr. Speaker, the middle class is hurting. They are facing tough decisions over rising gas, food, and health care prices. Adding to their economic dilemma, the Alternative Minimum Tax, AMT, may reach many of them this coming year. Today, we will vote on H.R. 6275, the Alternative Minimum Tax Relief Act of 2008, which would provide relief to middle class taxpayers by avoiding the AMT.

The original intent behind the AMT was to guarantee that the wealthiest Americans paid their fair share of taxes. However, the AMT was not adjusted for inflation and hard-working Americans were lumped into this tax. Today, the Congress must act to prevent 25.6 million middle income Americans being liable for paying thousands of dollars in additional taxes.

Restructuring the tax code will more fairly distribute the tax burden. H.R. 6275 will tax private equity managers, who actually pay lower taxes on carried interest and repeal unnecessary Government subsidies for the big five oil companies reaping record profits and on multinational corporations who offshore their businesses for the express purpose of tax avoidance. It is unconscionable that our tax code allows these corporations to avoid taxes while hard-working Americans get hit with a stern tax and pay extremely high gas prices at the pump. This legislation closes these major tax loopholes.

H.R. 6275 restores America's tradition of giving a helping hand to those in need. We need to stop the giveaways to Big Oil and Wall Street brokers and begin to focus on the needs of average working Americans. This is a commonsense piece of legislation and I urge my colleagues to support the bill.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the AMT Relief Act. Once again, we are considering a one-year ''patch'' for the AMT. This bill will protect over 25 million families who would otherwise be forced to pay higher taxes under the AMT through no fault of their own.

We all know that the AMT was never meant to apply to middle-class families, and I think we all agree that we need to find a permanent fix to this problem.

But once again, the minority wants to insist that we provide this tax relief in a fiscally irresponsible manner. Patching the AMT for 2008 without offsets would increase the deficit by $61 billion. Our colleagues in the minority will argue that because Congress never meant for this to happen, or that because it maintains the status quo for taxpayers, we don't have to pay for it.

The reality is that we pay for it one way or another. The minority would have us borrow the money and make our children pay for it.

Let me say a word about the offsets we've used here, because this bill is paid for with provisions that end basic inequities in our tax code.

The Joint Committee on Taxation's revenue estimate for the carried interest provision indicates that over $150 billion in income will be taxed at capital gains rates rather than ordinary income rates if we do not make this change. This is a lot of income, and according to the Joint Committee, this is not going to ''mom and pop'' operations, a common reference by those arguing against this provision.

For anyone who thinks there are ''mom and pop'' private equity funds, or that this is essentially about ''mom and pop'' real estate developers, let me quote the Joint Committee on Taxation. In a memo to the Ways and Means Committee staff, the Joint Committee writes: ''We assumed that nearly all recipients [of carried interest] would be at the highest marginal tax rate.'' The top tax bracket for married couples starts at $357,000 in taxable income. Claims made that the carried interest issue is about ''mom and pop'' business owners just are not credible.

More generally though, treating carried interest as ordinary income is not about raising taxes, it's about fairness. Investment fund managers should not pay a lower tax rate on their compensation for services than other Americans. The only thing this does is say to the fund managers, if you're providing a service, in this case managing assets for your investors, you ought to be taxed on that compensation at the same rates as everyone else.

If they have their own money in the funds they manage, they will still get capital gains treatment on that portion of the profits. This is no different in concept than options for corporate executives. They are both incentive compensation to encourage performance, and carried interest should be taxed at ordinary rates like stock options.

The argument that this proposal will hurt economic growth or even pension plans is just disingenuous. If it will hurt growth, why have senior economic advisers to the last three Republican Presidents publicly supported this proposal? Real estate partnerships, including those that don't use carried interest at all, earn less than 10 percent of all income from real estate development and construction.

Regarding the oil and gas provisions, I think it's important to look at the history of how these companies got these subsidies in the first place. In 2004 we had to replace the FSC provisions of our tax code because of a WTO ruling. We replaced them with a deduction to encourage domestic manufacturing.

The minority, then in the majority, added the oil and gas industries to what was supposd to be a deduction for manufacturers, even though the FSC provisions we were replacing had nothing to do with oil and gas. This was an unjustified giveaway then, and it is only fair that we correct the situation, especially now that oil companies are earning record profits. ExxonMobil alone earned $40.6 billion in 2007, a U.S. corporate record.

So, Mr. Speaker, this bill protects middle-class families from the AMT, it's fiscally responsible and it makes our tax code fairer. I urge all my colleagues to support it.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 6275, Alternative Minimum Tax Relief Act of 2008.

H.R. 6275 is critical to easing the burden on middle-class taxpayers. The Alternative Minimum Tax, AMT, was originally intended to make sure that the Nation's wealthiest citizens did not avoid paying taxes altogether. However, it was not indexed for inflation and the AMT now affects millions of middle income tax payers across the country. H.R. 6275 would extend for 1 year AMT relief for nonrefundable personal credits and increases the AMT exemption amount to $69,950 for joint filers and $46,200 for individuals. At a time of economic uncertainty and rising gas and food prices, H.R. 6275 would provide over 25 million families with tax relief. In my district alone, over 33,000 families would be affected by the AMT this year.

As a member of the Budget Committee, I am also pleased that this bill includes offsets and is budget-neutral. Instead of adding to our national debt, H.R. 6275 responsibly pays for itself by closing a loophole that allows hedge fund managers to pay less taxes, encouraging tax compliance, repealing subsidies for the five biggest oil companies, and tightening tax laws on foreign-owned companies. I support H.R. 6275, Alternative Minimum Tax Relief Act of 2008, and I urge my colleagues to join me in voting for its passage.

Mr. PASCRELL. Mr. Speaker, one of the hallmarks of the Ways and Means Committee is that fairness is always the order of the day. Fairness in priorities. Fairness in legislation. H.R. 6275 exemplifies this fact.

Our bill will provide $62 billion in AMT relief to more than 25 million families nationwide.

In my district alone, almost 80,000 people are on track to endure the significant tax increase of the AMT this year if we do not act now. That's up from 20,000 people in 2005.

Many of the people affected would be firefighters, cops and teachers—a far cry from the original intent of the AMT. Indeed, the middle class is being more and more affected—your constituents and mine. And it's only getting worse.

Unfortunately there are those on the other side of the aisle who will not vote today for the best interests of their constituents.

Instead, they will choose to cast their vote for the Kings of Wall Street who are already the richest people in the history of our Nation.

We pay for this bill, in part, by simply requiring that investment fund managers are taxed at the same income rates as every other American. After all, why should the very richest among us be taxed at 15 percent when a doctor or lawyer pays 35 percent? Or when a teacher or plumber, et cetera, is taxed at 25?

Yet because of this provision, many Republicans will be unable to vote for real tax relief for their constituents. I find this as inexplicable as I do sad.

This legislation is wise and it is fair. It will give tax relief to 25 million hard-working Americans while ensuring fairness in the tax code. So try to explain to the firefighters and cops in your district that you wanted to take care of investment fund managers instead.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of H.R. 6275, the Alternative Minimum Tax Relief Act of 2008. I am pleased to see that once again you have presented a

responsible solution to the alternative minimum tax from a broad, policy-oriented perspective.

The alternative minimum tax is a critical issue for the American middle class taxpayer who does not get to take advantage of sophisticated tax planning and legal loopholes in the tax code. It is time that we addressed this issue once and for all to relieve the American taxpayer from the agony of dealing with the AMT. A permanent patch is what we really need, but today we have to plug the dike once again.

If you'll recall, in 1969 the public outcry was so loud about the original 155 families who owed no Federal income taxes that Congress received more letters from constituents about that than about the Vietnam war.

It is particularly ironic that a tax that was meant for 155 wealthy individuals has become the bane of existence for millions of American taxpayers. Indeed the AMT has become a menace. Over 31,000 hardworking, middle-class Ohioans in my district had the grim task of filing a return with AMT implications in the 2005 tax year.

Without this legislation that number would surely grow. Those are families with children, healthcare costs, unemployment issues, housing costs and the other money matters with which American taxpayers must cope, not to mention higher gas prices. Tax relief is due.

As I mentioned after the introduction of H.R. 2834, the carried interest legislation sponsored by my colleague, SANDER LEVIN, we must continue to laud the efforts of American capitalists and the strides that they make in enhancing and creating liquidity in our capital markets, and helping our economy grow into the dynamic force that it is today. I am also aware of the critical role that private equity firms play in our economy. We must be aware that this change in taxation can have a deleterious effect on some small venture capital and minority-owned firms. The color of money is green, but if you are smaller than Blackstone or Carlyle, your firm might be seeing red. But we must also have responsible budget offsets.

The tenets of sound tax policy begin with the notions of equity, efficiency and simplicity. Relying on that traditional framework I am sure that we have come to a rational consensus that will ensure 25 million more Americans will not be hit with the AMT.

''Taxes are what we pay to live in civilized society,'' but dealing with the AMT has become a bit uncivil.

Ms. SCHWARTZ. Mr. Speaker, I thank Chairman RANGEL for his leadership and I am proud of our work to protect 25 million American taxpayers—including half a million people in Southeastern Pennsylvania—from the pain of the Alternative Minimum Tax. True to their record of increasing debt, the Republicans continue to say, ''there's no need to offset AMT relief because this tax was never intended to hit these people.''

But in 2001 they knew that the Bush tax cuts would increase—by 127%—the number of AMT taxpayers this year. And they consistently used these taxpayers to mask the true cost of their failed fiscal policies.

We cannot ignore the consequences of these bad decisions. We are committed to reversing the Bush Administration's policy and fiscal failures. We are committed to enacting permanent—fiscally responsible—AMT relief for middle income taxpayers. And we are committed to act today to protect millions of Americans from the AMT this year without adding to the Nation's exploding debt.

Mr. Speaker—given the economic downturn and financial challenges facing our families and our Nation, our constituents have the right to expect fair and responsible tax policy. Today's proposal to provide tax relief to 25 million American families by closing loopholes that benefit only the wealthiest individuals is fair, it is responsible, and it deserves passage.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 6275, the Alternative Minimum Tax Relief Act of 2008. As a member of the Ways and Means Committee, I am proud to have helped craft this very important tax bill that will give much needed relief to millions of American taxpayers.

Unfortunately, over the last several years we have seen tax bills pushed through Congress and signed by the President under the guise of ''relief'' for the middle class and the poorest in the country. I think many in this chamber have now come to recognize that many of these measures presented as tax relief for the middle class were in fact more tax breaks for the richest in society. Today we finally have before us a bill that will give real relief to millions of taxpayers, many of whom are hardworking middle class families.

Specifically, H.R. 6275 provides for a 1-year patch for the Alternative Minimum Tax (AMT). The AMT was developed in the 1970s to ensure that America's wealthiest could not take advantage of the tax code in a way that would allow them to avoid paying taxes altogether. The AMT was not indexed for inflation, however, and without this legislation it will reach into the pocketbooks of middle-class families it was never intended to hit. In my district alone, the AMT could affect 50,000 additional western Wisconsin families this year, many of whom have no idea they face a tax increase. Without this legislation, it is estimated that the AMT will hit an additional 538,970 taxpayers in Wisconsin and 25 million nationally. It is hard for me to think of something more important than protecting 25 million Americans from a tax that was never intended for them.

Most importantly, this bill is fully offset and complies with pay-go rules that the Democratic majority restored at the beginning of this Congress. The legislation provides 1-year relief from the AMT without adding to the deficit by closing loopholes in the tax code, encouraging tax compliance, and repealing excessive government subsidies given to oil companies. These changes establish fairness in the tax code and show that we can provide tax relief without sending the debt on to our children. After years of fiscal recklessness—deficit-financed tax cuts for the wealthy and out-of-control government spending—this bill sets a precedent of fiscally responsible tax reform.

Finally, I would like to thank Chairman RANGEL for putting together this common sense bill that is not only fair but does the right thing by paying for the bill and fixing some inequities in the tax code. I look forward to working with him to reform the tax code and for once and for all put an end to the AMT and Congress having to do a yearly patch.

Again, Mr. Speaker, I am happy to support this sensible and fair tax bill before us today. Protecting millions of taxpayers from being caught by the AMT is of the utmost importance. I urge my colleagues to support H.R. 6275.

Mr. MANZULLO. Mr. Speaker, temporary tax relief should not be offset with permanent tax increases that will stifle foreign direct investment into this country.

The Alternative Minimum Tax is a mistaken tax policy. Originally designed to tax the super-rich, it now covers many in the middle class, particularly those with large families, because of inflation. Without relief, 19 million Americans will see a tax increase of $2,000 next year.

However, to temporarily correct this error by permanently raising nearly $7 billion from foreigners who invest in the United States simply makes a bad situation worse. We are finally attracting more foreign investment into the United States. In 2007, foreign direct investment rose to its highest levels in seven years, reaching over $204 billion.

U.S. subsidiaries of companies headquartered abroad now employ 5.3 million Americans, of which 30 percent work in the manufacturing sector. Nineteen percent of all U.S. exports came from these firms and they reinvested nearly $71 billion back into their U.S. operations.

In Illinois, U.S. subsidiaries of companies headquartered abroad employed over 226,000 workers, of which over 61,000 were in the manufacturing sector. In fact, there are over 30 U.S. subsidiaries of companies headquartered abroad that employ over 6,000 workers in the northern Illinois district that I am proud to represent.

The offset used to ''pay for'' part of this AMT bill will strongly discourage future foreign investment in the United States and will halt any future progress on negotiating tax treaties with other countries.

For example, Nissan USA, which is owned by Nissan headquartered in Japan, borrows money from their finance unit based in the Netherlands. Under our current tax treaty with the Netherlands, no tax is applied. However, under this bill a new 10 percent tax would be applied to this transaction. The Netherlands will then most likely view this as an abrogation of our tax treaty and will either seek renegotiation or outright annulment, thus hurting our overall trade with the Netherlands.

This is all a silly exercise. We all know how this will turn out because the Senate will not agree to these offsets. However, this bill sends a chilling message to our friends overseas that they will be subject to a higher tax next year because this is the second time that the Democratic Party has proposed this offset. Vote no on H.R. 6275 to preserve jobs in your district and to send a signal that the U.S. remains open to foreign direct investment.

Mr. HERGER. Mr. Speaker, we all know this bill is purely a political exercise. Congress will eventually pass an AMT patch that does not contain permanent tax increases. All we are doing today is postponing final action and risking a repeat of last year's delay that created major headaches for taxpayers.

I believe we shouldn't be expanding the federal government's share of the economy by pairing temporary extensions of tax relief with permanent tax increases. I've heard a number of concerns from small businesses about one of these offsets, a new reporting requirement for credit card transactions. Last week, when the Ways and Means Committee considered this bill, we were told by the Treasury Department that they have not done a cost-benefit analysis on this proposal. I fear we are going

down the same road as we did two years ago with the 3 percent withholding requirement, which we've now learned will cost the government far more than it will raise in revenue.

On top of that, this bill raises taxes on American energy producers. This does nothing to reduce gas prices—in fact, it will only make them higher. And there's simply no justification for a provision that penalizes U.S. producers but doesn't affect subsidiaries of foreign-owned firms. This legislation just doesn't make sense. I urge my colleagues to vote "no."

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 6275, the Alternative Minimum Tax Relief Act of 2008.

Forty years ago the Alternative Minimum Tax (AMT) was originally enacted to ensure that wealthiest Americans—like everyone else—paid their fair share of taxes. Prior to the enactment of the AMT, the wealthiest Americans were exploiting loopholes in the tax code to circumvent their societal obligations. However this tax, which was intended for a few hundred of the wealthiest Americans has never been adjusted to account for inflation. Through inflation and tax-rate creep the AMT has become a middle class tax hike.

We have been unable to pass a permanent fix to the AMT to prevent middle class Americans from fearing that they will get hit by the AMT every year. More families in Central New Jersey are affected by the AMT than anywhere else in the country. Over 33,000 of my constituents already pay the AMT, under the current law, and an additional 88,000 of my constituents would be subject to the AMT if we do not act to prevent the patch from expiring. American families are already suffering from skyrocketing gas and food prices that they did not build into their family budgets. Compounding this financial burden with an unexpected and undeserved tax hike would hit New Jersey families hard. Yet, that is what will happen if we do not take action today.

Mr. Speaker, I have long been concerned with the growing debt that we are passing on to the next generation and have often called for a revision of the AMT that will not increase our national debt. The Alternative Minimum Tax Relief Act of 2008 makes good on our promise to the American people that we will not spend money that Congress does not have. This legislation will offer more than 25 million families relief from the AMT without adding to the deficit. This will be achieved by promoting tax compliance, removing inequities in the tax code, and decreasing government subsidies to oil companies.

While I support this legislation, we need a permanent fix to ensure that this tax intended for the wealthiest Americans is not passed down to middle income Americans and do so in a fiscally responsible way.

Mr. RANGEL. I yield back the balance of my time, and ask for a vote in favor of the amendment.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1297, the previous question is ordered on the bill, as amended.

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. MCCRERY

Mr. McCRERY. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. McCRERY. I am opposed to the bill in its current form.

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

The Clerk read as follows:

Mr. McCrery of Louisiana moves to recommit the bill H.R. 6275 to the Committee on Ways and Means with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendments:

Page 4, after line 5, add the following new section:

SEC. 103. CHARITABLE MILEAGE RATE TREATED THE SAME AS MEDICAL AND MOVING RATE.

(a) IN GENERAL.—Subsection (i) of section 170 (relating to standard mileage rate for use of passenger automobile) is amended by striking "14 cents per mile" and inserting "the rate determined for purposes of sections 213 and 217".

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to miles driven on or after July 1, 2008.

Page 4, strike line 6 and all that follows through line 2 on page 37 (all of title II).

Mr. McCRERY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

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

There was no objection.

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

Mr. McCRERY. Thank you, Mr. Speaker.

The majority's use of PAYGO has really twisted the logic of this bumper-sticker-turned-budget-tool into a pretzel. In the last 2 weeks, when PAYGO stood in the way of more government spending, it was ignored or openly waived. But, today, the majority insists on new permanent tax increases in exchange for a 1-year extension of needed tax relief. That is not a good deal for anybody—a permanent tax increase to pay for a temporary tax relief.

The motion that we have before us would save us from that fate. It would remove the tax increases in the bill, including the particularly misguided higher taxes on energy production that would discourage production here at home, that would further increase our energy insecurity, that would reduce our energy supplies, and that would increase prices.

Is that what we want to do? Do we want to increase the price of gasoline? That is what the effect of this would be. This is a tax increase on oil and gas companies—the companies that produce the oil, the gasoline that we buy. Do we think that, if we increase taxes on them, they are just going to absorb that? Of course not. They will pass it through to the consumer, which will mean higher gasoline prices.

This is a terribly misguided part of this bill. The motion to recommit would get rid of that ill-advised tax increase. So we get rid of all the pay-fors in the bill. That's the first thing that the motion to recommit does.

The second thing we do is we do provide some relief in this bill from high gasoline prices to volunteers who use their vehicles to help charities carry out their work. A lot of charities are telling us that they are losing volunteers because of the high price of gasoline.

Now, the IRS has some authority to modify the tax deduction that people can get from using gasoline in certain situations. So the IRS did, this week in fact, implement a midyear increase in the standard mileage deduction rates, increasing to 58½ cents the allowable deduction for expenses incurred in operating a vehicle while carrying on a trade or business, and raising to 27 cents per mile the deduction for gasoline costs associated with transportation primarily for and essential to receiving medical care and for travel while moving.

But the IRS could not raise the deduction that can be claimed by individuals who use their car for charitable purposes, such as for delivering Meals on Wheels. That has to be done legislatively. So our motion to recommit would do just that. We would set the allowable deduction for gasoline expenses for charitable purposes at the same rate for medical care and for travel while moving, 27 cents per mile.

Meals on Wheels is one of those charities that has told us that they are losing volunteers because of gas prices. Nearly half indicated that increases in gas prices had forced them to eliminate meal delivery routes or to consolidate their meal services.

Mr. Speaker, these high gasoline prices are, in fact, having a very deleterious effect on charities and on Meals on Wheels in particular. I won't go into some of the details that we have been given by Meals on Wheels about the state of some of our seniors, but needless to say, it's not a pretty picture.

So this would give those charities some relief, Mr. Speaker, and it would allow them, we think, to get some of those volunteers back in active service to relieve some of these problems that we have.

So, Mr. Speaker, our motion to recommit does two things. It takes out the tax increases in this bill, leaving in place the AMT patch to give tax relief to those taxpayers who would otherwise be subjected to a $2,400-apiece increase in taxes, and number two, it increases the deduction, the mileage deduction, for vehicle use for charitable purposes.

Mr. Speaker, I urge its adoption.

Mr. RANGEL. Mr. Speaker, I rise in opposition to the motion to recommit.

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

Mr. RANGEL. Certainly, the gentleman from Louisiana knows that we would be willing to work on the charitable deduction as it relates to the changes that were made by the administration, but basically, what he is saying is that, as to the $61 billion in tax

loopholes that we have raised, they would rather borrow the money than fill the gap that relieving the people of this tax burden would have.

So we both agree that 25 million people shouldn't suffer with this $61 billion tax increase, but he would have you believe that, if you take this out, you wouldn't have to put anything in. Well, what you're putting in is the future of our children and of our grandchildren.

I ask that this motion to recommit be rejected.

I yield back the balance of my time.

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. McCRERY. 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 on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6275, and the motion to suspend the rules on H.R. 3546.

The vote was taken by electronic device, and there were—yeas 199, nays 222, not voting 13, as follows:

[Roll No. 454]

YEAS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
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)
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
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
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
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
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
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
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
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
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
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Cannon
Cubin
Cummings
Lampson
Mahoney (FL)
Moore (WI)
Pryce (OH)
Putnam
Rush
Snyder
Speier
Tsongas
Watson

□ 1402

Messrs. JACKSON of Illinois, THOMPSON of Mississippi, MELANCON, Ms. SUTTON, Messrs. TIERNEY, COHEN, Ms. JACKSON-LEE of Texas, Messrs. BAIRD, BERRY, Ms. CLARKE, Mr. LINCOLN DAVIS of Tennessee, and Ms. ROS-LEHTINEN changed their vote from ''yea'' to ''nay.''

Mr. MILLER of Florida, Mrs. MUSGRAVE, and Messrs. ENGLISH of Pennsylvania and BROUN of Georgia 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 ayes appeared to have it.

RECORDED VOTE

Mr. CAMP of Michigan. 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 233, noes 189, not voting 12, as follows:

[Roll No. 455]

AYES—233

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
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
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)

Melancon
Michaud
Miller (NC)
Miller, George
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
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
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
Green, Gene
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
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
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
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
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cannon
Cubin
King (IA)
Lampson
Mahoney (FL)
Pryce (OH)
Putnam
Radanovich
Rush
Snyder
Speier
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1409

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AUTHORIZATION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3546, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 3546, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 11, not voting 17, as follows:

[Roll No. 456]

YEAS—406

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)
Brady (PA)
Brady (TX)
Braley (IA)
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
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
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
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
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)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
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)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
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—11

Broun (GA)
Campbell (CA)
Flake
Franks (AZ)
Hensarling
Inglis (SC)
Marchant
Neugebauer
Paul
Poe
Tancredo

NOT VOTING—17

Boyda (KS)
Cannon
Cubin
Hall (TX)
Holt
Jefferson

Kind	McCotter	Snyder
Klein (FL)	Pryce (OH)	Speier
Lampson	Putnam	Watson
Mahoney (FL)	Rush	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1417

Messrs. TANCREDO and INGLIS of South Carolina changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BAY MILLS INDIAN COMMUNITY LAND CLAIMS SETTLEMENT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1298, I call up the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2176

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

SECTION 1. DEFINITIONS.

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

(1) ALTERNATIVE LANDS.—The term ''alternative lands'' means those lands identified as alternative lands in the Settlement of Land Claim.

(2) CHARLOTTE BEACH LANDS.—The term ''Charlotte Beach lands'' means those lands in the Charlotte Beach area of Michigan and described as follows: Government Lots 1, 2, 3, and 4 of Section 7, T45N, R2E, and Lot 1 of Section 18, T45N, R2E, Chippewa County, State of Michigan.

(3) COMMUNITY.—The term ''Community'' means the Bay Mills Indian Community, a federally recognized Indian tribe.

(4) SETTLEMENT OF LAND CLAIM.—The term ''Settlement of Land Claim'' means the agreement between the Community and the Governor of the State of Michigan executed on August 23, 2002, and filed with the Office of Secretary of State of the State of Michigan.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 2. ACCEPTANCE OF ALTERNATIVE LANDS AND EXTINGUISHMENT OF CLAIMS.

(a) LAND INTO TRUST; PART OF RESERVATION.—Upon the date of enactment of this Act—

(1) the Secretary shall take the alternative lands into trust for the benefit of the Community within 30 days of receiving a title insurance policy for the alternative lands which shows that the alternative lands are not subject to mortgages, liens, deeds of trust, options to purchase, or other security interests; and

(2) the alternative lands shall become part of the Community's reservation immediately upon attaining trust status.

(b) GAMING.—The alternative lands shall be taken into trust as provided in this section as part of the settlement and extinguishment of the Community's Charlotte Beach land claims, and so shall be deemed lands obtained in settlement of a land claim within the meaning of section 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25 U.S.C. 2719; Public Law 100–497).

(c) EXTINGUISHMENT OF CLAIMS.—Upon the date of enactment of this Act, any and all claims by the Community to the Charlotte Beach lands or against the United States, the State of Michigan or any subdivision thereof, the Governor of the State of Michigan, or any other person or entity by the Community based on or relating to claims to the Charlotte Beach lands (including without limitation, claims for trespass damages, use, or occupancy), whether based on aboriginal or recognized title, are hereby extinguished. The extinguishment of these claims is in consideration for the benefits to the Community under this Act.

SEC. 3. EFFECTUATION AND RATIFICATION OF AGREEMENT.

(a) RATIFICATION.—The United States approves and ratifies the Settlement of Land Claim, except that the last sentence in section 10 of the Settlement of Land Claim is hereby deleted.

(b) NOT PRECEDENT.—The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any tribe and State.

(c) ENFORCEMENT.—The Settlement of Land Claim shall be enforceable by either the Community or the Governor according to its terms. Exclusive jurisdiction over any enforcement action is vested in the United States District Court for the Western District of Michigan.

The SPEAKER pro tempore (Mr. ROSS). Pursuant to House Resolution 1298, in lieu of the amendment recommended by the Committee on Natural Resources, printed in the bill, the amendment in the nature of a substitute printed in House Report 110–732 is adopted and the bill, as amended, is considered read.

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

TITLE I—BAY MILLS INDIAN COMMUNITY

SEC. 101. DEFINITIONS.

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

(1) ALTERNATIVE LANDS.—The term ''alternative lands'' means those lands identified as alternative lands in the Settlement of Land Claim.

(2) CHARLOTTE BEACH LANDS.—The term ''Charlotte Beach lands'' means those lands in the Charlotte Beach area of Michigan and described as follows: Government Lots 1, 2, 3, and 4 of Section 7, T45N, R2E, and Lot 1 of Section 18, T45N, R2E, Chippewa County, State of Michigan.

(3) COMMUNITY.—The term ''Community'' means the Bay Mills Indian Community, a federally recognized Indian tribe.

(4) SETTLEMENT OF LAND CLAIM.—The term ''Settlement of Land Claim'' means the agreement between the Community and the Governor of the State of Michigan executed on August 23, 2002, and filed with the Office of Secretary of State of the State of Michigan, including the document titled ''Addendum to Settlement of Land Claim'', executed by the parties on November 13, 2007.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 102. ACCEPTANCE OF ALTERNATIVE LANDS AND EXTINGUISHMENT OF CLAIMS.

(a) LAND INTO TRUST; PART OF RESERVATION.—

(1) LAND INTO TRUST.—The Secretary shall take the alternative lands into trust for the benefit of the Community not later than 30 days after both of the following have occurred:

(A) The Secretary has received a title insurance policy for the alternative lands that shows that the alternative lands are not subject to mortgages, liens, deeds of trust, options to purchase, or other security interests.

(B) The Secretary has confirmed that the National Environmental Policy Act of 1969 has been complied with regarding the trust acquisition of the property.

(2) PART OF RESERVATION.—The alternative lands shall become part of the Community's reservation immediately upon attaining trust status.

(b) GAMING.—The alternative lands shall be taken into trust as provided in this section as part of the settlement and extinguishment of the Community's Charlotte Beach land claims, and so shall be deemed lands obtained in settlement of a land claim within the meaning of section 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25 U.S.C. 2719; Public Law 100–497).

(c) EXTINGUISHMENT OF CLAIMS.—Concurrent with the Secretary taking the alternative lands into trust under subsection (a), any and all claims by the Community to the Charlotte Beach lands or against the United States, the State of Michigan or any subdivision thereof, the Governor of the State of Michigan, or any other person or entity by the Community based on or relating to claims to the Charlotte Beach lands (including without limitation, claims for trespass damages, use, or occupancy), whether based on aboriginal or recognized title, are hereby extinguished. The extinguishment of these claims is in consideration for the benefits to the Community under this Act.

SEC. 103. EFFECTUATION AND RATIFICATION OF AGREEMENT.

(a) RATIFICATION.—The United States approves and ratifies the Settlement of Land Claim, except that the last sentence in section 10 of the Settlement of Land Claim is hereby deleted.

(b) NOT PRECEDENT.—The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any tribe and State.

(c) ENFORCEMENT.—The Settlement of Land Claim shall be enforceable by either the Community or the Governor according to its terms. Exclusive jurisdiction over any enforcement action is vested in the United States District Court for the Western District of Michigan.

TITLE II—SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

SEC. 201. ACCEPTANCE OF ALTERNATIVE LANDS AND EXTINGUISHMENT OF CLAIMS.

(a) DEFINITIONS.—For the purposes of this title, the following definitions apply:

(1) ALTERNATIVE LANDS.—The term ''alternative lands'' means those lands identified as alternative lands in the Settlement of Land Claim.

(2) CHARLOTTE BEACH LANDS.—The term ''Charlotte Beach lands'' means those lands in the Charlotte Beach area of Michigan and described as follows: Government Lots 1, 2, 3, and 4 of Section 7, T45N, R2E, and Lot 1 of Section 18, T45N, R2E, Chippewa County, State of Michigan.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) SETTLEMENT OF LAND CLAIM.—The term ''Settlement of Land Claim'' means the agreement between the Tribe and the Governor of the State of Michigan executed on December 30, 2002, and filed with the Office of Secretary of State of the State of Michigan, including the document titled ''Addendum to

Settlement of Land Claim'', executed by the parties on November 14, 2007.

(5) TRIBE.—The term ''Tribe'' means the Sault Ste. Marie Tribe of Chippewa Indians, a federally recognized Indian tribe.

(b) LAND INTO TRUST; PART OF RESERVATION.—

(1) LAND INTO TRUST.—The Secretary shall take the alternative lands into trust for the benefit of the Tribe not later than 30 days after both of the following have occurred:

(A) The Secretary has received a title insurance policy for the alternative lands that shows that the alternative lands are not subject to mortgages, liens, deeds of trust, options to purchase, or other security interests.

(B) The Secretary has confirmed that the National Environmental Policy Act of 1969 has been complied with regarding the trust acquisition of the property.

(2) PART OF RESERVATION.—The alternative lands shall become part of the Tribe's reservation immediately upon attaining trust status.

(c) GAMING.—The alternative lands shall be taken into trust as provided in this section as part of the settlement and extinguishment of the Tribe's Charlotte Beach land claims, and so shall be deemed lands obtained in settlement of a land claim within the meaning of section 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(i)).

(d) EXTINGUISHMENT OF CLAIMS.—In consideration for the benefits to the Tribe under this Act, any and all claims by the Tribe to the Charlotte Beach lands or against the United States, the State of Michigan or any subdivision thereof, the Governor of the State of Michigan, or any other person or entity by the Tribe based on or relating to claims to the Charlotte Beach lands (including without limitation, claims for trespass damages, use, or occupancy), whether based on aboriginal or recognized title, are extinguished upon completion of the following:

(1) The Secretary having taken the alternative lands into trust for the benefit of the Tribe under subsection (b).

(2) Congressional acceptance of the extinguishment of any and all such claims to the Charlotte Beach lands by the Bay Mills Indian Community.

(e) EFFECTUATION AND RATIFICATION OF AGREEMENT.—

(1) RATIFICATION.—The United States approves and ratifies the Settlement of Land Claim.

(2) NOT PRECEDENT.—The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any Indian tribe and State.

(3) ENFORCEMENT.—The Settlement of Land Claim shall be enforceable by either the Tribe or the Governor according to its terms. Exclusive jurisdiction over any enforcement action is vested in the United States District Court for the Western District of Michigan.

The SPEAKER pro tempore. Debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, and 20 minutes equally divided and controlled by the chairman and ranking member of the Committee on the Judiciary.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes, and the gentleman from Michigan (Mr. CONYERS) and the gentleman from Iowa (Mr. KING) each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2176.

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

There was no objection.

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

Today, the Committee on Natural Resources is continuing our effort to bring justice to Indian country. Last year, the committee brought to the full House legislation to finally provide Federal recognition to the long suffering Lumbee Tribe in the State of North Carolina.

We also brought to the floor legislation to grant Federal recognition to six Virginia tribes 400 years after the founding of the Jamestown settlement. These were the very tribes that greeted the English settlers when they landed on our shores.

Today, we are considering legislation to end a 153-year odyssey involving two federally recognized tribes in the State of Michigan—the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians.

This bill seeks to settle legitimate land claims of these two Indian tribes. I would note that the resolution of Indian land claims is something that is vested with the Congress, and Congress has taken this type of action on numerous occasions. No precedent is being set by these bills.

The genesis of the pending legislation dates back to 1807 when the Chippewa ceded much of what is now the State of Michigan in a treaty with the Governor of the Michigan Territory. Subsequent treaties ensued in 1817, 1820, 1836, and in 1855.

In the case of both the Bay Mills and the Sault Ste. Marie, the 1855 Treaty of Detroit set aside land, in what is now known as Charlotte Beach, for their exclusive use. However, shortly after the treaty was concluded, that very land was sold to non-Indian speculators.

This is hardly the first time something like this was done to Native Americans, but it is another indictment in the long and sad chapter of their past treatment by those with wealth and power.

At present, some 100 non-Indian landowners reside on the Charlotte Beach land, under a clouded title, due to the legitimate land claims filed by the Bay Mills and the Sault Ste. Marie. This makes it impossible for the residents of Charlotte Beach to receive title insurance—depressing land values and making it difficult to obtain mortgages, among other issues.

The Interior Department has testified to the legitimacy of the land claims in question. Their legitimacy has also been recognized by two Governors of the State of Michigan—Republican John Engler and current Democratic Governor Jennifer Granholm.

Indeed, Jennifer Granholm stated in a letter addressed to me: ''The Federal courts have held that both the Bay Mills Tribe and the Sault Ste. Marie Tribe trace their ancestry to the two Chippewa bands named in the deed to the disputed Charlotte Beach lands and that both tribes, accordingly, share in any potential claim based on those lands.''

To be clear then, that is what is at issue with the pending legislation—the settlement of these land claims. There is no administrative process available to accomplish this. It is something that is solely vested with the Congress.

The pending measure would implement a settlement agreement entered into by the Governor of Michigan, the Bay Mills and the Sault, and in doing so, it would clear the land title cloud that has hung over the residents of the Charlotte Beach area.

Under an agreement reached with the Bay Mills and with the Sault Ste. Marie Tribe, initially with Governor Engler and subsequently with Governor Granholm, the tribes would relinquish their land claims at Charlotte Beach, and instead, would be able to take into trust land at, in the case of the Bay Mills, Port Huron, Michigan, and in the case of the Sault Ste. Marie, either Flint, Monroe or Romulus, Michigan.

Under this settlement agreement, gaming is authorized on the new reservation lands at Port Huron and at either Flint, Monroe or Romulus.

However, in my view, the primary concern of Congress is the settlement of the land claims. What then occurs is a matter that is up to the State of Michigan, its political subdivisions, and the affected tribes.

Finally, Mr. Speaker, I would note that all Representatives of the House of Representatives whose congressional districts contain either the lands where the existing land claims rest or the areas where the new reservation lands would be created support these two bills—the dean of our House, Chairman JOHN DINGELL; Representative BART STUPAK; Representative DALE KILDEE, and Representative CANDICE MILLER. I would also note that the municipalities involved support this settlement.

I have set out the facts, Mr. Speaker, the historical record regarding these two tribes and their Charlotte Beach land claims. I do believe that the deliverance of justice is on the side of these two tribes and of the legislation we are considering today.

I reserve the balance of my time.

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

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

Mr. YOUNG of Alaska. Mr. Speaker, Chairman RAHALL has summarized the settlement history of the Bay Mills land claim as well as the related and

commingled claim of the Sault Ste. Marie Tribe. Therefore, I will limit my remarks to why I believe this amended bill, which is championed by my good friends from Michigan, Chairman JOHN DINGELL, Chairman BART STUPAK, and CANDICE MILLER, deserves the support of the Members of this House.

Before the House today are two bills combined to resolve a problem affecting two tribes in the Upper Peninsula of Michigan and a number of non-Indian landowners in an area of Michigan known as Charlotte Beach.

Let me point out the support for this bill in the districts that are affected by them. The Members representing Bay Mills and the Sault Ste. Marie Tribes support the bill. The two Members representing districts where lands will be placed in trust support the bill.

Finally—and this is very important—this settlement deal was negotiated by former Governor John Engler and is supported by Governor Granholm.

It has been my practice—and I hope most of you understand—to defer to the Members whose districts are affected by legislation because that Member best represents the views of his constituents and knows his district best. Of course, I can only wish that others would respect this practice when it comes to Alaska. If so, we would be enjoying 42 million gallons of oil a day from ANWR. Instead, we have Members whose districts are thousands of miles away and who are encasing this key to American oil independence and lower gas prices in crystal by declaring it a wilderness. That is something that even President Jimmy Carter, in his cardigan sweaters, refused to do during the height of our gas crisis.

Getting back to H.R. 2176, this bill settles two Indian land claims without costing any Federal or State dollars and without imposing taxes or fees on anyone. In fact, under the settlement deals, the tribes are going to share revenues with the State of Michigan and with local communities.

The bills are consistent with the compact agreed to by the tribes and by the Governors pursuant to the Indian Gaming Regulatory Act.

In this Congress, we have passed bills that recognize some tribes on the condition that such tribes forego gaming. We made this condition a part of their recognition of the bills. This breaks with long-standing precedent and with treating Indian tribes on an equal footing with one another. But we did it out of deference to the Members who represent the tribes, out of deference to the Governors of the States affected, and out of deference to the wishes of local communities.

If we want to remain consistent in this policy, then we should agree to the request of the Members and of the Governors and of the local communities of Port Huron and Romulus.

I understand there is opposition to this bill. By the way, Mr. Speaker, I probably shouldn't say, but this bill should never have gone to Judiciary. Mr. Speaker, it should never have gone to Judiciary. This is not your jurisdiction. This is the jurisdiction of Natural Resources only, and for some reason, somebody tried to placate somebody and send it over to Judiciary. Judiciary has no jurisdiction over this bill. IGRA is under the jurisdiction of the Resources Committee.

I understand the opposition. On the one hand, we must defer to Governors and to Members who don't want gaming, but on the other hand, we are hearing we must not defer to Governors and to Members when they want to permit and to regulate gaming. This is confusing.

Most of the opponents of these bills don't live in the area affected by the legislation. I note that none of the amendments filed to this bill were from the Michigan delegation.

So why are they opposed? I believe it is fear of competition. The tribes whose lands are settled by H.R. 2176, as amended, have every right under the law to provide economically to their members. That they choose to do so by operating casinos is their choice, as well as that of the Governor of Michigan. These enterprises will supply jobs to the area, will provide funds for health care, and will provide better education for Native Americans, and they will do so by engaging the oldest American economic policies—good old-fashioned, competitive capitalism.

□ 1430

This is not the first time that Congress has taken lands into trust for tribes outside traditional reservation boundaries and has allowed the tribes the full economic benefit of these lands. As one example, I point to the Omnibus Indian Advancement Act from the 106th Congress. That law directed the Secretary of the Interior to take land into trust for two tribes—the Lytton Rancheria and the Graton Rancheria—which may not have been part of the tribes' historical ranges. In each case, just like the bill being considered today, gaming was not barred. Certainly, this is a common result whenever Congress or the administration recognizes a landless tribe or restores land to a tribe.

In the meantime, the property owners in Charlotte Beach have watched the value of their property plummet, something like 90 percent in some cases. The cloud on the title to their land, resulting from the land claims, has made it nearly impossible for them to sell or to secure a mortgage. This isn't right, and it isn't right to leave them hanging when the Governors of Michigan, the legislature, the affected communities, and their Representatives want to move these settlements forward.

This bill will end this ordeal that they're all facing.

Once again, I do urge support of H.R. 2176, as amended, and urge passage.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, could I bring the temperature down somewhat from the speakers by pointing out to my good friend from Alaska that this matter is within the Judiciary Committee because the Parliamentarian said so? So for the gentleman to make this assertion that we have no claim of jurisdiction here is one of the errors that he has made in his presentation.

Now, ladies and gentlemen, I'm so proud that nobody has mentioned casinos yet, because that means the casinos are not an issue, of course, in this matter. Or you mentioned gaming. Okay. Chairman RAHALL concedes that he did mention gaming.

Well, let me tell you something. This is just like H.L. Mencken. When they say this is not about money, Mencken says that means it's about money.

Now, it just so happens that, on three occasions, these tribes have tried to get the Department of Interior, which is where this goes—and as for this business about its being in the exclusive jurisdiction of the Congress, we don't sit around here, ruling on this business. We can override the established procedures if we want to, and here, we want to because the Department of Interior has turned down these claims three different times—in 1982, 1983, and 1992. They said ''no.'' The reason was they weren't meritorious.

And then an enterprising member of the bar—and I hate to tell you that that was his profession—said, Ah, I've got an idea. Wait until you see the charts that show how far Sault Ste. Marie and Bay Mills are from where they want to locate the casinos.

I said it was 350 miles away. It's 348 miles away. I'm sorry. So let's come clean, okay?

Now, the lady I supported for Governor, Governor Granholm, overrode the State legislature to send you that letter, and it's not going by the Indian Gaming Regulatory Commission rules or her own State's rules. The people in Michigan have voted down casinos already. And, the former Governor Engler, wow. He tried to stick it in bills coming over here. He never would have done what we are doing here today but for the same reasons of concern that those proponents of the bill have reason to be concerned right now.

So that's the story, folks. If you want to start a run on forum shopping for casinos, this is going to be the first bill that does it.

It is no joy for me to be before you opposing legislation reported by the Natural Resources Committee and my friend NICK RAHALL, and supported so strongly by my friends JOHN DINGELL and BART STUPAK.

But this is bad legislation. I regret that the House is having to consider it. And I must strongly oppose it.

Those pushing this legislation on the House do not always like to emphasize the fact that it is about legalizing casino gambling where it would not otherwise be legal—pure and simple.

And not just in two corners of Michigan. This is not a local Michigan issue—leaving

aside that the Michigan delegation is sharply divided itself.

This would create a national blueprint for casino forum shopping, where no corner of the country would be safe from the designs of any developer or casino operator, working in league with any far-off Indian tribe.

They say it does not set a precedent—says so right in the bill: ''don't look for a precedent here.'' Who are they trying to kid?

This legislation is highly controversial, and with good reason. Earlier today I discussed the dubious origins of this supposed Indian land claim. Let me now turn to other major flaws in this proposal.

To begin with, it spurns every single procedure Congress established under the Indian Gaming Regulatory Act to balance the sovereign rights of Indian tribes to conduct their own affairs, on their own lands, with the legitimate concerns many of our citizens have with the potential spread of casino gaming into their communities.

It simply declares the process to be completed, and the two tribes to have succeeded.

The bill's proponents will tell you that the bill complies fully with the process set out in IGRA. But it does not; it simply jumps to the finish line and arbitrarily deems the process to be satisfied.

Section 102(a)(1) orders the Interior Department to take the lands into trust.

Section 102(a)(2) directs that the lands become part of the tribe's reservation.

Section 102(b) declares that the process complies fully with all the requirements of the Indian Gaming Regulatory Act for purposes of legalizing a casino on the new lands.

What could be simpler? Or more manipulative?

Let's not kid ourselves. That's not complying with process; that's doing a preemptive end run around it.

This bill shows absolutely no regard for the established process.

No regard for the usual review in the Interior Department, who opposes this bill.

Don't be fooled by rumors of some high-level private go-ahead. The Interior Department has testified against this legislation—publicly—twice in the last 5 months—before the Resources Committee, and before the Judiciary Committee.

No regard for Michigan voters, who passed a referendum in 2004 restricting the expansion of casino gambling in their State. The bill does an end run around that process as well.

The proponents claim that there is an exemption in the referendum for casinos on Tribal lands.

Well, of course there is. That's required by tribal sovereignty under Federal law. That would be the case whether the referendum said so or not.

But no one in their wildest dreams ever imagined that someone would try to twist the common-sense concept of ''Tribal lands'' to sweep in lands 350 miles from the Tribe's ancestral homelands.

This bill does not honor the referendum. It blows a gaping hole through it, and utterly violates the spirit of the voters' decision to limit the spread of casinos in their State.

No regard for the other Indian tribes in Michigan, all of whom signed compacts in 1994 solemnly pledging, as a means of curtailing the impulse to build new casinos far and wide, that revenues from any off-reservation casino any of them built would be shared among them all.

This bill simply blesses a superseding compact for these two tribes that lets them off the hook, without going through any of the established process for negotiating and approving a new compact.

The Indian Gaming Regulatory Act rightly disfavors off-reservation casino gaming.

And as set forth in greater detail in the Interior Department guidelines, the greater the distance involved, the greater the risk of harm to tribal welfare, and the more tenuous the benefits.

The distance involved here—350 miles from the reservation—is a whole new order of magnitude. And the tribes involved have no known historical connection whatsoever to the lands they would acquire.

The proponents say there is a precedent. But what they are referring to is no precedent at all.

The Torres-Martinez case was brought by the Interior Department on behalf of the tribe, for reservation land that an irrigation district had placed under water.

Under the settlement, the tribe was allowed to acquire land in trust within 10 miles of its existing reservation—that land also had to be within its historical territory.

The tribe has not built a casino on that land, and has no plans to.

Furthermore, the land claims here being enlisted in the service of obtaining these off-reservation casinos have already been rejected by the courts.

And they are not even claims involving the United States. They are strictly private claims, against the State of Michigan, bearing no relation whatsoever to the kind of claims that could legally be settled under the Indian Gaming Regulatory Act.

This legislation is supported by exactly two tribes in Michigan—the two who expect to get off-reservation casinos they could not hope to obtain under established legal process.

It is opposed by other Michigan tribes, who are joined by over 60 tribes across the country.

Not because they oppose Indian gaming. They all have their own interest in preserving their rights to build casinos on their own lands.

What they are opposed to is the free-for-all that would predictably ensue if this unprecedented effort to circumvent the law—a law they have all lived under for 20 years—were to pass.

This legislation is also opposed by the NAACP because of its lack of basic procedural fairness, due process, or any respect for voters in communities across the country who may understandably have concerns about casinos being built in their neighborhoods.

Let me also say a word about the view of organized labor. And I say this as someone who has a labor voting record in Congress, over almost 44 years, that is second to no one's.

This bill is supported by some in labor; it is opposed by others.

Labor is not united. And why would they be? If this legislation has any direct effect on jobs, it will be only to move them from one casino in Michigan to another.

For these and other reasons, the House Judiciary Committee, which received a sequential referral of this legislation, voted unanimously to oppose it.

By passing legislation favoring the narrow interests of the Bay Mills and Sault Ste. Marie tribes and their private-sector allies, Congress would set a dangerous precedent for sidestepping the established review process for land claims, and create a shortcut for spreading casino gambling into every corner of the country.

We should not start down that path. The tribes should pursue whatever claims they may have through the normal procedures—and succeed or fail on the merits.

And so I strongly oppose this bill, and urge everyone else in this body to do likewise.

I reserve the balance of my time.

Mr. KING of Iowa. I yield myself so much time as I may consume.

Mr. Speaker, I rise in opposition to this bill, H.R. 2176. In unanimity and purpose and philosophical intent with the chairman of the full Judiciary Committee and, by the way, in consistency with all of the folks who voted on this bill out of the Judiciary Committee, regardless of the assertions of who had actual jurisdiction, that's where it was directed.

I'm interested in this bill for a number of reasons. First of all, when you have a reservation where they comply with regulations and go through the Indian Gaming Act and get the authority to establish a gaming facility, that's on the reservation. But I would submit, Mr. Speaker, that 350 miles away is off the reservation. And I think the motive of this thing is way off the reservation.

In fact, the precedent that would be set by this bill would be a precedent, and I understand there's language in the bill that says it doesn't set a precedent. My comment is, Yeah, right. Everything we do around here sets a precedent. In fact, it sets a pattern for the rest of the reservations in the country.

We've got to say ''no'' at this point. If not, we will be back here. The chairman of the Judiciary Committee's comment is well taken. It sets a pattern that all of the reservations and the tribes in the country will look at, and they will say how can we also go off the reservation and establish a gaming facility.

For those reasons, I oppose this bill, H.R. 2176.

I reserve the balance of my time.

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

Mr. YOUNG of Alaska. Mr. Speaker, I reserve.

Mr. CONYERS. Mr. Speaker, I would yield 3 minutes to the gentlewoman from Las Vegas (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise once again in strong opposition to H.R. 2176. I believe this bill will lead to an unprecedented expansion of off-reservation Indian gaming by offering a blueprint to any Indian tribe that wants to circumvent the laws regulating Indian gaming in order to build a casino outside the boundaries of its sovereign territory.

This debate is not about the right of American communities and Indian

tribes to participate in gaming. I have no problem with other communities trying to replicate Las Vegas' experience, which has been so very successful, and I support the rights of tribes to participate in gaming on their reservations as both of these tribes already do. But the bill we are considering today is an attempt to circumvent the Indian Gaming Regulatory Act by using a bogus land claim, a bogus land claim that has already been tossed out of both Federal and State courts.

Now, our proponents say that we are here because we want to improve a legitimate land claim and want to have justice for our Indian friends. Well, justice has already been served. This bogus claim has been thrown out of Federal court and State court.

The result, if this bill passes, will be two new off-reservation casinos more than 350 miles from the lands of these two tribes. And 350 miles is a very substantial amount. It is from Washington, D.C. to Cleveland, Ohio. And beyond that, if this bill becomes law, any one of the more than 500 recognized Native American tribes can argue that they have the right to sue private landowners in an attempt to bargain for gaming off their reservations. Let's circumvent the Indian gaming laws, come directly to Congress, and Congress can end up spending all of our time approving Indian gaming casinos on every street corner in every American city.

How do we know this land claim is bogus? Because the chairman of the Sault Ste. Marie Tribe called it shady, suspicious, and a scam until he joined with the other tribe and switched his position.

More than 660 tribes are opposed to this legislation in which Congress, for the first time, will allow a tribe to expand its reservation into the ancestral lands of another tribe for the express purpose of gaming. This bill is opposed by the Department of the Interior, the NAACP, UNITE HERE, more than 60 tribes across the United States, and by a unanimous vote of the Judiciary Committee.

To sum up this issue, Congress is being asked to pass special interest legislation benefiting only two tribes, each of which already has gaming.

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

Mr. CONYERS. I yield the gentlelady 15 more seconds.

Ms. BERKLEY. This, remember, is based on a suspect land claim that has already been thrown out of the State and Federal courts so that they can open up a casino hundreds of miles from their ancestral lands and in direct competition with existing facilities.

I urge a ''no'' vote on this very bad piece of legislation.

Mr. KING of Iowa. Mr. Speaker, I reserve.

Mr. RAHALL. Mr. Speaker, would you tell us how much time is left for all Members.

The SPEAKER pro tempore. The gentleman from West Virginia has 15 minutes remaining; the gentleman from Alaska, 14½; the gentleman from Michigan, 3 minutes; and the gentleman from Iowa, 8½.

Mr. RAHALL. Mr. Speaker, I am very happy to yield 3 minutes to the distinguished member of our Committee on Natural Resources, a member of my class as well, and from the State of Michigan, Mr. DALE KILDEE.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the land claim settlement legislation relating to the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Michigan. I have considered several factors that, when taken together, would move me to speak strongly in favor of final passage.

First, the legislation before us has bipartisan gubernatorial support. In 2002, then-Republican Michigan Governor John Engler signed two separate agreements between the Sault Ste. Marie Tribe and the Bay Mills Indian Community in order to settle the disputed, and still disputed, land claims in the Charlotte Beach area of Michigan. And, in November of 2007, the present Democratic Governor, Jennifer Granholm, amended and reaffirmed these agreements, and she strongly supports those bills.

Second, my own hometown of Flint, Michigan, supports bringing an Indian casino to the city. Flint Mayor Don Williamson gave testimony through the Natural Resources Committee this year, expressing his strong support for these proposals. And the City Council of Flint passed a resolution supporting similar legislation that was followed by the people of Flint voting in a citywide referendum in support of bringing an Indian casino to Flint.

Mr. Speaker, faced with Flint's economic difficulties and the need to settle these Indian land claims, I strongly support this bill.

Under the settlement agreement, the Bay Mills Indian Community would acquire one parcel of land in Port Huron, Michigan, while the Sault Ste. Marie Tribe would acquire one parcel of land, the location to be determined by the tribe with the approval of the local governing body. That site would be limited to the County of Monroe or to the City of Romulus or to the City of Flint.

Finally, as has been spoken before, only Congress has the legal authority to extinguish the land claims of Indian tribes, and it has done so on several occasions, and that is why this bill is before us today. And that law dates back to the first Congress of the United States.

To summarize, two Governors of Michigan have signed compacts with these two tribes to accomplish this. The three cities that would be affected have voted to welcome these tribes, and the three Members of Congress representing those cities are strongly in support of this bill. This bill will bring justice to these Indian tribes, and it will help the economy of the cities involved.

I strongly urge my colleagues to support this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I have listened very intently to this debate. The thing that bothers me the most is that this is about competition. That's all it is. Let's face it. It's competition.

□ 1445

I'm a little disturbed that the casinos in Detroit that are owned by Indian tribes now are objecting to their brethren, because it's about competition.

We have been over this time and time again. This is not a new bill. This is an attempt to settle a land claim by those who own land and who no longer have title of it because of a court ruling. This is not just about casinos.

And by the way, to the chairman of the Judiciary, I did mention ''casinos'' in my statement. It's there, I want you people to understand, and I did mention ''gaming,'' but I did say ''casinos,'' too. I'm not trying to hide anything. This is their prerogative under IGRA to have the title to this land.

This land was not voluntarily given away. This land was taken. The State of Michigan said it was taken. The courts have said it was taken. These tribes have a legal title to this land. And, until they get that land, the people who now have homes, who have stores that have been inherited from their parents, that title is not theirs.

But we have those in Detroit and those interests from outside of Michigan that don't want any more competition. Competition, apparently, is bad for the American way. I think it's good.

Again, let's go back to those people who represent the area. And the Governor and the community all support this bill.

I reserve my time.

POINT OF ORDER

Mr. CONYERS. Mr. Speaker, point of order.

Can you ask that gentleman to sit down and to shut up up there? I don't care who he is.

The SPEAKER pro tempore. Occupants of the galleries will be in order.

Mr. CONYERS. I'm pleased now, Mr. Speaker, to recognize the chairperson of the Congressional Black Caucus, CAROLYN CHEEKS KILPATRICK from Michigan, and I would yield her 1½ minutes and would ask the ranking member of the Judiciary to do the same.

Mr. KING of Iowa. I'm happy to yield 1 minute to the gentlelady from Michigan.

Ms. KILPATRICK. Mr. Speaker, I thank the chairman for yielding, as well as the gentleman from Iowa for yielding me my time.

This is about the law. This is about the law. This is about Michigan's law. In 1993, after 20 years of trying, the

Michigan legislature—I, a member at that time, and others—passed a law that, after many referendums in the City of Detroit, a referenda would be held throughout the State of Michigan that said who could have casinos. We were allowed that after 20 years of working on that.

In 1994, back to the people of the State of Michigan, there was a referenda that said if you are to have a casino you must come back to the people. This law circumvents that. There are 18 Native American tribes in Michigan. All but two who are getting this casino deal do not support this legislation, mainly because, in the Michigan compact, Native Americans share in the net profits. This bill would not allow the other 16 tribes to share in the profits, thereby putting their own reservation casinos in jeopardy, while at the same time rewarding 2 and not the other 16 sharing the profits.

There's a way to fix this. Go back to the ballot box, which is what the Michigan law says. Let the people of Michigan speak on this. Casinos are regulated by States, as IGRA gives them that authority, not by the Federal Government.

Much has already been said, and I will tell you who opposes this: The Bureau of Indian Affairs, the U.S. Department of Interior, the National Indian Gaming Association, UNITE HERE, AFSCME, NAACP. We can fix this, but go through what everybody else went through to get gaming and casinos in their community.

The Native Americans asked for it. Over 60 tribes across this country oppose this legislation. Why must we circumvent them and come here? It's not about competition, as Americans love competition, and we support that. Go through the process. Respect the law.

Native American tribes deserve better, and we want to see that happen.

Mr. Speaker, thank you for your kind consideration and care when, in December of 2007, you agreed with me that both of these bills should not be brought to the floor without being considered under regular order. The House Natural Resources Committee and the House Judiciary Committee both had hearings on these bills, and while the Natural Resources Committee reported the bill favorably by a 21 to 5 vote, the House Judiciary Committee reported the bill unfavorably by a zero to 29 vote. Since that vote, both of these bills are opposed by 16 of the 18 tribes that are in the State of Michigan; and opposed by over 60 Native American tribes across the country; by both Michigan's AFSCME and the NAACP; and finally, the U.S. Department of Interior not only opposes the bills but questions the validity of the land claim that they purport to forward.

In essence, both of these bills will allow two Native American tribes located in Michigan's Upper Peninsula to build casinos 350 miles from their reservations and near the city of Detroit and in Port Huron, Michigan. I vehemently oppose both of these bills.

My reasons for opposing these bills, which will allow land to be taken into trust for gambling purposes for the settlement of proposed land claims, are actually very simple. These bills set a dangerous precedent for Congress; they contravene Michigan State law; they are very controversial among the tribes in Michigan and throughout Indian Country; it is not clear that these land swaps are valid; and finally, Congress has not had a comprehensive review of the Indian Gaming Regulatory Act, IGRA, in nearly two decades. Furthermore, it is important to note that these land claims have never been validated by the U.S. Government or any court of law. In fact, the courts have ruled against the Bay Mills Tribe on their claim on two separate occasions.

The people of Michigan have spoken at the ballot box about gaming expansion in our State. In 1994, they voted to allow three casinos in the city of Detroit. In 2004, the people voted to limit any more expansion of gaming unless there was a statewide referendum. In addition, the Michigan Gaming Compact specifically prohibits off-reservation gaming unless all of the tribes in Michigan agree to a revenue-sharing plan. These two bills are simply an attempt to circumvent both the will of the people of Michigan and the compact the Michigan State Legislature has made with the tribes in Michigan.

Instead, these bills would have Congress mandate not one, but two off-site reservation casinos located over 350 miles away from the reservations of these tribes. Moreover, the disputed land is located near the two tribes reservations in the Upper Peninsula but yet the land they want for a "settlement" is located 350 miles away near the city of Detroit. If these bills were to become law, what would prevent other tribes from seeking a land claim anywhere in the United States for off-site reservation gaming? Is this the real intent of the Indian Gaming Regulatory Act?

It is indeed ironic that in the 109th Congress, the House Resources Committee, on a bipartisan basis, passed legislation by an overwhelming margin to restrict off-site reservation gaming. Yet today, it now seeks to expand Native American gaming in an unprecedented manner.

Congress passed the Indian Gaming Regulatory Act in 1988 that allows tribes to conduct gaming on lands acquired before October 17, 1988. In 1993, former Governor John Engler negotiated a gaming compact with the seven federally-recognized tribes in Michigan, including the Bay Mills and Sault Ste. Marie Tribes.

In order to prevent a proliferation of Indian gaming across the State, a provision was added to the compact that required any revenue generated by off-reservation gaining be shared among the tribes who signed the compact. This provision has worked well for over 15 years. The two bills before Congress today would simply nullify this critically important provision of the Michigan Gaming Compact. Both of these bills would allow the tribes to; (1) settle a land claim that has never been validated and is located near their reservations in the Upper Peninsula of Michigan and (2) acquire lands 350 miles from their reservation to build casinos. Furthermore, these bills actually include gaming compacts in them that were never approved by the Michigan State Legislature who has approved every other gaming compact. It is important to note that Congress has never passed a gaming compact in the history of Indian gaming. IGRA specifically grants that authority to the States.

In 2004, the voters of Michigan spoke again in a statewide referendum and overwhelmingly approved a ballot initiative that would restrict the expansion of gaming in the State of Michigan. This referendum would require local and statewide approvals for any private expansion of gaming in Michigan.

The people and the elected officials of Michigan already have a solution to this matter—the ballot box. There is nothing in the referendum that would prevent the two tribes and their non-Indian developers from initiating a statewide referendum to get casinos in Port Huron and in Romulus. In fact, both of those cities have already passed local referendums. But the tribes and their developers decided to short-circuit the vote of the Michigan people and come to Congress to get a casino on a proposed land claim that is located near the tribes' reservation lands in the upper peninsula of Michigan.

I am aware that the Governor of Michigan has sent the House Natural Resources Committee a letter supporting these bills. You should know that there is no legal basis for the State to support these agreements because, in fact, the State has already won this case in the Michigan Court of Claims and the Bay Mills Tribe appealed it all the way to the U.S. Supreme Court. The Supreme Court subsequently declined to hear the case.

The Governor ignored the fact that the city of Detroit will be the main victim of the State's largess in these casino deals. The city of Detroit will lose hundreds of millions of dollars as a result of the competition of these new casinos and that will cause irreparable harm. Harm to whom? Harm to the current investors of the casinos in the city of Detroit, who have invested more than $1.5 billion in the construction of the three casinos in the city of Detroit. Harm to the thousands of jobs that have been created and the tax revenue that those jobs generate for the city of Detroit and the State of Michigan. Ultimately, this will harm the State. When compared to their private counterparts, Native American gaming sites, because they are sovereign nations and must share their revenue with other Native American tribes, do not bring in the tax revenue of private investors.

In the end, these two tribes are seeking to do an end-run around two statewide referendums and the Michigan Gaming Compact of 1993. Rarely have voters in any State in this country spoken so clearly on gaming issues. In light of all of this, it would be a travesty for Congress to mandate two off-site reservation gaming casinos that would have such a negative impact on the people in Michigan.

But, for the moment, let us ignore the impact that these bills will have on the city of Detroit. Let us ignore the precedent that these bills will set, allowing any Native American tribe to claim any piece of land hundreds of miles away, as their native tribal land. Let us ignore the fact that IGRA has not been reauthorized in more than two decades, and clearly needs to be revisited and revised by Congress. What I cannot ignore is the strong possibility that the very integrity of Congress is in jeopardy.

On October 10, 2002, in testimony before the Senate Committee on Indian Affairs, the chairman of the Sault Ste. Marie Tribe, Bernard Boushor, said "the Bay Mills case was a scam from the start." In testimony and information provided to the House Natural Resources Committee in February of this year, Saginaw Chippewa Chief Fred Cantu cited

Chairman Boushor's testimony, stating that the original lawsuit on the land claim was a collusive lawsuit.

The proponents of this legislation have repeatedly stated that these bills are simply to address the aggrieved landowners in Charlotte Beach. But according to the Sault Ste. Marie Tribe "the Charlotte Beach claim did not originate with Bay Mills. It was a product of a Detroit area attorney who developed it specifically as a vehicle to obtain an IGRA casino . . . the goal was never to recover the Charlotte Beach lands."

How was this originally a collusive lawsuit? The Bay Mills Tribe sued Mr. James Hadley on October 18, 1996 who entered into a settlement in which he gave land to the Bay Mills Tribe 300 miles from their reservation to build a casino in Auburn Hills, Michigan. That plan was rejected by the Department of the Interior. The point is that Mr. Hadley was not an aggrieved landowner, he was an active participant in what the Sault Tribe described as "a collusive lawsuit" and "a scam."

I strongly encourage all of you to read the testimony of the former Sault Ste. Marie chairman before the Senate Committee on Indian Affairs, the testimony of the Saginaw Chippewa Chief Fred Cantu, and review the documents Chief Cantu provided to the Committee, which was provided to the House Natural Resources Committee at its hearing in February and to the House Judiciary Committee at its subsequent hearing.

There is a way to save the integrity of Congress. The Saginaw Chippewa Tribe has requested that the U.S. Department of the Interior investigate the land claims made by these tribes, and determine whether they are valid claims, worthy of Federal resolution. It is my understanding that the Department of the Interior is reviewing the validity of these land claims. I would urge the Committee to wait until this investigation is complete until it rushes into passing legislation that mandates off-reservation gaming.

Congress should not be in the business of handing out off-site reservation gaming casinos. It is my hope that the wisdom of Congress is the rejection of both of these bills for the following reasons:

These bills set a dangerous precedent for Congress by approving a compact which is a State, not a Federal, responsibility;

They contravene Michigan State law;

They are controversial among the Native American tribes in Michigan; indeed, nine out of Michigan's 12 tribes oppose these bills;

The city of Detroit would lose thousands of jobs and hundreds of millions of dollars in the investments made by the three casinos currently operating in Detroit;

The Bureau of Indian Affairs has already rejected a similar application for gaming in Romulus, Michigan;

These bills would involve the removal of valuable land from the tax rolls of the State of Michigan, resulting in the potential loss of even more revenue;

It is uncertain that these land swaps are legitimate, possibly jeopardizing the integrity of the U.S. Congress;

The Committee should allow the Department of the Interior the time to do their due diligence to determine if these are valid land claims; and

Congress needs to revisit, revise and reauthorize the IGRA, which has not had a comprehensive review in nearly two decades.

Let me state for the record, once again, that I am not opposed to more gaming in the State of Michigan. I am also not opposed to off-site reservation gaming. I have been opposed, am currently opposed, and will always be opposed to any measure, any bill, any regulation that says that the will of the people does not matter. The will of the people is tantamount. It is my hope that the wisdom of Congress prevails and that the voice of the people matters in rejecting these bills on the floor today.

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

Mr. YOUNG of Alaska. I reserve.

Mr. CONYERS. I've got to reserve. I've only got 1 minute left, Chairman RAHALL.

Mr. RAHALL. Mr. Speaker, I'll be glad to yield to the distinguished dean of the House of Representatives—the gentleman from Michigan, a dear friend to all of us regardless of our position on this issue—Chairman JOHN DINGELL, 5 minutes.

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

Mr. DINGELL. I want to commend and thank my good friend from West Virginia and my good friend from Alaska for their gracious kindness in this matter.

This is a cry for justice from Indians who have had their land unjustly and improperly taken from them. It is not a violation of Indian gambling law, and this is the only place in which those Indians can get justice. They asked for justice.

Now, you've just heard a lot of things, and there are a lot of people on this floor who are entitled to their own view, but they are not entitled to their own facts.

What are the facts? Under Michigan law, this is legal. Here's a copy of the vote and the ballot that was put before the people of Michigan. It specifically excludes this kind of transaction, and it says that it will "not apply to Indian tribal gaming" and then goes on to say "or gambling in up to three casinos located in the City of Detroit." It doesn't apply. That's hooey.

Now, let's take a look. The claim is legitimate. The land was stolen from the Indians in an improper tax sale, and until this matter is resolved, there will be no peace in the area. The Indians will be denied justice, and land titles and land settlements in the northern part of Michigan will be clouded for years to come.

This came out of the committee 22–5. It has been heard many times.

Now, the legislation follows—it does not set—congressional precedent in dealing with Indian land claim settlements. In fact, the Congress, as mentioned by the gentleman from Michigan, has the sole power to extinguish land claims, since the very first of the Congress, and it follows precedents set by Torres Martinez, the Timbisha Shoshone, the Mohegan Tribe, the Seneca Nation of New York, and the Mashantucket Pequot Tribe in 1983.

This is drastically different than off-reservation gambling. In that scenario, the tribe purchases land and then the Secretary lets them go down there and gamble. This is not so. As mentioned, it fully complies with the requirements of the Indian gambling law.

The land was not selected by the Indians. It was selected by the Governor of the State of Michigan, John Engler, and it was ratified by the Michigan legislature and by our current Governor, with a change in the law.

The votes of the people of the communities have supported the fact that if gambling is to occur in these communities it will occur. The people of the State of Michigan, the people of the cities involved have come out and have said they want this to take place.

Let us give justice to the Indians. The bill does not, I repeat, violate the will of the people of the State of Michigan.

And the legislation is going to bring desperately needed jobs to southeast Michigan, some 4,000 in my district, some 1,000 in that of the distinguished gentlewoman from Michigan (Mrs. MILLER). It is supported by unions that believe that this will bring good union jobs to Michigan and that it will help the Indians.

As repeated, there are two groups here who oppose this legislation. One group is of those who legitimately oppose gambling. That's a matter of concern to them, and I respect their judgment. The rest are those good-hearted folk who seek an unfair advantage. They want to protect and preserve their outrageous monopoly on gambling. That's what's at stake. That's all that's involved here; a bunch of good-hearted people are seeking special preference for themselves.

A Member came over to me, and he talked about Abramoff. I remember Abramoff, a very unsavory individual, and the interesting thing is that Abramoff was hired at a high price to oppose the legislation we are discussing today. So, if you're concerned about voting with Jack Abramoff, don't vote against the bill; vote for the bill. The Abramoff vote is a "no" vote. The right vote is an "aye" vote.

Vote to give justice to the Native American people. The citizens of the communities in which these facilities will be located legally, legitimately and properly are, in my district, in one city, 100 percent African American and, in the other, 50 percent African American. There is no racial question here. If you are looking to do racial justice, support the legislation. Take care of the Native Americans, and take care of the African Americans who will benefit from these jobs.

I urge my colleagues to support the legislation.

Mr. KING of Iowa. Mr. Speaker, I'd be happy to yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

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

Mr. DENT. Mr. Speaker, I rise today in opposition to this legislation, H.R.

2176, which consolidates two bills that promote off-reservation tribal gambling.

Why is a guy from Pennsylvania talking about this issue today? Well, this bill sends a signal that reservation shopping, under the Indian Gaming Regulatory Act, IGRA, is okay. Well, it's not okay, and it is out of control.

The bill before us today would create Indian governmental entities, tribal casinos, on lands that are more than 300 miles from the homelands of these tribes. Creating a far-flung string of casinos on lands with no connection to the tribe's heritage was not the intent of IGRA.

Establishing these off-reservation casinos has absolutely nothing to do with the preservation of Indian culture. It is about money, pure and simple. Twenty years ago, before IGRA, there were no tribal casinos in this country. Now there are more than 400, and tribal gambling is currently a $19 billion a year business.

That is precisely the reason why I introduced H.R. 2562, the Limitation of Tribal Gambling to Existing Tribal Lands Act of 2007, which would preclude new casino development on lands that are taken into trust as part of a settlement of a land claim. That bill was inspired by efforts of a tribe, located more than 900 miles from Pennsylvania, to force homeowners and business owners in my district off their properties, just so yet another tribal casino could be built, all based on a 1737 land conveyance, all designed to displace 25 homeowners, a crayon factory—Crayola crayon, we all know the product—and many other businesses.

And, with respect to the Abramoff comments that I have heard, I'll be the first to acknowledge that, as to Mr. Abramoff's actions, he did take advantage of the tribes, but it was the tribal gambling issue that was the source of the corruption.

And I think the proper vote is a ''no'' vote on this legislation.

Again, for those of us who have had to deal with these off-reservation shopping issues, it's very painful for the homeowners, as much as when the Supreme Court went along. Defeat the bill.

Mr. RAHALL. May I have the time that is left?

The SPEAKER pro tempore. The gentleman from West Virginia has 7 minutes remaining. The gentleman from Alaska has 13. The gentleman from Michigan has 1½ minutes, and the gentleman from Iowa has 5½ minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 4 minutes to a dear colleague of ours from Michigan as well, to a gentleman who has been very tenacious for many, many years in seeing this bill to its fruition, the gentleman from Michigan (Mr. STUPAK).

□ 1500

Mr. STUPAK. I thank the gentleman for yielding.

Much has been said about this legislation, my legislation. I want to thank Chairman RAHALL and Mr. YOUNG for their leadership in helping me correct a grave injustice, not just for the Native Americans, but also for the non-Native Americans, my constituents.

I encourage my colleagues to support this bill, H.R. 2176, which is a commonsense fix of a very serious matter. The bill would provide for the settlement of certain land claims of the Bay Mills Indian Community and of the Sault Ste. Marie Tribe in Michigan.

I have been working on this problem for over 10 years, and I first introduced legislation in 1999 in an effort to resolve this issue. I became involved in this land claim dispute at the request of the property owners at Charlotte Beach, not of the Native American tribes. Tribal claims to the land have created a cloud on their title, owned by my constituents in Charlotte Beach.

As a result, local assessors have reduced the property values of the Charlotte Beach land owners by 90 percent because of the valid clouded title created by the Indian land claim dispute.

The tribes' claim to the land in question dates back to 1855, when the U.S. Government signed the Treaty of Detroit, deeding the land to the tribes. However, the land was later sold to non-native land speculators without the Native Americans' consent, eventually resulting in an eviction of the tribal members.

In order to finally resolve this land claim dispute, a settlement agreement was reached in 2002 between former Governor John Engler and the tribes. The settlement agreement has been reaffirmed by Michigan's current Governor, Governor Jennifer Granholm.

After years of extensive negotiations between the parties, this bill represents a straightforward solution to this localized problem in my district.

In order to implement this agreement, Congress must approve the negotiated land settlement. Unfortunately, incumbent casino gaming interests are opposed to this commonsense solution, and they have circulated misleading information in an attempt to derail this legislation. So let me take the opportunity to set the record straight on my legislation.

First, this bill has nothing to do with ''off-reservation gaming acquisitions.'' It is a land claim settlement. Off-reservation gaming occurs when a tribe purchases private land and petitions the Secretary of Interior to place the land into trust for gaming purposes. This legislation ratifies a land claim settlement negotiated by the State of Michigan. This was done under the authority granted in IGRA's land claim exception clause.

Second. In regards to the argument against the location of these lands, the selected lands were chosen by Governor John Engler in consultation with local communities, not with the tribes. The sites were selected for economic development. Local support had been expressed through a local referendum and through unanimous resolutions by the cities and counties, and it has an existing gaming market on the Canadian side of the border where U.S. dollars are being spent.

Our legislation follows, rather than sets, congressional precedent for settling land claim disputes. Congress has passed over a dozen settlement acts on which replacement lands are eligible for gaming, including two that specifically state that the land is eligible for gaming, most recently that of the Torres Martinez Tribe of California and that of the Timbisha Shoshone Tribe, in 2000.

Our legislation does not violate the wishes of Michigan voters. Opponents have attempted to confuse Members about the wishes of Michigan voters on this issue by citing passage of the 2004 referendum, which seeks to limit the expansion of private gaming in our State. The actual wording of the referendum states, ''A voter approval requirement does not apply to Indian tribal gaming.''

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

Mr. RAHALL. Mr. Speaker, I yield the gentleman 15 seconds.

Mr. YOUNG of Alaska. Mr. Speaker, I will yield the gentleman 15 seconds, too.

The SPEAKER pro tempore. The gentleman from Alaska also recognizes the gentleman from Michigan for 15 seconds, so the gentleman from Michigan is now recognized for a total of 30 seconds, of which none have been yet exhausted.

Mr. STUPAK. So the actual wording of the referendum states, ''A voter approval requirement does not apply to Indiana tribal gaming.''

By passing H.R. 2176, Congress will bring about a final resolution to this land claim dispute that has been going on for more than 100 years. Without congressional approval, the land exchange cannot be completed, and the residents of Charlotte Beach, my constituents, will continue to face clouded land titles and economic hardships.

I urge my colleagues on both sides of the aisle to ignore the rhetoric from those attempting to protect casinos.

Support this land claim settlement. Support H.R. 2176.

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

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

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I'm listening with great interest to this debate that we have here on this floor, and it's interesting the unique way that the Michigan delegation doesn't agree on this.

As I've listened to the presentation made by the gentleman, Mr. DINGELL, and to the intensity with which he speaks, certainly, I've listened to the argument, but I'll say this: The situation with this legislation is that the

land in question becomes part of the reservation, and when it becomes part of the reservation, we all know it's going to be turned into a gaming casino. So to argue that this only settles a land claim—the courts had their opportunity to settle the land claim, both the State court of Michigan and the U.S. Federal court, and that's why we're here.

The people who are pressing this claim on the floor of this Congress didn't get the resolution that they had asked for. They weren't able to prevail in court, so now they come to Congress and say, set a precedent so that we can, essentially, confer this land title on the Native Americans. When they take that title, it comes in trust. The Governor then takes the land in trust, but as soon as it goes in trust, it says that any and all claims are hereby extinguished to that land. So we're abrogating decisions made by the Federal court here and by the State court.

Mr. STUPAK. Would the gentleman yield on that point?

Mr. KING of Iowa. I would yield briefly.

Mr. STUPAK. On the Federal claim brought forth by Bay Mills, the Sault tribe was not part of that action, and the Federal court said, your cousins—the Chippewas of the Sault Ste. Marie Tribe—must be joined. Go back and get joined and come back later. In the meantime, they started negotiations in the State court. The State court said, you have a valid land claim, but we cannot give you economic damages because the 6-year statute of limitations has run. This claim should have been brought 100 years ago.

So that's the injustice we're trying to correct; they could not be given money damages because more than 6 years had lapsed. The statute of limitations had run.

Mr. KING of Iowa. Reclaiming my time, though, did not the two tribes then join together and go back to Federal court?

Mr. STUPAK. No.

Mr. KING of Iowa. I would yield to the gentleman if he could tell me why not.

Mr. STUPAK. Because they began the negotiation under IGRA, as required under section 20, to begin a negotiation with the Governor, and they had to make a settlement with the Governor, who can do it. So, instead of going back to court, they used the legislature and the Governor's office to work out a settlement to avoid further litigation.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman. I think that does add clarity to this debate. The option to go to the Governor and to the legislature and the option of the other things we've heard about was better than going back to court under those circumstances.

Mr. STUPAK. I thank the gentleman for his courtesy.

Mr. KING of Iowa. In any case, this legislation simply says that any claims now would be resolved if this legislation passes, ''any and all claims, whether based on aboriginal or recognized title, are hereby extinguished.'' That's what this legislation does.

Then it says also ''these are unique claims and shall not be considered precedent.'' We know, again, that everything that happens in this Congress sets a precedent and creates an idea and an avenue.

I'm faced with a situation that, I think, could be multiplied in its difficulty because of the actions this Congress may take today, Mr. Speaker. Perhaps I'll take that up in my closing remarks.

Mr. Speaker, at this point, I'll reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, who has the right to close?

The SPEAKER pro tempore. The gentleman from West Virginia has the right to close.

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

Mr. YOUNG of Alaska. At this time, I yield 8 minutes to the good lady of the district that's represented, not from California, not from any other area such as Nevada and California, again, that oppose this legislation. She represents this area, and we ought to listen to her as to why she is for this bill.

Mrs. MILLER of Michigan. I thank the gentleman, my distinguished colleague from Alaska, for yielding and for his complimentary remarks.

Mr. Speaker, this issue has been waiting for a congressional vote for many, many years but not for as long as our Nation's history of sometimes mistreating Native Americans.

This case settles a land claim from over 100 years ago, at a time when our country treated Native Americans terribly and at a time when the State of Michigan, as has been said, literally stole this land from the Indians.

Throughout the decades that followed, Native Americans sought justice. Finally, former Michigan Governor John Engler negotiated a settlement that was agreed to by everyone involved. Let me just read briefly a section from his letter.

''As Governor of Michigan, it was my duty to negotiate the land settlement agreements between the State of Michigan and Bay Mills and the Sault Tribe in 2002 . . . I am proud that every concerned party involved in this settlement supports this agreement. This is a true example of a State and the tribes promoting cooperation rather than conflict.''

This land claim settlement is unique to Michigan, and it does not impact any other congressional district other than the three congressional districts of the people who are supporting it here who have spoken today, as have been mentioned. That is myself, Mr. STUPAK, and Mr. DINGELL. I would point out that, in a time of hyper partisanship, this is a wonderful example, I believe, of bipartisanship.

I would note that much of the opposition to this bill comes from Members of Congress who already have gaming in their districts, districts like Las Vegas or like the city of Detroit, and that their opposition is not based on ideology but on, rather, their not wanting any honest competition. I reject this on its face because I believe in the free market, and I believe in free market principles.

Some have said that this is stuffing a tribal land claim down the throat of a community that doesn't welcome it. Actually, the opposite is true. This legislation is supported by every elected official who represents the city of Port Huron in any capacity and at any level of government. As has been mentioned, there is the former Governor, John Engler; the current Governor, Jennifer Granholm; both United States Senators; myself, as a Member in the U.S. House here; the State senator; the State representatives; the county commissioners, and the entire city council.

Additionally, it has the support of civic groups, of business groups like the Chamber of Commerce, of educational leaders, and of labor unions like the UAW.

For those who might be concerned about what law enforcement thinks, we have letters here of support from the county sheriff, from the county prosecutor and from all of the police chiefs. Most importantly, it has the support of the citizens of the city, as evidenced by a citywide referendum vote in support.

The opponents of this legislation have said, first of all, that they don't want any competition. Therefore, they hope this bill will die. They have said, even though their communities and their districts have economic development, they need to protect that and that the citizens—the good Americans of a community like mine—cannot have fairness or economic opportunity.

Mr. Speaker, this is un-American, and I would hope that my fair-minded colleagues would reject that out of hand.

The opponents of this have also stated several outright untruths about this bill. They say that this bill will set a precedent, and that is false. In fact, in section 3(b) of this bill, it states the following: ''The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any tribe and State.''

The opponents also say that this bill will allow for off-reservation gaming. This is also false. In fact, section 2(a)(2) of the bill states the following: ''The alternative lands shall become part of the community's reservation immediately upon attaining trust status.''

In fact, this site was not reservation shopping, as Mr. STUPAK has pointed out. It was specifically chosen because it is the only community with an international border crossing where there is already casino gaming on one side and not on the U.S. side.

They have also said that this legislation violates the process under the National Environmental Policy Act, also known as NEPA. Yet the legislation makes it very, very clear that the land cannot be taken into trust until it is determined that the land complies with NEPA.

They also say that this bill would violate the will of the people of Michigan because of a referendum that was passed in 2004, which required statewide voter approval for any expansion of gaming. This is completely false. As a former Secretary of State, I know a little bit about ballot language, and this is what the ballot language actually says: ''Specify that voter approval requirement does not apply to Indian tribal gaming,'' which is exactly what this bill does.

I would offer as proof of this that, since the referendum passed in Michigan, several tribal casinos that are operated by some of the richest tribal opponents of this bill have actually opened facilities. Now, apparently, they didn't violate the will of the voters as long as they could make money. Yet they want to stop our communities, again, from fair competition. I would say please spare me the righteous indignation.

Mr. Speaker, it is no secret that my beautiful State of Michigan, that our beautiful State of Michigan, is suffering terrible, terrible economic challenges. We have the highest unemployment in the Nation. We have the lowest personal income growth in the Nation. We have the highest foreclosure rate in the Nation. We have the largest exodus of our young people. Our population is moving to other States to seek economic opportunity.

The city of Port Huron, that I represent, actually has one of the highest unemployment rates, not only in the State but in the entire Nation.

□ 1515

By the best estimates right now, it's anywhere from 14 to 16 percent. Some have said it could be even higher. And yet we try to pay our taxes. We educate our children. We always legitimately think of ourselves as patriotic Americans. We are proud, and we have never asked for a handout, and today we are only asking for Congress to ratify the compacts of our Governors so that we can help ourselves.

For those who think that a vote today against this bill will stop gaming in this community, let me just point out this photo here behind me, which is of a Canadian casino, which is about 282 yards away. Now, a good golfer, not me, but a good golfer could hit this Canadian casino. It's right across the St. Clair River, a short trip over the Blue Water Bridge, and about 80 percent of all of their revenues comes from American citizens. Mr. Speaker, I would say that those dollars should be spent in an American facility to help Americans get jobs.

This bill is all about fairness and opportunity, and I would urge my colleagues to vote ''yes''; ''yes'' for private property rights, ''yes'' for the rights of States to negotiate in good faith and for the good of their State, and ''yes'' for Americans to have fairness and opportunity to compete with our wonderful Canadian neighbors for jobs in a community where the jobs are desperately needed.

And I would just close on a note: I have heard that there is a number of family values-type groups who are opposed to this. Let me just show you an example of a recent mailing ostensibly from a group called Michigan Family Alert.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman.

Mrs. MILLER of Michigan. This is a so-called Michigan Family Alert, and, of course, it's saying that they are opposed to these casinos, and, if you're a family values person, you had better to be opposed too. And yet from Business Week what they have said is: ''As it turns out, Gambling Watch is a tiny operation financed by MGM Mirage, one of the world's largest gaming companies, locked in a bitter dispute with two Native American Indian tribes that hope to open casinos in Michigan. The Las Vegas company inaugurated a new $800 million casino in downtown Detroit in October and is not in the mood for any competition.''

And I close on that note.

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

Mr. KING of Iowa. Mr. Speaker, I would be pleased to yield 45 seconds to the gentleman from California (Mr. ISSA).

Mr. CONYERS. Mr. Speaker, I yield the gentleman 15 additional seconds.

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

Mr. ISSA. Mr. Speaker, I thank you all for this moment and this minute.

I represent a great many tribes in California, none of whom will be adversely affected if this casino goes in or doesn't go in. I come to the floor as a supporter of tribal and historic rights and their gaming rights. I have absolute support for Native Americans having gaming on their tribal lands. I also have absolute support for private property. As the gentlewoman from Michigan would like to have private property respected, then the State of Michigan can license a casino on that site to anyone they want, including those Indians on lands that are not in trust.

We, as Federal officers, are being asked to put land in trust for purposes of a casino which has no historic link to the tribes receiving it. We should insist that tribal land be given appropriately in Michigan as close to as possible their historic land or in areas that are for some purpose other than manipulating and distorting the intent of our laws to create a casino.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank the chairman from West Virginia for yielding.

Mr. Speaker, I rise today in strong support of H.R. 2176, legislation that would ratify a longstanding tribal land claim in the State of Michigan.

The Bay Mills Indian community and the Sault Ste. Marie Tribe have worked for over a decade to achieve an agreement with the State of Michigan that would reinstate land rights that these tribes lost shortly after signing a treaty with the Federal Government in the 1850s.

In an effort to achieve justice for these tribes, who have sought to reclaim their lands for over 100 years and to protect the homes of over 100 families who currently reside on the disputed land in Charlotte Beach, the State of Michigan negotiated a land-swap settlement. That agreement would give the Bay Mills Indian community 20 acres of land in Port Huron and give the Sault Tribe up to 40 acres in Romulus or Flint. Under Federal law, the new lands provided to the tribes would be eligible for gambling casinos, just as the Charlotte Beach land would be eligible. The purpose of the land claim agreement is to give alternative land that has the same property rights as the land that was stolen from these tribes.

Mr. Speaker, two Governors from the State of Michigan and those Members of Congress whose districts are most affected have all endorsed the land-swap agreement that would give these tribes new lands in exchange for the 110 acres of land they lost in the 19th century.

There is no authentic argument against this bill. The legislation before us does not expand gaming, as some opponents have erroneously charged. This legislation simply restores justice to Native Americans in the State of Michigan and provides these Indians there an opportunity to raise badly needed revenues.

I urge adoption of the bill.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Alaska will state his parliamentary inquiry.

Mr. YOUNG of Alaska. How much time is left totally, Mr. Speaker? How much time does the Judiciary have, the majority and minority?

The SPEAKER pro tempore. The gentleman from West Virginia has ¾ of 1 minute remaining; the gentleman from Alaska has 4¼ minutes remaining; the gentleman from Michigan has 1¼ minutes remaining; and the gentleman from Iowa has 1¼ minutes remaining.

Mr. YOUNG of Alaska. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Alaska will state his parliamentary inquiry.

Mr. YOUNG of Alaska. Who has the right to close?

The SPEAKER pro tempore. The gentleman from West Virginia.

Mr. YOUNG of Alaska. Mr. Speaker, I yield the gentleman, not for closing, but I will yield him 2 minutes of my time.

The SPEAKER pro tempore. The gentleman from West Virginia now has 2¾ minutes.

Mr. RAHALL. Mr. Speaker, I plan to close with that time; so I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from West Virginia will control 2¾ minutes.

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, with my remaining time, I hope everybody recognizes again that what this is about is competition. That's all it is. In the meantime, there are two Native tribes, American Indians, that have a right under IGRA to, in fact, have these lands that they negotiated with the Governors, the State legislature, the communities, and reached a deal; yet this is the last body that has the ability and the responsibility of settling disputes on lands owned by or not owned by American Natives. Not the courts, no one else. And that's why we are here today.

It does disturb me, when I see other tribes that actually have the backing of other institutions outside the State of Michigan, the city of Detroit, that oppose their brethren from achieving the same goals they did. I'm also disturbed because we have those that are non-Native that have their title in question that will never, in fact, unless we act, have that title cleared up. And that's our responsibility in this body.

There is justice, there should be justice, for American Indians. And, by the way, I believe I am the last one on that committee that voted for the original gaming legislation for American Natives. Chairman UDALL and I passed that legislation. I believe Mr. DINGELL probably voted for it, and maybe Mr. CONYERS voted for it at that time because we thought there was an opportunity there to improve the economic base of the American Indian, and we approved correctly.

Now, those that oppose gaming, I understand that. I don't gamble. That's not my thing. But I also will tell you I don't disrespect those who do gamble. And as the gentlewoman from Michigan (Mrs. MILLER) said, I could even hit a golf ball across that river to that gaming place in Canada, and I want some of that Canadian money to come down to America instead of its going from America to Canada.

In the fairness of this bill, we should vote ''yes.'' In fairness to the American Indians, we should vote ''yes.'' This legislation should become a reality. The State of Michigan Senators support it. The Governors support it. The legislature supports it. The communities support it. The police officers support it. And only those that oppose it have another interest.

I urge a ''yes'' vote.

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

Mr. KING of Iowa. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is an interesting debate, and some things come to mind that I don't believe have been adequately answered. I'm going to ask the question and hope that someone answers it with the time they have left rather than asking me to yield them time.

What is the claim the two tribes have on this land and the distinction between it and all the rest of the State of Michigan? I think that's a good question.

When I look at this situation, I apply it to the district that I represent. And I have represented two reservations, two tribes, and two gaming casinos for the last 11½ years. Now I have an outside tribe that has just been created within the last generation that has come in and bought land within my district in order to set up a health care clinic, and now the bait and switch takes place and it's going to be a casino instead. They get some of their problems cleared by this bill, 2176, if it passes today because, regardless of whether the bill says it's a precedent, it's a precedent. If it's not about money, it's about money, as we heard the chairman say. Where could a tribe not establish a casino if they determine to do so? Any land that they could buy for whatever purpose, whether it was a bait and switch or whatever, this opens up the door. As the gentlewoman from Las Vegas said, we could end up with casinos everywhere.

But we need to stand on some principle, and I don't see that the land is a consistent principle that can be defended in this case, Mr. Speaker. I oppose 2176. I urge that it be defeated.

Mr. CONYERS. Mr. Speaker, I yield to the gentlewoman from Las Vegas 25 seconds.

Ms. BERKLEY. I thank the gentleman for yielding.

Mr. Speaker, I just want to end this myth about competition.

How can anybody claim that the gaming casinos are afraid of competition and the free market when the tribes are playing by a different set of rules? Talk about unfair competition, the Indians don't pay taxes on their casinos, and that's why they are so successful. So I don't want to hear any nonsense about competition and fear of competition. That's a lie.

Mr. CONYERS. Mr. Speaker and members of the committee, the only reason we are here today, and I admire all of the devoted people to the cause of our Native Americans, is that these two casinos are located not 5 miles or 10 miles away but 345 miles and 348 miles away. That's why we are here. And by rationalizing that, guess what's going to happen? We are going to have the biggest casino forum shopping this country has ever known because we will have done it here listening to people explain to me about Abramoff's role and how important this is, so compelling.

So, please, vote ''no.''

□ 1530

Mr. RAHALL. Mr. Speaker, as we conclude this debate, I would like to take this opportunity to implore the other body to act upon the Lumbee and the Virginia Tribe bills that this body had sent over for its consideration last year. The magnitude of injustice that has befallen these Indian people is almost beyond comprehension.

To the matter at hand. One hundred fifty-three years ago, ladies and gentlemen, that is when these tribes were robbed of their land. The historic record shows they were swindled out of their promised land. This has been their version, their own version of the Trail of Tears. We must not continue to condone that.

We have a higher calling in this body. This is a matter about rising above the petty differences, it's about making restitution and making the tribes involved whole, making the tribes involved whole, and as well clearing title to land where the good people of Charlotte Beach reside.

So I would say to those of my colleagues with concerns over this measure, look into your souls. There, it is my hope, that you will find justice to this cause, to this land claim settlement. The pending legislation, I might add, is supported by the United Auto Workers, the International Union of Operating Engineers, and the International Union of Machinists.

As I conclude, let me say again that it is time we move on so that we can address other issues of importance to Indian country, such as the Indian Health Care Improvement Act, reported out of the Committee on Natural Resources; self-governance issues; other land and economic development issues, such as with the Catawba in South Carolina.

There are many other Indian tribes in Indian country around our country that have many injustices yet to be addressed by the Congress of the United States. We have to look into our souls and decide that it is time to move above these petty differences, to realize that it is incumbent upon us in the Congress to address these issues when others will not.

So I implore my colleagues to support the pending legislation as well as ending many other injustices to our first Americans, our native Indians.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1298, the previous question is ordered on the bill, as amended.

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. HENSARLING

Mr. HENSARLING. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. HENSARLING. Yes, Mr. Speaker, in its current form.

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

The Clerk read as follows:

Mr. Hensarling of Texas moves to recommit the bill H.R. 2176 to the Committee on Natural Resources, with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill, insert the following:

TITLE III—REPEAL OF ALTERNATIVE FUEL PROCUREMENT REQUIREMENT FOR FEDERAL AGENCIES

SEC. 301. REPEAL OF ALTERNATIVE FUEL PROCUREMENT REQUIREMENT FOR FEDERAL AGENCIES.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is repealed.

Mr. RAHALL. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The gentleman from West Virginia reserves a point of order.

The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Thank you, Mr. Speaker.

As I listened very carefully to this debate, it is clear that the majority of the speakers feel very passionately that this is a debate about economic development for the region, a distressed region of Michigan. It's about economic development for a Native American tribe. Someone would have to be totally out of touch with their constituency not to realize that the number-one challenge to the economic well-being of our citizens is the high cost of energy.

So, Mr. Speaker, this motion to recommit is very simple. It removes a provision in last year's ''non-energy'' energy bill that would prevent the government from using its purchasing power to spur the growth of American energy resources, such as coal-to-liquids technology, oil shale, and tar sands.

This is especially important since we know that right north of the border, right north of Michigan, that our neighbor to the north, Canada, is rich in these resources. Particularly, so much of their energy and many of their exports come from tar sands.

The real estate that we are talking about in question could be greatly impacted should the section 526 not be repealed. Because as most people know who have studied the issue, Mr. Speaker, the United States Air Force wishes to enter into long-term contracts in order to help develop these promising new alternative energy alternatives. Yet in the Democrat ''non-energy'' energy bill, they would be effectively prevented from doing so. That will clearly have an adverse impact upon the economic growth, the economic well-being of the Native American tribe in question, not to mention the real estate in question as well.

So, again, Mr. Speaker, when we look at energy, energy now has become a health care issue. It has become an education issue. It is certainly a Native American issue. It is an economic growth issue as well. What has happened is we have seen that the Democrat majority simply wants to bring us bills that somehow believe that if we beg OPEC, we can bring down the price of energy at the pump. Maybe if we sue OPEC, we can bring down the price of energy at the pump. Maybe if we somehow berate oil companies, that will cause prices to go down at the pump. Maybe we should tax them. Well, they will take those taxes and put it right back in their price.

But what the Democrat majority hasn't decided to do is to produce American energy in America and bring down the cost of energy that way. Not only have they decided not to do it, Mr. Speaker, they are moving in the complete opposite direction with this section 526, which prevents the Federal Government from contracting in order to spur the growth of these promising alternative fuel sources, like coal-to-liquid technology, like oil shale, like tar sands. They are moving in the complete opposite direction.

Mr. Speaker, not unlike probably yourself and many of my other colleagues on the floor on both sides of the aisle, we hear from our constituents. I have heard from a constituent that says the high cost of energy now is preventing them from having three meals a day. The high cost of energy has caused them to have their adult children to have to move back in with them. Yet our Democrat majority will not bring a bill to the floor that actually produces American energy.

What Republicans want to do on this side of the aisle is, number one, continue to develop our renewable energy resources. Mr. Speaker, before coming to Congress I was an officer in a green energy company. Those technologies are promising. But, Mr. Speaker, until they are technologically and economically viable will be years to come. In the meantime, people have to take their children to school every day. People have to go to work every day. Many have to go and see their physicians.

And so we need to bring down the cost of this energy now. We know that we haven't built a refinery in America in almost 30 years. Our capacity is down. We are having to import not just crude but we are having to import refined gasoline as well. Yet, the Democrat majority does nothing, does nothing to help build more refineries.

We need diversification. We need nuclear energy. We sit here and talk to the American people about the threat of global warming, yet we know nuclear energy has no greenhouse emissions whatsoever.

It's imperative that we pass this motion to recommit and get more American energy today.

POINT OF ORDER

Mr. RAHALL. Mr. Speaker, I insist on my point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. RAHALL. Mr. Speaker, certainly after listening to the gentleman's diatribe, or whatever it was he was talking about, it's certainly not related to the pending legislation. Never once did I hear the word ''Indian.'' It's a further example of the petty politics the minority is trying to play with the serious problems confronting the American people.

I insist on my point of order, and I raise a point of order that the motion to recommit contains nongermane instructions, in violation of clause 7 of rule XVI. The instructions in the motion to recommit address an unrelated matter to the pending legislation.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. HENSARLING. Mr. Speaker, I wish to be heard.

Again, Mr. Speaker, I don't know how, when you can have speaker after speaker come to the floor and say essentially this is a bill having to do with the economic well-being of a distressed area of Michigan, the economic well-being of a Native American tribe, and not believe that somehow the cost of energy factors into the economic well-being.

We are talking also about a piece of real estate. We are talking about the value of underlying minerals in this piece of real estate that will be greatly impacted on whether or not this section 526 is repealed or not.

I would just simply ask the Speaker, when is it germane to bring a motion to produce American energy in America and bring down the high cost of energy for the American people? If not now, when, Mr. Speaker? When will the Democrat majority allow these motions to be voted on?

The SPEAKER pro tempore. The Chair is prepared to rule.

The bill, as amended, addresses settling certain land claims of two tribal communities in the State of Michigan. The instructions in the motion to recommit address an entirely different subject matter; namely, alternative fuel procurement. Accordingly, the instructions are not germane. The point of order is sustained. The motion is not in order.

Mr. HENSARLING. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Speaker, I move to lay the appeal on the table.

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

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

Mr. HENSARLING. Mr. Speaker, I object to the vote on the grounds that

a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on the passage of the bill if no further proceedings in recommittal intervene.

The vote was taken by electronic device, and there were—yeas 226, nays 189, not voting 19, as follows:

[Roll No. 457]

YEAS—226

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
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
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
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
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

NAYS—189

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)
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
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
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
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Cannon
Cantor
Cubin
Cummings
Delahunt
Fossella
Gohmert
Lampson
Mahoney (FL)
McCotter
Peterson (PA)
Putnam
Rush
Salazar
Snyder
Speier
Sullivan
Sutton
Yarmuth

□ 1605

Mrs. CAPITO and Mr. BURTON of Indiana changed their vote from ''yea'' to ''nay.''

Messrs. CROWLEY, UDALL of New Mexico, ABERCROMBIE, LYNCH, and ROTHMAN changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. JONES of Ohio). 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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 121, nays 298, not voting 15, as follows:

[Roll No. 458]

YEAS—121

Abercrombie
Allen
Andrews
Arcuri
Baldwin
Barrow
Barton (TX)
Bean
Berman
Berry
Bilbray
Bishop (UT)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carney
Castor
Clay
Clyburn
Cole (OK)
Cramer
Davis, Tom
DeGette
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doyle
Ellsworth
Engel
English (PA)
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Gene
Grijalva
Hall (TX)
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hirono
Hodes
Holden
Holt
Inslee
Jackson (IL)
Kagen
Kanjorski
Kennedy
Kildee
Kind
King (NY)
Kuhl (NY)
LaTourette
Levin
Lipinski
Loebsack
Lowey
Lungren, Daniel E.
Lynch
Maloney (NY)
Matsui
McCrery
McHugh
McKeon
McNulty
Melancon
Michaud
Miller (MI)
Miller, George
Mollohan
Moore (KS)
Murphy (CT)
Murphy, Patrick
Olver
Ortiz
Pallone
Pastor
Paul
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rohrabacher
Ross
Rothman
Schakowsky
Serrano
Sires
Smith (WA)
Solis
Space
Stupak
Tanner
Tierney
Towns
Udall (CO)
Velázquez
Walsh (NY)
Wasserman Schultz
Watson
Welch (VT)
Wilson (OH)
Wu
Young (AK)

NAYS—298

Ackerman
Aderholt
Akin
Alexander
Altmire
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Becerra
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardoza
Carnahan
Carson
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Cleaver
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeLauro
Dent
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Gutierrez
Hall (NY)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Honda
Hooley
Hoyer
Hulshof
Hunter

Inglis (SC)
Israel
Issa
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kaptur
Keller
Kilpatrick
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHenry
McIntyre
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (NC)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stark
Stearns
Sullivan
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Yarmuth
Young (FL)

NOT VOTING—15

Cannon
Cubin
Cummings
Delahunt
Fossella
Lampson
Mahoney (FL)
McCotter
Peterson (PA)
Putnam
Ros-Lehtinen
Rush
Snyder
Speier
Sutton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1614

Ms. GINNY BROWN-WAITE of Florida and Mr. PAYNE changed their vote from ''yea'' to ''nay.''

Mr. BUTTERFIELD changed his vote from ''nay'' to ''yea.''

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1615

ADA AMENDMENTS ACT OF 2008

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to H. Res. 1299, I call up the bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3195

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 ''ADA Restoration Act of 2007''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act ''establish a clear and comprehensive prohibition of discrimination on the basis of disability,'' and provide broad coverage and vigorous and effective remedies without unnecessary and obstructive defenses;

(2) decisions and opinions of the Supreme Court have unduly narrowed the broad scope of protection afforded in the ADA, eliminating protection for a broad range of individuals who Congress intended to protect;

(3) in enacting the ADA, Congress recognized that physical and mental impairments are natural parts of the human experience that in no way diminish a person's right to fully participate in all aspects of society, but Congress also recognized that people with physical or mental impairments having the talent, skills, abilities, and desire to participate in society are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers;

(4) Congress modeled the ADA definition of disability on that of section 504 of the Rehabilitation Act of 1973, which, through the time of the ADA's enactment, had been construed broadly to encompass both actual and perceived limitations, and limitations imposed by society;

(5) the broad conception of the definition had been underscored by the Supreme Court's statement in its decision in School Board of Nassau County v. Arline, 480 U.S. 273, 284 (1987), that the section 504 definition ''acknowledged that society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairment'';

(6) in adopting the section 504 concept of disability in the ADA, Congress understood that adverse action based on a person's physical or mental impairment is often unrelated to the limitations caused by the impairment itself;

(7) instead of following congressional expectations that disability would be interpreted broadly in the ADA, the Supreme Court has ruled, in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184, 197 (2002), that the elements of the definition ''need to be interpreted strictly to create a demanding standard for qualifying as disabled,'' and, consistent with that view, has narrowed the application of the definition in various ways; and

(8) contrary to explicit congressional intent expressed in the ADA committee reports, the Supreme Court has eliminated from the Act's coverage individuals who have mitigated the effects of their impairments through the use of such measures as medication and assistive devices.

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

(1) to effect the ADA's objectives of providing ''a clear and comprehensive national mandate for the elimination of discrimination'' and ''clear, strong, consistent, enforceable standards addressing discrimination'' by restoring the broad scope of protection available under the ADA;

(2) to respond to certain decisions of the Supreme Court, including Sutton v. United Airlines, Inc., 527 U.S. 471 (1999), Murphy v. United Parcel Service, Inc., 527 U.S. 516 (1999), Albertson's, Inc. v. Kirkingburg, 527 U.S. 555 (1999), and Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), that have narrowed the class of people who can invoke the protection from discrimination the ADA provides; and

(3) to reinstate original congressional intent regarding the definition of disability by clarifying that ADA protection is available for all individuals who are subjected to adverse treatment based on actual or perceived impairment, or record of impairment, or are adversely affected by prejudiced attitudes, such as myths, fears, ignorance, or stereotypes concerning disability or particular disabilities, or by the failure to remove societal and institutional barriers, including communication, transportation, and architectural barriers, and the failure to provide reasonable modifications to policies, practices, and procedures, reasonable accommodations, and auxiliary aids and services.

SEC. 3. CODIFIED FINDINGS.

Section 2(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) is amended—

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

''(1) physical or mental disabilities are natural parts of the human experience that in no way diminish a person's right to fully participate in all aspects of society, yet people with physical or mental disabilities having the talent, skills, abilities, and desires to participate in society frequently are precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;''.

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

''(7) individuals with disabilities have been subject to a history of purposeful unequal treatment, have had restrictions and limitations imposed upon them because of their disabilities, and have been relegated to positions of political powerlessness in society; classifications and selection criteria that exclude persons with disabilities should be strongly disfavored, subjected to skeptical and meticulous examination, and permitted only for highly compelling reasons, and never on the basis of prejudice, ignorance, myths, irrational fears, or stereotypes about disability;''.

SEC. 4. DISABILITY DEFINED.

Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) is amended—

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

''(2) DISABILITY.—

''(A) IN GENERAL.—The term 'disability' means, with respect to an individual—

''(i) a physical or mental impairment;

''(ii) a record of a physical or mental impairment; or

''(iii) being regarded as having a physical or mental impairment.

''(B) RULE OF CONSTRUCTION.—

''(i) The determination of whether an individual has a physical or mental impairment shall be made without considering the impact of any mitigating measures the individual may or may not be using or whether or not any manifestations of an impairment are episodic, in remission, or latent.

''(ii) The term 'mitigating measures' means any treatment, medication, device, or other measure used to eliminate, mitigate, or compensate for the effect of an impairment, and includes prescription and other medications, personal aids and devices (including assistive technology devices and services), reasonable accommodations, or auxiliary aids and services.

''(iii) Actions taken by a covered entity with respect to an individual because of that individual's use of a mitigating measure or because of a side effect or other consequence of the use of such a measure shall be considered actions taken on the basis of a disability under this Act.''.

(2) by redesignating paragraph (3) as paragraph (7) and inserting after paragraph (2) the following:

''(3) PHYSICAL IMPAIRMENT.—The term 'physical impairment' means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine.

''(4) MENTAL IMPAIRMENT.—The term 'mental impairment' means any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities.

''(5) RECORD OF PHYSICAL OR MENTAL IMPAIRMENT.—The term 'record of physical or mental impairment' means having a history of, or having been misclassified as having, a physical or mental impairment.

''(6) REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT.—The term 'regarded as having a physical or mental impairment' means being perceived or treated as having a physical or mental impairment whether or not the individual has an impairment.''.

SEC. 5. DISCRIMINATION ON THE BASIS OF DISABILITY.

Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(1) in subsection (a), by striking ''against a qualified individual with a disability because of the disability of such individual'' and inserting ''against an individual on the basis of disability''; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''discriminate'' and inserting ''discriminate against an individual on the basis of disability''.

SEC. 6. QUALIFIED INDIVIDUAL.

Section 103(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12113(a)) is amended by striking ''that an alleged application'' and inserting ''that—

''(1) the individual alleging discrimination under this title is not a qualified individual with a disability; or

''(2) an alleged application''.

SEC. 7. RULE OF CONSTRUCTION.

Section 501 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201) is amended by adding at the end the following:

''(e) BROAD CONSTRUCTION.—In order to ensure that this Act achieves its purpose of providing a comprehensive prohibition of discrimination on the basis of disability, the provisions of this Act shall be broadly construed to advance their remedial purpose.

''(f) REGULATIONS.—In order to provide for consistent and effective standards among the agencies responsible for enforcing this Act, the Attorney General shall promulgate regulations and guidance in alternate accessible formats implementing the provisions herein. The Equal Employment Opportunity Commission and Secretary of Transportation shall then issue appropriate implementing directives, whether in the nature of regulations or policy guidance, consistent with the requirements prescribed by the Attorney General.

''(g) DEFERENCE TO REGULATIONS AND GUIDANCE.—Duly issued Federal regulations and guidance for the implementation of this Act, including provisions implementing and interpreting the definition of disability, shall be entitled to deference by administrative bodies or officers and courts hearing any action brought under this Act.''.

The SPEAKER pro tempore. Pursuant to House Resolution 1299, the amendment in the nature of a substitute recommended by the Committee on Education and Labor, 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. 3195

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 ''ADA Amendments Act of 2008''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act ''provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities'' and provide broad coverage;

(2) in enacting the ADA, Congress recognized that physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers;

(3) while Congress expected that the definition of disability under the ADA would be interpreted consistently with how courts had applied the definition of handicap under the Rehabilitation Act of 1973, that expectation has not been fulfilled;

(4) the holdings of the Supreme Court in Sutton v. United Airlines, Inc., 527 U.S. 471 (1999) and its companion cases, and in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002) have narrowed the broad scope of protection intended to be afforded by the ADA, thus eliminating protection for many individuals whom Congress intended to protect; and

(5) as a result of these Supreme Court cases, lower courts have incorrectly found in individual cases that people with a range of substantially limiting impairments are not people with disabilities.

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

(1) to carry out the ADA's objectives of providing ''a clear and comprehensive national mandate for the elimination of discrimination'' and ''clear, strong, consistent, enforceable standards addressing discrimination'' by reinstating a broad scope of protection to be available under the ADA;

(2) to reject the requirement enunciated by the Supreme Court in Sutton v. United Airlines, Inc., 527 U.S. 471 (1999) and its companion cases that whether an impairment substantially limits a major life activity is to be determined with reference to the ameliorative effects of mitigating measures;

(3) to reject the Supreme Court's reasoning in Sutton v. United Airlines, Inc., 527 U.S. 471 (1999) with regard to coverage under the third prong of the definition of disability and to reinstate the reasoning of the Supreme Court in School Board of Nassau County v. Arline, 480 U.S. 273 (1987) which set forth a broad view of the third prong of the definition of handicap under the Rehabilitation Act of 1973;

(4) to reject the standards enunciated by the Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), that the terms ''substantially'' and ''major'' in the definition of disability under the ADA ''need to be interpreted strictly to create a demanding standard for qualifying as disabled,'' and that to be substantially limited in performing a major life activity under the ADA ''an individual must have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people's daily lives''; and

(5) to provide a new definition of ''substantially limits'' to indicate that Congress intends to depart from the strict and demanding standard applied by the Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams and by numerous lower courts.

SEC. 3. CODIFIED FINDINGS.

Section 2(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) is amended—

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

''(1) physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;''; and

(2) by striking paragraph (7).

SEC. 4. DISABILITY DEFINED AND RULES OF CONSTRUCTION.

(a) DEFINITION OF DISABILITY.—Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) is amended to read as follows:

''SEC. 3. DEFINITION OF DISABILITY.

''As used in this Act:

''(1) DISABILITY.—The term 'disability' means, with respect to an individual—

''(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

''(B) a record of such an impairment; or

''(C) being regarded as having such an impairment (as described in paragraph (4)).

''(2) SUBSTANTIALLY LIMITS.—The term 'substantially limits' means materially restricts.

''(3) MAJOR LIFE ACTIVITIES.—

''(A) IN GENERAL.—For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

''(B) MAJOR BODILY FUNCTIONS.—For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

''(4) REGARDED AS HAVING SUCH AN IMPAIRMENT.—For purposes of paragraph (1)(C):

''(A) An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

''(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

''(5) RULES OF CONSTRUCTION REGARDING THE DEFINITION OF DISABILITY.—The definition of 'disability' in paragraph (1) shall be construed in accordance with the following:

''(A) To achieve the remedial purposes of this Act, the definition of 'disability' in paragraph (1) shall be construed broadly.

''(B) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

''(C) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

''(D)(i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—

''(I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

''(II) use of assistive technology;

''(III) reasonable accommodations or auxiliary aids or services; or

''(IV) learned behavioral or adaptive neurological modifications.

''(ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

''(iii) As used in this subparagraph—

''(I) the term 'ordinary eyeglasses or contact lenses' means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

''(II) the term 'low-vision devices' means devices that magnify, enhance, or otherwise augment a visual image.''.

(b) CONFORMING AMENDMENT.—The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) is further amended by adding after section 3 the following:

"SEC. 4. ADDITIONAL DEFINITIONS.

''As used in this Act:

''(1) AUXILIARY AIDS AND SERVICES.—The term 'auxiliary aids and services' includes—

''(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

''(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

''(C) acquisition or modification of equipment or devices; and

''(D) other similar services and actions.

''(2) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.''

(c) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents contained in section 1(b) of the Americans with Disabilities Act of 1990 is amended by striking the item relating to section 3 and inserting the following items:

''Sec. 3. Definition of disability.

''Sec. 4. Additional definitions.''.

SEC. 5. DISCRIMINATION ON THE BASIS OF DISABILITY.

(a) ON THE BASIS OF DISABILITY.—Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(1) in subsection (a), by striking ''with a disability because of the disability of such individual'' and inserting ''on the basis of disability''; and

(2) in subsection (b) in the matter preceding paragraph (1), by striking ''discriminate'' and inserting ''discriminate against a qualified individual on the basis of disability''.

(b) QUALIFICATION STANDARDS AND TESTS RELATED TO UNCORRECTED VISION.—Section 103 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12113) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting after subsection (b) the following new subsection:

''(c) QUALIFICATION STANDARDS AND TESTS RELATED TO UNCORRECTED VISION.—Notwithstanding section 3(5)(D)(ii), a covered entity shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.''.

(c) CONFORMING AMENDMENT.—Section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)) is amended—

(1) in the paragraph heading, by striking ''WITH A DISABILITY''; and

(2) by striking ''with a disability'' after ''individual'' both places it appears.

SEC. 6. RULES OF CONSTRUCTION.

Title V of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201) is amended—

(1) by adding at the end of section 501 the following:

''(e) BENEFITS UNDER STATE WORKER'S COMPENSATION LAWS.—Nothing in this Act alters the standards for determining eligibility for benefits under State worker's compensation laws or under State and Federal disability benefit programs.

''(f) CLAIMS OF NO DISABILITY.—Nothing in this Act shall provide the basis for a claim by a person without a disability that he or she was subject to discrimination because of his or her lack of disability.

''(g) REASONABLE ACCOMMODATIONS AND MODIFICATIONS.—A covered entity under title I, a public entity under title II, and any person who owns, leases (or leases to), or operates a place of public accommodation under title III, need not provide a reasonable accommodation or a reasonable modification to policies, practices, or procedures to an individual who meets the definition of disability in section 3(1) solely under subparagraph (C).'';

(2) by redesignating section 506 through 514 as sections 507 through 515, respectively, and adding after section 505 the following:

"SEC. 506. RULE OF CONSTRUCTION REGARDING REGULATORY AUTHORITY.

''The authority to issue regulations granted to the Equal Employment Opportunity Commission, the Attorney General, and the Secretary of Transportation under this Act includes the authority to issue regulations implementing the definitions contained in sections 3 and 4.''; and

(3) in the table of contents contained in section 1(b), by redesignating the items relating to sections 506 through 514 as sections 507 through 515, respectively, and by inserting after the item relating to section 505 the following new item:

''Sec. 506. Rule of construction regarding regulatory authority.''.

SEC. 7. CONFORMING AMENDMENTS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) in paragraph (9)(B), by striking ''a physical'' and all that follows through ''major life activities'', and inserting ''the meaning given it in section 3 of the Americans with Disabilities Act of 1990''; and

(2) in paragraph (20)(B), by striking ''any person who'' and all that follows through the period at the end, and inserting ''any person who has a disability as defined in section 3 of the Americans with Disabilities Act of 1990.''.

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on January 1, 2009.

SECTION 1. SHORT TITLE.

This Act may be cited as the "ADA Amendments Act of 2008".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act "provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities" and provide broad coverage;

(2) in enacting the ADA, Congress recognized that physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers;

(3) while Congress expected that the definition of disability under the ADA would be interpreted consistently with how courts had applied the definition of handicap under the Rehabilitation Act of 1973, that expectation has not been fulfilled;

(4) the holdings of the Supreme Court in Sutton v. United Airlines, Inc., 527 U.S. 471 (1999) and its companion cases, and in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002) have narrowed the broad scope of protection intended to be afforded by the ADA, thus eliminating protection for many individuals whom Congress intended to protect; and

(5) as a result of these Supreme Court cases, lower courts have incorrectly found in individual cases that people with a range of substantially limiting impairments are not people with disabilities.

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

(1) to carry out the ADA's objectives of providing "a clear and comprehensive national mandate for the elimination of discrimination" and "clear, strong, consistent, enforceable standards addressing discrimination" by reinstating a broad scope of protection to be available under the ADA;

(2) to reject the requirement enunciated by the Supreme Court in Sutton v. United Airlines, Inc., 527 U.S. 471 (1999) and its companion cases that whether an impairment substantially limits a major life activity is to be determined with reference to the ameliorative effects of mitigating measures;

(3) to reject the Supreme Court's reasoning in Sutton v. United Airlines, Inc., 527 U.S. 471 (1999) with regard to coverage under the third prong of the definition of disability and to reinstate the reasoning of the Supreme Court in School Board of Nassau County v. Arline, 480 U.S. 273 (1987) which set forth a broad view of the third prong of the definition of handicap under the Rehabilitation Act of 1973;

(4) to reject the standards enunciated by the Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), that the terms "substantially" and "major" in the definition of disability under the ADA "need to be interpreted strictly to create a demanding standard for qualifying as disabled," and that to be substantially limited in performing a major life activity under the ADA "an individual must have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people's daily lives"; and

(5) to provide a new definition of "substantially limits" to indicate that Congress intends to depart from the strict and demanding standard applied by the Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams and by numerous lower courts.

SEC. 3. CODIFIED FINDINGS.

Section 2(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) is amended—

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

"(1) physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;"; and

(2) by striking paragraph (7).

SEC. 4. DISABILITY DEFINED AND RULES OF CONSTRUCTION.

(a) DEFINITION OF DISABILITY.—Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) is amended to read as follows:

"SEC. 3. DEFINITION OF DISABILITY.

"As used in this Act:

"(1) DISABILITY.—The term 'disability' means, with respect to an individual—

"(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

"(B) a record of such an impairment; or

"(C) being regarded as having such an impairment (as described in paragraph (4)).

"(2) SUBSTANTIALLY LIMITS.—The term 'substantially limits' means materially restricts.

"(3) MAJOR LIFE ACTIVITIES.—

"(A) IN GENERAL.—For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

"(B) MAJOR BODILY FUNCTIONS.—For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

"(4) REGARDED AS HAVING SUCH AN IMPAIRMENT.—For purposes of paragraph (1)(C):

"(A) An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

"(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

"(5) RULES OF CONSTRUCTION REGARDING THE DEFINITION OF DISABILITY.—The definition of 'disability' in paragraph (1) shall be construed in accordance with the following:

"(A) To achieve the remedial purposes of this Act, the definition of 'disability' in paragraph (1) shall be construed broadly.

"(B) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

"(C) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

"(D)(i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—

"(I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

"(II) use of assistive technology;

"(III) reasonable accommodations or auxiliary aids or services; or

"(IV) learned behavioral or adaptive neurological modifications.

"(ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

"(iii) As used in this subparagraph—

"(I) the term 'ordinary eyeglasses or contact lenses' means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

"(II) the term 'low-vision devices' means devices that magnify, enhance, or otherwise augment a visual image.".

(b) CONFORMING AMENDMENT.—The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) is further amended by adding after section 3 the following:

"SEC. 4. ADDITIONAL DEFINITIONS.

"As used in this Act:

"(1) AUXILIARY AIDS AND SERVICES.—The term 'auxiliary aids and services' includes—

"(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

"(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

"(C) acquisition or modification of equipment or devices; and

"(D) other similar services and actions.

"(2) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

(c) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents contained in section 1(b) of the Americans with Disabilities Act of 1990 is amended by striking the item relating to section 3 and inserting the following items:

"Sec. 3. Definition of disability.
"Sec. 4. Additional definitions.".

SEC. 5. DISCRIMINATION ON THE BASIS OF DISABILITY.

(a) ON THE BASIS OF DISABILITY.—Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(1) in subsection (a), by striking "with a disability because of the disability of such individual" and inserting "on the basis of disability"; and

(2) in subsection (b) in the matter preceding paragraph (1), by striking "discriminate" and inserting "discriminate against a qualified individual on the basis of disability".

(b) QUALIFICATION STANDARDS AND TESTS RELATED TO UNCORRECTED VISION.—Section 103 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12113) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting after subsection (b) the following new subsection:

"(c) QUALIFICATION STANDARDS AND TESTS RELATED TO UNCORRECTED VISION.—Notwithstanding section 3(5)(D)(ii), a covered entity shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.".

(c) CONFORMING AMENDMENT.—Section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)) is amended—

(1) in the paragraph heading, by striking "WITH A DISABILITY"; and

(2) by striking "with a disability" after "individual" both places it appears.

SEC. 6. RULES OF CONSTRUCTION.

Title V of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201) is amended—

(1) by adding at the end of section 501 the following:

"(e) BENEFITS UNDER STATE WORKER'S COMPENSATION LAWS.—Nothing in this Act alters the standards for determining eligibility for benefits under State worker's compensation laws or under State and Federal disability benefit programs.

"(f) CLAIMS OF NO DISABILITY..—Nothing in this Act shall provide the basis for a claim by a person without a disability that he or she was subject to discrimination because of his or her lack of disability.

"(g) REASONABLE ACCOMMODATIONS AND MODIFICATIONS.—A covered entity under title I, a public entity under title II, and any person who owns, leases (or leases to), or operates a place of public accommodation under title III, need not provide a reasonable accommodation or a reasonable modification to policies, practices, or procedures to an individual who meets the definition of disability in section 3(1) solely under subparagraph (C).";

(2) by redesignating sections 506 through 514 as sections 507 through 515, respectively, and adding after section 505 the following:

"SEC. 506. RULE OF CONSTRUCTION REGARDING REGULATORY AUTHORITY.

"The authority to issue regulations granted to the Equal Employment Opportunity Commission, the Attorney General, and the Secretary of Transportation under this Act includes the authority to issue regulations implementing the definitions contained in sections 3 and 4."; and

(3) in the table of contents contained in section 1(b), by redesignating the items relating to sections 506 through 514 as sections 507 through 515, respectively, and by inserting after the item relating to section 505 the following new item:

"Sec. 506. Rule of construction regarding regulatory authority.".

SEC. 7. CONFORMING AMENDMENTS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) in paragraph (9)(B), by striking "a physical" and all that follows through "major life activities", and inserting "the meaning given it in section 3 of the Americans with Disabilities Act of 1990"; and

(2) in paragraph (20)(B), by striking "any person who" and all that follows through the period at the end, and inserting "any person who has a disability as defined in section 3 of the Americans with Disabilities Act of 1990.".

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on January 1, 2009.

The SPEAKER pro tempore. Debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 20 minutes, and the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent for all Members to have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3195.

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

There was no objection.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 3195, the Americans with Disabilities Act Amendments Act of 2008.

Since 1990, the Americans with Disabilities Act has made it possible for millions of productive, hardworking Americans to participate in our Nation's economy. Among other rights, the law guaranteed that workers with disabilities would be judged on their merits, not on their employer's prejudices.

But since the ADA's enactment, several Supreme Court rulings have dramatically reduced the number of workers with disabilities who are protected from discrimination under the law. Workers with diabetes, cancer, epilepsy, the very workers for whom the Americans with Disabilities Act was intended to protect, can be legally fired or passed over for promotion just because of their disability.

In January, the Education and Labor Committee heard testimony from Carey McClure. Although he was diagnosed with muscular dystrophy at age 15, Carey had been working as an electrician for more than 20 years. Like so many other Americans with disabilities, Carey was able to find his way to successfully perform his job and all of life's daily tasks despite his disability.

Carey received an initial job offer from General Motors pending a physical. During the physical, the doctor asked Carey to hold his arms above his head. Carey could not. The doctor asked how he would perform his job if it required reaching over his head. Carey gave a commonsense answer: he would use a ladder. When General Motors learned that Carey had a disability, it rescinded the job offer. Carey challenged General Motors' decision because he thought the Americans with Disabilities Act would protect him. He was wrong. The court ruled that, since Carey had adapted to his condition by modifying the way he performed everyday tasks, like washing his hair, he was not disabled; and, therefore, was not protected by the Americans with Disabilities Act.

Because of Supreme Court rulings, Carey and many others are now caught in a legal Catch-22. The court has determined that, for individuals whose disabilities do not ''prevent or severely restrict'' major life activities and for those who mitigate their impairments through means such as hearings aids or with medications, they should not be considered disabled.

In other words, an employer could fire or refuse to hire a fully qualified worker simply on the basis of his or her disability, while maintaining in court that the worker was not ''disabled enough'' to qualify for protection under the law.

H.R. 3195, the legislation before us today, a bipartisan legislation, was introduced by Majority Leader HOYER and Congressman JIM SENSENBRENNER, and it remedies this problem. The bill reverses the flawed court decision and restores the original congressional intent of the Americans with Disabilities Act.

H.R. 3195 clarifies the definition of a ''disability,'' ensuring that anyone with a physical or with a mental impairment that materially restricts a major life activity is covered under ADA.

In 2004, workers with disabilities lost 97 percent of the employment cases that went to trial. There has been no balance in the courts, putting workers at a distinct disadvantage. Too often, these cases have turned solely on the question of whether someone is an individual with a disability; too rarely have courts considered the merits of the discrimination claim itself.

H.R. 3195 stops the erosion of civil rights protections for people with disabilities while maintaining a reasonable solution supported by the business community.

The U.S. Chamber of Commerce states that H.R. 3195 ''represents a balanced approach to ensure appropriate coverage under ADA.''

The Human Resource Policy Association, whose members employ 12 percent of the U.S. private-sector workforce, also supports the bill. The organization says that the ADA amendment ''would maintain the functionality of the workplace while providing important protections to individuals with disabilities.''

H.R. 3195 makes it clear that the Americans with Disabilities Act protects anyone who faces discrimination on the basis of disability and that Congress intended the law to be constructed broadly.

Many of our Nation's injured veterans returning from the battlefield will also need the protections guaranteed by the ADA. When injured soldiers return to civilian life, whether they go back to a job or to school, they should not be subject to discrimination. This legislation will ensure that they will not have to fight another battle, this time for their economic livelihood.

The Supreme Court rulings have also reduced protections for students with disabilities. The ADA Amendments Act ensures that students with physical and mental impairments will be free from discrimination and that they will have access to the accommodations and to the modifications they need to successfully pursue an education.

This legislation has broad support: Democrats and Republicans, businesses and advocates for individuals with disabilities. I am pleased we were able to work together to get to this point.

It is time to restore the original intent of the ADA and to ensure that the tens of millions of Americans with disabilities who want to work and to attend school and to participate in our communities will have the chance to do so. I urge my colleagues to support this legislation.

Again, I would like to give a special thanks to Majority Leader HOYER of Maryland and to Representative JIM SENSENBRENNER of Wisconsin for their outstanding efforts on behalf of the Members of this House during these negotiations, to bring those negotiations between the civil rights community, the disabilities community, and the employer community to a successful conclusion, which is embodied in this legislation today.

I reserve the balance of my time.

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

I want to associate myself with the remarks that Chairman MILLER just made of thanking Leader HOYER and Mr. SENSENBRENNER for the work that they began in the last Congress and persevered to bring us to this point today.

The Americans with Disabilities Act was enacted in 1990 with broad bipartisan support. Among the bill's most important purposes was the protecting of individuals with disabilities from discrimination in the workplace.

By many measures, the law has been a success. I firmly believe that the employer community has taken the ADA to heart with businesses adopting policies specifically aimed at providing meaningful opportunities to individuals with disabilities.

However, despite the law's many success stories, it is clear today that, for some, the ADA is failing to live up to its promise. For example, the Education and Labor Committee heard testimony earlier this year from individuals who, I would stipulate, were intended to be covered under the original ADA. But in a perverse fashion, someone who was able to treat the effects of his or her disability through medication or technology was left without protection because they weren't ''disabled'' enough.

I don't think that is what the authors of the original ADA intended. I don't believe it is what we intend today, and I am glad that the bill before us addresses and corrects this issue.

Madam Speaker, we are here today because some individuals have been left outside the scope of the act's protections by court cases and by narrow interpretations of the law. Still, others have sought to massively expand the law's protections, an equally dangerous proposition.

Our task with this legislation is to focus relief where it is needed, while still maintaining the delicate balance embodied in the original ADA.

In the months since this bill was first introduced, I am pleased to say we were able to do so. Because the ADA extends its protections to so many facets of American life, there were four separate committees with the responsibility for moving the process forward. Equally important, this compromise was forged with representatives of many of the stakeholders who will be

affected by this bill. It was truly a process of give-and-take.

For instance, even as we work to ensure the law's protections are extended to some who are currently excluded, such as those I mentioned earlier who were wrongly considered to be not ''disabled enough,'' we define that expansion cautiously. Through the carefully crafted language of the bill, we will ensure, for example, that someone is not ''disabled'' under the ADA simply because he or she wears eyeglasses or contact lenses. That's an important limitation, and it is necessary to maintaining the intent and integrity of the ADA.

Also importantly, this version of the legislation maintains a requirement of the ADA, which is that, to be considered a disability, a physical or a mental impairment must ''substantially limit'' an individual.

As introduced, H.R. 3195 threatened to gut any meaningful limitation on the ADA by simply calling any impairment, no matter how trivial or minor, a disability. That was not the intent of Congress in 1990, nor should it be today.

Madam Speaker, I support this bill, not because I think it is perfect but because I think it represents our best efforts to ensure that meaningful relief will be extended to those most in need, while the ADA's careful balance is maintained as fully as possible.

In recognition of that achievement, let me simply thank my colleagues on both sides of the aisle for honoring our shared commitment to work together on this issue that has the potential to touch the lives of millions of Americans. And I also want to thank all of the people who worked so hard—the members of the community most affected by this—and thank them for their efforts and patience in working with us.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Madam Speaker, I rise in strong support of the ADA Amendments Act, and I thank the gentleman for yielding. I want to recognize the fact that this act is championed by my good friend and colleague from Maryland, Majority Leader STENY HOYER.

□ 1630

This crucial legislation would not have been possible without his leadership and that of Mr. SENSENBRENNER and so many of my other colleagues, and I thank all of them for their tireless efforts to ensure the continued inclusion and protection of people with disabilities in our society.

I would also like to extend my gratitude to all of the advocates of disability and business communities who have united behind this important cause and worked diligently with Members of Congress to ensure a fair and strong compromise.

The American Disabilities Act, or ADA, was truly one of the most significant pieces of civil rights legislation of the 20th century. As someone who has lived with the challenges of a disability both before and after the ADA's enactment in 1990, I have experienced firsthand the profound transformation this law has created in our society.

I remember well what it was like before the passage of the ADA and where accommodations were seen as personal courtesies or privileges as opposed to a civil right. I can remember what it was like coming down to Washington as a young intern for Senator Pell from Rhode Island and how challenging it was to find good, reasonable public accommodations. And I remember what it was like in Rhode Island before the ADA was passed in terms of voting, and I was not able to vote independently on my own. I had to have help in the voting machine. And it wasn't until after the ADA was passed and I became Secretary of State and changed our election system that it was truly possible to vote independently on my own.

The ADA has broken down countless barriers and helped millions of Americans to flourish in their personal and professional lives. It has also served as a vital tool against discrimination in the workplace and in public life. Unfortunately, a number of court decisions over the years have diluted the definition of what constitutes a disability, effectively limiting the ADA's coverage and excluding from its protections people with diabetes, epilepsy, muscular dystrophy, and various developmental disabilities.

The bill before us today reaffirms the protections of the ADA and renews our promise of equality for every American. The ADA has as its fundamental goal the inclusion of people in all aspects of society, and I am very pleased to say that the ADA Amendments Act brings us one step closer to that goal.

I urge my colleagues to support this bill and send a strong message that discrimination in any form will never be tolerated in this great Nation.

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

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. I would like to thank the chairman for the time and for this legislation that is bipartisan.

When Congress passed the Americans with Disabilities Act nearly two decades ago, we did so to ensure that persons with disabilities can learn, work, and live their lives just like everyone else. People with disabilities just want the same opportunities as everyone else. And if their disabilities can be reasonably accommodated, we must make it possible and make sure that they are given the chance to do so.

By saying that people with disabilities who use medication or prosthetics to manage their disabilities are no longer considered disabled under the ADA Act, the courts have prevented many with disabilities from receiving the protections Congress intended for them.

H.R. 3195, the ADA Amendments Act, would ensure that the ADA protects all people with disabilities from workplace discrimination by clarifying the definition of discrimination. This bill further clarifies that individuals who are able to manage their disabilities enough to participate in major life activities, like holding a job, should still be entitled to protections from discrimination.

The ADA was passed to ensure that all people with disabilities have equal access and opportunities, and it's time that we bring back its original intent. Today we can do that. It's a matter of doing what is right.

I urge my colleagues to support H.R. 3195, the ADA Amendments Act of 2008.

Mr. MCKEON. Madam Speaker, I continue to reserve.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

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

Mr. ANDREWS. I thank my chairman for yielding.

I would like to thank and congratulate him and Mr. MCKEON and Mr. SENSENBRENNER and others for their hard work on this. Mr. HOYER in particular.

Words have meaning. And when the original Americans with Disabilities Act was enacted, the word ''disability'' had a commonsense meaning. It meant if someone had a substantial impairment, mentally or physically, that would interfere with their ability to do something important, that was a disability. I think a hundred of Americans, if you stopped them on the street and asked them if they agreed with that, they would say ''yes.'' Unfortunately, not enough of those Americans served on the United States Supreme Court, and we wound up with a tortured rendition of the definition of ''disability'' where people that we clearly would think were disabled were excluded from the protections of this law.

The authors of this bill worked long and hard to clear up that confusion and strike the right balance between the opportunities of Americans with disabilities and a fair set of ground rules for employers and other institutions in our society. I believe this legislation clearly strikes the right balance.

Something else is very important, too. It liberates the talents of people who have been heretofore kept out of the workplace and out of other institutions: the person in a wheelchair who might be the best computer programmer, the blind person who might be the best financial analyst, the person with tuberculosis who might be the best financial planner or health care technician. The talents of these individuals have too often been kept out of the fray.

This bill will put them back in the fray, put them back on the playing field and help not only Americans with a disability but all of us who will benefit from the liberation of their talent.

I congratulate the authors and urge a ''yes'' vote on this necessary and important piece of legislation.

Mr. MCKEON. Madam Speaker, I am happy to yield at this time to the Republican whip, who was so important in getting this bill here to the floor, such time as he may consume, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I am grateful to the gentleman for yielding me the time and the hard work he and Mr. SENSENBRENNER have done to bring this bill to this point.

Certainly, this bill does a lot to restore the original intention of the Congress as to what the Congress had hoped at the time that the Americans with Disabilities Act would be. I am pleased to be a cosponsor of the bill that's on the floor today. I think it strikes the right balance between protection for individuals with disabilities and the obligations of the requirements of employers themselves.

Ultimately, that partnership is the partnership that makes the most of people in the workplace and the skills they bring to the workplace. This ensures that people with disabilities, whom the Congress intended to cover by the original Americans with Disabilities Act long before I came to Congress, are now covered, as I understand it, by these changes, and that's important. It is better when there is a conflict between the courts and the Congress for the Congress to come back and say, ''No, that's not what we meant. This is what we meant, and this is what we hope to happen in the country.''

This prohibits consideration of mitigating circumstances in the determination of whether an individual has a disability. Of course, it continues to allow the normal eyeglasses and contacts and things like that as an exception in those circumstances.

Most of all, Madam Speaker, this bill puts people to work. This bill creates opportunity. This bill creates a workplace where the skills people can bring to the workplace are maximized, not minimized, where what they add to the total product of America makes America a more productive country and for them establishes a totally different set of goals, a set of aspirations, a set of ways that they look at the world every day and brings their skills in new ways to the workplace.

Madam Speaker, I am pleased to support this bill. I urge my colleagues to do the same and think that the approach we've taken here of the Congress itself going back and trying to clarify what the Congress meant is certainly better than letting the court determine perpetually what the Congress intended to do.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 7 minutes remaining.

Mr. GEORGE MILLER of California. Madam Chairman, does the gentleman from California have any further speakers?

Mr. MCKEON. We have one more. They're not here yet. I reserve my time.

Mr. GEORGE MILLER of California. If we can reserve our time and let Judiciary go ahead and start using their time.

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) continues to reserve, and the gentleman from California (Mr. GEORGE MILLER) continues to reserve.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Thank you, Madam Speaker.

It is a pleasure to join the Education and Labor Committee. I would like to begin by recognizing the chairman of the Constitution Committee on Judiciary which held the hearings on the bill in the Judiciary Committee. I yield, therefore, to the gentleman from New York, JERRY NADLER, for 3 minutes.

Mr. NADLER. I thank the gentleman.

Madam Speaker, I want to commend the distinguished majority leader and the gentleman from Wisconsin (Mr. SENSENBRENNER) as well as the chairman of the Judiciary Committee and the chairman of the Education and Labor Committee for their leadership on this important legislation.

This bill would help to restore the Americans with Disabilities Act to its rightful place among this Nation's great civil rights laws.

This legislation is long overdue. Countless Americans with disabilities have already been deprived of the opportunity to prove that they have been victims of discrimination, that they are qualified for a job, or that a reasonable accommodation would afford them an opportunity to participate fully at work and in community life.

This bill fixes the absurd Catch-22 created by the Supreme Court in which an individual can face discrimination on the basis of an actual past or perceived disability and yet not be considered sufficiently disabled to be protected against that discrimination by the ADA. That was never Congress' intent, and this bill cures this problem.

Some of my colleagues from across the aisle have raised concerns that this bill might cover minor or trivial conditions. They worry about covering stomachaches, the common cold, mild seasonal allergies, or even a hangnail. I have yet to see a case where the ADA covered an individual with a hangnail. But I have seen scores of cases where the ADA was construed not to cover individuals with cancer, epilepsy, diabetes, severe intellectual impairment, HIV, muscular dystrophy, and multiple sclerosis.

These people have too often been excluded because their impairment, however serious or debilitating, was mischaracterized by the courts as temporary or its impact considered too short-lived and not permanent enough.

That's what happened to Mary Ann Pimental, a nurse with breast cancer who challenged her employer's failure to rehire her into her position when she returned from treatment. Ms. Pimental was told by the court that her cancer was not a disability and that she was not covered by the ADA. The court recognized that ''there is no question that her cancer has dramatically affected her life, and that the associated impairment has been real and extraordinarily difficult for her and her family.'' Yet the court still denied her coverage because it characterized the impact of her cancer ''short-lived''—meaning that it ''did not have a substantial lasting effect'' on her.

Mary Ann Pimental died as a result of her breast cancer 4 months after the court issued its decision. I am sure that her husband and two children disagreed with the court that her cancer was short-lived and not sufficiently permanent.

This bill ensures that individuals like Mary Ann Pimental are covered by the law when they need it. The bill requires the courts—and the Federal agencies providing expert guidance—to lower the burden for obtaining coverage under this landmark civil rights law. This new standard is not onerous and is meant to reduce needless litigation over the threshold question of coverage.

It is our sincere hope that, with the passage of this bill, we will finally be able to focus on the important questions: Is an individual qualified? Might a reasonable accommodation afford that person the same opportunities that his or her neighbors enjoy?

I therefore urge my colleagues to join me in voting for passage of H.R. 3195 as reported unanimously by the Judiciary Committee. I thank everyone associated with its passage.

Madam Speaker, I want to commend the distinguished majority leader and gentleman from Wisconsin, Mr. SENSENBRENNER, for their leadership on this important legislation.

H.R. 3195 would help to restore the Americans with Disabilities Act to its rightful place among this Nation's great civil rights laws.

This legislation is necessary to correct Supreme Court decisions that have created an absurd Catch-22 in which an individual can face discrimination on the basis of an actual, past, or perceived disability and yet not be considered sufficiently disabled to be protected against that discrimination by the ADA. That was never Congress's intent, and H.R. 3195 cures this problem.

H.R. 3195 lowers the burden of proving that one is disabled enough to qualify for coverage. It does this by directing courts to read the definition broadly, as is appropriate for remedial civil rights legislation. It also redefines the term "substantially limits," which was restrictively interpreted by the courts to set a demanding standard for qualifying as disabled. An individual now must show that his or her impairment "materially restricts" performance of major life activities. While the impact of the impairment must still be important, it need not severely or significantly restrict one's ability to engage in those activities central to most people's daily lives, including working.

Under this new standard, for example, it should be considered a material restriction if an individual is disqualified from his or her job of choice because of an impairment. An individual should not need to prove that he or she is unable to perform a broad class or range of jobs. We fully expect that the courts, and the Federal agencies providing expert guidance, will revisit prior rulings and guidance and adjust the burden of proving the requisite ''material'' limitation to qualify for coverage.

This legislation is long overdue. Countless Americans with disabilities have already been deprived of the opportunity to prove that they have been victims of discrimination, that they are qualified for a job, or that a reasonable accommodation would afford them an opportunity to participate fully at work and in community life.

Some of my colleagues from across the aisle have raised concerns that this bill would cover ''minor'' or ''trivial'' conditions. They worry about covering ''stomach aches, the common cold, mild seasonal allergies, or even a hangnail.''

I have yet to see a case where the ADA covered an individual with a hangnail. But I have seen scores of cases where the ADA was construed not to cover individuals with cancer, epilepsy, diabetes, severe intellectual impairment, HIV, muscular dystrophy, and multiple sclerosis.

These people have too often been excluded because their impairment, however serious or debilitating, was mis-characterized by the courts as temporary, or its impact considered too short-lived and not permanent enough—although it was serious enough to cost them the job.

That's what happened to Mary Ann Pimental, a nurse who was diagnosed with breast cancer after being promoted at her job. Mrs. Pimental had a mastectomy and underwent chemotherapy and radiation therapy. She suffered radiation burns and premature menopause. She had difficulty concentrating, and experienced extreme fatigue and shortness of breath. And when she felt well enough to return to work, she discovered that her job was gone and the only position available for her was part-time, with reduced benefits.

When Ms. Pimental challenged her employer's failure to rehire her into a better position, the court told her that her breast cancer was not a disability and that she was not covered by the ADA. The court recognized the ''terrible effect the cancer had upon'' her and even said that ''there is no question that her cancer has dramatically affected her life, and that the associated impairment has been real and extraordinarily difficult for her and her family.''

Yet the court still denied her coverage under the ADA because it characterized the impact of her cancer as ''short-lived''—meaning that it ''did not have a substantial and lasting effect'' on her.

Mary Ann Pimental died as a result of her breast cancer 4 months after the court issued its decision. I am sure that her husband and two children disagree with the court's characterization of her cancer as ''short-lived,'' and not sufficiently permanent.

This House should also disagree—and does—as is shown by the broad bipartisan support for H.R. 3195.

H.R. 3195 ensures that individuals like Mary Ann Pimental are covered by the law when they need it. It directs the courts to interpret the definition of disability broadly, as is appropriate for remedial civil rights legislation. H.R. 3195 requires the courts—and the Federal agencies providing expert guidance—to lower the burden for obtaining coverage under this landmark civil rights law. This new standard is not onerous, and is meant to reduce needless litigation over the threshold question of coverage.

It is our sincere hope that, with less battling over who is or is not disabled, we will finally be able to focus on the important questions—is an individual qualified? And might a reasonable accommodation afford that person the same opportunities that his or her neighbors enjoy.

I urge my colleagues to join me in voting for passage of H.R. 3195, as reported unanimously by the House Judiciary Committee.

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

Madam Speaker, 18 years have passed since President George H.W. Bush signed the Americans with Disabilities Act into law. While that bill struck down many barriers affecting disabled Americans, its potential has yet to be realized. This is due to a number of Supreme Court decisions that have restricted ADA coverage for people suffering from illnesses such as diabetes, epilepsy, and cancer, to name a few. Today, this House takes the first step to finally secure the full promise of the original bill.

The bill that the House is voting on this afternoon has undergone a number of changes since I first introduced it in the 109th Congress. Today's ADA Amendments Act of 2008 is a compromise that has the support of a broad and balanced coalition. Business groups such as the U.S. Chamber of Commerce, the HR Policy Association, and the National Association of Manufacturers all back this bill. In addition, advocates for the disability community, including the American Association of People with Disabilities, the Epilepsy Foundation, and the National Disability Rights Network, join in support.

Majority Leader HOYER and I introduced the ADA Restoration Act last summer. We did so to enable disabled Americans utilizing the ADA to focus on the discrimination that they have experienced rather than having to first prove that they fall within the scope of the ADA's protection. Today's bill makes it clear that Congress intended the ADA's coverage to be broad and to cover anyone who faces unfair discrimination because of a disability. To that end, we are submitting for the RECORD a statement outlining our legal intent and analysis of the new definition, as changed by the ADA Amendments Act of 2008.

The ADA Amendments Act makes changes to the original ADA, the primary one being that it will be easier for people with disabilities to qualify for protection under the ADA. This is done by establishing that the definition of disability is to be interpreted broadly. Another important change clarifies that the ameliorative efforts of mitigating measures are not to be considered in determining whether a person has a disability. This provision eliminates the Catch-22 that currently exists, as described by the gentleman from New York (Mr. NADLER), where individuals subjected to discrimination on the basis of their disabilities are unable to invoke the ADA's protections because they are not considered people with disabilities when the effects of their medication or other interventions are considered.

It is important to note that this bill is not one-sided. It is a fair product that is workable for employers and businesses. The bill contains the requirement that an impairment be defined as one that substantially limits a major life activity in order to be considered a disability. There is also an exception in the mitigating measures provision for ordinary eyeglasses and contact lenses. Further, the bill excludes from coverage impairments that are transitory and minor.

The ADA has been one of the most effective civil rights laws passed by Congress. Its continued effectiveness is paramount to ensuring that the transformation that our Nation has undergone and continues in the future and that the guarantees and promises on which this country was established continue to be recognized on behalf of all of its citizens.

I appreciate Majority Leader HOYER's efforts to bring the ADA Amendments Act to the floor, and I encourage my colleagues to vote in favor of it.

Finally, I'd like to pay tribute to my wife, Cheryl, who is the national chairman of the board of the American Association for People with Disabilities. Her tireless efforts have really spread the word amongst many Members of this House and a few of the other body that this legislation is necessary so that people like her do not have barriers in terms of seeking employment. And I appreciate, also, my colleagues on both sides of the aisle listening to her, even when they didn't have a choice.

I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to recognize the distinguished majority leader, who was an original sponsor of the bill some 18 years ago, for 1 minute.

Mr. HOYER. I thank the distinguished chairman of the Judiciary Committee for yielding, and I thank him for his efforts.

I want to thank his staff, as well, who have been extraordinary. Heather, in particular, has had her virtues regaled by Dr. Abouchar of my staff, and I thank her.

I want to thank JIM SENSENBRENNER. I want to thank Cheryl, as well, who has been an extraordinary help on the Americans with Disabilities Act and with this Restoration Act. She has been a giant in her leadership. And I

want to thank JIM SENSENBRENNER, with whom I've worked now for many years on this issue, and he has been, of course, a giant, as chairman of the Judiciary Committee in years past and one of the senior Members of this House, extraordinarily helpful and a partner in this effort.

I also want to thank BUCK MCKEON, the ranking member. At the time we testified, he said, you know, we want to see this pass but we want to work together and make sure we can all be for it. And I assured him that we would do that, and I was pleased today that he said, in fact, we had done that. And I think the result that we will see in the vote will show that clearly. And I thank him for his work and effort and good faith in working towards a bill that we could all support.

I want to thank GEORGE MILLER, the chairman of the Education and Labor Committee, whose committee had primary jurisdiction over this bill, for his efforts in assuring that this bill moves forward.

Madam Speaker, I would like to submit for the RECORD a list of people, particularly in the disabilities community and also in the business community, who spent countless hours, days, weeks and, yes, even months trying to come to an agreement on a bill that both the business community and the disability community would feel comfortable with. We have accomplished that, but it was the work of these people as well who did that, and I would submit this at this time in the RECORD to thank them for their efforts and their success which they are so responsible for today.

PEOPLE TO RECOGNIZE

Chai Feldblum, Georgetown University; Former U.S. Rep. Tony Coelho; Former U.S. Rep. Steve Bartlett; Sandy Finucane, Epilepsy Foundation; Andy Imparato, American Association of People with Disabilities; Randy Johnson, Mike Eastman, U.S. Chamber of Commerce; John Lancaster, National Council on Independent Living; Mike Peterson, HR Policy Association; Curt Decker, National Disability Rights Network;

Jeri Gillespie, Ryan Modlin, National Association of Manufacturers; Nancy Zirkin, Lisa Borenstein, Leadership Conference on Civil Rights; Mike Aitken, Mike Layman, Society for Human Resource Management; Abby Bownas, American Diabetes Association; Jennifer Mathis, Bazelon Center for Mental Health Law; Kevin Barry, Georgetown University; Jim Flug, Georgetown University; Claudia Center, Employment Law Center; Shereen Arent, American Diabetes Association; Brian East, Advocacy Inc.

Madam Speaker, 18 years ago next month, the first President Bush signed into law one of the most consequential pieces of civil rights legislation in recent memory, in over a quarter of a century in fact. In the ceremony on the south lawn of the White House President Bush said this:

''With today's signing of the landmark Americans with Disabilities Act, every man, woman, and child with a disability can now pass through once-closed doors into a bright new era of equality, independence, and freedom.''

In large measure, President Bush was right. Those doors have, in fact, come open. Tens of millions of Americans with disabilities now enjoy rights the rest of us have long taken for granted: The right to use the same streets, theaters, restrooms, or offices; the right to prove themselves in the workplace, to succeed on their talent and drive alone.

We all understand why there are cuts in the sidewalk at every street corner, kneeling buses on our city streets, elevators on the Metro, ramps at movie theaters, and accessible restrooms and handicapped parking almost everywhere. By now, they have become part of our lives' fabric. And we wouldn't have it, I think, any other way, because each one is the sign of a pledge, the promise of an America that excludes none of its people from our shared life and opportunities.

That was the promise of the ADA. That was the promise of the ADA that President George Bush signed on July 26, 1990. But looking back 18 years, the hard truth is that we were, in some ways, perhaps too optimistic.

The door President Bush spoke of is still not entirely open, and every year, millions of us are caught on the wrong side. In interpreting the law over these 18 years, the courts have consistently chipped away at Congress' very clear intent, and I know what the intent was because I was there as so many of you were.

I know that many of my colleagues were as well, and I know that they share my disappointment in a series of narrow rulings that have had the effect of excluding millions of Americans from the law's protection for no good reason. We said we wanted broad coverage for people with disabilities and people regarded as disabled, but the courts narrowed that coverage with a ''strict and demanding standard,'' a severely restrictive measure that virtually excluded entire classes of people, even though we had specifically mentioned their impairments as objects of the law's protections.

Civil rights acts have historically been urged to be interpreted liberally to accomplish their objective of protecting the rights of individuals. Unfortunately, in this instance, the courts did not follow that premise.

We never expected that people with disabilities who worked to mitigate their conditions would have their efforts held against them. Imagine, somebody with epilepsy who takes medication to preclude seizures would be told that we're not going to hire you because you have epilepsy, but then be told by the court that that was not discrimination because prescription drugs mitigated the ability or the disability that you had. No one on this floor would have thought in their wildest assertions that that would be an interpretation.

The courts did exactly that, however, throwing their cases out on the grounds that they were no longer disabled enough to suffer discrimination. The discrimination, of course, was determining that somebody had epilepsy, and notwithstanding their ability to perform the job in question, that they would not be hired. That is the essence of discrimination.

That is what we sought to preclude, and I want to again congratulate the business community and the disabilities community for coming together on legislation that will right that misinterpretation because none of what has been held was our intent.

We are here today because a truly wide coalition—members of the disability community ready to claim their equal share, Members of both parties who were tired of seeing constituents shut out, and business groups eager to unlock new pools of talent—an alliance as broad as the one that joined forces to pass the original ADA, has come together to help the courts get this right. I know some of them are watching, and I want to thank them, through my colleagues and through the Speaker, for their efforts.

With the ADA Amendments Act, we make it clear today that a cramped reading of disability rights will be replaced with a definition that is broad and fair—fair to the disability community and fair to the business community—that those who manage to mitigate their disabilities are still subject to discrimination and still entitled to redress, and that those regarded as having disability are equally at risk and deserve to be equally protected.

I am proud, Madam Speaker, to have worked for so long with my colleague JIM SENSENBRENNER, as I said earlier. He has been a leader in advancing this legislation, and we've joined together to submit for the RECORD a legal analysis of the bill that we've worked so hard to bring to fruition.

And I want to thank my good friend, former Congressman Tony Coelho for originally enlisting me in this effort. Very frankly, Tony is one of my very close friends, and when he left the Congress, the ADA had not yet been accomplished. But it was his leadership that got it to the point where, in fact, we could proceed, and he gave me the responsibility of ensuring its passage. Working with GEORGE MILLER and JOHN CONYERS and JIM OBERSTAR and so many others, we were able to accomplish that objective. But Tony Coelho was our leader on this effort, and very frankly, Madam Speaker, our former whip remains our leader today.

Finally, it is my honor to dedicate this bill to the late Justin Dart, the pioneering disability advocate and inspiration behind the ADA, as well as to his wife, Yoshiko Dart.

Madam Speaker, few kinds of discrimination, in all of our history, have been more widespread than the exclusion of those with disabilities. But it was America, America that passed a pioneering law to help end that exclusion. We were the first in the world to do so.

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We were the world's model on this central challenge to human rights. Eighteen years later, we cannot afford to fall behind.

Let us pass this bill and bring us one step closer to the days when the fruits of life in America are at last available to all.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. HOYER. I will yield to my friend.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and certainly thank him for all his leadership on this bill. But I want to thank him on behalf of the Chairs and the ranking members of the two committees, you and Mr. SENSENBRENNER, for the leadership that you both provided throughout these difficult and visionary negotiations to restore this act to the place that it should be. I just want to publicly, on behalf, I think, of everybody in the Congress, thank you and Mr. SENSENBRENNER for your leadership on this.

Mr. HOYER. I thank the chairman on behalf of Mr. SENSENBRENNER and myself, and for all those who have been involved in this effort.

JOINT STATEMENT OF REPRESENTATIVES HOYER AND SENSENBRENNER ON THE ORIGINS OF THE ADA RESTORATION ACT OF 2008, H.R. 3195

On September 29, 2006, we introduced H.R. 6258, entitled the Americans with Disabilities Act Restoration Act of 2006. This bill was a response to decisions of the Supreme Court and lower courts narrowing the group of people whom Congress had intended to protect under the Americans with Disabilities Act (ADA). The Supreme Court had interpreted the ADA to impose a ''demanding'' standard for coverage. It had also held that the ameliorative effects of ''mitigating measures'' that people use to control the effects of their disabilities must be considered in determining whether a person has an impairment that substantially limits a major life activity and is protected by the ADA. This holding was contrary to Congress's stated intent in several committee reports.

We introduced H.R. 6258, which was designed to reverse these holdings, at the end of the 2006 legislative session. We intended this bill to serve as a marker of our intent to introduce future legislation to address this issue. On July 26, 2007, we introduced similar legislation, H.R. 3195, the ADA Restoration Act of 2007, which ultimately garnered over 240 cosponsors. A nearly identical bill, S. 1881, was introduced in the Senate on the same day by Senators Harkin and Specter.

H.R. 3195 as introduced would have amended the ADA to provide protection for any individual who had a physical or mental impairment or a record of such an impairment, or who was treated as having such an impairment. The purpose of this legislation was to restore the intent of Congress to cover a broad group of individuals with disabilities under the ADA and to eliminate the problem of courts focusing too heavily on whether individuals were covered by the law rather than on whether discrimination occurred. The bill as introduced, however, was seen by many as extending the protections of the ADA beyond those that Congress originally intended to provide.

In order to craft a more balanced bill with broad support, we urged that representatives of the disability and business communities enter into negotiations to try to reach an acceptable compromise. We maintained contact with these communities over the course of their negotiations and supported them in their efforts to understand the needs and concerns of each community. After several months of intensive discussions, negotiators for the two communities reached consensus on a set of protections for people with disabilities that garnered broad support from both communities. These protections would significantly expand the group of individuals protected by the ADA beyond what the courts have held, while at the same time ensuring that the expansion does not extend beyond the original intent of the ADA.

This compromise formed the basis of the amendment in the nature of a substitute for H.R. 3195 that was voted out of the House Education and Labor and Judiciary Committees with overwhelming support on June 18, 2008. The substitute bill was reported out of the Education and Labor Committee by a vote of 43–1, and out of the Judiciary Committee by a vote of 27–0.

THE PROVISIONS OF THE COMMITTEE SUBSTITUTE TO H.R. 3195

The primary purpose of H.R. 3195, as amended by the committee substitute, is to make it easier for people with disabilities to qualify for protection under the ADA. The bill does this in several ways. First, it establishes that the definition of disability must be interpreted broadly to achieve the remedial purposes of the ADA. The bill rejects the Supreme Court's holdings that the ADA's definition of disability must be read ''strictly to create a demanding standard for qualifying as disabled,'' and that an individual must have an impairment that ''prevents or severely restricts the individual from doing activities that are of central importance to most people's daily lives'' in order to qualify for protection. The bill also provides a new definition of ''substantially limits'' to make clear Congress's intent to depart from the standard applied by the Supreme Court in *Toyota Motor Mfg. of Kentucky, Inc.* v. *Williams*, 534 U.S. 184, 197 (2002), and to apply a lower standard.

Second, the bill provides that the ameliorative effects of mitigating measures are not to be considered in determining whether a person has a disability. This provision is intended to eliminate the catch-22 that exists under current law, where individuals who are subjected to discrimination on the basis of their disabilities are frequently unable to invoke the ADA's protections because they are not considered people with disabilities when the effects of their medication, medical supplies, behavioral adaptations, or other interventions are considered. The one exception to the rule about mitigating measures is that ordinary eyeglasses and contact lenses are to be considered in determining whether a person has a disability. The rationale behind this exclusion is that the use of ordinary eyeglasses or contact lenses, without more, is not significant enough to warrant protection under the ADA.

Third, the bill provides that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. This provision is intended to reject the reasoning of court decisions concluding that certain individuals with certain conditions—such as epilepsy or post traumatic stress disorder—were not protected by the ADA because their conditions were episodic or intermittent.

Fourth, the bill provides for broad coverage under the ''regarded as'' prong of the definition of disability. It clarifies that an individual can establish coverage under the ''regarded as'' prong by establishing that he or she was subjected to an action prohibited by the ADA because of an actual or perceived impairment, whether or not the impairment limits or is perceived to limit a major life activity. This provision does not apply to impairments that are both transitory (lasting six months or less) and minor.

The purpose of the broad ''regarded as'' provision is to reject court decisions that had required an individual to establish that a covered entity perceived him or her to have an impairment that substantially limited a major life activity. This provision is designed to restore Congress's intent to allow individuals to establish coverage under the ''regarded as'' prong by showing that they were treated adversely because of an impairment, without having to establish the covered entity's beliefs concerning the severity of the impairment.

Impairments that are transitory and minor are excluded from coverage in order to provide some limit on the reach of the ''regarded as'' prong. The intent of this exception is to prevent litigation over minor illnesses and injuries, such as the common cold, that were never meant to be covered by the ADA.

A similar exception is not necessary for the first two prongs of the definition of disability as the functional limitation requirement adequately prevents claims by individuals with ailments that do not materially restrict a major life activity. In other words, there is no need for the transitory and minor exception under the first two prongs because it is clear from the statute and the legislative history that a person can only bring a claim if the impairment substantially limits one or more major life activities or the individual has a record of an impairment that substantially limits one or more major life activities.

The bill also provides that a covered entity has no obligation to provide reasonable accommodations, or reasonable modifications to policies, practices or procedures, for an individual who qualifies as a person with a disability solely under the ''regarded as'' prong. Under current law, a number of courts have required employers to provide reasonable accommodations for individuals who are covered solely under the ''regarded as'' prong.

Fifth, the bill modifies the ADA to conform to the structure of Title VII and other civil rights laws by requiring an individual to demonstrate discrimination ''on the basis of disability'' rather than discrimination ''against an individual with a disability'' because of the individual's disability. We hope this will be an important signal to both lawyers and courts to spend less time and energy on the minutia of an individual's impairment, and more time and energy on the merits of the case—including whether discrimination occurred because of the disability, whether an individual was qualified for a job or eligible for a service, and whether a reasonable accommodation or modification was called for under the law.

In exchange for the enhanced coverage afforded by these provisions, the bill contains important limitations that will make the bill workable from the perspective of businesses that are governed by the law. We have already noted some of these limitations: there is an exception in the mitigating measures provision for ordinary eyeglasses and contact lenses, and the ''regarded as'' provision includes two important limitations, as described above.

Of key importance, the bill retains the requirement that a person's impairment must substantially limit a major life activity in order to be considered a disability. ''Substantially limits'' has been defined as ''materially restricts'' in order to communicate to the courts that we believe that their interpretation of ''significantly limits'' was stricter than we had intended. On the severity spectrum, ''materially restricts'' is meant to be less than ''severely restricts,'' and less than ''significantly restricts,'' but more serious than a moderate impairment which would be in the middle of the spectrum.

The key point in establishing this standard is that we expect this prong of the definition to be used only by people who are affirmatively seeking reasonable accommodations or modifications. Any individual who has been discriminated against because of an impairment—short of being granted a reasonable accommodation or modification—should be bringing a claim under the third prong of the definition which will require no showing with regard to the severity of his or her impairment. However, for an individual who is asking an employer or a business to make a reasonable accommodation or modification, the bill appropriately requires that the individual demonstrate a level of seriousness of the impairment—that is, that it materially restricts a major life activity.

The bill also retains the requirement in Title I of the ADA that an individual must be ''qualified'' for the position in question. The original version of H.R. 3195 contained language which could have been interpreted to alter the burden-shifting analysis concerning whether an individual is ''qualified'' under the ADA. The substitute bill makes clear that there was no intent to place a greater burden on the employer and that the burdens remain the same as under current law.

ADDITIONAL LEGAL ISSUES

We would like to clarify the intent of the bill with respect to particular legal issues. First, some higher education trade associations have raised questions about whether the bill will eviscerate academic standards. This bill will have absolutely no effect on the ability of higher education institutions to set academic standards. It addresses only the standards for determining who qualifies as an individual with disability, and not the standards for determining whether an accommodation or modification is required in a particular setting or context. It has always been, and it remains the law today under this bill, that an academic institution need not make modifications that would fundamentally alter the essential requirements of a program of study. The particular concerns of educational institutions in ensuring that students meet appropriate academic standards are, of course, relevant in determining whether a requested modification is reasonable in an educational setting.

There have been particular concerns with the way that specific learning disabilities have been treated in the academic context, and that individuals are not receiving appropriate accommodations. The Education and Labor Committee Report's discussion of specific learning disabilities is specifically targeted toward the academic setting and not the employment sector.

Second, a concern has been raised about whether the bill changes current law with respect to the duration that is required for an impairment to substantially limit a major life activity. The bill makes no change to current law with respect to this issue. The duration of an impairment is one factor that is relevant in determining whether the impairment substantially limits a major life activity. Impairments that last only for a short period of time are typically not covered, although they may be covered if sufficiently severe.

Third, some have raised questions about whether the bill's provisions relating to mitigating measures would require employers to provide certain mitigating measures as accommodations. This bill's provisions are intended to clarify the definition of disability, not to alter current rules on provision of reasonable accommodations.

Fourth, the bill's language requiring that qualification standards, employment tests, or other selection criteria based on uncorrected vision must be job related for the position in question and consistent with business necessity is not intended to change current interpretations of whether a qualification standard based on a government requirement or regulation is job related for the position in question and consistent with business necessity.

Passage of the ADA Amendments Act is a great moment in this country's history. We would like to thank all the individuals who worked so hard on these negotiations, and to thank the thousands of individuals and businesses who care about making this country a fair and equitable place for people with disabilities.

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

Mr. GEORGE MILLER of California. Madam Speaker, I reserve the balance of my time.

Mr. MCKEON. Madam Speaker, might I inquire of the time that we each have remaining.

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) has 13 minutes. The gentleman from California (Mr. GEORGE MILLER) has 7 minutes. The gentleman from Michigan (Mr. CONYERS) has 6 minutes. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 5½ minutes.

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

This measure raises some very interesting questions from the point of view of the Judiciary Committee. I begin by noting that the chairman emeritus of the Judiciary Committee, JIM SENSENBRENNER, had always had a very abiding interest in this matter. But we have a curious problem. Somebody is going to ask, how could a United States Supreme Court—a bill passed overwhelmingly bipartisan in 1990—and then in 1999 simultaneously give not one or two, but three decisions slamming some very fundamental interests that we had when the bill was passed? There wasn't anything complicated or ambiguous about the bill that was passed in this Congress in 1990. And we are now here fixing the three problems that these decisions brought forward.

''We prohibit the consideration of measures that might lessen the impact of an impairment—medication, insulin, a hearing aid.''

What kind of persons are on the Supreme Court of the United States that have some difficulty understanding that if you have to use a hearing aid, that does not lessen the nature of the disability? That's earlier than first year law school. I mean, what was going on in the majority of the members' minds?

Second, ''substantially limits'' they've transferred to mean ''materially restricts'' and instructs the court that these words must be interpreted broadly and not restrictively.

Now the history of civil rights and voter rights law in this Congress in the 20th and 21st century deals with the understood directive that the law in these cases is to be interpreted generally and liberally, and here they did just the opposite. This disability law is essentially a civil rights matter, and they chose to ignore that. And so we had to correct it. We had to say, Supreme Court, your attention, please. This is civil rights law, and so it's not to be interpreted as narrowly as you can, but as liberally as you can.

And then the third thing we chose to correct was the entire notion that the disability law covers anyone who either experiences discrimination because someone believes them to be disabled, whether they are not or whether they actually are. It doesn't make any difference. In other words, it is to be liberally interpreted.

And so we go into a very challenging period of American history with an election coming up, and we've got a Supreme Court that we have to constantly remind how to interpret civil rights laws. This is not a comforting circumstance for your chairman of Judiciary—I don't think for the ranking member of Judiciary either, if I might add.

There are those writing about the Supreme Court these days, and one such commentator, Professor Rosen of Georgetown—''Today, however, there are no economic populists on the Court, even on the liberal wing. Ever since John Roberts was appointed Chief Justice in 2005, the Court has seemed only more receptive to business concerns. Forty percent of the cases the Court heard last term involved business interests, up from around 30 percent in recent years.''

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

Mr. GEORGE MILLER of California. I yield the gentleman an additional 1 minute.

Mr. CONYERS. I thank the chairman of Education and Labor.

The closing example:

''While the Rehnquist Court heard less than one antitrust decision a year on average, the Roberts Court has heard seven antitrust cases in the first two terms, and all of them were decided in favor of the corporate defendants.''

Now, look. They must know that some people over here read and review their decisions. It means that we have to be even more alert on the questions that have brought this measure before the House today for its disposal.

I'm very proud of the bipartisan aspect. I don't want to give too much praise to the chairman emeritus of the committee, but he did a very good job in this regard.

Mr. MCKEON. Madam Speaker, I am happy to yield now to the gentleman from Delaware, ranking member of the K–12 Education Subcommittee, such time as he may consume, Mr. CASTLE.

Mr. CASTLE. I thank the distinguished gentleman from California for yielding. I do rise today in support of the ADA Amendments Act entitled H.R. 3195.

Since 1990, the landmark civil rights legislation, the Americans With Disabilities Act—ADA as we know it—has provided numerous benefits. Over the last decade, however, people with serious health conditions, including diabetes, have faced serious difficulties meeting the definition of ''disability'' following the Supreme Court's decision that disability must be determined in light of the mitigating measures, like insulin, that a person uses.

These decisions have created a situation where people with serious health conditions who use medications and other devices in order to work are not considered ''disabled enough'' to be protected by the ADA even when they are explicitly denied employment opportunities because of that health condition.

Just briefly, I would like to mention Stephen Orr, a pharmacist from Rapid City, South Dakota, who was fired by his employer for taking lunch breaks to eat and manage his diabetes. After Stephen lost his job, he decided to file a claim under the ADA. The employer responded that Stephen did not have a disability because he was able to manage his diabetes with insulin and diet. The courts agreed. And this, I'm afraid, is only one example.

H.R. 3195 will remedy this problem. Passage will secure the promise of the original ADA and make clear that Congress intended the ADA's coverage to be broad, to cover anyone who faces unfair discrimination because of a disability. At the same time, it strikes an appropriate balance between the needs of individuals with disabilities and those of employers.

I am pleased that H.R. 3195 enjoys the backing of a broad coalition of supporters from both the employer and the disability communities. I am also proud it has bipartisan support here, and I thank and congratulate all those that had anything to do with putting this together.

I urge my colleagues on both sides of the aisle to support the measure.

Mr. MCKEON. Mr. Speaker, I recognize now the gentleman from Kansas (Mr. MORAN) for such time as he may consume.

Mr. MORAN of Kansas. Madam Speaker, I thank the gentleman from California (Mr. MCKEON) for yielding me time today, and I rise in support of H.R. 3195.

In my world, in the way I look at life, all human beings, because we're created by the same God, are entitled to respect and dignity. In our framework in our country, our Constitution provides that we are entitled to certain rights. One of those, as I see it, is the right to an opportunity to succeed.

So I'm pleased that our country, in 1990, this Congress and the Senate came together with the passage of the Americans With Disabilities Act. And I'm pleased today that we are here to restore certain of those rights that were believed to be there under the ADA passed in 1990. What this law will do is to require the courts to interpret this law in a fair manner.

We know that all of us are entitled to an opportunity to succeed. And I think all of us, as we look at our lives, look just for the chance to be judged based upon our own performance. We don't want special rights. We all just want to be gauged by people who judge us by what we do and how we do it and how well we do it. And so the original law and the Restoration Act today, as I see it, establishes that premise that we're all entitled to be judged based upon how we perform our tasks.

I support this legislation and am pleased by what I've heard on the floor this afternoon by the way it came about. And I appreciate being here to hear the gentleman from Maryland, the distinguished majority leader, speak about his sponsorship and authorship of the Americans with Disabilities Act.

One of my predecessors, Bob Dole, served in that similar capacity. I'd like to quote my predecessor when he spoke about the ADA and indicate that I believe that what he said then should be the words of today as well:

''This historic civil rights legislation seeks to end the unjustified segregation and exclusion of persons with disabilities from the mainstream of American life. The ADA is fair and balanced legislation that carefully blends the rights of people with disabilities with the legitimate needs of the American business community.''

Madam Speaker, I believe that's what the legislation before us does today, and again confirms the right that we all have to be judged based upon our ability to perform.

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

There are so many individuals who deserve credit for bringing us to this point today. I want to recognize Chairman MILLER, the leaders of the Judiciary, Transportation and Infrastructure, Energy and Commerce Committees, and all of our staffs on all of those committees on both sides of the aisle and the membership of the leadership on both sides of the aisle, and again especially Leader HOYER and Mr. SENSENBRENNER for this open, inclusive process.

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The bill is better for it.

I also want to recognize the stakeholders who came to the negotiating table and helped us to reach consensus. It's often said that true compromise leaves no one with exactly what they wanted. I expect that is the case today. There are those who fear we have expanded the reach of the ADA too far, and there are others who would have preferred us to go further. But on the whole, we have found common ground that will allow us to extend strong, meaningful protection to individuals with disabilities without dramatically expanding the law, increasing its burdens, or diluting its effectiveness.

I urge passage of the ADA Amendments Act.

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

Mr. GEORGE MILLER of California. Madam Speaker, I want to certainly thank the staffs of our committees on both sides of the aisle for all of their work. They put in a tremendous amount of time and intellectual power behind the amendments to the ADA and to put it back in the place that it should have after the court decisions damaged the intent and the purposes of this act. I certainly want to thank Sharon Lewis of the Committee on Education and Labor and Brian Kennedy and Thomas Webb, who is with us as an intern, for all of their work.

I am very proud to be a Member of Congress today and certainly of the House of Representatives as we pass this legislation. I was brought to the issues around the disability community when I first came to Congress, or perhaps a little before that when I was working in the State legislature in California by a hardy crew from California who were deeply involved in pursuing the civil rights of those with disabilities and the constitutional rights of those with disabilities and their place in the legislative process, and I want to thank them. And that is Judy Heuman from California and known to many; and Ed Roberts, a great champion of disability rights, a magnificent person; and Hale Zukor, who still resides in Berkeley and continues the battle; and Jim Donald, who is a wonderful attorney on behalf of many in the disability community; and so many others.

In my time in Congress, I have watched the Rehabilitation Act of 1973 and the battle over the 504 regulations; IDEA, at that time Education for All Handicapped Children, now IDEA; and the ADA; and today the restoration of the ADA to its proper position and power within the law. And I think it's a tribute to this Congress. While in many instances we have had very controversial fights and there have been eruptions over the implementation of these laws, we have continued to march forward and ensure the rights of the disabled, for their participation in American society. I think so many Members now and so many people in

our society recognize all that the members of the disability community have accomplished, all that they are accomplishing, and all that they will accomplish.

So today when we look at a young child seeking to be enrolled in school and to have an opportunity at the content and the curriculum that others have and to have the chance to participate in that school in a meaningful way and not be put off and sidestepped or in segregated classes; when we look at individuals who want to pursue a career, an activity, in our society and not be discriminated against; and when we now see employers recognizing the talents and the abilities and the contributions to be made by individuals with disabilities, we as a Nation are far better off, far richer, and far more understanding than we were prior to the struggles over these laws. And I hope that all Members will share the pride that I do when later on we will be able to vote to restore the ADA after the damage done by the court decisions.

And with that I thank all of my colleagues for their participation in this debate.

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

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

Madam Speaker, I think that we have seen in the last hour how the framers of the Constitution intended this Congress to work.

There was a problem. There was a problem that was created by court decisions misinterpreting the original intent of Congress when it passed the ADA almost 18 years ago. And people who came from diverse viewpoints, whether they were in the private sector, citizens with disabilities and their advocacy groups, Members of Congress on both sides of the aisle have proven in this legislation that they can work together and come up with something that is acceptable and beneficial to all of the stakeholders. I wish we could do more of that here, and maybe this will set a good example to show that the system does work.

I am going to ask for a rollcall on this legislation, and I hope that if this is not a unanimous vote in favor of the bill, it will be so overwhelming that people not only on the other side of this Capitol building but around the country and around the world will see that American democracy and the American legislative process worked for the benefit of people.

Mr. HOLT. Madam Speaker, I want to thank Majority Leader HOYER and Representative SENSENBRENNER for introducing the ADA Restoration Act last summer. ''I am a cosponsor of this bill and I am pleased that the House is considering this important legislation.

This July will mark the 18th anniversary of the Americans with Disabilities Act, ADA. Unfortunately, as testimony before the House Committee on Education and Labor made clear in recent years, the Supreme Court has narrowed the scope of this law and created a new set of barriers for Americans with disabilities. Under this narrow interpretation, individuals with diabetes, heart conditions, epilepsy, mental retardation, cancer, and many other conditions have been denied their rights under the ADA because they are labeled as ''too functional'' to be considered ''disabled.''

This legislation would restore protections for disabled Americans under the ADA and I am pleased that the bill we are considering today is supported by the disability community as well as the business community. This bill will reaffirm the ADA's mandate for the elimination of discrimination on the basis of disability and allow the ADA to reclaim its place among our Nation most important civil rights laws.

I am proud that my home State of New Jersey has enacted our own strong protections against employment discrimination or individuals with disabilities. My State's experience belies the claims made by some of the bill's opponents that this legislation is overprotective of individuals with disabilities.

In March, I hosted a roundtable discussion in New Jersey with representatives of disability organizations and individuals with disabilities and with representatives from corporate human resources departments. From that discussion, I drew information indicating that the Federal legislation is needed and that it could be implemented effectively.

At that discussion I heard from Jack, an employer in my district who was hesitant when approached by the ARC of New Jersey about hiring individuals with disabilities. Yet, today he now says they are some of his best employees.

Our Nation has come a long way since the passage of the ADA, from when the halls of Congress were not even accessible to disabled members. But, we have much progress yet to make to ensure that the American dream is truly accessible and available to all Americans.

Mr. EMANUEL. Madam Speaker, I rise today in honor of the passage of the Americans with Disabilities Act of 1990 and to express my support for the ADA Amendments Act of 2008.

As a member of the 110th Congress, I am proud to be a cosponsor of H.R. 3195, the ADA Amendments Act and to continue the fight to ensure equal rights for all disabled citizens. This vital legislation amends the Americans with Disabilities Act of 1990 to restore the original intent of the ADA by clarifying that anyone with impairment, regardless of his or her successful use of treatments to manage the impairment, has the right to seek reasonable accommodation in their place of work.

The ADA Amendments Act of 2008 amends the definition of disability so that those who were originally intended to be protected from discrimination are covered under the Americans with Disabilities Act. This prevents courts from considering the use of treatment, or other accommodations, when deciding whether an individual qualifies for protection under the ADA and focuses on whether individuals can demonstrate that they were treated less favorably on the basis of disability.

I am proud of the continuing work that is being done for Americans with Disabilities and of the strong support that Chicagoans have shown for this issue. On July 26, the eighteenth anniversary of its passage, the Americans with Disabilities Act is being commemorated by Chicago's fifth annual Disability Pride Parade. This display of support demonstrates that Chicagoans recognize that passage of the ADA Amendments Act of 2008, will allow Americans with disabilities to enjoy the freedom and equality that they are guaranteed by the Constitution.

Madam Speaker, I am honored to commemorate the passage of the Americans with Disabilities Act of 1990 and urge my colleagues to vote in favor of the ADA Amendments Act of 2008.

Mr. SCOTT. Madam Speaker, I rise in support of H.R. 3195, the Americans with Disabilities Amendments Act.

In the early 1980's, 64 disability organizations formed a coalition known as INVEST, Insure Virginians Equal Status Today, to pass a State statute in Virginia to protect individuals with disabilities from discrimination. The landmark ''Virginians with Disabilities Act'' was the Commonwealth's commitment to encourage persons with disabilities to participate fully in the social and economic life of the Commonwealth. It preceded the Federal Americans with Disabilities Act, ADA, by 5 years, and many of the key concepts in the Virginia statute formed the basis of the ADA.

Signed in 1985 by former Governor Charles S. Robb, the Virginians with Disabilities Act today protects nearly one million State residents. This Act acknowledged that ''it is the policy of the Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life . . .'' and it protects Virginians with disabilities from discrimination in employment, education, housing, voting, and places of public accommodation.

Five years later, the Americans with Disabilities Act of 1990 was enacted to protect all Americans against discrimination on the basis of disability. When Congress passed the ADA, Congress adopted the definition of disability from section 504 of the Rehabilitation Act of 1973, a statute that was well litigated and understood.

Congress expected that under the ADA—just as under the Rehabilitation Act—individuals with health conditions that were commonly understood to be disabilities would be entitled to protection from discrimination. But a series of U.S. Supreme Court decisions interpreted the ADA in ways that Congress never intended, and over the years these decisions have eroded the protections of the statute.

First, the Court held in 1999 that mitigating measures—including prosthetics, medication, and other assistive devices—must be taken into account when determining if a person is disabled. Then, in 2002, the Court held that a ''demanding standard'' should be applied to determining whether a person has a disability. As a result, millions of people Congress intended to protect under the ADA—such as those with diabetes, epilepsy, intellectual disabilities, multiple sclerosis, muscular dystrophy, amputation, cancer and many other impairments—are not protected as intended.

The ADA Amendments Act will restore the ADA to Congress' original intent by clarifying that coverage under the ADA is broad and covers anyone who faces unfair discrimination because of a disability. The ADA Amendments Act:

Retains the requirement that an individual's impairment substantially limits a major life activity in order to be considered a disability, and further that an individual must demonstrate that he or she is qualified for the job.

Would overturn several court decisions to provide that people with disabilities not lose their coverage under the ADA simply because their condition is treatable with medication or can be addressed with the help of assistive technology.

Includes a ''regarded as'' prong as part of the definition of disability which covers situations where an employee is discriminated against based on either an actual or perceived impairment. Moreover, the proposal makes it clear that accommodations do not need to be made to someone who is disabled solely because he or she is ''regarded as'' disabled.

Madam Speaker, the bill before us today is the direct result of agreements between the business and disability communities to rectify the problem created by the courts, and I applaud the determination and hard work, that went into this compromise. The ADA Amendments Act will enable individuals with disabilities to secure and maintain employment without fear of being discriminated against because of their disability. Congress clearly intended to prohibit discrimination against all people with disabilities and we will do that by passing H.R. 3195.

Madam Speaker, I urge my colleagues to support this bill.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of H.R. 3195, the ADA Amendments Act of 2008, which would restore the original intent of the Americans with Disabilities Act, ADA.

The ADA has transformed this country since its enactment in 1990, helping millions of Americans with disabilities succeed in the workplace, and making essential services such as transportation, housing, buildings, and other daily needs more accessible to individuals with disabilities. It has been one of the most defining and effective civil rights laws passed by Congress.

Unfortunately, the Federal courts in recent years have slowly chipped away at the broad protections of the ADA which has created a new set of barriers for many Americans with disabilities. The court rulings have narrowed the interpretation of disability by excluding people with serious conditions such as epilepsy, diabetes, muscular dystrophy, cancer, and cerebral palsy from the protections of the ADA. The ADA Amendments Act of 2008 will reestablish these protections and make it absolutely clear that the ADA is intended to provide broad coverage to protect anyone who faces discrimination on the basis of disability.

Madam Speaker, this bill is an important step towards restoring the original intent of the ADA and helps ensure that all Americans with disabilities live as independent, self-sufficient members of our society. I urge my colleagues to support this much-needed legislation.

Mr. ISSA. Madam Speaker, today I rise in support of H.R. 3195, ADA Amendments Act of 2008.

The ADA Amendments Act is a needed step in addressing improper judicial interpretation of the original Americans with Disabilities Act. Courts interpreted the Act more narrowly than Congress had intended resulting in decreased protection under the Act. It is especially gratifying that in crafting the legislation before us today the disability community was able to come to an agreement with private industry on appropriate legislative language.

More specifically than the legislation at hand, I bring attention to the lack of Americans with Disability Act, ADA, compliance in the historic Capitol complex, specifically the use of door handles within personal House offices.

The purpose the ADA is to ensure nondiscrimination for persons with disabilities including but not limited to public accommodations. The ADA specifically states the use of lever operated mechanisms, push-type mechanisms, or U-shaped handles are acceptable designs for all to operate.

Enacted in 1990, I believe it is the responsibility of Congress to every extent reasonable, to install appropriate usable hardware by all those that wish to access the halls of Congress.

Beginning with my first term in office in 2000, I have made requests to have my personal House office located in the Cannon building outfitted with ADA appropriate door handles. It is unfortunate that 8 years after my initial request and 18 years following the enactment of the ADA, Congress has chosen to remain out of compliance with the ADA.

Congress must lead by example by making these buildings accessible to all Americans, regardless of disability. I urge you to read my attached most recent correspondence requesting this appropriate and necessary change.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 2008.

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

DEAR MADAM SPEAKER: I wanted to make you aware of a request that I submitted to the Committee on House Administration for the installation of Americans with Disabilities Act, ADA, compliant lever-style door handles in my office, room 211 in the Cannon House Office Building, and throughout the House campus.

I am concerned that nearly 18 years after the passage of the Act, Congress remains significantly out of compliance. I have attached a copy of my letter to Chairman Robert Brady and Ranking Member Vern Ehlers for your review.

Thank you for your attention to this important request.

Sincerely,

DARRELL ISSA,
Member of Congress.

Enclosure.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 2008.

Hon. ROBERT A. BRADY,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

Hon. VERNON J. EHLERS,
Ranking Member, Committee on House Administration, House of Representatives, Washington, DC.

DEAR CHAIRMAN BRADY AND RANKING MEMBER EHLERS: I am writing to request the installation of Americans with Disabilities Act, ADA-compliant lever-style door handles throughout my office, which is 211 Cannon House Office Building. Furthermore, I respectfully request that the committee direct that ADA compliant lever-style door handles be made available to any Member or committee that requests their installation, and that the committee develops a plan to complete the installation of ADA compliant lever-style door handles campus-wide as soon as practicable.

Enacted by Congress in 1990, and signed into law by President George H.W. Bush, the ADA is historic legislation whose purpose is to ensure nondiscrimination for persons with disabilities in access to employment, public services, public accommodations and telecommunications. According to the Department of Justice publication, ADA Standards for Accessible Design, CFR 28, Part 36, Appendix A, Section 4.13.2, ''Handles, pulls, latches, locks and other operable devices on doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs.''

It is a travesty that nearly 18 years after its enactment, the Congress remains significantly out of compliance with the ADA. Door handles throughout the House campus remain predominantly twisting; knob-style handles which clearly do not meet the standards outlined by the Act. We set a terrible example by exempting ourselves just because compliance is inconvenient or expensive, when we have compelled the American people by force of law to bear these same expenses and comply with the Act.

The Capitol is the nation's most prominent public space, with tens of thousands of Americans visiting, and many more thousands working here each day. Making it accessible to all Americans, regardless of disability, should be a priority. I urge the committee to grant my request for the installation of ADA compliant lever-style door handles in my congressional office, to make them available to all Members and committees upon request, and to act with all practicable speed to install lever-style compliant door handles campus-wide.

Thank you for your consideration of this request.

Sincerely,

DARRELL ISSA,
Member of Congress.

Mr. RAMSTAD. Madam Speaker, as co-chair of the Bipartisan Disabilities Caucus, I rise in strong support of the bill before us, the ADA Amendments Act.

It is a matter of basic justice for every American to have access to public accommodations and businesses. And every American deserves the opportunity to hold a job, contribute their talents and live with dignity and independence.

That's what the Americans with Disabilities Act, ADA, of 1990 was all about—creating access and equal opportunity for millions of Americans with disabilities.

And that's why the recent court cases that have chipped away at the protections of the ADA have been so alarming. This important bill will stop the erosion and clarify that people who use adaptive technology to cope with their disability still deserve the protection of the ADA.

People with disabilities have to overcome obstacles every day. It's time to remove the legal obstacles to their basic civil rights.

It's time to tear down the barriers that keep people with disabilities from fully participating and sharing their gifts. It's time to restore basic justice.

I urge my colleagues to support this important bill.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 3195, the ''ADA Restoration Act of 2007.'' I wholeheartedly support this bill and urge my colleagues to support it also. The changes embodied by this Act, that restore the with Disabilities Act of 1990, ''ADA'', to its original purpose, are long overdue. This is a civil rights bill and the rights of the disabled must be restored.

H.R. 3195, the ''ADA Restoration Act of 2007,'' amends the definition of ''disability'' in

the ADA in response to the Supreme Court's narrow interpretation of the definition, which has made it extremely difficult for individuals with serious health conditions—epilepsy, diabetes, cancer, muscular dystrophy, multiple sclerosis and severe intellectual impairments—to prove that they qualify for protection under the ADA. The Supreme Court has narrowed the definition in two ways: (1) by ruling that mitigating measures that help control an impairment like medicine, hearing aids, or any other treatment must be considered in determining whether an impairment is disabling enough to qualify as a disability; and (2) by ruling that the elements of the definition must be interpreted "strictly to create a demanding standard for qualifying as disabled." The Court's treatment of the ADA is at odds with judicial treatment of other civil rights statutes, which usually are interpreted broadly to achieve their remedial purposes. It is also inconsistent with Congress's intent.

The committee will consider a substitute that represents the consensus view of disability rights groups and the business community. That substitute restores congressional intent by, among other things: disallowing consideration of mitigating measures other than corrective lenses, ordinary eyeglasses or contacts, when determining whether an impairment is sufficiently limiting to qualify as a disability; maintaining the requirement that an individual qualifying as disabled under the first of the three-prong definition of "disability" show that an impairment "substantially limits" a major life activity but defining "substantially limits" as a less burdensome "materially restricts; clarifying that anyone who is discriminated against because of an impairment, whether or not the impairment limits the performance of any major life activities, has been "regarded as" disabled and is entitled to the ADA's protection.

BACKGROUND ON LEGISLATION

Eighteen years ago, President George H.W. Bush, with overwhelming bipartisan support from the Congress, signed into law the ADA. The act was intended to provide a "clear and comprehensive mandate," with "strong, consistent, enforceable standards," for eliminating disability-based discrimination. Through this broad mandate, Congress sought to protect anyone who is treated less favorably because of a current, past, or perceived disability. Congress did not intend for the courts to seize on the definition of disability as a means of excluding individuals with serious health conditions from protection; yet this is exactly what has happened. A legislative action is now needed to restore congressional intent, and ensure broad protection against disability-based discrimination.

COURT RULINGS HAVE NARROWED ADA PROTECTION, RESULTING IN THE EXCLUSION OF INDIVIDUALS THAT CONGRESS CLEARLY INTENDED TO PROTECT

Through a series of decisions interpreting the ADA's definition of "disability," however, the Supreme Court has narrowed the ADA in ways never intended by Congress. First, in three cases decided on the same day, the Supreme Court ruled that the determination of "disability" under the first prong of the definition—i.e., whether an individual has a substantially limiting impairment—should be made after considering whether mitigating measures had reduced the impact of the impairment. In all three cases, the undisputed reason for the adverse action was the employee's medical condition, yet all three employers argued—and the Supreme Court agreed—that the plaintiffs were not protected by the ADA because their impairments, when considered in a mitigated state, were not limiting enough to qualify as disabilities under the ADA.

Three years later, the Supreme Court revisited the definition of "disability" in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams. In that case, the plaintiff alleged that her employer discriminated against her by failing to accommodate her disabilities, which included carpal tunnel syndrome, myotendonitis, and thoracic outlet compression. While her employer previously had adjusted her job duties, making it possible for her to perform well despite these conditions, Williams was not able to resume certain job duties when requested by Toyota and ultimately lost her job. She challenged the termination, also alleging that Toyota's refusal to continue accommodating her violated the ADA. Looking to the definition of "disability," the Court noted that an individual "must initially prove that he or she has a physical or mental impairment," and then demonstrate that the impairment "substantially limits" a "major life activity." Identifying the critical questions to be whether a limitation is "substantial" and whether a life activity is "major," the court stated that "these terms need to be interpreted strictly to create a demanding standard for qualifying as disabled." The Court then concluded that "substantial" requires a showing that an individual has an impairment "that prevents or, " severely restricts the individual; and "major" life activities, requires a showing that the individual is restricted from performing tasks that are "of central importance to most people's daily lives."

In the wake of these rulings, disabilities that had been covered under the Rehabilitation Act and that Congress intended to include under the ADA—serious health conditions like epilepsy, diabetes, cancer, cerebral palsy, multiple sclerosis—have been excluded. Either, the courts say, the person is not impaired enough to substantially limit a major life activity, or the impairment substantially limits something—like liver function—that the courts do not consider a major life activity. Courts even deny protection when the employer admits that it took adverse action based on the individual's impairment, allowing employers to take the position that an employee is too disabled to do a job but not disabled enough to be protected by the law.

On October 4, 2007, the Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a legislative hearing on H.R. 3195, the "ADA Restoration Act of 2007." Witnesses at the hearing included Majority Leader STENY H. HOYER; Cheryl Sensenbrenner, chair, American Association of People with Disabilities; Stephen C. Orr, pharmacist and plaintiff in Orr v. Wal-Mart Stores, Inc.; Michael C. Collins, executive director, National Council on Disability; Lawrence Z. Lorber, U.S. Chamber of Commerce; and Chai R. Feldblum, professor, Georgetown University Law Center.

The hearing provided an opportunity for the Constitution Subcommittee to examine how the Supreme Court's decisions regarding the definition of "disability" have affected ADA protection for individuals with disabilities and to consider the need for legislative action. Representative HOYER, one of the lead sponsors of the original act and, along with Representative SENSENBRENNER, lead House cosponsor of the ADA Restoration Act, explained the need to respond to court decisions "that have sharply restricted the class of people who can invoke protection under the law and [reinstate] the original congressional intent when the ADA passed." Explaining Congress's choice to adopt the definition of "disability" from the Rehabilitation Act because it had been interpreted generously by the courts, Representative HOYER testified that Congress had never anticipated or intended that the courts would interpret that definition so narrowly:

> [W]e could not have fathomed that people with diabetes, epilepsy, heart conditions, cancer, mental illnesses and other disabilities would have their ADA claims denied because they would be considered too functional to meet the definition of disabled. Nor could we have fathomed a situation where the individual may be considered too disabled by an employer to get a job, but not disabled enough by the courts to be protected by the ADA from discrimination. What a contradictory position that would have been for Congress to take.

Representative HOYER, joined by all of the witnesses except Mr. Lorber, urged Congress to respond by passing H.R. 3195 to amend the definition of "disability." Mr. Lorber, appearing on behalf of the Chamber of Commerce, opposed H.R. 3195 as an overly broad response to court decisions that accurately reflected statutory language and congressional intent.

Since the subcommittee's hearing, several changes have been made to the bill, which are reflected in the substitute that will likely be considered by the committee. The substitute, described section-by-section below, represents the consensus of the disability rights and business groups and is supported by, among others, the Chamber of Commerce.

Importantly, section 4 of the bill, amends the definition of "disability" and provides standards for applying the amended definition. While retaining the requirement that a disability "substantially limits" a "major" life activity under prongs 1 and 2 of the definition of disability, section 4 redefines "substantially limits" as "materially restricts" to indicate a less stringent standard. Thus, while the limitation imposed by an impairment must be important, it need not rise to the level of preventing or severely restricting the performance of major life activities in order to qualify as a disability. Section 4 provides an illustrative list of life activities that should be considered "major," and clarifies that an individual has been "regarded as" disabled, and is entitled to protection under the ADA, if discriminated against because of an impairment, whether or not the impairment limits the performance of any major life activities. Section 4 requires broad construction of the definition and prohibits consideration of mitigating measures, with the exception of ordinary glasses or contact lenses, in determining whether an impairment substantially limits a major life activity.

I support this bill and I urge my colleagues to support it also.

Ms. HIRONO. Madam Speaker, I rise today in strong support of H.R. 3195, the ADA Restoration Act of 2007. I would like to thank the chief sponsor of the bill, Majority Leader STENY HOYER, and the chairman of the Education and Labor Committee, GEORGE MILLER, for their leadership and work on disability rights.

Congress passed the Americans with Disabilities Act, ADA, 18 years ago with overwhelming support from both parties and President George H.W. Bush. The intent of Congress was clear: to make this great Nation's promise of equality and freedom a reality for Americans with disabilities.

Standing together, leaders from both parties described the law as ''historic,'' ''landmark,'' an ''emancipation proclamation for people with disabilities.'' These were not timid or hollow words. The congressional mandate was ambitious: prohibit unfair discrimination and require changes in workplaces, public transportation systems, businesses, and other programs or services.

Through this broad mandate, Congress intended to protect anyone who is treated less favorably because of a current, past, or perceived disability. As with other civil rights laws, Congress wanted to focus on whether an individual could prove that he or she had been treated less favorably because of a physical or mental impairment. Congress never intended for the courts to seize on the definition of ''disability'' as a means of excluding individuals with serious health conditions like epilepsy, diabetes, cancer, HIV, muscular dystrophy, and multiple sclerosis from protection under the law.

Yet this is exactly what has happened. Through a series of decisions interpreting the definition of ''disability'' narrowly, the U.S. Supreme Court has inappropriately shifted the focus away from an employer's alleged misconduct onto whether an individual can first meet a ''demanding standard for qualifying as disabled.''

Millions of Americans who experience disability-based discrimination have been or will be denied protection under ADA and barred from challenging discriminatory conduct. By passing H.R. 3195, the Congress will be able to correct these decisions made by the courts.

H.R. 3195 would do this by: amending the definition of ''disability'' so that individuals who Congress originally intended to protect from discrimination are covered under the ADA; preventing the courts from considering ''mitigating measures'' when deciding whether an individual qualifies for protection under the law; and keeping the focus in employment cases on the reason for the adverse action. The appropriate question is whether someone can show that he or she was treated less favorably ''on the basis of disability'' and not whether an individual has revealed enough private and highly personal facts about how he or she is limited by an impairment. The bill reminds the courts that—as with any other civil rights law—the ADA must be interpreted fairly, and as Congress intended.

As an original cosponsor of H.R. 3195, I believe that it rightfully will restore protections for disabled Americans under the landmark ADA, one of our Nation's most important civil rights laws.

I would like to share with you just a few examples of how ADA has made a positive impact for individuals with disabilities in my home State of Hawaii:

An 85 year old Honolulu woman, who is both deaf and blind, is able to access the public transportation system to visit her husband who resides in a long-term care facility far from her home.

The first ''chirping'' traffic light on the island of Kauai was installed at a busy intersection thanks to the work of an advocate for the blind.

The annual Maui County Fair has a special day set aside for people with disabilities to participate in the rides and games.

A Kauai bakery installed a blinking light system on their ovens so that a hearing-impaired employee would be notified when her baking was complete, thus allowing her to work independently.

Each year, the Hawaii State Vocational Rehabilitation and Services for the Blind Division of the Department of Human Services recognizes outstanding clients from the districts they serve. I would like to recognize the following 2007 Rehabilitants of the Year: Deanna DeLeon of the Big Island, Rogie Yasay Pagatpatan of Maui, Serafin Palomares of Kauai, and Tauloa ''Mona'' Pouso'o of Oahu. I would like to include in the CONGRESSIONAL RECORD their stories of success, as each of these individuals leads a life of inspiration.

I urge my colleagues to join me in voting for H.R. 3195 so we can continue to build on the successes of the Americans with Disabilities Act. Mahalo (thank you).

HAWAII BRANCH 2007 REHABILITANT OF THE YEAR, NOMINATED BY ELLEN OKIMOTO, VOCATIONAL REHABILITATION SPECIALIST

Deanna DeLeon came to VR in March 2006 looking for a way to change her life. Deanna faced many challenges in her life. Her past history of abuse led her to the Big Island Drug Court Program. Through this program and with the support of the Division of Vocational Rehabilitation, Deanna set a goal of becoming successfully employed.

The combination of her past work experience in the hotel industry and as an administrative assistant qualified her for a position as a tour receptionist with Wyndham Vacation Resorts in June 2006. Deanna's supervisor, Patsy Mecca, stated that Deanna brings positive energy and a bright smile to the team. Deanna has since been promoted to a Gifting Supervisor and continues to work in a job that she so loves.

Go Forward To Work. Congratulations, Deanna for a job well done.

MAUI BRANCH 2007 REHABILITANT OF THE YEAR, NOMINATED BY LYDIA SHEETS, VOCATIONAL REHABILITATION SPECIALIST

Having a disability never stopped Rogie Yasay Pagatpatan from working for long periods of time. Rogie requires assistance in completing applications and interviewing. Each time he needs to look for a new job, he has enlisted the help of his Vocational Rehabilitation Specialist, Lydia Sheets in the Maui Branch Office. Rogie and Lydia have been a successful team for many years. Lydia knows Rogie so well that she has collaborated with employers to help Rogie find and keep jobs.

Most recently, Lydia helped Rogie obtain a position with the Maui Disposal Company, Inc. He was hired as a sorter at the company's material Recover Facility—a processing plant for recyclable products including plastic, glass, aluminum, and mixed paper. Rogie works with other processors and several supervisors. He has a job that requires teamwork, cooperation, conscientiousness, and tolerance of waste products, outdoor work, environmental factors, and working around moving machinery. Rogie has proven that he can handle the job. With the help of supervisors West Paul and Wendell Parker, Rogie has become a valued employee.

Rogie's persistence is admirable, and his commitment has impressed his supervisors. He was honored as the ''Employee of the Month'' in June 2007. Rogie's success is due in part to his supportive and patient supervisors, who look at his abilities rather than his limitations.

KAUAI BRANCH 2007 REHABILITANT OF THE YEAR, NOMINATED BY DEBRA MATSUMOTO, EMPLOYMENT SERVICE SPECIALIST

''Everyone is telling me what I cannot do'', stated Serafin Palomares when we first met in 2001. This made him even more determined to prove ''everyone'' wrong, and together, we proceeded to do just that. After recovering from a stroke, Serafin's goal was to return to his previous employment in the Food & Beverage field. We realized that due to his limitations, he would not be able to perform some of the duties required in a restaurant setting. He could be successful however, if the work environment was modified.

Serafin enrolled at Kauai Community College and worked toward a degree in culinary arts. School became a lengthy process, involving a lot of creative collaboration between the Instructors, college counselor, and VR. The biggest hurdle was finding an appropriate practicum site. It soon became clear that Serafin would do best working independently at his own pace, building a workstation, and creating a system that would meet his specific needs. When the Piikoi Building Vending Stand in the County Civic Center became available as a practicum site, Serafin leapt at the chance to give it a try . . . and Serafin has never left.

Upon earning an AS degree in 2005, he decided to make the leap to self-employment. Serafin has managed to create a popular, thriving Vending Stand in the heart of Lihue town. He is renowned for his specialty sandwiches and salads, and the sky's the limit as far as how big he could build his business. Yet, Serafin prefers to keep things small and simple, because for him, it's not about the money as much as it is having a joyful purpose for waking up each day. You can see that he truly enjoys what he does by the bright smile he wears when he greets his customers . . . and that's really what keeps the regulars coming back day after day. Congratulations to Serafin Palomares. Kauai's Outstanding Rehabilitant of the Year.

OAHU BRANCH DEAF SERVICES SECTION 2007 REHABILITANT OF THE YEAR, NOMINATED BY AMANDA CHRISTIAN, VOCATIONAL REHABILITATION SPECIALIST

Deaf Services Section is proud to nominate known to his friends and family as ''Mona'', as this year's Outstanding Rehabilitant of the Year. Mona is a deaf person with significant developmental delays and minimal language skills. He is extremely shy; however, he has a heart of gold and a terrific work ethic.

After graduating from the Hawaii Center for the Deaf and Blind, Mona received kitchen training from Lanakila Rehabilitation Center (LRC) from 2002 until 2006 where he learned food preparation and dishwashing skills. At that time, it was a common belief that Mona would need extended support services in order to maintain competitive employment. With the assistance of LRC, Mona was placed at Red Lobster in November 2006. He received on-the-job training from November 2006 until February 2007 with specialized job coaches.

Mona eventually became comfortable with his work environment and began to make friends with co-workers. He is now confident with his tasks and will help others with their work at any time he sees that they need help. Mona's job duties initially were limited

to cleaning the restrooms, bagging linguini and rice, and washing dishes. Mona later proved he was capable of much more and now helps staff with tasks such as mopping the bar area, food prep work, and helping in the storage room. He often arrives at work early and at times, has to be persuaded to leave work at the end of his shift. Upon leaving work, he makes sure to say ''goodbye'' to each one of his co-workers at least once; sometimes twice. Mona's supervisors and co-workers report how cherished Mona is and how well he is doing.

Deaf Services Section is honored and humbled to be able to recognize Mona Pouso'o's hard work and outstanding achievements. He has been an inspiration to us all and will continue to stand out in our minds as the definition of a successfully rehabilitated individual.

Mr. NADLER. Madam Speaker, I want to commend the distinguished majority leader and gentleman from Wisconsin, Mr. SENSENBRENNER, for their leadership on this important legislation.

H.R. 3195 would help to restore the Americans with Disabilities Act to its rightful place among this Nation's great civil rights laws.

This legislation is necessary to correct Supreme Court decisions that have created an absurd catch-22 in which an individual can face discrimination on the basis of an actual, past, or perceived disability and yet not be considered sufficiently disabled to be protected against that discrimination by the ADA. That was never Congress's intent, and H.R. 3195 cures this problem.

H.R. 3195 lowers the burden of proving that one is disabled enough to qualify for coverage. It does this by directing courts to read the definition broadly, as is appropriate for remedial civil rights legislation. It also redefines the term ''substantially limits,'' which was restrictively interpreted by the courts to set a demanding standard for qualifying as disabled. An individual now must show that his or her impairment ''materially restricts'' performance of major life activities. While the impact of the impairment must still be important, it need not severely or significantly restrict one's ability to engage in those activities central to most people's daily lives, including working.

Under this new standard, for example, it should be considered a material restriction if an individual is disqualified from his or her job of choice because of an impairment. An individual should not need to prove that he or she is unable to perform a broad class or range of jobs. We fully expect that the courts, and the federal agencies providing expert guidance, will revisit prior rulings and guidance and adjust the burden of proving the requisite ''material'' limitation to qualify for coverage.

This legislation is long overdue. Countless Americans with disabilities have already been deprived of the opportunity to prove that they have been victims of discrimination, that they are qualified for a job, or that a reasonable accommodation would afford them an opportunity to participate fully at work and in community life.

Some of my colleagues from across the aisle have raised concerns that this bill would cover ''minor'' or ''trivial'' conditions. They worry about covering ''stomach aches, the common cold, mild seasonal allergies, or even a hangnail.''

I have yet to see a case where the ADA covered an individual with a hangnail. But I have seen scores of cases where the ADA was construed not to cover individuals with cancer, epilepsy, diabetes, severe intellectual impairment, HIV, muscular dystrophy, and multiple sclerosis.

These people have too often been excluded because their impairment, however serious or debilitating, was mis-characterized by the courts as temporary, or its impact considered too short-lived and not permanent enough—although it was serious enough to cost them the job.

That's what happened to Mary Ann Pimental, a nurse who was diagnosed with breast cancer after being promoted at her job. Mrs. Pimental had a mastectomy and underwent chemotherapy and radiation therapy. She suffered radiation burns and premature menopause. She had difficulty concentrating, and experienced extreme fatigue and shortness of breath. And when she felt well enough to return to work, she discovered that her job was gone and the only position available for her was part-time, with reduced benefits.

When Ms. Pimental challenged her employer's failure to rehire her into a better position, the court told her that her breast cancer was not a disability and that she was not covered by the ADA. The court recognized the ''terrible effect the cancer had upon'' her and even said that ''there is no question that her cancer has dramatically affected her life, and that the associated impairment has been real and extraordinarily difficult for her and her family.''

Yet the court still denied her coverage under the ADA because it characterized the impact of her cancer as ''short-lived''—meaning that it ''did not have a substantial and lasting effect'' on her.

Mary Ann Pimental died as a result of her breast cancer 4 months after the court issued its decision. I am sure that her husband and two children disagree with the court's characterization of her cancer as ''short-lived,'' and not sufficiently permanent.

This House should also disagree—and does—as is shown by the broad bipartisan support for H.R. 3195.

H.R. 3195 ensures that individuals like Mary Ann Pimental are covered by the law when they need it. It directs the courts to interpret the definition of disability broadly, as is appropriate for remedial civil rights to legislation. H.R. 3195 requires the courts—and the federal agencies providing expert guidance—to lower the burden for obtaining coverage under this landmark civil rights law. This new standard is not onerous, and is meant to reduce needless litigation over the threshold question of coverage.

It is our sincere hope that, with less battling over who is or is not disabled, we will finally be able to focus on the important questions—is an individual qualified? And might a reasonable accommodation afford that person the same opportunities that his or her neighbors enjoy.

I urge my colleagues to join me in voting for passage of H.R. 3195, as reported unanimously by the House Judiciary Committee.

Mr. SMITH of Texas. Madam Speaker, the Americans with Disabilities Act, enacted almost 18 years ago, removed many physical barriers disabled people faced in their daily lives. It also helped remove the mental barriers that often prevented non-disabled Americans from looking beyond wheel chairs and walking canes and seeing disabled Americans as the friends and coworkers they are.

When the ADA was originally enacted in 1990, it was the result of bipartisan efforts in Congress. So I am pleased that various interested parties have been able to reach agreement on statutory language amending the ADA.

I support the compromise and believe it was reached in good faith. However, I do have some concerns regarding how the courts will interpret the legislative language we will consider today.

So let me express what I believe to be the nature and import of this legislation.

First, the common understanding in Congress is that this legislation would simply restore the original intent of the ADA by bringing the statutory text in line with the legislative history of the original ADA.

That legislative history from both the House Education and Labor and the Senate committee reports provided that ''[p]ersons with minor, trivial impairments such as a simple infected finger are not impaired in a major life activity,'' and consequently those who had such minor and trivial impairments would not be covered by the ADA.

I believe that understanding is entirely appropriate, and I would expect the courts to agree with and apply that interpretation. If that interpretation were not to hold but were to be broadened improperly the judiciary, an employer would be under a Federal obligation to accommodate people with stomach aches, a common cold, mild seasonal allergies, or even a hangnail.

So, I want to make clear that I believe that the drafters and supporters of this legislation, including me, intend to exclude minor and trivial impairments from coverage under the ADA, as they have always been excluded.

Second, the Supreme Court in Toyota Motor Manufacturing v. Williams held that under the original ADA, ''[t]he impairment's impact must also be permanent or long term.''

The findings in the language before us today state that the purpose of the legislation is ''to provide a new definition of 'substantially limits' to indicate that Congress intends to depart from the strict and demanding standard applied by the Supreme Court in Toyota Motor Manufacturing.''

I understand that this finding is not meant to express disagreement with or to overturn the Court's determination that the ADA apply only to individuals with impairments that are permanent or long term in impact.

If these understandings of the language before us today do not prevail, the courts may be flooded with frivolous cases brought by those who were not intended to be protected under the original ADA.

If that happens, those who would have been clearly covered under the original ADA, such as paralyzed veterans or the blind, will be forced to wait in line behind thousands of others filing cases regarding minor or trivial impairments. I don't believe anyone supporting this new language wants that to happen, and I want to make that clear for the record.

With the understandings I have expressed, I support the Americans with Disabilities Act Restoration Act.

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

The SPEAKER pro tempore. Pursuant to House Resolution 1299, the previous question is ordered on the bill, as amended.

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.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. SENSENBRENNER. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

EXTENSION OF PROGRAMS UNDER THE HIGHER EDUCATION ACT OF 1965

Mr. GEORGE MILLER of California. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 3180) to temporarily extend the programs under the Higher Education Act of 1965.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3180

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

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''June 30, 2008'' and inserting ''July 31, 2008''.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171), by the College Cost Reduction and Access Act (Public Law 110–84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110–227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Speaker, I rise in support of S. 3180, a bill to temporarily extend programs under the Higher Education Act of 1965.

At the beginning of February, the House took steps to reauthorize the Higher Education Act in passing H.R. 4137, the College Opportunity and Affordability Act. We now find ourselves in the near final phase of completing the reauthorization of the Higher Education Act as we work toward a compromise bill with the Senate to ensure that the doors of college are truly open to all qualified students.

It is our goal to ensure that a final bill encompasses the major issues addressed in H.R. 4137, including skyrocketing college prices, a needlessly complicated student aid application process, and predatory tactics by student lenders.

The bill under consideration today, S. 3180, will extend the programs under the Higher Education Act until July 31, 2008, to allow sufficient time for final deliberations on the two bills reported out of the respective Chambers.

It has been nearly 10 years since the Higher Education Act was last reauthorized, and I believe the Members on both sides of the aisle and in both Chambers are anxious to complete the work on this bill in this Congress. We believe it can happen.

I look forward to joining my colleagues on the committees in both the House and the Senate in completing our work on behalf of this Nation's hardworking families and students.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of S. 3180, a bill to temporarily extend the Higher Education Act of 1965. This bill will provide a clean extension of the Higher Education Act for 1 more month as we continue to work with our Senate colleagues to hammer out a conference agreement.

The underlying reauthorization of the Higher Education Act is long overdue. Since 2003 Congress has passed twelve extensions, two reconciliation bills, an emergency student loan bill, and the House has passed two reauthorization bills. In the reauthorization bill passed by this Congress, we strengthened Pell Grants, improved the Perkins Loan program, and expanded access to college for millions of American students. The reauthorization bills also included important reforms that will provide more transparency to American families on the cost of college. A recent report found that since 1983, the cost of keeping colleges running has outpaced the consumer price index by 48 percent. The average total for tuition fees, room and board, for an in-State student at a public 4-year college is $13,589. It jumps to $32,307 for a student attending a private 4-year college. Tuition and fees have increased by an average of 4.4 percent per year over the past decade, and that's after adjusting for inflation. Students and families need to be able to plan for these increases, and that's exactly what we are proposing, through greater sunshine and transparency. We need to complete the reauthorization process to make those proposals a reality.

Madam Speaker, this is a clean extension bill that will allow the current programs of the Higher Education Act to continue past their current June 30, 2008, expiration date until July 31, 2008. Programs like Pell Grants and Perkins Loans are the passports out of poverty for millions of American students. We must complete our work on the conference agreement prior to the August recess.

I urge my colleagues to vote ''yes'' on S. 3180.

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

Mr. GEORGE MILLER of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the Senate bill, S. 3180.

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

A motion to reconsider was laid on the table.

STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

Mr. GEORGE MILLER of California. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6358) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6358

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 ''Stop Child Abuse in Residential Programs for Teens Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary for Children and Families of the Department of Health and Human Services.

(2) CHILD.—The term ''child'' means an individual who has not attained the age of 18.

(3) CHILD ABUSE AND NEGLECT.—The term ''child abuse and neglect'' has the meaning given such term in section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g).

(4) COVERED PROGRAM.—

(A) IN GENERAL.—The term ''covered program'' means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

(i) provides a residential environment, such as—

(I) a program with a wilderness or outdoor experience, expedition, or intervention;

(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

(III) a therapeutic boarding school; or

(IV) a behavioral modification program; and

(ii) operates with a focus on serving children with—

(I) emotional, behavioral, or mental health problems or disorders; or

(II) problems with alcohol or substance abuse.

(B) EXCLUSION.—The term ''covered program'' does not include—

(i) a hospital licensed by the State; or

(ii) a foster family home that provides 24-hour substitute care for children placed away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home.

(5) PROTECTION AND ADVOCACY SYSTEM.—The term ''protection and advocacy system'' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

(6) STATE.—The term ''State'' has the meaning given such term in section 111 of the Child Abuse Prevention and Treatment Act.

SEC. 3. STANDARDS AND ENFORCEMENT.

(a) MINIMUM STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary for Children and Families of the Department of Health and Human Services shall require each location of a covered program that individually or together with other locations has an effect on interstate commerce, in order to provide for the basic health and safety of children at such a program, to meet the following minimum standards:

(A) Child abuse and neglect shall be prohibited.

(B) Disciplinary techniques or other practices that involve the withholding of essential food, water, clothing, shelter, or medical care necessary to maintain physical health, mental health, and general safety, shall be prohibited.

(C) The protection and promotion of the right of each child at such a program to be free from physical and mechanical restraints and seclusion (as such terms are defined in section 595 of the Public Health Service Act (42 U.S.C. 290jj)) to the same extent and in the same manner as a non-medical, community-based facility for children and youth is required to protect and promote the right of its residents to be free from such restraints and seclusion under such section 595, including the prohibitions and limitations described in subsection (b)(3) of such section.

(D) Acts of physical or mental abuse designed to humiliate, degrade, or undermine a child's self-respect shall be prohibited.

(E) Each child at such a program shall have reasonable access to a telephone, and be informed of their right to such access, for making and receiving phone calls with as much privacy as possible, and shall have access to the appropriate State or local child abuse reporting hotline number, and the national hotline number referred to in subsection (c)(2).

(F) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with what constitutes child abuse and neglect, as defined by State law.

(G) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with the requirements, including with State law relating to mandated reporters, and procedures for reporting child abuse and neglect in the State in which such a program is located.

(H) Full disclosure, in writing, of staff qualifications and their roles and responsibilities at such program, including medical, emergency response, and mental health training, to parents or legal guardians of children at such a program, including providing information on any staff changes, including changes to any staff member's qualifications, roles, or responsibilities, not later than 10 days after such changes occur.

(I) Each staff member at a covered program described in subclause (I) or (II) of section 2(4)(A)(i) shall be required, as a condition of employment, to be familiar with the signs, symptoms, and appropriate responses associated with heatstroke, dehydration, and hypothermia.

(J) Each staff member, including volunteers, shall be required, as a condition of employment, to submit to a criminal history check, including a name-based search of the National Sex Offender Registry established pursuant to the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248; 42 U.S.C. 16901 et seq.), a search of the State criminal registry or repository in the State in which the covered program is operating, and a Federal Bureau of Investigation fingerprint check. An individual shall be ineligible to serve in a position with any contact with children at a covered program if any such record check reveals a felony conviction for child abuse or neglect, spousal abuse, a crime against children (including child pornography), or a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

(K) Policies and procedures for the provision of emergency medical care, including policies for staff protocols for implementing emergency responses.

(L) All promotional and informational materials produced by such a program shall include a hyperlink to or the URL address of the website created by the Assistant Secretary pursuant to subsection (c)(1)(A).

(M) Policies to require parents or legal guardians of a child attending such a program—

(i) to notify, in writing, such program of any medication the child is taking;

(ii) to be notified within 24 hours of any changes to the child's medical treatment and the reason for such change; and

(iii) to be notified within 24 hours of any missed dosage of prescribed medication.

(N) Procedures for notifying immediately, to the maximum extent practicable, but not later than within 48 hours, parents or legal guardians with children at such a program of any—

(i) on-site investigation of a report of child abuse and neglect;

(ii) violation of the health and safety standards described in this paragraph; and

(iii) violation of State licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act.

(O) Other standards the Assistant Secretary determines appropriate to provide for the basic health and safety of children at such a program.

(2) REGULATIONS.—

(A) INTERIM REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate and enforce interim regulations to carry out paragraph (1).

(B) PUBLIC COMMENT.—The Assistant Secretary shall, for a 90-day period beginning on the date of the promulgation of interim regulations under subparagraph (A) of this paragraph, solicit and accept public comment concerning such regulations. Such public comment shall be submitted in written form.

(C) FINAL REGULATIONS.—Not later than 90 days after the conclusion of the 90-day period referred to in subparagraph (B) of this paragraph, the Assistant Secretary shall promulgate and enforce final regulations to carry out paragraph (1).

(b) MONITORING AND ENFORCEMENT.—

(1) ON-GOING REVIEW PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall implement an on-going review process for investigating and evaluating reports of child abuse and neglect at covered programs received by the Assistant Secretary from the appropriate State, in accordance with section 114(b)(3) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act. Such review process shall—

(A) include an investigation to determine if a violation of the standards required under subsection (a)(1) has occurred;

(B) include an assessment of the State's performance with respect to appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and appropriateness of legal action against responsible parties in such cases;

(C) be completed not later than 60 days after receipt by the Assistant Secretary of such a report;

(D) not interfere with an investigation by the State or a subdivision thereof; and

(E) be implemented in each State in which a covered program operates until such time as each such State has satisfied the requirements under section 114(c) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act, as determined by the Assistant Secretary, or two years has elapsed from the date that such review process is implemented, whichever is later.

(2) CIVIL PENALTIES.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate regulations establishing civil penalties for violations of the standards required under subsection (a)(1). The regulations establishing such penalties shall incorporate the following:

(A) Any owner or operator of a covered program at which the Assistant Secretary has found a violation of the standards required under subsection (a)(1) may be assessed a civil penalty not to exceed $50,000 per violation.

(B) All penalties collected under this subsection shall be deposited in the appropriate account of the Treasury of the United States.

(c) DISSEMINATION OF INFORMATION.—The Assistant Secretary shall establish, maintain, and disseminate information about the following:

(1) Websites made available to the public that contain, at a minimum, the following:

(A) The name and each location of each covered program, and the name of each owner and operator of each such program, operating in each State, and information regarding—

(i) each such program's history of violations of—

(I) regulations promulgated pursuant to subsection (a); and

(II) section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(ii) each such program's current status with the State licensing requirements under section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(iii) any deaths that occurred to a child while under the care of such a program, including any such deaths that occurred in the five year period immediately preceding the date of the enactment of this Act, and including the cause of each such death;

(iv) owners or operators of a covered program that was found to be in violation of the standards required under subsection (a)(1), or a violation of the licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act, and who subsequently own or operate another covered program; and

(v) any penalties levied under subsection (b)(2) and any other penalties levied by the State, against each such program.

(B) Information on best practices for helping adolescents with mental health disorders, conditions, behavioral challenges, or alcohol or substance abuse, including information to help families access effective resources in their communities.

(2) A national toll-free telephone hotline to receive complaints of child abuse and neglect at covered programs and violations of the standards required under subsection (a)(1).

(d) ACTION.—The Assistant Secretary shall establish a process to—

(1) ensure complaints of child abuse and neglect received by the hotline established pursuant to subsection (c)(2) are promptly reviewed by persons with expertise in evaluating such types of complaints;

(2) immediately notify the State, appropriate local law enforcement, and the appropriate protection and advocacy system of any credible complaint of child abuse and neglect at a covered program received by the hotline;

(3) investigate any such credible complaint not later than 30 days after receiving such complaint to determine if a violation of the standards required under subsection (a)(1) has occurred; and

(4) ensure the collaboration and cooperation of the hotline established pursuant to subsection (c)(2) with other appropriate National, State, and regional hotlines, and, as appropriate and practicable, with other hotlines that might receive calls about child abuse and neglect at covered programs.

SEC. 4. ENFORCEMENT BY THE ATTORNEY GENERAL.

If the Assistant Secretary determines that a violation of subsection (a)(1) of section 3 has not been remedied through the enforcement process described in subsection (b)(2) of such section, the Assistant Secretary shall refer such violation to the Attorney General for appropriate action. Regardless of whether such a referral has been made, the Attorney General may, *sua sponte*, file a complaint in any court of competent jurisdiction seeking equitable relief or any other relief authorized by this Act for such violation.

SEC. 5. REPORT.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services, in coordination with the Attorney General shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities carried out by the Assistant Secretary and the Attorney General under this Act, including—

(1) a summary of findings from on-going reviews conducted by the Assistant Secretary pursuant to section 3(b)(1), including a description of the number and types of covered programs investigated by the Assistant Secretary pursuant to such section;

(2) a description of types of violations of health and safety standards found by the Assistant Secretary and any penalties assessed;

(3) a summary of State progress in meeting the requirements of this Act, including the requirements under section 114 of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(4) a summary of the Secretary's oversight activities and findings conducted pursuant to subsection (d) of such section 114; and

(5) a description of the activities undertaken by the national toll-free telephone hotline established pursuant to section 3(c)(2).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Health and Human Services $15,000,000 for each of fiscal years 2009 through 2013 to carry out this Act (excluding the amendment made by section 7 of this Act and section 8 of this Act).

SEC. 7. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.

(a) IN GENERAL.—Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

"SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) CHILD.—The term 'child' means an individual who has not attained the age of 18.

''(2) COVERED PROGRAM.—

''(A) IN GENERAL.—The term 'covered program' means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

''(i) provides a residential environment, such as—

''(I) a program with a wilderness or outdoor experience, expedition, or intervention;

''(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

''(III) a therapeutic boarding school; or

''(IV) a behavioral modification program; and

''(ii) operates with a focus on serving children with—

''(I) emotional, behavioral, or mental health problems or disorders; or

''(II) problems with alcohol or substance abuse.

''(B) EXCLUSION.—The term 'covered program' does not include—

''(i) a hospital licensed by the State; or

''(ii) a foster family home that provides 24-hour substitute care for children place away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home.

''(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

''(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under section 106, a State shall—

''(1) not later than three years after the date of the enactment of this section, develop policies and procedures to prevent child abuse and neglect at covered programs operating in such State, including having in effect health and safety licensing requirements applicable to and necessary for the operation of each location of such covered programs that include, at a minimum—

''(A) standards that meet or exceed the standards required under section 3(a)(1) of the Stop Child Abuse in Residential Programs for Teens Act of 2008;

''(B) the provision of essential food, water, clothing, shelter, and medical care necessary to maintain physical health, mental health, and general safety of children at such programs;

''(C) policies for emergency medical care preparedness and response, including minimum staff training and qualifications for such responses; and

''(D) notification to appropriate staff at covered programs if their position of employment meets the definition of mandated reporter, as defined by the State;

''(2) develop policies and procedures to monitor and enforce compliance with the licensing requirements developed in accordance with paragraph (1), including—

''(A) designating an agency to be responsible, in collaboration and consultation with State agencies providing human services (including child protective services, and services to children with emotional, psychological, developmental, or behavioral dysfunctions, impairments, disorders, or alcohol or substance abuse), State law enforcement officials, the appropriate protection and advocacy system, and courts of competent jurisdiction, for monitoring and enforcing such compliance;

''(B) establishing a State licensing application process through which any individual seeking to operate a covered program would be required to disclose all previous substantiated reports of child abuse and neglect and all child deaths at any businesses previously or currently owned or operated by such individual, except that substantiated reports of child abuse and neglect may remain confidential and all reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect;

''(C) conducting unannounced site inspections not less often than once every two years at each location of a covered program;

''(D) creating a non-public database, to be integrated with the annual State data reports required under section 106(d), of reports of child abuse and neglect at covered programs operating in the State, except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect; and

''(E) implementing a policy of graduated sanctions, including fines and suspension and revocation of licences, against covered programs operating in the State that are out of compliance with such health and safety licensing requirements;

''(3) if the State is not yet satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary and the appropriate protection and advocacy system of any report of child abuse and neglect at a covered program operating in the State not later than 30 days after the appropriate State entity, or subdivision thereof, determines such report should be investigated and not later than 48 hours in the event of a fatality;

''(4) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary if—

''(A) the State determines there is evidence of a pattern of violations of the standards required under paragraph (1) at a covered program operating in the State or by an owner or operator of such a program; or

''(B) there is a child fatality at a covered program operating in the State;

''(5) develop policies and procedures for establishing and maintaining a publicly available database of all covered programs operating in the State, including the name and each location of each such program and the name of the owner and operator of each such program, information on reports of substantiated child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect and that such database shall include and provide the definition of 'substantiated' used in compiling the data in cases that have not been finally adjudicated), violations of standards required under paragraph (1), and all penalties levied against such programs;

''(6) annually submit to the Secretary a report that includes—

''(A) the name and each location of all covered programs, including the names of the owners and operators of such programs, operating in the State, and any violations of State licensing requirements developed pursuant to subsection (b)(1); and

''(B) a description of State activities to monitor and enforce such State licensing requirements, including the names of owners and operators of each covered program that underwent a site inspection by the State, and a summary of the results and any actions taken; and

''(7) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures to report to the appropriate protection and advocacy system any case of the death of an individual under the control or supervision of a covered program not later than 48 hours after the State is informed of such death.

''(c) SECRETARIAL DETERMINATION.—The Secretary shall not determine that a State's licensing requirements, monitoring, and enforcement of covered programs operating in the State satisfy the requirements of this subsection (b) unless—

''(1) the State implements licensing requirements for such covered programs that meet or exceed the standards required under subsection (b)(1);

''(2) the State designates an agency to be responsible for monitoring and enforcing compliance with such licensing requirements;

''(3) the State conducts unannounced site inspections of each location of such covered programs not less often than once every two years;

''(4) the State creates a non-public database of such covered programs, to include information on reports of child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect);

''(5) the State implements a policy of graduated sanctions, including fines and suspension and revocation of licenses against such covered programs that are out of compliance with the health and safety licensing requirements under subsection (b)(1); and

''(6) after a review of assessments conducted under section 3(b)(2)(B) of the Stop Child Abuse in Residential Programs for Teens Act of 2008, the Secretary determines the State is appropriately investigating and responding to allegations of child abuse and neglect at such covered programs.

''(d) OVERSIGHT.—

''(1) IN GENERAL.—Beginning two years after the date of the enactment of the Stop Child Abuse in Residential Programs for Teens Act of 2008, the Secretary shall implement a process for continued monitoring of each State that is determined to be satisfying the licensing, monitoring, and enforcement requirements of subsection (b), in accordance with a determination made pursuant to subsection (c), with respect to the performance of each such State regarding—

''(A) preventing child abuse and neglect at covered programs operating in each such State; and

''(B) enforcing the licensing standards described in subsection (b)(1).

''(2) EVALUATIONS.—The process required under paragraph (1) shall include in each State, at a minimum—

''(A) an investigation not later than 60 days after receipt by the Secretary of a report from a State, or a subdivision thereof, of child abuse and neglect at a covered program operating in the State, and submission of findings to appropriate law enforcement or other local entity where necessary, if the report indicates—

''(i) a child fatality at such program; or

''(ii) there is evidence of a pattern of violations of the standards required under subsection (b)(1) at such program or by an owner or operator of such program;

''(B) an annual review by the Secretary of cases of reports of child abuse and neglect investigated at covered programs operating in the State to assess the State's performance with respect to the appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and the appropriateness of legal actions taken against responsible parties in such cases; and

''(C) unannounced site inspections of covered programs operating in the State to monitor compliance with the standards required under section 3(a) of the Stop Child Abuse in Residential Programs for Teens Act of 2008.

''(3) ENFORCEMENT.—If the Secretary determines, pursuant to an evaluation under this subsection, that a State is not adequately implementing, monitoring, and enforcing the licensing requirements of subsection (b)(1), the Secretary shall require, for a period of not less than one year, that—

''(A) the State shall inform the Secretary of each instance there is a report to be investigated of child abuse and neglect at a covered program operating in the State; and

''(B) the Secretary and the appropriate local agency shall jointly investigate such report.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended by inserting before the period at the end the following: '', and $235,000,000 for each of fiscal years 2009 through 2013''.

(c) CONFORMING AMENDMENTS.—

(1) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1)(D) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)(D)) is amended by inserting after ''specific'' the following: ''(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)''.

(2) FURTHER REQUIREMENT.—Section 106(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(1)) is amended by adding at the end the following new subparagraph:

''(C) FURTHER REQUIREMENT.—To be eligible to receive a grant under this section, a State shall comply with the requirements under section 114(b) and shall include in the State plan submitted pursuant to subparagraph (A) a description of the activities the State will carry out to comply with the requirements under such section 114(b).''.

(3) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended—

(A) in paragraph (1), by inserting before the period at the end the following: ''(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)''; and

(B) in paragraph (6), by inserting before the period at the end the following: ''or who were in the care of a covered program, as such term is defined in section 114''.

(d) CLERICAL AMENDMENT.—Section 1(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended by inserting after the item relating to section 113 the following new item:

''Sec. 114. Additional eligibility requirements for grants to States to prevent child abuse and neglect at residential programs.''.

SEC. 8. STUDY AND REPORT ON OUTCOMES IN COVERED PROGRAMS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study, in consultation with relevant agencies and experts, to examine the outcomes for children in both private and public covered programs under this Act encompassing a broad representation of treatment facilities and geographic regions.

(b) REPORT.—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 6358, the Stop Child Abuse in Residential Programs for Teens Act of 2008.

This legislation incorporates the bipartisan compromise amendment to H.R. 5876 that this House debated yesterday and supported by a vote of 422 in a recorded vote that was taken on the substitute amendments.

The ranking member, Mr. MCKEON, and I worked together to develop this compromise legislation because we both agree that children's health and safety should never be a partisan issue.

The Government Accountability Office has found thousands of cases and allegations of child abuse and neglect, stretching back decades, to teen residential programs, including boot camps, wilderness camps, and therapeutic boarding schools.

The Education and Labor Committee has closely reviewed dozens of serious neglect and abuse cases, including cases that resulted in the death of a child. We have heard from parents of

children who died of preventable causes at the hands of untrained, uncaring staff members. We have heard from adults who attended these programs as teens. They too were the victims of physical and emotional abuse and witnessed other children being abused. These abuses have been allowed to go on because of the weak State and Federal rules governing teen residential programs.

An 18-month study by the Government Accountability Office showed that State licensing may exclude certain types of teen residential programs and thus place children at higher risk of abuse and neglect. In some States inconsistent licensing enables programs to define themselves out of the licensing altogether. According to GAO, in Texas a program that calls itself a residential treatment center would be required to obtain a license, but if that same program simply called itself a boarding school, it would not be required to have that license, and that's why this legislation is terribly important.

□ 1730

Parents send their children to these programs because they feel they have exhausted their alternatives. Their children may be abusing drugs or alcohol, attempting to run away or physically harm themselves, or otherwise acting out. They turn to these programs because the promise of staff members that will help their children straighten out their lives. And surely there are many cases in which programs do provide families the help they need. These parents are desperate and their children are in deep trouble.

But in far too many cases, when parents turn to those programs, they find they are getting conflicted information by people who have conflicts of interest in recommending the care for their children, financial conflicts of interest, ownership issues, and relationship issues that conflict that kind of advice.

We also know that we see programs that violate the trust that must be established between the parent and these programs and the programs and the children. It's very difficult for these parents to find good programs and to find accurate information, since the reporting requirements are so thin or nonexistent in so many States.

This legislation requires the Department of Health and Human Services to establish minimum standards for residential programs, and to enforce them. Ultimately, however, the States will have primary responsibility for carrying out the work of this bill.

The legislation calls upon the States within 3 years to take up the role of setting standards and enforcing them at all programs, public and private. The Health and Human Services and the State standards would include prohibitions on physical, sexual, and mental abuse of children. The standards would require the programs to provide children with adequate food, water, and medical care.

They would require that programs have plans in place to handle medical emergencies. They would also include new training requirements for program staff, including the training on how to identify and report child abuse.

The legislation requires Health and Human Services to set up a toll-free hotline for people to call to report abuse in these programs. It also requires Health and Human Services to create a Web site for information about each program so that parents can look and see if substantiated cases of child abuse or a child fatality has occurred at the program that they are considering for their children.

Finally, the legislation requires programs to disclose to parents the qualifications, roles, and responsibilities of all current staff members, and requires programs to notify parents of substantiated child abuse or violations of health and safety laws.

Madam Speaker, we have the responsibility to keep children safe, no matter what setting they are in. Today, we are taking an important step to finally ending the horrific abuses that have gone on in these residential programs for teens.

I want to thank again Congresswoman MCCARTHY of New York for all of her help and work on this legislation, and Congressman MCKEON for all of his work on this legislation. His suggestions as the bill left the committee made this a better piece of legislation, and I encourage my colleagues to support the bipartisan legislation.

I reserve the balance of my time.

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

I rise today in support of H.R. 6358, the Stop Child Abuse in Residential Programs for Teens Act. H.R. 6358 puts protections in place to guard against abuse, neglect, and death at residential treatment programs. These residential treatment programs help seriously troubled teens with drug addiction or behavioral or emotional problems. For many parents, they are a last resort when no other treatments or interventions have worked.

Members on both sides of the aisle share a commitment to protect young people enrolled in residential treatment programs. Even one instance of abuse, neglect, or death is one too many.

The bill we are considering today has been developed in an effort to reach a bipartisan consensus. It's important to note that the provisions in the version of this bill that the Education and Labor Committee reported in May have been revised or edited, including the requirement for the Department of Health and Human Services to establish a new bureaucracy to inspect every private residential treatment program in every State, and the requirement creating a new private right of action for lawsuits.

This legislation ensures that the standards required in the bill apply to both public and private residential treatment programs. The language also contains strong background check requirements that ensure that before coming into contact with children, potential employees are thoroughly scrutinized with tools, including the National Sex Offender Registry and an FBI fingerprint check.

Stopping child abuse is a necessary and essential function of State and local government. It is clear to me that the most effective and appropriate way to protect those enrolled in these programs is to require States to establish a system of standards, licensure, and regulation to ensure that States are working to stop instances of abuse and neglect at residential treatment programs. The Federal role is to ensure that States live up to their vital responsibilities in stopping abuse in these facilities.

In this bill, the responsibility for licensing and inspecting these programs rests with the States and is tied to their receipt of funds under the Child Abuse Prevention and Treatment Act. The role of the Federal Government relates to establishing minimum standards and investigating instances of abuse and neglect upon a referral from a State.

I think Members on both sides of the aisle can agree that there's still more work to be done. Just yesterday, Congresswoman BACHMANN offered a proposal to strengthen parental notification and consent requirements regarding prescription medications given to teens at residential treatment facilities. Hopefully, this important issue will be further addressed as this legislation moves through the legislative process.

In closing, it's important to acknowledge the great progress that has already been made to strike a bipartisan consensus. I especially want to commend Chairman MILLER, Subcommittee Chairwoman MCCARTHY and Ranking Member MCKEON, along with their staffs, for working together to strengthen this important effort to protect our nation's teens against abuse and neglect in residential treatment facilities. I stand in strong support of this important legislation and encourage my colleagues to also support it.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I want to thank Congressman PLATTS for his support of this legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 6358, "Stop the Child Abuse in Residential Programs for Teens". I would like to thank my colleagues on the Committee on Education and Labor for bringing this very important legislation to the floor.

On Capitol Hill we often debate matters that can address varying viewpoints. I believe that this legislation can only be looked at from two angles—right and wrong. I do believe that this bill must restore the spot check visits by HHS which have been deleted—the agencies in Texas are guilty of many abuses and these visits can save children's lives.

They are everybody's children, and nobody's children. They are the forgotten children in the Texas foster care and residential care system. Black, White, Hispanic, and Asian—they all need the love of a mother, the nurturing of a family, and the support of their community. Some of them find homes with caring foster parents or in treatment centers with experienced and caring providers. And some do not.

This legislation allows us to keep our children safe with:

New national standards for private and public residential programs:

Prohibit programs from physically, mentally, or sexually abusing children in their care;

Prohibit programs from denying children essential water, food, clothing, shelter, or medical care—whether as a form of punishment or for any other reason;

Require that programs only physically restrain children if it is necessary for their safety or the safety of others, and to do so in a way that is consistent with existing Federal law on the use of restraints;

Require programs to provide children with reasonable access to a telephone and inform children of their right to use the phone;

Require programs to train staff in understanding what constitutes child abuse and neglect and how to report it; and

Require programs to have plans in place to provide emergency medical care.

Prevent deceptive marketing by residential programs for teens:

Require programs to disclose to parents the qualifications, roles, and responsibilities of all current staff members;

Require programs to notify parents of substantiated reports of child abuse or violations of health and safety laws; and

Require programs to include a link or Web address for the Web site of the U.S. Department of Health and Human Services, which will carry information on residential programs.

Hold teen residential programs accountable for violating the law:

Require States to inform the U.S. Department of Health and Human Services of reports of child abuse and neglect at covered programs and require HHS to conduct investigations of such programs to determine if a violation of the national standards has occurred; and

Give HHS the authority to assess civil penalties of up to $50,000 against programs for every violation of the law.

Ask States to step in to protect teens in residential programs: Three years after enactment, the legislation would provide certain Federal grant money to States only if they develop their own licensing standards (that are at least as strong as national standards) for public and private residential programs for teens and implement a monitoring and enforcement system, including conducting unannounced site inspections of all programs at least once every 2 years. The Department of Health and Human Services would continue to inspect programs where a child fatality has occurred or where a pattern of violations has emerged.

This legislation seeks to protect the unprotected—our children—from abuse, neglect and exploitation. Many of these children are not safe, and their futures are uncertain. The groups serving children and adolescents with mental health or substance use conditions need better regulation. The youth boot camps and other "alternative placement facilities" should be forced to provide greater transparency as to the policies and practices of their programs.

This legislation is a welcomed and needed response to numerous studies documenting the ineffectiveness of these programs and, in several instances, the tragic deaths as a result of child abuse and neglect as reported by the GAO in October 2007. Too many families struggle mightily in nearly every State to find placements, when appropriate, for their children that will address their complex mental health needs.

These facilities flourish, in part, because parents lack the necessary information about the operation and practices of these programs. The promise of help cannot be allowed to obscure the fact that these kinds of programs are not science-based and have not been forthcoming about the incidence of neglect or abuse.

This addresses the challenges facing many families. It seeks relief from these risks by (1) establishing standards for these programs that are consistent with current child protection laws; (2) ensuring that personnel are qualified; (3) shifting these programs to be family-centered, as well as culturally and developmentally appropriate; (4) creating mechanisms for the monitoring and enforcement of these goals; (5) calling for greater transparency and accessibility to the compliance of these standards; and (6) providing grants to States for the prevention of child abuse and neglect and for the treatment of children's mental health or substance use conditions.

Additionally, the annual report to Congress is an effective tool in ensuring that these critical issues emerge from the shadows and see the light of day. I share the vision and commitment of Chairman MILLER and the Education and Labor Committee in protecting our youth from such predators.

I urge my colleagues to vote for our children, vote for our families, and vote for H.R. 6358.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 6358.

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

The yeas and nays were ordered.

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

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6052, SAVING ENERGY THROUGH PUBLIC TRANSPORTATION ACT OF 2008

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–734) on the resolution (H. Res. 1304) providing for consideration of the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: motion to suspend with respect to H.R. 6358; passage of H.R. 3195; and motion to instruct on H.R. 4040.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6358, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 6358.

The vote was taken by electronic device, and there were—yeas 318, nays 103, not voting 13, as follows:

[Roll No. 459]

YEAS—318

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
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
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez

Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—103

Aderholt
Akin
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Burton (IN)
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Duncan
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McMorris Rodgers
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Paul
Pence
Peterson (PA)
Pitts
Poe
Price (GA)
Radanovich
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Thornberry
Turner
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf

NOT VOTING—13

Cannon
Cubin
Fossella
Gilchrest
Johnson (GA)
Lampson
Mahoney (FL)
McCotter
Putnam
Rush
Snyder
Speier
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that less than 2 minutes remain on this vote.

□ 1803

Messrs. EVERETT, WITTMAN of Virginia, BOOZMAN, Mrs. SCHMIDT, Messrs. MICA and SMITH of Texas, and Mrs. MUSGRAVE changed their vote from ''yea'' to ''nay.''

Messrs. KUCINICH, BOUSTANY, GALLEGLY, CULBERSON, WALBERG, Ms. FALLIN, Messrs. LEWIS of California, MORAN of Kansas, and Mr. ISSA changed their vote from ''nay'' to ''yea.''

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.

ADA AMENDMENTS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the passage of the bill, H.R. 3195, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 17, not voting 15, as follows:

[Roll No. 460]

YEAS—402

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)
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
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
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
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
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
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
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
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
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
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz

Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—17

Broun (GA)
Campbell (CA)
Doolittle
Duncan
Flake
Garrett (NJ)
Gohmert
Hensarling
Kingston
Linder
Marchant
Paul
Poe
Price (GA)
Tancredo
Weldon (FL)
Westmoreland

NOT VOTING—15

Cannon
Cubin
Fossella
Gilchrest
Johnson (GA)
Lampson
Mahoney (FL)
McCotter
Putnam
Rush
Slaughter
Snyder
Souder
Speier
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are less than 2 minutes remaining in this vote.

□ 1811

Mr. RYAN of Wisconsin changed his 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.

PERSONAL EXPLANATION

Mr. WELLER of Illinois. Madam Speaker, on rollcall Nos. 459 and 460, I was detained in traffic. Had I been present, I would have voted "yea."

MOTION TO INSTRUCT CONFEREES ON H.R. 4040, CONSUMER PRODUCT SAFETY MODERNIZATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4040 offered by the gentleman from Illinois (Mr. KIRK) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

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

This is 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. 461]

YEAS—415

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)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
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
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
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
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
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
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
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)

NOT VOTING—19

Cannon
Cubin
Fossella
Gilchrest
Jefferson
Johnson (GA)
Kaptur
Lampson
Loebsack
Mahoney (FL)
Marchant
McCotter
Putnam
Rush
Simpson
Snyder
Speier
Walsh (NY)
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1818

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL TO COMMEMORATE 60TH ANNIVERSARY OF THE INTEGRATION OF THE UNITED STATES ARMED FORCES

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 377) authorizing the use of the rotunda of the Capitol for a ceremony commemorating the 60th Anniversary of the beginning of the integration of the United States Armed Forces, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 377

Whereas African American men and women have served with distinction, courage, and honor in the United States Armed Forces throughout the history of the nation, even when they were denied the basic constitutional freedoms promised to all citizens;

Whereas the practice of racial segregation and discrimination in the military prevented African Americans from receiving the full recognition to which they were entitled as a result of their service;

Whereas African Americans, in leading the effort to protest discriminatory treatment in the armed forces, paved the way for successful integration of women, Asians, Hispanics, and other ethnic minorities;

Whereas the dedicated and heroic service of African American men and women during World War II led to President Truman's historic executive order 60 years ago that marked the beginning of racial integration in the United States Armed Forces;

Whereas as a result of President Truman's action, the United States Armed Forces has become one of the nation's best examples of an institution committed to equality, opportunity, and advancement based on merit rather than race, religion, or ethnicity; and

Whereas the heroic contributions of each member of the United States Armed Forces should be honored and celebrated: Now, therefore, be it

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

SECTION 1. USE OF ROTUNDA FOR CEREMONY COMMEMORATING 60TH ANNIVERSARY OF INTEGRATION OF THE ARMED FORCES.

(a) USE OF ROTUNDA.—The rotunda of the Capitol is authorized to be used on July 23, 2008, for a ceremony commemorating the 60th anniversary of President Truman's Executive Order No. 9981, which states, ''It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin.''.

(b) PREPARATIONS.—Physical preparations for the ceremony referred to in subsection (a) shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H. Con. Res. 377.

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

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this concurrent resolution provides for the use of the Capitol rotunda to mark the 60th anniversary of the integration of the United States Armed Forces. I support the resolution.

Mr. Speaker, 60 years ago, President Harry Truman issued Executive Order 9981, which established the President's Committee on Equality of Treatment and Opportunity in the Armed Forces. Determined to end segregation in the Armed Forces, President Truman issued this historic directive to end discrimination experienced by African American soldiers.

Executive Order 9981 was successful in ending racial segregation in the military and its effect is long-standing. As a result of the directive, segregation based on creed, gender, and national origin was also abolished. It is important we recognize such an historic victory for civil rights and for our Armed Forces.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while we wait to find out what we are going to do tomorrow and whether there will be a real energy bill presented to this floor, or some more energy fluff, I do rise today in support of H. Con. Res. 377 which would authorize use of the rotunda of the Capitol to commemorate the 60th anniversary of the beginning of the integration of the United States Armed Forces.

On July 26, 1948, President Harry Truman signed Executive Order 9981, which provided for the equal treatment of blacks serving in the military. We should remember that previous attempts had been made to integrate the Armed Forces. In fact, during our Revolutionary War, approximately 5,000 African Americans served in integrated units. They served in many different capacities, including as artillerymen infantrymen, laborers, and even entertainers. Each served our Nation proudly, protecting the freedoms that they themselves had not yet come to know.

With a new century, though, came political realities that would once again segregated the military. Nearly 50 years passed until once again blacks and whites were able to stand shoulder to shoulder, as a unit defined not by color, but by a commitment to freedom and love of country. President Truman's executive order to integrate the military also laid the groundwork for other minorities to gain those same rights, paving the way for the diverse group of men and women of all backgrounds who today serve in our military.

I urge my colleagues to join me in supporting H. Con. Res. 377, so we may mark the historic occasion of the integration of our Nation's Armed Forces with a ceremony here in our Nation's capital at the Capitol rotunda in a manner that would truly honor the sacrifice that men and women of all backgrounds have made to our Nation throughout history.

As I understand the gentlelady has no further speakers, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I have no further speakers, and I just urge that Members support H. Con. Res. 377 which provides for use of the Capitol rotunda marking the 60th anniversary of the integration of the United States Armed Forces.

Mr. SKELTON. Mr. Speaker, I rise in strong support of H. Con. Res. 377 to authorize the use of the rotunda of the Capitol for a ceremony commemorating the 60th anniversary of the beginning of the integration of the United States Armed Forces. The historic document that began the process of integration was Executive Order 9981 issued by President Harry S. Truman, my fellow Missourian.

History has well documented that President Truman was a man of great principle and courage. He was by all accounts a man that did not shrink from responsibility even when the decisions were very difficult. The employment of atomic weapons at the end of World War II, the Berlin airlift at the beginning of the cold war, and the Korean war are but few examples of his leadership during crisis.

However, I believe it is his decision to declare that each person in the military is deserving of equal treatment and opportunity, regardless of race, color, religion, and national origin that most reflects his personal commitment to his core beliefs.

His July 26, 1948 Executive order was no weak-kneed statement designed to fit the political expediency of the era. Executive Order 9981 was a bold statement that reflected his heartfelt commitment to the civil rights of all Americans and the American style of freedom that became a beacon of hope for so many people throughout the world during World War II. This powerful statement of equality in treatment and opportunity reflects the highest standards of democracy and lived up to the American spirit that we all cherish.

President Truman saw much in the professional and heroic performance of African Americans during World War II that demanded he issue his Executive order. The exploits of African Americans that carried out the Red Ball Express, flew with the 99th fighter squadron, and served as Tuskegee Airmen are legendary. There were also stories of the many individual heroes during World War II like the seven African Americans who were finally awarded the Medal of Honor for their long-overlooked World War II heroism in 1997. Like all the other wars that preceded World War II, African Americans had played an important role during war and Harry Truman was determined to set the record straight.

The 60th anniversary of President Truman's Executive order to begin the integration of the Armed Forces is a pivotal event in United States history that is deserving of a ceremony in the rotunda of the Capitol. I thank Chairman BRADY and the staff of the House Administration Committee for helping to move this resolution so expeditiously and I strongly encourage my colleagues to support H. Con. Res. 377.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 377, as amended.

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

A motion to reconsider was laid on the table.

CIVIL RIGHTS FOR THE DISABLED

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to enthusiastically support the legislation that we just debated on the floor of the House. Having been detained in my Committee on Transportation Security and Critical Infrastructure during the debate, I wanted to come and support H.R. 3195, the ADA Restoration Act of 2007. This is truly a civil rights initiative, and it is important to restore the basic support and rights of those who are disabled in America.

Unfortunately, through the Supreme Court's narrow decision and definition

of the word ''disability,'' it made it very difficult for individuals with serious health conditions such as epilepsy, diabetes, cancer, muscular dystrophy, multiple sclerosis, and severe intellectual impairments to prove that they qualify for protection under the ADA.

The Supreme Court narrowed that definition in two ways: one by ruling that mitigation measures that help control an impairment, like medicine or hearing aids or other devices, must be considered a deserving disability; and, two, ruling that the elements of the definition must be interpreted strictly to create a demanding standard for qualifying as disabled.

Mr. Speaker, enough is enough. The civil rights of all Americans are an important constitutional element. We hold these truths to be self-evident that we are all created equal. This legislation, H.R. 3195, restores those rights. And I would like to affirm that my vote in the Judiciary Committee was a resounding ''yes.'' The fact that I was detained, I want that to be reflected in the report.

This is an important bill. This bill is heavily supported, and I throw my support to a new civil rights law in America.

GET WITH THE PROGRAM

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

Mr. BURTON of Indiana. Mr. Speaker, the people of this country are pretty smart. They watch television and they listen to all of the political rhetoric and the hot air that comes out of this place, and they listen to all the press conferences, but they know, they know gas prices are too high and they know we ought to be energy independent and they know that we ought to drill in the United States so we can be energy independent. They know that it is affecting their prices at the grocery store and everything that they buy. They want us to be energy independent. They want us to drill in the ANWR and they want us to drill offshore in the Outer Continental Shelf. They want us to do what is right in this body. And we are not doing it.

I want to say to my colleagues who are giving all of this hot air out about we shouldn't be doing it and about permits and everything else, the American people know they want us drilling in America. They want energy independence, and you guys had better get with the program.

STEER DRIVE ACT TO FLOOR

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

Mr. KINGSTON. Mr. Speaker, you know one thing that this Congress is not doing is sitting down and really trying to figure out where the Democrats and the Republicans agree on this energy challenge. ELIOT ENGEL and I 2 years ago sat down and wrote a bill called the DRIVE Act. We left off drilling and we left off cafe standards; and we asked, what is it that builds the most consensus?

That bill takes us off of Mid East oil by the year 2025. It is something that should come to the floor. It makes sense. It has a lot of commonsense things, like ending the tariff on imported Brazilian surplus ethanol.

Think about that for a minute. Brazil has surplus ethanol that they are ready to sell to us right now, and we have a tariff on it. It is absurd. That is just one component of the DRIVE Act that makes sense. And I request that we bring this bill to the floor of the House for a good bipartisan debate and hopefully a good bipartisan passage.

□ 1830

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the 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.)

WAR POWERS COURT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, forget about the days of judicial restraint. Those are the days when the Supreme Court thought their job was to interpret the law and follow the Constitution. The Supreme Court now has ushered in a new era power grab called judicial imperialism.

Recently, the deeply divided Supreme Court, or the war powers court, as we shall call it, issued a ruling by Justice Kennedy that gave terrorists the right to argue their cases in Federal courts. In this 5–4 decision, the court held that terrorism detainees captured on the battlefield engaged in war against America now held at Guantanamo Bay prison and other prison facilities under U.S. control have the same rights as American citizens.

When I was at Gitmo prison, which I doubt Justice Kennedy has ever seen, I saw several detainees that had been captured, released, and captured again on the battlefield trying to kill Americans. I'm sure these enemy combatants are partying in Guantanamo prison tonight.

Under the current law, individuals captured as enemy combatants have their cases reviewed by military commissions. It has always been the law under our Constitution that the President is the Commander in Chief of the military, and the President and Congress control war, not the nine justices on the Supreme Court. But the imperialistic war powers court ruled that these military commissions aren't fair enough for enemy combatants trying to kill American troops. It's interesting. These terrorists hate America, hate freedom, hate our way of life but quickly run to American courts to seek redress against Americans.

The five war power judges on the Supreme Court say these poor little misfits should have access to American courts, even though it is the first time in history we have given constitutional rights to combatants against the United States. Even in the War between the States, captured Confederate soldiers who were actually born in the United States were not allowed access to U.S. courts. They were tried by military tribunals. The same occurred in World War II when Nazis were tried by military tribunals. During the Revolutionary War, British spy John Andre was caught on U.S. soil spying with traitor Benedict Arnold. Andre was hung by the Commander in Chief, George Washington, and a military court without any judicial intervention.

So what is next? Are we going to make our boys read terrorists their Miranda rights in the battlefield before they capture them? Justice Scalia was right, Mr. Speaker. In his dissent he argued that this ruling will make the war on terror harder on us and will ''almost certainly cause more Americans to be killed.''

The Supreme Court is running roughshod over the Constitution of the United States and changing 200 years of judicial precedent. In fact, at the end of World War II, the Supreme Court explicitly determined in a series of cases that the writ of habeas corpus—that's an action that allows a person to seek relief from detention—does not apply to foreign combatants held outside the United States.

It gets down to this question, Mr. Speaker: Who should be running our wars? Should Congress and the executive branch be in charge of war, or should the Supreme Court, in all of its supreme knowledge, be running the war?

Well, according to the war powers court, they are the commanders in chief of the war. Now what does the imperialist war court want us to do with captured terrorists? Not capture them at all, or let them go so they can kill again?

While terrorists continue to use innocent women and children as shields, continue to bomb our troops, shoot our sons and daughters in the battlefield and behead American civilians and our troops without granting them any rights, the Supreme Court tells us these terrorists ought to be treated

like American citizens. The five imperialist judges on the Supreme Court have asserted the power of the Constitution that is reserved specifically to the executive branch and to the legislative branch.

Mr. Speaker, this ought not to be, but that's just the way it is.

CIGARETTE SMUGGLING BETWEEN STATES SHOULD BE A FELONY, NOT A MISDEMEANOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

Mr. WEINER. Mr. Speaker, I rise today to bring to the attention of the House a problem that exists, frankly, in all 50 States and is having a dramatic impact not only on individual States but having an impact tragically on our national security—the problem that tobacco excise taxes, which are levied State by State, have had the unwitting result of having a great incentive for people to smuggle tobacco over State lines. This is happening because of a weakness in the Federal law that makes it a misdemeanor to do so.

Let me explain to you exactly what happens. In a State like New York, for example, the New York State excise tax for each pack of cigarettes is $2.75. New York City adds another $1.50 to that tax. So the base tax on cigarettes in New York is the combination of $2.75 in the State, $1.50 in the city.

If you go to, say, North Carolina or another State that has a lower tax, there's an enormous amount of incentive for someone to buy the tobacco in a State like North Carolina, sell it in New York on the black market, or sell it on the Internet and wind up saving a great deal of money on that float between the two tax rates.

Now this is illegal under the Jenkins Act. However, it's hardly ever enforced, and when you ask folks at the ATF why it's not enforced, they say quite simply, because the Jenkins Act is too weak. It only makes it a misdemeanor to do these things.

What has become clear in recent months, though, and in recent years, according to the Government Accountability Office, according to the FBI, is that not only are people trying to make a couple of bucks doing this, but terrorist organizations have been funded.

According to a GAO investigation, what has happened is that tobacco is being bought in North Carolina where the tax is only five cents a pack and being resold in Michigan where the tax is 75 cents a pack. They're taking that extra 50 cents which, when you consider cases and cases, truckloads and truckloads, and where do the profits go? $1.5 million was shipped overseas to Lebanon to fund Hezbollah. This is just one example.

FBI Director Robert Mueller, when he testified about this problem before the Senate, said the following:

''Terrorists now increasingly have to rely on criminal organizations to travel from country to country for false identifications, for smuggling, being smuggled in or out of a country. They have to rely on other criminal organizations for money laundering. We have had a number of cases where Hezbollah, for instance, has utilized cigarette smuggling to generate revenues to support Hezbollah.''

In this GAO report that revealed this information, both DOJ—Department of Justice—and ATF suggested that if violations of the Jenkins Act were felonies instead of misdemeanors, U.S. Attorneys' Offices might be less reluctant to prosecute.

Well, I'm standing here to recommend that we do just that. We in the Crime Subcommittee of the Judiciary Committee recently had a hearing on my legislation which would do just that. It would raise the stakes on the Jenkins Act, and it would do something else. It would say that no longer can you transfer tobacco through the mail. In order for this selling to be done in a truly efficient way, you don't pack up a truck and drive it across lines; you get an Internet Web site and you offer to transport it over State lines using the mail service.

Now you can't use FedEx, you can't use UPS, and you can't use DHL. Why? Well, because they have all signed a compact, essentially a consent order saying they refuse to carry it. The only way to mail tobacco is through the United States Postal Service. So an additional thing the legislation would do would make that illegal.

This is a serious problem. As the tax goes up, as the difference between the State taxes goes up, it's no longer nickels and dimes, it's millions of dollars, millions of dollars that's going to black market tobacco that's funding nefarious activities and funding terrorism, and we should stop it.

IN DEFENSE OF LUNCHTIME PRAYER AT THE U.S. NAVAL ACADEMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, America was built on Judeo-Christian values. No one who knows the history of our nation can deny that freedom of religion played a critical part in its development. Yet there are those in our society who wish to threaten America's long history of religious freedom by limiting public expressions of religion by people of faith.

In 2001, the Virginia Chapter of the American Civil Liberties Union sued the Virginia Military Institute on behalf of two former cadets who opposed the school's nondenominational pre-supper prayer. In 2003, a three-judge panel of the Fourth Circuit Court of Appeals decided in favor of the ACLU and stripped VMI of its right to prayer, a tradition dating back to the school's founding in 1839. After the ACLU eliminated prayer at this State-supported school, the group expressed interest in locating Naval Academy graduates to file a suit similar against lunchtime prayer at Annapolis.

In response to this threat, I introduced the Military Academy First Amendment Protection Act, legislation to protect the ability of our military service academies to include the offering of a voluntary, nondenominational prayer as an element of their activities.

With the support of other Members of Congress, this legislation was included as a provision of the fiscal year 2006 National Defense Authorization Act which was signed by the President and became law on January 6, 2006. I am so grateful to my colleagues in both parties who stood with me and acted to protect prayer at the United States Military, Naval, and Air Force Academies.

Since their founding, America's military academies have instilled in our military leaders the principles of our Founding Fathers and the traditions of our great military services. However, today, the American Civil Liberties Union has threatened to sue Annapolis over its tradition of lunchtime prayer.

Mr. Speaker, this is an example of why America is in trouble. Prayer or devotional thought has taken place at meals for midshipmen since the Naval Academy was founded in 1845. These prayers are nondenominational and have been rotated among chaplains of different faiths, from the Catholic to the Protestant to the Rabbi. Those who choose to attend the United States Naval Academy know what the rules are from day one.

Legal threats by the ACLU are not made in the spirit of religious tolerance but in a spirit of intolerance of any expression of faith at all.

Congress has a legitimate role to play in ensuring that the first amendment rights of American citizens are protected. By passing legislation to ensure our service academies' right to offer a voluntary, nondenominational prayer at an otherwise authorized activity of the academy, Congress codifies its belief that decisions respecting prayer should remain in the hands of each service academy's superintendent.

□ 1845

I am pleased that the law protects the right of the superintendent of the Naval Academy to continue the long tradition of lunchtime prayer at Annapolis.

As mission-crucial institutions, it should be the military authorities, and not civilian courts, that decide what practices are essential to fostering leadership and accomplishing the unique military mission.

I am hopeful that my colleagues in Congress will continue to stand with me to ensure the protection of our future military heroes and their first amendment rights.

And I must say, Mr. Speaker, in closing, to those nine members of the

Naval Academy who joined the ACLU to sue Annapolis, all I can say is shame on you because America will not survive unless it protects the Judeo-Christian values of this great Nation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CALVERT) is recognized for 5 minutes.

(Mr. CALVERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

A REVISION TO THE BUDGET ALLOCATIONS, AGGREGATES, OR OTHER APPROPRIATE LEVELS FOR FISCAL YEARS 2008 AND 2009 AND THE PERIOD OF FISCAL YEARS 2009 THROUGH 2013

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 207 of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations, aggregates, or other appropriate levels for certain House committees for fiscal years 2008 and 2009 and the period of fiscal years 2009 through 2013. This revision represents an adjustment to certain House committee budget allocations, aggregates, and other appropriate levels for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to consideration of the bill H.R. 6275, Alternative Minimum Tax Relief Act of 2008. Corresponding tables are attached.

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation under section 323 of S. Con. Res. 70 is to be considered as an allocation included in the resolution.

Any questions may be directed to Ellen Balis or Gail Millar.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal years—		
	2008 [1]	2009 [1] [2]	2009–2013
Current Aggregates:			
Budget Authority	2,454,256	2,455,920	n.a.
Outlays	2,435,860	2,490,920	n.a.
Revenues	1,875,400	2,029,644	11,780,107
Change in Alternative Minimum Tax Relief Act (H.R. 6275):			
Budget Authority	0	0	n.a.
Outlays	0	0	n.a.
Revenues	0	−2,924	158
Revised Aggregates:			
Budget Authority	2,454,256	2,455,920	n.a.
Outlays	2,435,860	2,490,920	n.a.
Revenues	1,875,400	2,026,720	11,780,265

[1] Current aggregates do not include spending covered by section 301(b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, that will not be included in current level due to its emergency designation (section 301(b)(2)).

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. DONNELLY) is recognized for 5 minutes.

(Mr. DONNELLY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DUTY, HONOR AND COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. I rise, Mr. Speaker, to talk about duty, honor, and country.

Many times, Members of this great body rise to talk about those who wear the uniform of the United States who have fallen in the Iraq or the Afghanistan theater and to recount their actions and to recount their mission and to praise their motive and their patriotism and their love of this great country.

I rise tonight, Mr. Speaker, to talk about an American who was killed on the 24th of this month, not wearing the uniform of the United States in the military service, even though he had served in the military for some 31 years, but who was killed in a deadly area in Iraq as an American contractor, an American who had worked as a contractor for the Department of Defense and then the Department of State, Steven Farley.

Steven Farley represented the very best of this country, and I have a picture here, Mr. Speaker, that I'd like to show the Members. This is him in his Navy uniform. Before he donned this Navy uniform and finished a career of 31 years in the U.S. military, he served in the U.S. Army in Vietnam.

He was a man of service, and when he left his wonderful wife, Donna, and his family to go to Iraq, he told them that he understood that this was a difficult and dangerous mission. He worked on a provincial reconstruction team, and I think he represented a forgotten segment of this great effort, this effort to bring the sunlight of freedom to Iraq.

He represented those people that don't wear the uniform in this operation but who wear contractor uniforms, who go out into very dangerous places in Iraq. And in this case, Steven Farley was with three colleagues, working the provincial reconstruction teams in Iraq. He was in Sadr City, that adjunct to Baghdad that has over 1 million people in an area of great fighting and great turmoil and great danger. And yet when he came home to see his loved ones, he told them he knew that he was in danger. He knew that it might, at some point, cost him his life, but he told them that he thought the cause was a worthwhile cause.

His service to America represented all those wonderful aspects of duty and honor and country and patriotism, even though he wasn't wearing the uniform of the Army or the Marine Corps or the Air Force or the Navy, because he was serving that same goal, that same ideal, that same flag, and all of us.

Mr. Speaker, he came home a few weeks before, bringing some of the members of the city council of Sadr City to the United States to let them see what freedom was like, what this great experiment in freedom called the United States of America was like, to inspire them, to give them a model they could go back and use in this

fledgling representative government that is now taking place in Iraq.

He wanted to show them the American example, and Mr. Speaker, his example and the example of his family and the example of his great community, a guy from Guthrie, Oklahoma, it was the finest example that anybody can watch if they indeed want to model their country, their community, their town after a winning democracy, the United States of America.

So here was a gentleman who served in a very, very crucial area for the United States, and most of the work that we do here in the House of Representatives, most of our work is air-conditioned. I'm so proud of the members of the Armed Services Committee, most of whom have taken multiple trips to see the troops and the operations in Iraq and Afghanistan. And we now and again go out and put our boots on the ground in some tough places, but most of the time, we're in Washington, D.C., or with our constituent cities and our wonderful communities. These Americans, Americans like Steven Farley, are out there for years on end in very difficult conditions, carrying the American flag.

So, Mr. Speaker, a number of us on the Armed Services Committee are going to be visiting Iraq and Afghanistan in the coming months, especially the summer months, when we take the district work period break. I will tell you one thing I'm going to do. When I go to Baghdad this time, I'm going to spend more time with those contractors, people who haven't necessarily been given all of the credit that they should be given by this body, by the House of Representatives. People talk about the contractors as if they were somehow mercenaries.

Well, Steven Farley represented the very best of this very wonderful force of Americans who help to establish freedom around the world. May he rest in peace. God bless his family, and thank you, Steven Farley, for your service to the United States.

AMERICAN ENERGY SOLUTIONS FOR LOWER GAS 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, it's good to be here tonight, and I wanted to come and talk about something that's concerning Americans all over this country, and that's the price of gas and what we're doing about it here in this body, this decisive body that's supposed to be decisive, that takes action when we find our country in need.

I wanted to talk a little bit about something that happened to me shortly a couple of weeks ago I guess, and I started having people, Mr. Speaker, e-mail me and ask me questions about signing different types of petitions on the Internet, drill here, drill now, lower prices, several other ones on the Internet, so Americans could let their Members of Congress, Mr. Speaker, know how they felt about these skyrocketing gas prices that they had been promised by the new majority that they would get control of.

So I was in a service station down home, and there was another petition laying on the counter. I'm assuming that the proprietor of that service station put that down to give people something to do rather than beat him over the head, but it was a petition: Please sign here if you want to see Congress lower gas prices.

So I came up with an idea, Mr. Speaker. I said, you know, the American people are letting us know, as their representatives, how they feel. We need to let them know how we feel. And so I came up with this petition that's pretty simple. What it says is: American energy solutions for lower gas prices; bring onshore oil on-line; bring deepwater oil on-line; and bring new refineries on-line.

We have not produced in this country, Mr. Speaker, a refinery since the late 1970s. We now import about 7 billion gallons of gas a year. We also import about the same amount of diesel. So we don't even have the refining capacity to refine what we import.

So I did this, and I made a little petition. You can see it over here. It's got spots for 435 people plus the non-voting Delegates to sign. So far I'm pleased to say, Mr. Speaker, we've got 188 people who have signed this. We've got three Democrats, three brave Democrats that have signed it: NEIL ABERCROMBIE, PATRICK MURPHY, and Mr. Speaker, I believe HENRY CUELLAR was the last one from Texas. And so these are brave people that understand that we have got to do something.

The majority says, well, it will be 10 years before we ever get oil. We've got to start today. If President Clinton in 1995 had not vetoed the drilling in ANWR, we would be producing 1 million gallons of crude oil for this country every day.

So, Mr. Speaker, what this is about—and by the way, this is very simple, because what it says is, I will vote to increase U.S. oil production to lower the price of gas for Americans. And Mr. Speaker, if anybody wanted to know if their Member was on the petition, they could go to house.gov/westmoreland to see if their Member is on there. We've had two Members that did not sign originally, and Mr. Speaker, they were put on the would-not-sign list. They have heard from their constituents and have come back and are now signed onto the petition.

So, Mr. Speaker, it is very important for people to understand where their Members of Congress are at on the energy issue. You're going to hear all kinds of excuses. You're going to hear all kinds of different regulations they want to put in place, all kinds of different taxes they want to put in place. This petition is too simple for most Members of this body to understand because it only says, I will vote to increase oil production in the United States, our own natural resources, to lower gas prices for Americans. That's all it says.

And if somebody wanted to know, Mr. Speaker, they could go to house.gov/westmoreland, and see exactly where their Member of Congress was at because, listen, Mr. Speaker, we hear about change from just about every candidate running, but we are going to have to be forced to change by our constituents. Because as you've seen since the new majority came in in January of 2007, there's been nothing done.

So, Mr. Speaker, I would ask the American people if I could to help us bring about change by notifying your Congressman and say get out of the fetal position and let's be called to action.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

(Mr. PAYNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MAHONEY of Florida (at the request of Mr. HOYER) for today.

Mr. PUTNAM (at the request of Mr. BOEHNER) for today on account of attending a funeral.

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. BOYD of Florida) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.
Mr. CUMMINGS, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. SPRATT, for 5 minutes, today.
Mr. DONNELLY, for 5 minutes, today.
Mr. WEINER, for 5 minutes, today.
Mr. PAYNE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, June 26 and 27.
Mr. HUNTER, for 5 minutes, today.
Mr. WESTMORELAND, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2403. An act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse''; to the Committee on Transportation and Infrastructure.

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''; to the Committee on Transportation and Infrastructure.

S. 3009. An act to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the ''J. James Exon Federal Bureau of Investigation Building''; to the Committee on Transportation and Infrastructure.

S. 3145. An act to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway''; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 6 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Thursday, June 26, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7314. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7315. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7316. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7317. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7318. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7319. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7776] received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7320. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment Regarding Financial Institutions Exempt from Establishing Anti-Money Laundering Programs (RIN: 1506-AA88) received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7321. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's notification to Congress of any significant modifications to the auction process for issuing United States Treasury obligations, pursuant to Public Law 103-202, section 203; to the Committee on Financial Services.

7322. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report that no such exemptions to the prohibition against favored treatment of a government securities broker or dealer were granted during the period January 1, 2007 through December 31, 2007, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

7323. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's annual report on material violations or suspected material violations of regulations relating to Treasury auctions and other Treasury securities offerings during the period Janaury 1, 2007 through December 31, 2007, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

7324. A letter from the Executive Director, Philadelphia Housing Authority, transmitting the Authority's Annual Report for 2007 entitled, ''A Dynamic Decade''; to the Committee on Financial Services.

7325. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Definitions and Implementation Under the CAN-SPAM Act [Project No. R411008] (RIN: 3084-AA96) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7326. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Allocation of Trips to Closed Area II Yellowtail Flounder Special Access Program [Docket No. 080428607-8689-02] (RIN: 0648-AW69) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7327. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's position on the budgeting of the Chicagoland Underflow Plan (CUP), Thornton Reservoir, Illinois; to the Committee on Transportation and Infrastructure.

7328. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Prohibition of Interment or Memorialization in National Cemeteries and Certain State Cemeteries Due to Commission of Capital Crimes (RIN: 2900-AM86) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7329. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — TECHNICAL AMENDMENTS TO LIST OF USER FEE AIRPORTS: ADDITIONS OF CAPITAL CITY AIRPORT, LANSING, MICHIGAN AND KELLY FIELD ANNEX, SAN ANTONIO, TEXAS [CBP Dec. 08-23] received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7330. A letter from the Chairman, International Trade Commission, transmitting the Commission's report entitled, ''Textiles and Apparel: Effects of Special Rules for Haiti on Trade Markets and Industries,'' pursuant to Public Law 109-432, section 5003; to the Committee on Ways and Means.

7331. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report entitled, ''Plan to Eliminate the Hearing Backlog and Prevent Its Recurrence: Semiannual Report for Fiscal Year 2008''; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. CASTOR: Committee on Rules. House Resolution 1304. Resolution providing for consideration of the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes (Rept. 110–734). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BERMAN (for himself, Mr. COBLE, Mr. CONYERS, and Mr. SMITH of Texas):

H.R. 6362. A bill to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 6363. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mr. DICKS (for himself, Mr. INSLEE, Mr. LARSEN of Washington, Mr. BAIRD, Mr. MCDERMOTT, Mr. SMITH of Washington, and Mr. REICHERT):

H.R. 6364. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of Puget Sound, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KIND (for himself and Mr. RAMSTAD):

H.R. 6365. A bill to amend part C of title XVIII of the Social Security Act with respect to Medicare special needs plans and the alignment of Medicare and Medicaid for dually eligible individuals; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself, Mr. MICHAUD, Mr. MILLER of Florida, and Mr. BROWN of South Carolina):

H.R. 6366. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish not more than seven consolidated patient accounting centers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BRADY of Texas (for himself, Mr. MCCAUL of Texas, Mr. MARCHANT, Mr. SAM JOHNSON of Texas, Mr. BILBRAY, Mr. SULLIVAN, Mr. SHADEGG, Mr. ROHRABACHER, Mr. JONES of North Carolina, Mr. POE, and Mr. CULBERSON):

H.R. 6367. A bill to provide an exception to certain mandatory minimum sentence requirements for a law enforcement officer who uses, carries, or possesses a firearm during and in relation to a crime of violence committed while pursuing or apprehending a suspect; to the Committee on the Judiciary.

By Mr. BRADY of Texas (for himself, Mr. SAM JOHNSON of Texas, Mr. PORTER, Mr. HERGER, Mr. PUTNAM, Mr. BOEHNER, and Mr. DAVID DAVIS of Tennessee):

H.R. 6368. A bill to amend the Internal Revenue Code of 1986 to provide for an increase in the standard mileage rates to reflect the increase in the cost of highway fuels, and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia:

H.R. 6369. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to make grants to recognized science and technology secondary schools to support research and development projects at such schools in science, mathematics, engineering, and technology to supplement the national security functions of the Department of Defense; to the Committee on Armed Services.

By Mr. DEFAZIO:

H.R. 6370. A bill to transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians; to the Committee on Transportation and Infrastructure.

By Mr. EMANUEL (for himself, Mr. CROWLEY, Mr. KIND, Ms. SCHWARTZ, Mr. LEVIN, Ms. SUTTON, Mr. FILNER, and Mr. BISHOP of New York):

H.R. 6371. A bill to amend the Internal Revenue Code of 1986 to require employers to notify their employees of the availability of the earned income credit; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 6372. A bill to reestablish standards from the Commodity Exchange Act to provide for the regulation of United States markets in energy commodity futures, and for other purposes; to the Committee on Agriculture.

By Mr. MCCOTTER:

H.R. 6373. A bill to amend the Internal Revenue Code of 1986 to allow individuals to establish Home Ownership Mortgage Expense Accounts (HOME Accounts) which may be used to purchase, remodel, or make mortgage payments on the principal residence of the taxpayer; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. ENGLISH of Pennsylvania, and Ms. SCHWARTZ):

H.R. 6374. A bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States; to the Committee on Ways and Means.

By Mr. STARK (for himself and Mr. GEORGE MILLER of California):

H.R. 6375. A bill to provide assistance to adolescents and young adults with serious mental health disorders as they transition to adulthood; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Mr. SIRES, Mr. HOLT, Ms. LEE, Ms. MATSUI, Ms. WOOLSEY, Mr. LEWIS of Georgia, Ms. KAPTUR, Ms. SUTTON, Mrs. CAPPS, Mr. BRADY of Pennsylvania, Mr. PAYNE, Mr. PALLONE, Mr. ROTHMAN, and Mr. SCOTT of Virginia):

H. Con. Res. 382. Concurrent resolution recognizing the important social and labor contributions and accomplishments of Congresswoman Mary T. Norton of New Jersey on the 70th anniversary of the Fair Labor Standards Act; to the Committee on Education and Labor.

By Mr. SIRES:

H. Res. 1305. A resolution supporting the designation of National Tourette Syndrome Day; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII,

326. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 51 memorializing the Congress of the United States to establish a grant program to assist the seafood industry in St. Tammany, St. Bernard, Orleans, and Plaquemines parishes; to the Committee on Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. GARRETT of New Jersey.
H.R. 96: Mr. RANGEL.
H.R. 154: Mr. TOWNS, Mr. FRELINGHUYSEN, Mr. DOYLE, Mr. SPACE, and Mr. LARSON of Connecticut.
H.R. 158: Mr. MILLER of Florida.
H.R. 688: Mr. HAYES.
H.R. 856: Mr. ARCURI.
H.R. 901: Mrs. LOWEY.
H.R. 1063: Mr. COLE of Oklahoma.
H.R. 1078: Ms. KAPTUR.
H.R. 1223: Mr. MCNERNEY.
H.R. 1228: Ms. SUTTON.
H.R. 1295: Mr. GARRETT of New Jersey.
H.R. 1665: Mr. FEENEY.
H.R. 1671: Ms. SUTTON.
H.R. 1738: Mr. HALL of New York, Mr. DICKS, and Mr. STARK.
H.R. 1767: Mr. KANJORSKI.
H.R. 1940: Mr. SALI.
H.R. 1992: Mr. SOUDER.
H.R. 2611: Mr. GRIJALVA.
H.R. 2712: Mr. GARRETT of New Jersey and Mr. SAM JOHNSON of Texas.
H.R. 3132: Mr. REYES.
H.R. 3174: Mr. FRANK of Massachusetts and Mr. MCDERMOTT.
H.R. 3232: Mr. WEXLER, Mr. REYES, Ms. GINNY BROWN-WAITE of Florida, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Mr. FERGUSON, Mr. KAGEN, Mr. ORTIZ, and Mr. CUELLAR.
H.R. 3329: Mr. BISHOP of New York and Mr. KANJORSKI.
H.R. 3334: Mrs. CAPPS and Mrs. LOWEY.
H.R. 3366: Ms. HIRONO.
H.R. 3396: Mr. MORAN of Virginia.
H.R. 3406: Mr. LEWIS of Georgia and Mr. MICHAUD.
H.R. 3438: Mr. GRIJALVA and Mr. REYES.
H.R. 3439: Mr. PAYNE.
H.R. 3457: Mr. BROUN of Georgia.
H.R. 3544: Mrs. LOWEY.
H.R. 3622: Mr. MACK.
H.R. 3646: Mr. GARRETT of New Jersey.
H.R. 3650: Mr. GARRETT of New Jersey.
H.R. 3829: Mr. SHAYS.
H.R. 3834: Mr. UDALL of Colorado.
H.R. 3934: Mr. PENCE.
H.R. 4089: Mr. HARE.
H.R. 4093: Mr. SESTAK.
H.R. 4138: Mr. MOORE of Kansas.
H.R. 4498: Mr. GARRETT of New Jersey.
H.R. 4544: Mr. BILBRAY and Mr. SPACE.
H.R. 4775: Mr. CARSON and Ms. WOOLSEY.
H.R. 4789: Ms. JACKSON-LEE of Texas.
H.R. 4935: Mr. EDWARDS of Texas.
H.R. 4990: Mr. DAVIS of Illinois.
H.R. 5236: Mrs. MYRICK.
H.R. 5244: Mrs. JONES of Ohio and Mr. FALEOMAVAEGA.
H.R. 5267: Mr. JORDAN and Mr. GOODE.
H.R. 5467: Mr. LANGEVIN.
H.R. 5496: Mrs. CAPPS.
H.R. 5534: Mr. SAXTON and Mr. GILCHREST.
H.R. 5552: Mr. SPACE.
H.R. 5575: Mr. RANGEL.
H.R. 5673: Mr. GARRETT of New Jersey.
H.R. 5709: Mr. BISHOP of New York.
H.R. 5748: Mr. HALL of Texas.
H.R. 5752: Mr. SMITH of New Jersey.
H.R. 5760: Mr. ROGERS of Alabama.
H.R. 5774: Ms. SCHAKOWSKY and Mrs. LOWEY.
H.R. 5793: Mr. SPACE.
H.R. 5842: Ms. LEE.
H.R. 5843: Ms. LEE.
H.R. 5846: Ms. CORRINE BROWN of Florida.
H.R. 5874: Mr. REICHERT.
H.R. 5892: Mr. KILDEE and Mr. CLAY.
H.R. 5913: Mr. FRANK of Massachusetts and Mr. DEFAZIO.
H.R. 5925: Mr. SMITH of Washington.
H.R. 5935: Mr. CARNEY.
H.R. 5950: Mr. FRANK of Massachusetts.
H.R. 5984: Mrs. CAPITO.
H.R. 6045: Mr. LYNCH, Mr. SOUDER, Mr. SPACE, Mrs. MALONEY of New York, Mr. WATT, Mr. KIND, Mr. FRANKS of Arizona, and Mr. POE.
H.R. 6083: Mr. BLUMENAUER.
H.R. 6107: Mr. CARTER, Mr. THORNBERRY, and Mr. GARRETT of New Jersey.
H.R. 6123: Mr. KIRK.
H.R. 6126: Ms. JACKSON-LEE of Texas.
H.R. 6143: Mr. FRANK of Massachusetts.
H.R. 6168: Mr. BLUNT.
H.R. 6169: Mr. BLUNT.
H.R. 6172: Mr. POE.
H.R. 6180: Ms. MCCOLLUM of Minnesota.
H.R. 6198: Mr. CLAY, Mr. AKIN, Mr. CARNAHAN, Mr. SKELTON, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, Mr. HULSHOF, Mr. BUTTERFIELD, and Mr. TOWNS.
H.R. 6199: Mr. MCHUGH.
H.R. 6203: Mr. PAYNE and Mr. CONYERS.
H.R. 6208: Mr. BLUNT.
H.R. 6209: Ms. LINDA T. SÁNCHEZ of California, Mr. MORAN of Virginia, Mr. INSLEE, Mr. LARSEN of Washington, Mr. SIRES, Mr. KANJORSKI, Mr. TIERNEY, Ms. SUTTON, Mr. KENNEDY, Mr. MURPHY of Connecticut, Mr. MURTHA, Mr. BRADY of Pennsylvania, Mr. RYAN of Ohio, Ms. DELAURO, Mr. CROWLEY, and Mr. DICKS.
H.R. 6210: Mr. KAGEN.
H.R. 6214: Mr. ARCURI and Mr. MANZULLO.
H.R. 6233: Mr. ABERCROMBIE.
H.R. 6234: Mr. SESTAK.
H.R. 6252: Mr. DAVIS of Kentucky, Mr. LATOURETTE, Mr. CAMPBELL of California, Mr. LATHAM, and Mr. CARTER.
H.R. 6264: Mr. LATOURETTE, Mr. PLATTS, Mr. KILDEE, Mr. MCNULTY, Mr. JONES of North Carolina, and Mr. GILCHREST.
H.R. 6287: Mr. HALL of New York and Mrs. GILLIBRAND.
H.R. 6321: Mrs. GILLIBRAND.
H.R. 6328: Ms. WATERS, Mr. HASTINGS of Florida, and Mr. BLUMENAUER.

H.R. 6330: Mr. ISRAEL, Mrs. GILLIBRAND, Mr. HARE, Mr. WALZ of Minnesota, Ms. JACKSON-LEE of Texas, Mr. SIRES, and Mr. LANGEVIN.

H.R. 6355: Mr. LIPINSKI, Ms. HIRONO, and Mr. COHEN.

H.J. Res. 22: Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Ms. FOXX, Mr. LATTA, Mr. FORTUÑO, Mr. DAVIS of Kentucky, Mr. SHIMKUS, Mr. GOHMERT, Mr. WESTMORELAND, Mr. BARRETT of South Carolina, Mr. PRICE of Georgia, Ms. FALLIN, Mr. JORDAN, Mr. GINGREY, and Mr. WAMP.

H.J. Res. 89: Mr. CHILDERS.

H. Con. Res. 72: Mr. MCNULTY.

H. Con. Res. 214: Mr. BISHOP of Georgia, Mr. MEEKS of New York, Mr. KUCINICH, Ms. LEE, Mr. JEFFERSON, Ms. NORTON, and Ms. CLARKE.

H. Con. Res. 223: Mr. MORAN of Kansas, Mr. OLVER, and Mr. WILSON of South Carolina.

H. Con. Res. 338: Mr. HINCHEY.

H. Con. Res. 341: Mr. UDALL of Colorado.

H. Con. Res. 342: Mr. FRANKS of Arizona.

H. Con. Res. 356: Mr. PASCRELL, Mrs. TAUSCHER, Mr. WOLF, Mr. SKELTON, Mrs. MILLER of Michigan, Mr. CARSON, and Mr. BRADY of Pennsylvania.

H. Con. Res. 364: Mr. MCGOVERN.

H. Con. Res. 378: Ms. BORDALLO and Mr. COHEN.

H. Con. Res. 380: Mr. MURPHY of Connecticut.

H. Con. Res. 381: Ms. SUTTON, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. LINDA T. SÁNCHEZ of California, Mr. JACKSON of Illinois, Mr. COHEN, Mr. MCDERMOTT, Mr. SNYDER, Mr. BLUMENAUER, Mr. NADLER, Mr. SMITH of Texas, Mr. DELAHUNT, Mr. CLAY, and Ms. WATERS.

H. Res. 282: Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 373: Mr. GARRETT of New Jersey.

H. Res. 672: Mr. YOUNG of Florida, Mr. MILLER of Florida, and Mr. BERMAN.

H. Res. 758: Mr. ROTHMAN.

H. Res. 883: Mr. BRADY of Pennsylvania.

H. Res. 1006: Mr. HOLDEN, Ms. BORDALLO, Mr. COHEN, Mr. TIM MURPHY of Pennsylvania, Mr. BOUCHER, and Mr. MURTHA.

H. Res. 1045: Mr. MARKEY, Mr. SMITH of New Jersey, Mr. CROWLEY, Mr. FORTENBERRY, Ms. WOOLSEY, Mr. FERGUSON, Mr. DELAHUNT, Mr. DREIER, Mr. MEEKS of New York, Mrs. BONO MACK, Ms. LEE, Mr. KUHL of New York, Ms. JACKSON-LEE of Texas, Mr. ENGLISH of Pennsylvania, Mr. FALEOMAVAEGA, Mr. SHAYS, Mr. SERRANO, Mr. FRANK of Massachusetts, Ms. ESHOO, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. WAXMAN, and Mr. TIBERI.

H. Res. 1191: Mr. WOLF.

H. Res. 1202: Mr. CASTLE.

H. Res. 1217: Mrs. CAPPS and Ms. SCHAKOWSKY.

H. Res. 1245: Mr. CONYERS, Mr. CROWLEY, Mr. GARRETT of New Jersey, Mr. GONZALEZ, Mr. HONDA, Mr. INGLIS of South Carolina, Mr. MICHAUD, and Mr. SHERMAN.

H. Res. 1248: Mr. CONAWAY, Mr. TAYLOR, Mrs. BOYDA of Kansas, Ms. SHEA-PORTER, Mr. LOEBSACK, and Ms. GIFFORDS.

H. Res. 1254: Mr. HASTINGS of Florida.

H. Res. 1286: Ms. CLARKE, Mr. MCDERMOTT, and Ms. SLAUGHTER.

H. Res. 1290: Mr. WEXLER, Ms. LINDA T. SÁNCHEZ of California, and Mr. DELAHUNT.

H. Res. 1302: Mr. BOYD of Florida, Mr. MATHESON, Mr. COHEN, Mr. PETERSON of Minnesota, Mr. MELANCON, Mr. WALBERG, Mr. BRADY of Texas, Mr. HENSARLING, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. HERGER, Mr. GARRETT of New Jersey, Mr. REYNOLDS, Mr. BURTON of Indiana, Mr. FEENEY, Mr. CAMPBELL of California, Mr. FLAKE, Mr. AKIN, and Mr. BROUN of Georgia.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

283. The SPEAKER presented a petition of the City Council of Compton, CA, relative to Resolution No. 22,564 supporting the Homeowners and Bank Protection Act of 2007; to the Committee on Financial Services.

284. Also, a petition of the California State Lands Commission, relative to a Resolution regarding the taking of marine mammals and sea turtles incidental to power plant operations of once-through cooling power plants in California; to the Committee on Natural Resources.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, JUNE 25, 2008 No. 106

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, who has been our dwelling place in all generations, keep us under the canopy of Your care. Guide our Senators by the power of Your wisdom and love. Lord, don't separate them from life's stresses and strains or keep them from problems and pain but sustain them by Your grace as each of life's seasons unfolds. Shelter them in their coming in and their going out, using them as Your instruments to advance Your kingdom. May all they say and do today be under Your control and for Your glory. As You have guided people in the past, so lead our lawmakers today.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 25, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of the two leaders, the Senate will resume consideration of the House message to accompany H.R. 3221, which is the housing legislation. Yesterday, cloture was invoked on the motion to concur in the House amendment with the Dodd-Shelby substitute. We hope to dispose of the remaining amendments to the bill at an early time so we can complete this legislation.

MEASURES PLACED ON THE CALENDAR—S. 3186 AND H.R. 6331

Mr. REID. Mr. President, it is my understanding there are two bills now at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 3186) to provide funding for the Low-Income Home Energy Assistance Program.

A bill (H.R. 6331) to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3221, which the clerk will report.

The assistant clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform and for other purposes.

Pending:

Reid (for Dodd/Shelby) amendment No. 4983, of a perfecting nature.

Bond amendment No. 4987 (to amendment No. 4983), to enhance mortgage loan disclosure requirements with additional safeguards for adjustable rate mortgages with an initial fixed rate and loans that contain prepayment penalty.

Dole amendment No. 4984 (to amendment No. 4983), to improve the regulation of appraisal standards.

Sununu amendment No. 4999 (to amendment No. 4983), to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Kohl amendment No. 4988 (to amendment No. 4983), to protect the property and security of homeowners who are subject to foreclosure proceedings.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

OVERSIGHT

Mr. GRASSLEY. I am here today to discuss a very serious matter that goes right to the heart of one of Congress's most important responsibilities, the responsibility of constitutional oversight to see that the laws are faithfully executed by the executive branch of Government.

American taxpayers expect Congress to exercise oversight in order to ensure that their hard-earned dollars are not wasted. To conduct more effective oversight, Congress adopted the Inspector General Act in 1978, creating a system of inspectors general. I will probably refer to them as everyone else does, as IGs.

We did this throughout many departments of Government. The IGs are supposed to be watchdogs or, as I like to say, a junkyard dog. They are our first line of defense against fraud, waste, and abuse. When it happens, the IGs are supposed to report it to the agency head and to Congress and to recommend appropriate corrective action.

IGs are the top cops inside of each agency in the executive branch of Government. They police the Federal workforce. If rules are broken, then they have to investigate allegations of misconduct and refer their findings to proper authorities.

To be credible, IGs must be beyond reproach. Above all, they must live by the rules they themselves enforce. They must set an example of excellence in their personal conduct and they must always do so; otherwise, they lack credibility. So I tend to, as a Member of the Senate, watch the watchdogs. Over the years in doing oversight work, I have found inspectors general who do not seem to meet these standards. I am disappointed to have to report to the Senate today about a new IG trouble spot.

There are allegations of misconduct in the upper echelons of the Treasury's IG office. A tip from a whistleblower earlier this year first alerted me to this problem. On February 12, 2008, I wrote a letter to Acting Treasury IG Schindel asking for a copy of the investigative report and all pertinent material bearing on the matter that was reported to me.

I also asked Mr. Schindel to tell me how and when he intended to address and resolve the issues raised in that report. Mr. Schindel responded promptly, providing a redacted copy of the report on February 15. On February 29, he assured me that senior level officials involved had been placed on paid administrative leave. They would remain on that status, he told me, ''until all investigative matters have been adjudicated,'' and ''one of them'' was reassigned to what appeared to be a questionable post.

The report of investigation on this matter was prepared by the Department of Labor IG. It is dated January 14, 2008. Since the Treasury IG lacks an internal affairs unit, IG Schindel referred the case to the Department of Labor IG for investigation. This was to ensure maximum independence.

Acting IG Schindel made the referral on June 18, 2007. He was briefed on the findings in the final report on September 26 of last year. The Department of Labor report of investigations substantiated wrongdoing on the part of senior Treasury IG officials. The allegations are very serious. My staff has carefully reviewed all of the materials provided by IG Schindel and interviewed a number of witnesses with knowledge on the issue.

Based on the oversight investigation conducted by my staff, I wrote to Treasury Secretary Paulson on February 28 this year. In that letter, I expressed grave concern to Secretary Paulson about the way the Acting IG Schindel appeared to be responding to the allegations that were substantiated by the more independent review by the Labor Department IG, as was reported in his writings.

This is what I said to my friend, Secretary Paulson:

Mr. Schindel stated that the report showed no corruption, criminal activity, or serious wrongdoing on the part of the senior officials. I am stunned that anyone with management responsibilities could make this statement after reading the Labor IG report.

The Labor IG presented a compelling case of high-level IG misconduct backed up with rock solid evidence. Mr. Schindel seemed unable to see what the Labor inspector general sees. Is he turning a blind eye to an obvious problem?

Secretary Paulson responded to my letter on March 10. He informed me that he has been briefed on the Labor IG's report and ''communicated to Acting IG Schindel'' his ''views'' on the matter.

The Labor IG report seems to leave little or no wiggle room. Based on a continuous stream of information being provided to my staff, there is growing concern about Acting IG Schindel's commitment to solving these problems. I think of these as obvious problems.

Acting IG Schindel has known about the findings in this report for 9 months until now. To bring the issue into sharper focus, take a moment to review the Labor IG's findings. This is what the Labor IG report found:

Our investigation corroborated the allegation that senior IG officials violated the Public Transit Subsidy program.

This program provides money in the form of fare cards to Government employees to help cover the high cost of using public transportation to get to work.

There is an added benefit to the public transit subsidy program. The value of fare cards received in this program is not taxable. Subjects of the Labor IG investigation signed applications to participate in the public transit subsidy. In signing that document, they certified that they would abide by the terms of the program. The public transit subsidy program application forms, which these individuals sign, state:

Making a false, fictitious or fraudulent certification may render the maker subject to criminal investigation under title 18, United States Code, section 1001.

They allegedly took transit subsidies while accepting free rides to work from fellow agents, sometimes in Government vehicles.

The findings of the Labor IG's report are of particular concern to me for another reason, and this seems to be the most troubling part for me. The senior Treasury IG officials involved in fare card abuse were responsible for investigating and referring for criminal prosecution a number of other Treasury Department employees who had allegedly violated this same program called the Transit Subsidy Program.

As I said up front, the IGs must live by the rules they are sworn to enforce. When they do not, then inspectors general lose credibility. The Labor report also finds that the officials involved ''inappropriately intervened in closing [another] investigation'' of alleged PTSP abuse. This one concerned an employee at another agency who also allegedly violated the transit subsidy program. According to the Labor IG's report, the senior Treasury IG officials ''escorted'' the agent in charge of this investigation to their office ''where they discussed closing the case.'' They apparently ''instructed him to cancel'' a key interview and ''told him the case would be closed.''

Since the investigation was essentially complete and there was credible evidence to support the allegations, this meeting gave the appearance of impropriety. The Labor IG's investigators interviewed the Treasury IG officials about this meeting. The Treasury IG officials reportedly cited high agent caseloads as an excuse for their attempt to close it down. They also claimed the police at that agency ''were capable of working the investigation'' and that ''there was no fraud or loss.''

The Labor investigators make one point crystal clear: The claims put forward by Treasury IG officials did not stand up to scrutiny. The Labor IG's investigators determined that the Treasury IG's office had worked similar cases involving this agency's employees in the past. They found that special agents in the Treasury IG's office had a typical caseload of 15 to 16 cases and not the usual 30 caseload claimed by one of the subjects of this investigation.

I understand the employee involved in these allegations of public transit subsidy program violations was given a

proposed notice of removal on June 18, 2008. This agency is trying hard to crack down on such violations. This should be a wake-up call for Mr. Schindel. The abuse of the public transit subsidy program alleged in the Labor IG's report constitutes, at best, misuse or abuse of public moneys and, at worst, outright theft.

There is one more very disturbing finding in the Labor IG's report I should highlight. The Labor report ''questions the judgment'' of the senior Treasury IG officials for their alleged involvement in the reinvestigation of another employee misconduct case. This particular investigation was originally conducted by the Treasury IG for Tax Administration or TIGTA. Once again, this investigation was referred to an outside agency to ensure greater independence.

According to the Labor report, the TIGTA investigation determined that the Treasury IG agent ''misused his position, his issued vehicle, and made false and misleading statements'' during the course of the investigation. For a Federal law enforcement officer, making false statements during an investigation, as alleged, could be a career-ending mistake. As chronicled in the Labor IG's report, the senior Treasury IG didn't like the TIGTA's findings and wanted them changed. The Labor IG's report is very clear in stating that the only reason for the reinvestigation was to change the findings of the original Treasury IG for Tax Administration investigation. The Labor IG report concluded:

> The appearance is that the sole purpose of intervening in the aftermath of [the Treasury Inspector General for Tax Administration's] investigation was to mitigate [the] findings, particularly by undermining [the inspector general's] apparently well supported finding that . . . [the agent involved] . . . had made false statements.

The report goes on to say:

> The evidence suggests that TIGTA's findings were correct. It is clear that the only purpose of the reinvestigation . . . was to change the findings of the investigation so [the agent involved] would not have a Giglio issue.

The person involved in this case was suspended for 10 days 2 years ago. The Labor IG also questioned the leniency of the agent's punishment, noting that misuse of a Government vehicle alone normally carries a 30-day suspension. The Treasury Inspector General for Tax Administration also alleges that the legal counsel to the Treasury IG may have been involved in an attempt to quash or alter TIGTA's final report of investigation. TIGTA provided a document which indicates that the Treasury IG's legal counsel ''disagreed with the results of the investigation.'' He ''expected a draft ROI'' and ''asked if the Final Report of Investigation could be changed.''

Fiddling with these kinds of reports ought to raise a lot of questions among people in authority about whether things are being done right.

He was informed by the agent in charge that TIGTA ''did not submit draft ROIs and would not make any changes to the final ROI.'' The legal counsel denies these allegations.

The Labor IG also found the legal counsel's ''advice to the DOT-OIG questionable regarding the investigation.'' The Labor IG reached this conclusion because the legal counsel had listened to the tape-recorded interview, during which the subject allegedly ''made a false statement under oath to the TIGTA agent.''

The three substantiated allegations I have laid out, which are presented clearly in the Labor IG's report, are each disturbing in their own right. But if you take them all together, they paint a truly awful picture of what is going on in that office. This report is the result of an independent investigation conducted by professional law enforcement officers. The results of this investigation demand serious, thorough, fair, and prompt action. I met with Acting Treasury IG Schindel on March 13 to review this matter. He assured me he would take decisive action to clean up this mess. More recently, I was told the Acting Treasury IG is wrestling with new allegations. Addressing the Department of Labor IG report must be a first priority to show us in Congress that he is carrying out his responsibilities. He needs to sink his teeth into that material and close it out once and for all. In a letter on May 30, I asked the acting inspector general again to proceed with his review of this matter ''as quickly as possible.'' I also insisted it be done by the book, ''consistent with all applicable rules and regulations.''

I call on Acting Treasury Inspector General Schindel to keep his word. That is all I ask, just keep his word, do what he told me he was going to do. I want him to stick to his repeated assurances—in his letters of February 15 and February 29, at our March 13 meeting, and again in a letter of June 2. I expect no more and no less.

Indecision is costing the taxpayers money. To date, these officials have collected 3 months' worth of paid administrative leave. They are senior executives earning top dollar. Their administrative leave has already cost the taxpayers about $90,000, and the number is climbing. Continuing mismanagement and indecision in the Treasury IG's office is wasting precious taxpayer dollars. Acting IG Schindel has a responsibility to show he runs a first-class inspector general's office, one that is beyond reproach. He cannot operate effectively as an IG until he gets his own house in order. His job is to deter, to detect, and report waste but not to do it himself.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLY AND DEMAND

Mr. ALEXANDER. Mr. President, I have received 600 e-mails and letters from Tennesseans in response to a request I put out asking them to share their personal stories about high gas prices. It has been my practice each week to put a few of those into the CONGRESSIONAL RECORD to remind my colleagues and to remind our country that we understand that people are hurting. Tennesseans are hurting in their jobs, in their families, and in their homes. Mr. President, $4-plus gasoline is a big problem for Tennesseans.

Today, I wish to submit for the CONGRESSIONAL RECORD five more letters from among the nearly 600 that I have received, and I ask unanimous consent that following my remarks these letters be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. The first comes from Christy Long in Maynardville, TN. She works at the East Tennessee Children's Hospital in Knoxville, but she is worried about the cost of her commute. She is a diabetic. She is having trouble paying for her insulin shots due to the rising gas prices. She says:

> Gas for work or insulin to live. That is the decision I have had to make several times daily.

James Edwards from Charlotte, TN: James drives a rural route for the Postal Service, and he uses his own car, but the $26-a-day allowance doesn't cover the gas he uses anymore. He says that since the 10-percent ethanol mandate, he gets less mileage and has to use more gas. His wife's 40-mile commute to and from work every day is also cutting into their budget.

Kaye Nolen in Dyer, TN: Kay used to drive across the country once a year to see her family in Illinois, Utah, and New Mexico, but can't afford to do that this year. She says she is afraid that she will not be able to spend Thanksgiving with her family this year and that she will not be able to afford gas to make it to work if the prices keep going up.

Ruthann Booher of Crossville, TN: Ruthann and her husband have had to make significant cuts in their driving and grocery buying because of escalating costs. Her husband, who is 62, is now considering quitting his job at Wal-Mart and drawing Social Security since driving to work is so expensive. They can't afford the payment on a new car with better mileage.

Brenda Northern in Walland, TN, which is in the same county in which I live: Brenda is 60. She can barely afford to drive to visit her mother, who is 79 now, and it is getting harder and harder to make all of her payments. Her

husband has to use diesel for his truck because he moves mobile homes for a living and diesel prices keep going up too.

She says: I just do not know how we are going to make it.

I want Christy and James and Kaye and Ruthann and Brenda to know that I believe Senators on both sides of the aisle care about this matter, understand what is happening, and are ready to deal with it. I know on the Republican side, here is what we believe: We believe the answer to $4 gas prices is to find more and use less; that is, find more oil and use less oil.

Economics 101 taught us the law of supply and demand. The problem today fundamentally—and most Americans understand this; Americans know this—our problem is our supplies worldwide are not growing as fast as our demand worldwide for oil, and so the price of gasoline is going up. So if we had more supplies, and if we used less oil, the price of gasoline would go down. So we say on the Republican side: Find more, use less.

There seems to be a lot of agreement on both sides of the aisle about the using less part. For example, last year, the Senate did the most important thing it could do to reduce our dependence on foreign oil by passing higher fuel efficiency standards that said that cars and trucks had to be up to 35 miles a gallon by 2020. We did that together, Republicans and Democrats.

We on the Republican side are ready to try to make plug-in electric cars commonplace. I had a TVA Congressional Caucus hearing on that the other day in Nashville. Major car companies such as General Motors, Toyota, Nissan, and Ford are making plug-ins that are going to be available next year. TVA and other utilities have plenty of extra electricity at night to plug in, so literally you can plug your car in at night for 60 cents and fill it up with fuel instead of $70 worth of gasoline. I believe tens of thousands of Tennesseans and millions of Americans are going to be doing that.

If we set as our goal and take all the steps we need to take in the Senate to make plug-in electric cars and trucks commonplace, we could use less. Many estimates from General Motors and others is that just the plug-in electric vehicles would cut our imported oil by one-third, which is now about 12 million barrels a day. That is a significant reduction.

We can use less oil if we have a crash program in advanced biofuels. There is a lot of concern about ethanol and its effect on food prices. Well, we can grow a lot of crops that we don't eat such as switchgrass, for example, and with more research on cellulosic ethanol we can use less oil.

The other half our strategy to lower gas prices is finding more. That is where we have a difference of opinion. It seems that the other side of the aisle wants to repeal half the law of supply and demand. It is a new form of economics. Maybe we could call it ''Obama-nomics'' or some other name. But we say: All right, we agree on using less; now let's talk about finding more. What about, for example, allowing other States, such as Virginia, whose legislature says it wants to, to do what Texas, Louisiana, Mississippi, and Alabama do, which is to explore for oil offshore. We have a lot of it. We permitted an enlargement of that in the Gulf of Mexico a couple of years ago. Already the money is beginning to come in from the bids, and 37½ percent of the money goes to the States for their use for education or to nourish their beaches or whatever, and one-eighth goes to the Land and Water Conservation Fund.

The Presiding Officer and I both were Governors of our States. Neither one of us was fortunate enough to have an ocean on our State, so we don't have any potential for offshore drilling. I can't speak for the former Governor of Nebraska, but I can for Tennessee. If we had the opportunity in Tennessee to put oil and gas rigs 50 miles offshore where we couldn't see them and explore for oil and gas, and keep 37½ percent of the revenue and put it in a fund for our universities to make them among the best in the world, and to keep taxes low, and to use the money for greenways or to nourish the beaches or for other purposes, we would do it in a minute. I would think sooner or later Virginia will say they would like to do that. Maybe North Carolina will. Maybe Florida will.

Our proposal is simply, if the State wants to do it, the State can do it. No one is saying Virginia must do it or North Carolina must do it. It simply gives them the option, and it gives us more American oil and more supply to help stabilize and bring down the price of $4 gasoline.

But Senator OBAMA and most of the Democrats on the other side of the aisle say: No, we can't. No, we can't to offshore drilling. No, we can't to oil shale, which is in four Western States. There is, conservatively speaking, according to the Department of the Interior, 1 million barrels a day that we could get from offshore exploration and 2 million barrels a day that we could get from oil shale. If we added 3 million barrels a day to our production in the United States, we would increase by one-third the production that we have in the United States. We would be making more of our contribution to the world supply of oil.

We are the third largest producer of oil in the world. Why should we go begging the Saudis to drill more when we can produce more ourselves. That is part of it: Find more, use less.

So we need to come to some conclusion. We want a bipartisan result. We know in the Senate we have to get 60 votes to make anything happen. But I would be hopeful that the Democratic leadership, which is in charge of the agenda, would allow us in July to bring up these matters and act like a Senate. Let's vote. Let's debate. Let's talk about ways to use less. We could find substantial agreement, whether it is on plug-in vehicles, research for advanced biofuels, or conservation.

Senator WARNER has suggested that the Federal Government ought to use less as a good example for the rest of the country. That is a good idea. Senator MCCAIN and others have lots of good ideas as well.

Let's talk about finding more, too, for gasoline in terms of offshore drilling or in terms of oil shale. We can leave drilling in Alaska out of the discussion if that keeps us from having a bipartisan agreement, although it is the fastest way to get 1 million new barrels of oil a day. Let's put it aside for just a moment and say we want to work across the aisle to get a bipartisan agreement. We know we can't reach that agreement with ANWR included, so we will put that aside for the moment. But can we not as a Senate, in a bipartisan way, agree that we should be finding more and using less and not be saying when it comes to offshore exploration, no, we can't, and not be saying when it comes to oil shale: No, we can't. When Senator MCCAIN says we need to double our number of nuclear plants, we can't say that we have enough clean, carbon-free electricity to deal with clean air, global warming, and plug-in cars, but from the other side comes: No, we can't. We cannot say ''no, we can't'' to finding more if we want to bring down $4 gasoline prices.

So I say to Christy, James, Kaye, Ruthann, Brenda, and the 600 Tennesseans who have written me about $4 gasoline, over this Fourth of July recess, a good thing to say to your Members of the Senate and Members of Congress is: Find more and use less. Yes, we can find more. Yes, we can use less. Yes, we can bring down the $4 price of gasoline.

Some have said it will take 10 years. Well, President Kennedy didn't shy away from asking us to take 10 years to go to the Moon. President Roosevelt didn't shy away from putting in the Manhattan Project to split the atom and build a bomb to win the war even though he knew it would take several years. What is wrong with it taking several years? Are we supposed to sit here and let our 2-year-old grandchildren have the same energy crisis to deal with 10 years from now that we have today? Leadership is about looking ahead. It might take 1, 2, 5, or 10 years, but the time to start is today. The way to do it is working across the aisle. The formula for it is economics 101: More supply, less demand, find more, use less. Today, the Republicans are ready to do that. We are ready to do both, find more and use less. But the Democrats are not.

Mr. President, I yield the floor.

EXHIBIT 1

1. Christy Long, Maynardville, TN—Christy works at the East TN Children's Hospital in Knoxville but is worried about the

cost of the commute. She is a diabetic and is having trouble paying for her insulin shots due to the rising gas prices: ''Gas for work or insulin to live . . . that is the decision that I have had to make several times daily.''

2. James Edwards, Charlotte, TN—James drives a rural route for the Postal Service and uses his own car, but the $26-a-day allowance doesn't cover the gas he uses anymore. He says that since the 10% ethanol mandate, he gets less mileage and has to use more gas. His wife's 40–mile commute to and from work everyday is also cutting into their budget.

3. Kaye Nolen, Dyer, TN—Kaye used to drive across country once a year to see her family in Illinois, Utah and New Mexico, but can't afford to do that this year. She says she is afraid that she won't get to spend Thanksgiving with her family this year and that she won't be able to afford gas to make it to work if prices keep going up.

4. Ruthann Booher, Crossville, TN—Ruthann and her husband have had to make significant cuts in their driving and grocery buying because of escalating costs. Her husband, who is 62, is now considering quitting his job at Wal-Mart and drawing Social Security since driving to work is so expensive. They can't afford the payment on a new car with better mileage.

5. Brenda Northern, Walland, TN—Brenda is 60 and can barely afford to drive to visit her mother (who is 79) anymore, and its getting harder and harder to make all her payments. Her husband has to use diesel for his truck because he moves mobile homes for a living and diesel prices keep going up too. She says, ''I just do not know how we are going to make it!''

Hi my name is Christy Long, the gas prices are very hard to deal with. I work 40 hrs a week at East TN Childrens Hospital in Knoxville TN and make decent money. However, between my health insurance, daycare, school fees, groceries, my medicine because I am a diabetic on insulin, plus my house payment, electric, water etc . . . Then buy gas for me to get back in forth to work on . . . Humm lets just say that I wished I could have government benefits for the other stuff so that I could afford my gas. My husband and I whom he works 60 hrs a week at his job have considered me quitting work and staying home due to the fact that we can not afford the gas for me to get back and forth to work, plus eat, my medicine, his medicine and just to live. It is really sad when you have to pick do I want to buy my insulin prescription for $60 this month or do I want to buy $60 worth of gas so that I can get back and forth to work for a week. That has happened a couple of times in the last 6 months to my family. Luckily I have had a good doctor that has given me samples several times to get me thru. Because as anybody would know without my insulin I can not live.

You see my story is not my family can not go on vacation this year or anything, my story is that I do not make enough money to live and work. It is one or the other. . . Gas for work or insulin to live . . . That is the decision that I have had to make several times lately.

Sincerely,

CHRISTY LONG,
Maynardville, TN.

The high gas price is having a great impact on me and my family. I work for the U.S. Postal Service. I have a rural route, which means I use my own vehicle.

I am responsible for the maintenance, insurance and fuel for my vehicle. Even though I receive a vehicle allowance to operate my vehicle for the U. S. Postal Service, it is not adequate.

My allowance is $26.60 per day. Since I am continuously running, starting, stopping my vehicle, I go through about 5–6 gallons of gas a day. At $3.87 a gallon (this what I paid yesterday) and having to fill up my vehicle every other day, it is costing me about $25.00 per day (that's $125.00 per week or $500.00 per month.

That is only for the fuel. I also have to replace brakes, tires and other items for frequently because of the nature of the job I perform.

My wife works at Fort Campbell, Ky and we live about 40 miles from her work. The cost for gas for her runs about $120.00 per week.

Since it was mandated to add 10% ethanol to gasoline, we get less miles per gallon so this means we use more gas.

Since there is a greater price we pay for gas, everyday life (food, utilities, etc.) is more expensive. I served over 21 years in the military and I am proud of this service. America is noted for its compassion for helping other nations, however, we are doing our own country a disservice by not taking care of our own.

This my story and I hope with enough stories like this we can convince the powers that be we need to take care of business soon. By this, I mean do more drilling and build more refineries in America and stop depending on other countries for our own survival.

Thanks for your concern and taking your time to address this issue.

Sincerely,

JAMES R. EDWARDS, SR.,
Charlotte, TN.

Dear Sir, You asked how the high gasoline prices are hurting me?

I can't afford to drive to Moline, Illinois to see my three daughters nor to see two granddaughters graduate from high school. I can't drive to Utah to see my Dad and sister. I can't drive to New Mexico to see my mother. I can't even make the trip to Branson, MO to help my elderly Aunt and Uncle every other month. I used to make the round trip drive from TN to MO to NM to UT to MO to TN once a year. Not now! Can't afford the gasoline!! I used to go to IL to spend Thanksgiving with my daughters. I don't think I can afford that trip this year.

I am barely affording the gasoline to go to work four days a week, shopping once a week and to Church on Sunday. That all costs me around $48 a week. Soon I will have to quit my job because I can't afford the gasoline to drive the 28 miles a day. If I quit my job, what do I have left?

Goodness sakes! When will this all end? I can't afford to go to work and eat one meal a day!! I am willing to work, if I have a way to get there!

Thanks for asking my opinion on this horrible state of affairs.

Sincerely,

KAYE NOLEN,
Dyer, TN.

DEAR SENATOR ALEXANDER: My husband and I have lived in Crossville, TN for 19 years. Never before have we had the problems making ends meet as we are having now. My husband works full time at WalMart. He doesn't make a whole lot of money, but we were getting by. With the gas prices skyrocketing day by day and the trickle down effect on everything else, we have had to really tighten our belts. I used to be able to go to the store a few times a week for groceries that we would run out of. Now I only go once a week. If I have forgotten something, or we run out, we have to do without until I can go the next week. The price of groceries is another factor and I realize it is mostly because of the cost of transporting the goods to the stores. It is also the cost of harvesting the crops due to the gasoline used for farm equipment. It's hurting all of us.

My husband is 62 and is now seriously considering drawing his Social Security and working 3 days a week. We would have more money, but he would have to take a reduced amount instead of waiting until he's 66 and being able to draw the full amount. We have also considered getting a more fuel efficient vehicle, but can't afford to make the payments. We're actually caught between a rock and a hard place. And there will be no vacation for us this year, or any year the fuel prices are this ridiculous. We will just have to stay home.

Thank you for the opportunity to vent my frustration. I think you are doing a great job for the people of Tennessee and I think you would make a great president.

Sincerely,

RUTHANN BOOHER,
Crossville, TN.

From: Northern, Brenda
Sent: Mon 6/16/2008 12:54 PM
To: Alexander, Senator (Alexander)
Subject: My family's Crisis!

Sen. Alexander, I appreciate the opportunity to address the issue of increasing Gas & Diesel prices on my family in particular, even though everyone is experiencing the same problem.

I fill my car up each week and the price just keeps going up, 2 weeks ago it was $53.00, the next week $61.00, and this week $64.00 and my tank was not all the way empty either time.

I drive to work the supermarket and stop by to check on my Mother who is 79 now, and go to Church. I am 60 years old and would love to have the opportunity to spend more time with my Mother, my Husband, Children & Grandchildren, but Gasoline keeps rising, which makes everything else more expensive, so we have trouble meeting our payments, and no recreation at all.

My Husband uses Diesel in his vehicle and also his Work Trucks, and now that cuts down on his profit! He is just a small business man who moves mobile homes, this is what he has done for 44+ years, and makes less and less.

We are just simple Christian people with families trying to make a living on two paychecks, we're a prime example of those who are rapidly approaching retirement age and yet will not be able to retire and have a few enjoyable years together here on earth. I just do not know how we are going to make it! I would love to spend time with my family, enjoy the few years I figure I have left without having to struggle just to buy gasoline to be able to get to work to get a payday that buys less and less of the necessities of life.

One thing that would help save on gasoline would be, make the work week 4 (10 hour shifts) instead of 5 (8 hour shifts).

Since we are already there 2 more hours would not matter if it would save us a day's supply of gasoline getting there and back, also would save the companies in electricity etc.

Sincerely,

BRENDA NORTHERN,
Walland, TN.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, if I may, I will inform Senators as to where we are on the housing bill. Most of my colleagues know that we voted for cloture yesterday with a substantial vote of 83 to 9—not something that occurs with great frequency, getting that kind of strong, bipartisan support for the housing bill, which Senator SHELBY and I have spent weeks crafting, with the support of our members on the Banking Committee. The most recent vote was 19 to 2, on a committee with 21 members, where we ended up with strong, bipartisan support to deal with the foreclosure crisis in this country, to reform government-sponsored enterprises, and to provide for an affordable housing program. That is not to mention other provisions that came out of the Finance Committee, under the leadership of Senator BAUCUS and Senator GRASSLEY, to deal with mortgage revenue bonds, tax incentives, first-time home buyers, and counseling services. As well, we have expanded the numbers to assist individuals who are seeking to stay in their homes and are trying to achieve workouts with lenders at a cost that is affordable for them.

There are many aspects of this important bill. There is no more important issue before us today than dealing with our economy. One need only look at the headlines of the major newspapers in the Nation this morning saying that consumer confidence is the lowest it has been, according to some, in 40 years. The prospects people see for themselves and their families are very low. That in itself is a source of great concern, and it ought to be to every Member of this body—that our fellow citizens don't see a very bright future for themselves and that we need to take some steps on energy and health care costs and housing. We have 8,400 people every day filing for foreclosure. That ought to alarm everybody. We need to take some steps to allow people to work this out and stabilize this cascading housing problem.

When you have home values falling by the hour and you have problems with the lack of new starts, unemployment rates occurring, with it spreading to student loans and commercial lending, this problem has at its center the housing crisis and foreclosure crisis all across our country, and it is not localized in one or two areas.

The fact we have been able to put together a major proposal that addresses this issue, and yet as we stand here, I am stymied because one Senator has decided this bill is not going to go forward—one—because it takes unanimous consent for us to move to the bill.

We already worked out a number of amendments on this bill. People have ideas they want to bring to it, and I welcome those. We wish to get to those ideas, even take the agreements we have reached with Republican and Democratic Senators. One Senator is saying: You can't do that. Again 8,000 more people are about to lose their homes today, but one Senator has said: No, I am sorry, but my bill is more important than the 8,000 of you yesterday or the 8,000 tomorrow who will come up.

We are trying to get this bill done. There are several other Senators, Democrats and Republicans, who have ideas they wish to bring to this debate. Some we can agree to, some we cannot. But they deserve a debate and a vote on their idea. I welcome the opportunity to have that conversation with them. In many cases, we will try to work them out if we can. Where that is impossible, then this body has a right or obligation to vote them up or down, whether or not to accept those ideas.

We had very constructive conversations with the House of Representatives. I am very grateful to Speaker NANCY PELOSI who has welcomed our work here as we try to work out the differences between the House-passed bill and our bill, which are not substantial, in my view. We ought to come to some agreement on those differences. Congressman BARNEY FRANK from Massachusetts, chairman of the Financial Services Committee in the House, has been working with us so we can resolve these differences. I had hoped before we left for the Independence Day recess we would have been able to send a bill to the President for his signature. What greater signal could we send, as I said yesterday, to the American people than this Congress—highly divided, partisan beyond belief in too many cases—was able to come together on an issue that affects so many of our fellow citizens. We are this close to doing it. But I cannot offer an amendment today or invite Members to resolve their differences because one Senator has decided we should not do anything except his bill.

Unfortunately, that is how this institution works too often. As people know, I have been sitting here patiently for the last day and a half, along with Senator SHELBY, trying to resolve these matters. We have to wait until the end of this day. We will go another 5 or 6 hours doing nothing, sitting around in quorum calls and listening to speeches until we run out the clock and then have an opportunity to get to these issues.

I know there are people who care about Medicare. They care about the supplemental appropriations bill. People care about the Foreign Intelligence Surveillance Act. The majority leader has laid this out in clear, concise terms that we need to deal with these matters before we leave, and we are going to do it the hard way or the easy way. But it requires cooperation. It requires people being able to put aside their differences and let us get to the matters before us.

No other issue is more important. I apologize for getting emotional about this issue, but it is awfully difficult to go back home when people are facing gasoline prices that have gone through the ceiling, they are watching their fellow citizens lose their homes, the values of theirs, if not losing them, are declining, joblessness rising in the country, and they are wondering why we cannot manage to get anything done on their behalf.

While we cannot solve every problem, here we have a collection of bills worked out in one package, crafted by Democrats and Republicans coming together, and we cannot even get to debate the issue or bring up ideas other Members have on how we might improve this legislation.

I wanted to inform my colleagues as to why we have not been able to get much done here. It is not for the lack of leadership by HARRY REID. He has been leading and asking the other side to work with us to get this job done. As he said last evening, there are moments, we all understand, when partisan politics take over. There are other moments when you have to set that aside, and this is one of those moments.

So my urging at this moment at 11:15 this morning is, would this one Senator reconsider what he is objecting to and allow us to get to this matter. That Senator has had four different opportunities to vote on his bill. I happen to support his bill, by the way. I think I am a cosponsor of it. If not a cosponsor, I certainly have been supportive of it. I also understand there are other issues with which we have to grapple, and the housing issue is a major one for us.

We are right on the brink. In a couple of hours, we can resolve this matter, vote on it, send it to the House, and hopefully they will agree, and send that bill to the President. We can do that literally in the next 2 or 3 hours if I can only get an opportunity to raise these matters on the floor of the Senate.

I am deeply grateful to the majority leader who has done everything conceivable to make this happen. What we are lacking is the kind of cooperation required to get this bill done. This is not a bill I would have written on my money, nor would Senator SHELBY. There are 100 of us here. We all have our ideas on how we would frame these matters. But we are elected to a body that includes 99 other Members, and you have to sit down with each other and work to achieve anything. When you refuse to do that, you make it impossible to step forward.

My urging at this hour of the morning is let us get to this bill, allow these Members—Democrats and Republicans—to have their ideas brought up, resolved, or voted on so we can conclude this work, send it to the House, and hopefully to the President of the United States for his signature.

Mr. President, I ask unanimous consent that the time the Senate spends in quorum calls during today's session count toward the time postcloture.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. CRAIG. Mr. President, I am filing at the desk today an amendment to the emergency supplemental that will be coming over, or is already here, from the House to reinsert a provision that the Senate put in our version of the emergency supplemental before it went to the House for their consideration. This amendment includes a 1-year funding for the Secure Rural Schools and Community Self-Determination Act. What that simply means is timber-dependent communities and school districts across the country would receive their level of funding for one more year until such time as we can fully reauthorize the act.

The Senate Finance Committee, in the extender legislation, has a reauthorization in it. But we don't know whether that will come immediately following the Fourth of July recess or some time into the summer. Here is the reality of the emergency funding about which we are talking.

There are 775 counties and 4,400 school districts in 42 States that is now making critical hiring decisions for the coming school year that will start at the end of August. These school districts need this money. It is quite simple. They have no other way of raising the resource that is now terminated as a result of our inability to move in the appropriate fashion.

What we are talking about is 9 million schoolchildren who will be affected. In my State, numerous school districts and potentially several hundred teachers are getting their termination notices because there simply is no money to hire or to continue to hire them. What are we talking about? A timber-dependent county, a county where 90 percent of its landscape is owned by the Federal Government and 10 percent is owned in fee simple and pays taxes into the school district, and they have no possible way of raising enough revenue when a third or a half of the revenue came from those public lands originally through timber sales.

Senator WYDEN and I some years ago created this legislation. It is known as Craig-Wyden or Wyden-Craig. We have helped these school districts, and we are fumbling here trying to accomplish that. We put it in our version of the supplemental. Now the supplemental comes back. It is not a pure document. It is not exclusively a military funding document. It has veterans money in it. It has emergency money in it for FEMA to handle the disastrous flooding going on in the State of Iowa.

In my State of Idaho, in Clearwater County, we have a disaster. It isn't flooding. It isn't the Clearwater River over its banks. It is a school district that is dramatically having to diminish the quality of education because this Congress has not acted in a timely fashion, and we simply roll over and say: Oh, well, we will probably get it done in July, but then again it might be August.

It is now we must act because in August, that school will be back in operation and that schoolteacher who was teaching some level of academics in that high school or grade school will be gone because the money has not been replenished. I call that an emergency. I call that a need to address the supplemental.

I have talked with the chairman of the Appropriations Committee, I have talked with the ranking member. They, too, view this as a crisis. I know we all have our priorities, but in this case Senator CRAPO, Senator SMITH, Senator DOMENICI, Senator STEVENS, Senator MURKOWSKI, Senator BENNETT, and others agree with me. And there are numerous Senators on the Democratic side of the aisle. I have spoken a few moments ago with Senator WYDEN. The State of Oregon will be in crisis if we don't resolve this in a reasonable fashion.

This is simply a 1-year extension of funding at current levels. It is not a new reauthorization. It represents about $400 million in the chairman's mark that moved out of here before. So this amendment, as I speak, will be filed at the desk, and I would hope, in our effort to move legislation and finish the supplemental, the emergency supplemental, that we also recognize there are some domestic emergencies here at home, such as the flooding on the Mississippi, such as tornado-ravaged areas, such as school districts having to fire needed and necessary educators to provide for the quality of education of their children because Congress did not responsibly fund public land, Federal public land-dependent counties, and created the crisis by our inaction.

With those comments, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that following my presentation, if there is a Republican speaker on the floor, they be recognized next, as has been the course, and that Senator BROWN of Ohio be recognized as the next Democratic speaker.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE CONTRACTING

Mr. DORGAN. Mr. President, yesterday, there was a hearing in the Congress, on the House side, dealing with someone I have spoken about on the floor at some length, and I wish to talk about that hearing and what it means. Then, following that, I wish to speak about the bill I introduced yesterday dealing with the price of gas and oil and oil speculation.

First, let me talk about the hearing yesterday and what we learned about the Defense Department and the State Department and others dealing with this man. This man's name is Efraim Diveroli. He is 22 years old and the president and chief executive officer of a firm that was awarded $300 million in contracts by our Federal Government. So this is a guy who took over a shell corporation that his dad had, and he was awarded $300 million in Defense Department contracts. He was the president of the company at age 22. He had a vice president, though. It is not as if the company was understaffed. This is a photograph of his 25-year-old vice president, who is a massage therapist—David Packouz. He was called a masseur, or massage therapist. So these two guys ran a company in Florida that had an unmarked office door. At one point, Mr. Diveroli, the CEO, says he was the only employee and at another point it was he and his vice president, the massage therapist.

They got $300 million from the Federal Government, from the Defense Department, and they were to provide weapons and ammunition to the Afghan fighters because our Defense Department wanted to help the Afghan fighters take on the Taliban in Afghanistan. Well, here is what these folks provided to the fighters in Afghanistan—40-year-old Chinese cartridges which came in boxes that were all taped and falling apart—this is an example. They were made in China in the mid-1960s. It is pretty unbelievable. The fighters in Afghanistan said this was junk coming from this company that got $300 million in contracts from the Defense Department.

Now, I had the three-star general come to my office. I am on the Appropriations Subcommittee on Defense, and we shovel a lot of money out the door for a lot of these Defense needs, some legitimate, some not, and I had a lengthy meeting with the three-star general who was in charge of this. I said: How on Earth could you have given a contract to a company run by a 22-year-old, who had very little experience, running a shell company his dad owned, a company where his vice president was a massage therapist? This is a joke, except it is not a joke when the American taxpayers are fleeced. He gave me a hundred excuses, this three-star general did.

But all he would have had to do is go to MySpace. Pull this man up on MySpace, the president of this company, and here is what he says on MySpace.

I like to go clubbing, go to a movie. I have taken a really liking towards fine Scotch whiskey. I have had problems in high school, so I was forced to work most of my teen years.

He probably grew up a little fast.

Got a decent apartment. Am content for the moment.

Go to MySpace. Is this the CEO of a company you want to give $300 million in contracts to?

This is an outrage. So a hearing was held yesterday, and here is what the hearing disclosed. There was a watch list at the State Department. This company—these guys—had small contracts with the State Department, and the State Department had compiled a watch list of 80,000 individuals and companies suspected of illegal arms transgressions and other things, including this company. Well, the fact is, the Defense Department never checked the State Department. Contracts have been pulled from this little company, but the Defense Department never checked, so they give them a $300 million contract, or a series of contracts, worth $300 million.

The reason they say it didn't show up is because they don't check on contractors that maybe are bad contractors if the contract is less than $5 million. That is, apparently, an asterisk.

I mean, I don't understand this at all. Government officials failed to review several of these contracts from this little company that had been canceled or delayed. They never raised red flags because they fell under the $5 million contract value that was the warning threshold. The contracting officer with the Army Sustainment Command had overruled a contracting team that raised concerns about this company. They said there was substantial doubt, but nonetheless the company got the contracts. Listen, this is shameful. We ought to do—and, yes, we in the Senate as well—ought to do a detailed investigation. We should bring people here under subpoena, if necessary, to find out who made these judgments and why they are still working for the Federal Government. Why aren't they long ago gone from the Federal payroll? This is not the end of it or all of it. I have spoken about dozens and dozens of contracts that are similar to this.

At any rate, yesterday, this hearing occurred in the House. I commend Congressman WAXMAN, who has been doing some of the most significant work in the Congress in investigating this. We need to investigate this on the defense spending side as well, those who appropriate this funding. This is shameful, and I think everybody involved in it ought to be embarrassed. We are shoveling money out the door to support the war in Iraq and Afghanistan.

I have shown pictures on the floor of the Senate of one-hundred dollar bills wrapped in Saran Wrap the size of bricks, and the guy distributing that cash in Iraq said he told contractors our motto was: We pay in cash, you bring a bag. It was like the Wild West, he said.

You think money isn't wasted? You think there isn't stolen money over there, when you are distributing money out of the back of a pickup truck and we are airlifting one-hundred dollar bills on C–130s, flight after flight, full of cash?

This is unbelievable what is happening with this contracting abuse, and this is one, small example.

I think all those involved in it ought to be brought before congressional committees and that we demand answers from them. Who is responsible, who is accountable on behalf of the American taxpayer? If they can't answer, they ought not be on the public payroll.

That takes care of my need for therapy to talk about this issue. It is almost unbelievable that the American taxpayer, en masse, is not gathering outside this Capitol saying, when we hear this kind of thing, we are outraged. So let me be outraged on behalf of them and say this cannot be allowed to continue.

SPECULATING ON OIL AND GAS

Mr. President, I came to the floor to talk about the issue of the price of gasoline. I had a guy in my office the other day that was the president of one of the larger corporations and this company was engaged in trading and all these issues. He was a fast talker. I mean, it was unbelievable to me. When he finished talking, I was out of breath. He was one of these guys who talked and talked and talked. His point was: Look, everything is working fine. The price of oil, the price of gas, that is what the market says it is. I said: Well, it appears to me there are substantial amounts of speculation. Over a period of time in this world we have seen some dramatic growth in speculation in certain areas. When it happens, the markets break and you have to come back and herd the speculators out and have markets available for the legitimate transactions.

This person said: Speculation, are you kidding me? These are normal transactions on the commodities market, the futures market for oil, as an example. There is supply, demand, and people are involved. I said: Well, tell me this, if you would: What has happened in the last 15 months? Tell me what has happened with respect to supply and demand that justifies doubling the price of oil in the futures market? Can you tell me? Then he spoke for 45 minutes, almost uninterrupted, and had not answered the question.

I said: That makes my point. At the end of this meeting, you can't answer the question because nothing has happened in the last 15 months that demonstrably alters the supply-and-demand relationship or that justifies what has happened with the price of oil. Nothing justifies doubling the price of oil in the last 15 months. The only conclusion you can come to—and many have and I certainly have—is that we have a carnival of speculation in the futures market by a lot of big-time speculators interested in making money. They do not want to own oil or take possession of oil. They do not want to use oil. They wouldn't be able to recognize oil at first blush. They wouldn't even be able to lift a 30-gallon drum of oil. They just want to make money speculating on oil.

So if we have a bunch of speculators in this carnival of greed who rush into these markets and drive up prices well beyond what the fundamentals would justify, it breaks the market. If the market is broken, we have a responsibility to set it right. When the commodities market for oil was established in 1936 by legislation, Franklin Delano Roosevelt said we have to be careful to have the tools to stop the speculators from taking over these markets. There is a specific piece in the 1936 act that talks about excessive speculation.

There is excessive speculation in the marketplace now, and it is running up the price of oil and gas. It is hurting every single American family, it is damaging this economy, it is dramatically injuring industries—such as airlines, truckers, farming, and others. The question is, What should we do about it?

Should we sit here somewhere in a crevasse between daydreaming and thumbsucking and decide to do nothing? Or should we finally decide we have to take some action when a market is broken?

Let me go through a couple charts. I have used them before so it is repetitious, but it seems to me it is useful repetition in describing a very serious problem.

Here is what has happened to the price of oil. There is no event in here that suggests this should be the price of oil. You double the price. There is nothing in here that justifies doubling the price. The fact is, people are driving less in this period. There were 4.5 or 5 billion fewer miles driven in this country in a 6-month period; 4.5 to 5 billion fewer miles driven, less gasoline used. That means lower demand. At the same time, in the first 4 or 5 months of this year, we saw crude inventory stocks rise, not fall. If inventory is going up and demand is going down, what is happening to the price of oil and gasoline? It is going up? That doesn't make any sense. That is not logical. That is a market that is broken.

Let me analyze what all that means. This is what a commodity exchange looks like. This is the New York Mercantile Exchange, called NYMEX. There are a bunch of folks who trade. They come to work and do a legitimate job. They are trained to do this job, and they are trading on behalf of others. But what has changed is, instead of it being just a legitimate market for

hedging between those who produce and those who consume, wanting to hedge a physical commodity, we have now people in this market who have no relationship to this commodity.

Will Rogers described it a decade ago. He described people who buy things they will never get from people who never had it, making money on both sides. That is speculation.

Here is what some folks have said about these issues. Let me describe, first, before I describe what some other folks have said about it, the 1935 act. It says, this is the commodities act that establishes this—

> This bill authorizes the Commission . . . to fix limitations upon purely speculative trades and commitments. Hedging transactions are expressly exempted.

The point is the underlying bill authorizes the regulator, the Commodity Futures Trading Commission, to fix limitations on purely speculative trades. That is exactly what the Commission is supposed to do. But the Commission has largely taken a vacation from reality. It seems to have no interest in regulating. I am talking especially about the chairman and those who control the Commission.

Here is Fadel Gheit, 30 years as the top energy analyst for Oppenheimer & Co. He testified before our committee. I have spoken to him a couple times by phone. Here is what he says:

> There is absolutely no shortage of oil. I'm convinced that oil prices should not be a dime above $55 a barrel. I call it the world's largest gambling hall. . . . It's open 24/7. . . . Unfortunately, it's totally unregulated. . . . This is like a highway with no cops on the beat and no speed limit and everybody's going 120 miles an hour.

I encourage my colleagues, if you want to understand what is happening in this market, call Mr. Gheit. He has been involved as an energy trader with the large companies. He will give you an earful. I have had the opportunity to hear him not only in committee, but I called him as well and had a conversation about speculation.

The president of Marathon Oil Company: ''$100 oil isn't justified by the physical demand of the market.''

I am going to have a hearing this afternoon with the head of the Energy Information Administration, EIA. I fund this agency in my appropriations subcommittee—Mr. Caruso heads it. I wish to show what the EIA has projected on all these occasions for the price of oil and gasoline.

In May of last year, they projected this yellow line. That is where the price would go. In July of last year, they projected this yellow line. In September, they projected this. Do you see what the momentum is? In terms of what they are projecting, in every case they are demonstrably wrong—not just wrong by a little, wrong by a lot.

We spend over $100 million for this agency to get the best and brightest, to determine as best they can what is going to happen to the price of oil. They have always believed the price is essentially going to remain about the same or go down. The price, however, has gone way up. Why? Because unbridled speculation exists in this market with speculators driving up these prices.

Despite that, the EIA testifies and has testified repeatedly: They see some speculation but not very much.

If they believe this represents the fundamentals in the marketplace, how on Earth could the best estimators in an agency we spend $100 million a year on—how could they be this wrong? There is something fundamentally wrong with that piece.

Finally, 2 days ago, the House released a report that was done by a House subcommittee that talked about the explosion of speculation on the futures market. It went from 37 percent speculative trades in 2000 to 71 percent of the trades now that are ''speculation.''

I describe all that to say I have introduced legislation. I am talking to Republicans and Democrats in the Senate, hopeful of garnering cosponsors to move this legislation that addresses this issue by saying to the Commodity Futures Trading Commission: You have the authority to do the following, and you should do the following, just going back and reading the underlying law that created you. No. 1, identify those trades that represent legitimate hedging trades between a producer and a consumer with a physical product in which they wish to hedge risk. That is precisely what the market was established for. Distinguish that kind of trading from all other trading which represents nonlegitimate hedging, or speculation.

Once you have determined what body of trading represents speculative trading—and it has been a carnival of greed, in my judgment, rushing and pushing up the amount of speculative trading, as I have shown—once you have done that, I suggest we impose a 25-percent margin on the speculative trading that is going on, in order to try to wring some of that excess speculation out of this market.

No. 2, I suggest the regulator have the opportunity to use their authority to either revoke or modify all their previous actions, including their ''no action'' letters, in order to shine the light on and see and regulate all the transactions that have to do with American products or trading in this country.

Strangely enough, the Commodity Futures Trading Commission itself said, for example, the Intercontinental Exchange, largely owned by American interests, that trades in London—that you can come here, you can set up an office in Atlanta, you can trade on computers in Atlanta, and we will decide of our own volition that we will not regulate you and you will be outside the purview of our sight. That is an unbelievably bad decision, and it needs to be revoked—not just that decision but so many others similar to it.

It would be nice if we would have a regulatory body that says our job is to regulate. We pay for regulatory bodies for the purpose of wearing the striped shirts; they are the referees, they call the fouls.

I think, having taught some economics in college, that the best allocator of goods and services in this country that I know of is the marketplace. Markets are wonderful. I am a big supporter of markets. But when markets are broken, the Government has a responsibility to act. We have a regulator that has been oblivious to open markets, in fact has accelerated and actually helped break them. I believe our responsibility at this point is to set this regulator straight and decide here are the conditions by which we own up to the responsibilities of the original act—allowing for legitimate trading and hedging but trying to shut down the speculation that has driven up the price of gasoline and that injures every family and every business in this country and damages the American economy.

My hope is, in the coming couple days and weeks, that Congress, and the Senate especially, will be able to consider the bill I have authored. There are other good ideas as well. I welcome all of them. But I think this is not a circumstance in which one of the options for the Congress is to do nothing. The American people expect more and deserve more and I think should get more from this Congress.

I have spoken to Senator REID and many others, who are also very interested in moving on these issues. I hope it will be bipartisan. I am very interested in having Republicans and Democrats work on perfecting these issues so we can take action very soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business to be followed by the Senator from Ohio, Mr. BROWN, and he would be followed by the Senator from New Hampshire, Mr. GREGG.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Mr. President, I ask I be added after Senator GREGG.

Mr. INHOFE. And the Senator from Wisconsin be after Senator GREGG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. First of all, it is my intention—which I will not do right now because I know what would happen—to introduce an amendment to the housing bill that makes eminent sense. But I know and I have been told it would be objected to, so I will not do it, but I will explain it in hopes that at a later time we will be able to get this in.

The amendment I have is simply a one-page amendment. What it does, it would prohibit individuals who annually make more than $75,000 and couples making more than $150,000 from

receiving taxpayer-backed bailouts of troubled mortgages. The main provision of the housing bailout bill is a program to allow troubled mortgage holders to refinance their mortgage into a Government-insured loan through the FHA. The bill allows the FHA to take on up to $300 billion in troubled mortgages, into the taxpayer-backed program.

In this bill, as currently written, the value of an eligible loan under the FHA is $550,000. The nationwide average value of a home is roughly $200,000. The average value of a home in Oklahoma is just under $150,000.

I believe it is bad policy to put taxpayers on the hook for borrowers who took on more than they could afford and lenders who made bad loans to begin with. It is entirely unacceptable to have the Government put taxpayers on the hook for someone who qualified for a loan more than two or three times what the average American can afford.

When Congress passed the economic stimulus package, Democrats vehemently argued certain people make too much money to benefit from a handout from the U.S. Government; specifically, eligibility for the full-time stimulus was capped at $75,000 for an individual and $150,000 for couples. So this amendment says that if you are too rich to get a full stimulus check, you are too rich to get a bailout.

Another provision of the housing bill provides an interest-free loan of $8,000 for first-time home buyers and applies income limits of $75,000—there it is again—for individuals and $150,000 for couples. It is perfectly reasonable to apply those same income standards for individuals who are getting a taxpayer-backed bailout on their mortgages.

Someone with a $550,000 mortgage pays approximately $3,300 a month on housing alone—that is assuming a 30-year fixed-rate mortgage at a 6.3-percent interest rate. That comes to $39,600 a year in mortgage payments alone. According to the Bureau of Economic Analysis, average per capita income in the United States, in 2007, was $38,600; therefore, someone with a $550,000 mortgage will be spending around $1,000 more on their home alone than the average American makes in an entire year.

The Congressional Budget Office came out and warned that 35 percent of the loans refinanced through the program will eventually default anyway. CBO also highlighted the perverse incentives in this bill, noting that banks will use the program to offload their highest risk loans to taxpayers. CBO said:

> . . . the cumulative [default rate] for the program would be about 35 percent and that recoveries on defaulted mortgages would be about 60 percent of the outstanding loan amount. Those rates reflect CBO's view that mortgage holders would have an incentive to direct their highest risk loans to the program.

Washington should not be holding folks who have been responsible for their mortgage liability responsible for the irresponsible decisions of others. We should not be putting taxpayers on the hook for bad loans made by irresponsible lenders and borrowers. We most certainly should not be putting taxpayers on the hook for individuals who can afford two or three times what the average taxpayer can afford.

This is especially true when there is no guarantee the program would not have to be bailed out after the additional taxpayer dollars. There is a very good chance, in fact, that this program will require additional tax dollars; that this is just the beginning.

On June 10, the New York Times reported that the FHA—the agency we are mandating in this bill to take on the worst loans made during the subprime housing crisis—currently faces $4.6 billion in losses, four times the amount of losses than the previous year and over 20 percent of its capital reserves.

The day before the New York Times story, Reuters reported that the head of FHA, Brian Montgomery, has serious concerns about the housing legislation we are now considering:

> Some in Congress are advancing legislation . . . that could be problematic for the economy and the country.

He further said:

> FHA is designed to help stabilize the economy . . . it is not designed to be a lender of last resort, a mega-agency to subsidize bad loans.

Yesterday the Wall Street Journal reported the FHA is having serious trouble with the bad mortgages that are already on the books and will likely require an appropriation of over 1 billion in Federal tax dollars as soon as next year.

This would be the first instance of a government subsidy for the FHA since it was created in 1934.

The Journal reported:

> The FHA, which essentially is filling the void left by the collapse of the subprime market, will request a Government subsidy for the first time in its 74-year history. The agency says it will need $1.4 billion next year.

The American taxpayer, the taxpayers in my State of Oklahoma, should not be put in a position where they are ultimately responsible for the irresponsible decisions of others, and they certainly should not be on the hook for relatively well-off individuals, not to mention large lending companies that made poor financial decisions.

Lastly, let me say we are using the same standard, this $75,000 per individual or $150,000 for a joint return, that would be the same level we are using in the rest of this bill and other programs, including the economic stimulus program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

MINIMUM WAGE

Mr. BROWN. Mr. President, 70 years ago today President Roosevelt signed the Fair Labor Standards Act into law. After two decades of devastating Supreme Court opposition, a Supreme Court in those days with a similar bias against workers that our Supreme Court has today—think of Ledbetter and so many other cases they have made. But after two decades of devastating Supreme Court opposition, and 3 years after that Supreme Court declared the National Industrial Recovery Act unconstitutional, Americans finally were assured of a minimum wage, reasonable work hours, and an end to child exploitation.

Senator Hugo Black, who sat at this desk in the Senate in the 1920s and 1930s, was fundamental in this historic achievement. Black, in the early 1930s, prior to Roosevelt becoming President, had introduced legislation calling for a 6-hour workday. It was considered so radical and so controversial that the 8-hour workday signed into law by President Roosevelt was considered more reasonable and more palatable, and the Congress went along.

Black, by this time, by the time the minimum wage actually went into effect, was a member of the Supreme Court appointed by President Roosevelt. Black, in those years leading up, joined with President Roosevelt, Labor Secretary Frances Perkins, and labor leader Sidney Hillman to craft legislation that would withstand judicial challenge. It was not an easy fight, but progressives stood firm for social justice and for economic justice. They said ''no'' to worker exploitation and they created a path to the American dream for millions. As the minimum wage floor was established, other wages went up also, and more and more workers joined the middle class and as a result came out of poverty and joined the middle class. For the first time in our Nation's history, people who worked hard were assured of a reasonable standard of living and decent labor conditions.

Where is that commitment today? Today's low- and middle-income men and women have been hit hard by the failed economic policies of the last 7 years, bad trade policy, bad tax policy, all up and down. We see what has happened to our economy in the Presiding Officer's home State of Pennsylvania, my State of Ohio, from Lima to Zanesville, and everywhere in between.

With gas at $4 a gallon, rising health care costs, skyrocketing food prices, it is more and more difficult for hard-working Americans to keep pace. Now 70 years of progress is eroding. Income inequality is the worst it has been in this country since before Roosevelt, since the Depression and the New Deal gave birth to the minimum wage.

Tim, from Cleveland Heights, OH, a suburb southeast of Cleveland, used to donate to food banks, soup kitchens, and charities before his family fell on hard times. He never thought he would need that help from others. But as the cost of living went up, Tim, who has a full-time job—his wages did not keep

pace. It took 3 months of financial strain before Tim and his family realized they needed to use the food bank he had been contributing to in the past.

Tim used to consider himself middle class. He does not picture himself that way anymore. But there is reason for hope. In 2007, this Congress, the House and the Senate, passed the first minimum wage increase in 10 years. Workers now earn $5.85 an hour, and will get a raise of 70 cents next month. This is a positive step but just the first. We must continue to push for a living wage for all of Ohio and America's hard-working men and women.

Today someone earning a minimum wage and working full time makes only $10,700 a year. That is $6,000 below the poverty line for a family of three. That, put mildly, is unacceptable. Congress must work to index the minimum wage to inflation to give workers relief in these hard times.

Under current policy, wages stay low as prices go up. Wages in real dollars are far below the minimum wage, and in real dollars are far below what it was 40 years ago. Hard-working Americans are at the mercy of politics and business lobbies for an increase in pay, while CEOs of corporations such as Exxon are reporting record paydays. This is unconscionable.

Franklin Roosevelt said:

> A self-supporting and self-respecting democracy can plead no justification for the existence of child labor, no economic reason for chiseling workers' wages or stretching workers' hours.

Like Roosevelt, we must stand for social and economic justice. If social justice and economic justice works for hard-working Ohio families, hard-working American families, and social and economic justice builds a better society, we must do our part to ensure that those who want to work can make a living wage.

We must fight in this Chamber for families who are struggling to stay above the poverty line, families who work full time and play by the rules, pay their taxes, are involved in their communities, raising their kids. We must ask ourselves what kind of country we want this great country to be.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I want to speak on the bill, not in morning business.

I am concerned we are not getting to a lot of the issues in this bill we should get to. Although I am supportive of the underlying bill, one of the issues we are not getting to, and I do not understand it, is the need to extend the renewable tax credits.

Senator ENSIGN and Senator CANTWELL have brought forward an amendment to accomplish this. The renewable tax credits are those tax credits which create an incentive for using things that are more energy efficient: making your home more energy efficient, using solar, using wind, using wood pellet stoves, things which are basically alternative sources of energy, or doing additions to people's homes which make their homes more energy efficient.

At a time when gas prices are extraordinarily high, and oil prices are going through the roof, especially home heating oil—in fact, it is estimated home heating oil will be about $4.77 this week—it is essential that we do whatever we can as a government to encourage the use of alternative sources and renewables and to encourage people to be more energy efficient as they either build a new home or they refurbish and renovate their old homes.

That seems to be common sense to me. It has such common sense that this proposal, the extension of the renewable tax credits, passed this body with 88 votes. However, for some reason it is not being allowed to be brought up on this bill.

It is very appropriate for this bill, it is even germane to this bill, as I understand it, which is a pretty heavy test to pass. But it is not being allowed to be brought up for a vote. I cannot understand that. This is such an important action from the standpoint of giving consumers and people who are struggling with high energy cost options. It is something we should rush to do. It is not something that should be delayed by the leadership of the other side of the aisle. But that is what is happening.

I join with Senator ENSIGN and Senator CANTWELL and strongly encourage the leadership of the Senate Democrats to allow a vote on this amendment and let it pass. If the House does not want to take it, that is their choice. But I suspect the House will, because, again, it is common sense, and commonsense ideas usually lead to common ground, which leads to something happening around here.

When you have got 88 votes for something, it should be done. In the larger context of the energy crisis which we face, this type of step is critical. It is not going to solve the whole problem, we know that, but it is certainly part of the matrix of moving to a more positive result and getting our energy costs under control.

People in New Hampshire—this is true across the country, but people in New Hampshire are thinking about next winter and the cost of home heating oil is going to be extraordinary. It looks as if this will add tremendous stress, especially on people who live on a fixed income but even those who were able to adjust their income through working are going to find it difficult. They are going to find it difficult, because at $4 a gallon, if they have to commute to work—and most people in New Hampshire have to commute; it is a rural State from the standpoint of moving around—they are going to find it much more expensive to commute. Most people use oil to heat their homes, and with home heating oil at over $4.50 a gallon, you are talking about a doubling of the oil costs from last year. That is going to overwhelm the pocketbooks and the economic situation for a lot of people in New Hampshire. It is going to be a real hardship. We need to do something which will relieve that.

This is one element of extending the renewable energy tax credits. But another major element of it is for us to have an energy policy at the national level which essentially promotes American production of energy. We should produce more American energy and obviously we should consume less. There is no question that conservation is a critical element, as are renewables. But on the production side, there is no reason that we as a nation have locked up our capacity to use our resources in order to relieve the pressure on America's people who are now having to pay these outrageous prices for energy, and with the revenues from those purchases going overseas, in many instances to nations which do not like us all that much.

In addition, obviously every time we send a dollar overseas, it is a dollar that can't be invested here in more jobs, in more economic activity, and the fact that we have now tripled what we are exporting in the way of resources, in the way of dollars, again to countries in some instances that do not have a great deal of admiration for us, in many ways are antagonistic to us—the exportation of those huge amounts of dollars, over $300 billion a year, is money which we need here in America to make ourselves stronger.We are heading down a very dangerous road here when we do not recognize that we need to produce American energy and keep those dollars in the United States, rather than shipping them overseas.

Now, from the other side of the aisle we heard these proposals, we heard it from the Senator from North Dakota, that the way to address this is to litigate; the way to address this is to regulate; the way to address this is to tax.

Well, none of those initiatives add more resources to the mix. And this is, in large part, an issue of supply and demand. The world is expanding. India and China have a population base of almost 2.5 billion people between them. We have 300 million people. They are growing economically, and they are using a lot of energy to do that.

We have to recognize that if we are going to remain competitive and productive and strong, we have got to produce energy here, we have got to conserve it—we have to produce more of it, and we have to use less.

As part of that initiative, we need to look at ways and places that we can produce more, areas such as oil shale, for example. We have more reserves in oil shale, three times as much reserves in oil as Saudi Arabia. The estimate is between 2 and 3 trillion barrels of reserves in oil shale alone. We have huge

reserves in Outer Continental Shelf oil and gas. But both of those types of resources are being locked down by opposition, again regrettably by the other side of the aisle, which says we cannot drill in the Outer Continental Shelf except in the Gulf of Mexico, and we cannot use the oil shale reserves which are available.

In fact, 100 percent of the oil shale reserves have been put off limits by policies of the other side of the aisle, supported by their national Presidential candidate, Mr. OBAMA, and 85 percent of the oil in the lower 49 that is potentially out there on the Outer Continental Shelf has been put off limits, again, by the other side of the aisle and, again, supported by Senator OBAMA. That is a huge amount of reserves which we are leaving in the ground while we buy oil at exorbitant prices from Venezuela, a country led by an individual who hates America; oil from Iran, a country where the entire government hates America and anything western.

Why do we do that? That makes no sense at all. Clearly, we have these reserves here, and they can be recovered in an environmentally safe and sound way. The example on the Outer Continental Shelf was shown when we saw Katrina, a horrific disaster, a force 5 hurricane that came up the Gulf of Mexico and wiped out one of our great cities, New Orleans. Virtually no oil or gas was spilled as a result of Hurricane Katrina. Yet it went right across the Gulf of Mexico where all the major oil and gas rigs are. That proved beyond any question that gas and oil can be produced on the Outer Continental Shelf with environmental safety.

There is a lot of it out there that has been locked down. Eighty-five percent of the potential leaseholds are no longer available because of the position taken by the other side. In the area of oil shale, these huge reserves which may be available to us are recoverable by drilling underground and by doing almost all the effort to recover that oil underground so that what actually comes out of the ground is virtually the product that is used. We could essentially get all the oil we need in order to operate the armed services of the United States, the biggest consumer of oil in this country, simply from oil shale because it is a heavy oil which is diesel-like fuel. Yet that is locked down; 100 percent of that is locked down by the policies of the other side of the aisle.

We can move on, of course, to another source that we need to use, which is nuclear power. Nuclear power is essential if we are going to produce the electricity necessary to make this country productive and prosperous and to meet the need to reduce greenhouse gases which are creating problems for us as a culture and for the world. The other side of the aisle has resisted and stopped construction of new nuclear powerplants. We are uniquely familiar with this in New Hampshire. We had the last nuclear powerplant that went on line, Seabrook. It took us an extra 10 to 15 years to build that plant beyond what it should have required. It cost us almost $1 billion more than it should have cost, and almost all of those costs and delays were a function of protests undertaken by very activist elements led primarily by the Democratic Party within the State of New Hampshire.

There has never been an apology for what they did to the people of New Hampshire—over a billion dollars of extra energy costs put on the people of New Hampshire, a direct tax, and yet Seabrook, once it was turned on, has delivered power for almost 18 years and has delivered it safely and at a fair price, to the point where New Hampshire actually exports energy to surrounding States as a result.

We know nuclear power can be safe. Nobody has ever died from nuclear power as compared with other types of power sources. We should not bar its development; we should encourage its development. We need new nuclear powerplants. We need new sources. We need to find and explore for new sources of energy such as are available on the Outer Continental Shelf and in oil shale.

Yet, regrettably, what we run into here is that everybody can agree on the need for conservation, but it doesn't appear we are going to agree on the need for renewables because that amendment is being stopped. But the idea that we should go out and produce more American energy so we are not buying energy from Venezuela and from Iran, that is rejected, regrettably, by the other side of the aisle.

The policy presented in their energy plan was taxation, litigation, and regulation. We heard it again today. We just regulate our way into a surplus of supply. That is not going to happen. You can't take a trial lawyer and stick him in your oil tank, in your house, and get energy. The simple fact is, giving the trial lawyers the ability to sue Venezuela isn't going to produce any more energy for the United States.

What it is probably going to do is create an atmosphere where countries that dislike us within the OPEC group are going to say: The heck with you. You want to create a lawsuit against us, we don't have to sell you the energy or, when you send us your money, we don't have to reinvest in the United States. It is cutting off our nose to spite our face. It is a policy that is virtually absurd on its face because it will have so little productive effect on the price of energy.

The same could be said for taxation. We are going to create a confiscatory tax on companies that produce energy, American companies. Those companies only control about 6 percent of the world's reserves. The rest of the world's reserves are controlled by nations such as Saudi Arabia, Venezuela, and Iran. They are not going to be subject to that tax, their companies. So that puts our companies immediately at a competitive disadvantage.

What do these companies which have been so vilified around here and such easy targets for the online press release really do with those profits? They do two things: They reinvest them in trying to find more energy, which will hopefully be American-produced energy, which is good because more supply reduces cost, or they distribute those profits to shareholders. Who are the shareholders? Most Americans are shareholders, and most American shareholdings are in these companies.

If you have a 401(k), if you are a member of a pension fund, if you are a union employee and you have a pension fund, the odds are good that pension fund is invested in one of these companies that are going to be subject to this brand new taxation coming from the other side of the aisle. There will be less money to explore and less money to distribute back to working Americans through their pension funds and dividends. That is not going to produce any more energy; in fact, it will produce less. That, again, accomplishes nothing except putting out a press release which has nice cosmetics, but when you look behind it, it has no substance as to addressing the fundamental issue.

The fundamental issue is this: We, as a country, need more American energy production, and we need to consume a lot less. There are two sides to the coin. We also need a renewable policy that works. That is why this amendment offered by Senators ENSIGN and CANTWELL, and which has such broad support here, should be voted on. It is a no-brainer. Let's at least move this part of the package of responsible energy policy. I cannot understand why it is not being voted on, especially since it is relevant to the housing bill. We should pass this in a nanosecond because it will at least help in a small way toward moving our energy policy in the right way, which is toward more renewables as we address the issue of production and conservation along with it.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Wisconsin.

FISA AMENDMENTS ACT OF 2008

Mr. FEINGOLD. Mr. President, I strongly oppose H.R. 6304, the FISA Amendments Act of 2008. I will vote against cloture on the motion to proceed. This legislation has been billed as a compromise between Republicans and Democrats. We are asked to support it because it is supposedly a reasonable accommodation of opposing views.

Let me respond to that as clearly as possible. This bill is not a compromise; it is a capitulation. This bill will effectively and unjustifiably grant immunity to companies that allegedly participated in an illegal wiretapping program, a program that more than 70 Members of this body still know virtually nothing about. This bill will

grant the Bush administration, the same administration that developed and operated this illegal program for more than 5 years, expansive new authorities to spy on Americans' international communications.

If you don't believe me, here is what Senator BOND had to say about the bill:

I think the White House got a better deal than even they had hoped to get.

House minority whip ROY BLUNT said:

The lawsuits will be dismissed.

There is simply no question that Democrats who had previously stood strong against immunity and in support of civil liberties were on the losing end of this backroom deal.

The railroading of Congress began last summer when the administration rammed through the so-called Protect America Act, or PAA, vastly expanding the Government's ability to eavesdrop without a court-approved warrant. That legislation was rushed through this Chamber in a climate of fear—fear of terrorist attacks and fear of not appearing sufficiently strong on national security. There was very little understanding of what the legislation actually did. But the silver lining was that the law did have a 6-month sunset. So Congress quickly started working to fix the legislation. The House passed a bill last fall. The Senate passed its bill, one that I believed was deeply flawed, in February.

As the PAA 6-month sunset approached in late February, the House faced enormous political pressure simply to pass the Senate bill before the sunset date, but the reality was that no orders under the PAA were actually going to expire in February. Fortunately, to their great credit, the House stood firm in its resolve not to pass the Senate bill with its unjustified immunity provisions. The House deserves enormous credit for not buckling in the face of the President's attempts to intimidate them. Ultimately, the House passed new legislation in March, setting up the negotiations that have led us here today.

I think it is safe to say that even many who voted for the Protect America Act last year came to believe it was a mistake to pass that legislation. While the House deserves credit for refusing to pass the Senate bill in February and for securing the changes in this new bill, the bill is still a very serious mistake.

The immunity provision is a key reason for that. It is a key reason for my opposition to the legislation and for that of so many of my colleagues and, frankly, so many Americans. No one should be fooled about the effect of this bill. Under its terms the companies that allegedly participated in the illegal wiretapping program will walk away from these lawsuits with immunity. They will get immunity. There is simply no question about it. Anyone who says this bill preserves a meaningful role for the courts to play in deciding these cases is just wrong.

I am a little concerned that the focus on immunity has diverted attention away from the other very important issues at stake in this legislation. In the long run, I don't believe this bill will be actually remembered as the immunity bill. I think this bill is going to be remembered as the legislation in which Congress granted the executive branch the power to sweep up all of our international communications with very few controls or oversight.

Here I am talking about title I of the bill, the title that makes substantive changes to the FISA statute. I would like to explain why I am so concerned about the new surveillance powers granted in this part of the bill, and why the modest improvements made to this part of the bill don't even come close to being sufficient.

This bill has been sold to us as necessary to ensure that the Government can collect communications between persons overseas without a warrant and to ensure that the Government can collect the communications of terrorists, including their communications with people in the United States. No one disagrees that the Government should have this authority. But the bill goes much further, authorizing widespread surveillance involving innocent Americans at home and abroad.

First, the FISA Amendments Act, like the Protect America Act, will authorize the Government to collect all communications between the United States and the rest of the world.

That could mean millions upon millions of communications between innocent Americans and their friends, families, or business associates overseas could legally be collected. Parents calling their kids studying abroad, e-mails to friends '' serving in Iraq—all of these communications could be collected, with absolutely no suspicion of any wrongdoing, under this legislation. In fact, the DNI even testified that this type of ''bulk collection'' would be ''desirable.''

The bill's supporters like to say that the Government needs additional powers to target terrorists overseas. But under this bill, the Government is not limited to targeting foreigners outside the United States who are terrorists, or who are suspected of some wrongdoing, or who are members or agents of some foreign government or organization. In fact, the Government does not even need a specific purpose for wiretapping anyone overseas. All it needs to have is a general ''foreign intelligence'' purpose, which is a standard so broad that it basically covers all international communications.

That is not just my opinion. The DNI has testified that, under the PAA, and presumably this bill, the Government could legally collect all communications between the United States and overseas. Let me repeat that. Under this bill, the Government can legally collect all communications—every last one—between Americans here at home at home and the rest of the world.

I should note that one of the few bright spots in this bill is the inclusion of a provision from the Senate bill to prohibit the intentional targeting of an American overseas without a warrant. That is an important new protection. But that amendment does not prevent the indiscriminate vacuuming up of all international communications, which would allow the Government to collect the communications of Americans overseas, including with friends and family back home, without a warrant.

I tried to address this issue of ''bulk collection'' several times, working in the Intelligence Committee, the Judiciary Committee, and ultimately on the Senate floor in February, when I offered an amendment that would have required that there be some foreign intelligence purpose for the collection of communications to or from particular targets. The vast majority of Democrats supported this effort, but, unfortunately, it was defeated. So the bill today we are considering does not address this serious problem.

Second, like the earlier Senate version, this bill fails to effectively prohibit the practice of reverse targeting and this is; namely, wiretapping a person overseas when what the Government is really interested in is listening to an American here at home with whom the foreigner is communicating. The bill does have a provision that purports to address this issue. The bill prohibits intentionally targeting a person outside the United States without an individualized court order if ''the purpose'' is to target someone reasonably believed to be in the United States. But this language would permit intentional and possibly unconstitutional warrantless surveillance of an American so long as the Government has any interest in the person overseas with whom the American is communicating. And, if there was any doubt, the DNI has publicly said that the Senate bill—which contained identical language as the current bill—merely ''codifies'' the administration's position, which is that the Government can wiretap a person overseas indefinitely without a warrant, no matter how interested it may really be in the American with whom that person overseas is communicating.

Supporters of this bill also will argue that it requires the executive branch to establish guidelines for implementing this new reverse targeting requirement. But the guidelines are not subject to any judicial review. And requiring guidelines to implement an ineffective limitation is not a particularly comforting safeguard.

When the Senate considered the FISA bill earlier this year, I offered an amendment—one that had actually been approved by the Senate Judiciary Committee—to make this prohibition on reverse targeting meaningful. My amendment, which again had the support of the vast majority of the Democratic caucus and was included in the bill passed by the House in March,

would have required the Government to obtain a court order whenever a significant purpose of the surveillance is actually to acquire the communications of an American in the United States. This would have done a far better job of protecting the privacy of the international communications of innocent Americans. Unfortunately, it is not in this bill.

Third, the bill before us imposes no meaningful consequences if the Government initiates surveillance using procedures that have not been approved by the FISA Court, and the FISA Court later finds that those procedures were unlawful. Say, for example, that the FISA Court determines that the procedures were not even reasonably designed to wiretap foreigners rather than Americans. Under the bill, all of that illegally obtained information on Americans can be retained and used anyway. Once again, there are no consequences for illegal behavior.

Now, unlike the Senate bill, this new bill does generally provide for FISA Court review of surveillance procedures before surveillance begins. But it also says that if the Attorney General and the DNI certify that they don't have time to get a court order and that intelligence important to national security may be lost or not timely acquired, then they can go forward without this judicial approval. This is a far cry from allowing an exception to FISA Court review in a true emergency because arguably all intelligence is important to national security and any delay at all might cause some intelligence to be lost. So I am really concerned that this so-called exigency exception could very well swallow the rule and undermine any presumption of prior judicial approval.

But whether the exception is applied broadly or narrowly, if the Government invokes it and ultimately engages in illegal surveillance, the court should be given at least some flexibility after the fact to determine whether the government should be allowed to keep the results of illegal surveillance if it involves Americans. That is what another one of my amendments on the Senate floor would have done, an amendment that actually garnered 40 votes. Yet this issue goes completely unaddressed in the so-called compromise.

Fourth, this bill doesn't protect the privacy of Americans whose communications will be collected in vast new quantities. The administration's mantra has been: Don't worry, we have minimization procedures. Minimization procedures are nothing more than unchecked executive branch decisions about what information on Americans constitutes ''foreign intelligence.'' As recently declassified documents have again confirmed, the ability of Government officials to find out the identity of Americans and use that information is extremely broad. Moreover, even if the administration were correct that minimization procedures have worked in the past, they are certainly inadequate as a check against the vast amounts of Americans' private information that could be collected under this bill. That is why on the Senate floor joined with my colleagues, Senator WEBB and Senator TESTER, to offer an amendment to provide real protections for the privacy of Americans, j while also giving the Government the flexibility it needs to wiretap terrorists overseas. But this bill, like the Senate bill, relies solely on these inadequate minimization procedures.

The broad surveillance powers involving international communications that are contained in this legislation are particularly troubling because we live in a world in which international communications are increasingly commonplace. Thirty years ago it was very expensive, and not very common, for most Americans to make an overseas call. Now, particularly with e-mail, such communications happen all the time. Millions of ordinary, and innocent, Americans communicate with people overseas for entirely legitimate personal and business reasons. Parents or children call family members overseas. Students e-mail friends they have met while studying abroad. Business people communicate with colleagues or clients overseas. Technological advancements combined with the ever more interconnected world economy have led to an explosion of international contacts.

Supporters of the bill like to say that we just have to bring FISA up to date with new technology. But changes in technology should also cause us to take a close look at the need for greater protections of the privacy of our citizens. If we are going to give the Government broad new powers that will lead to the collection of much more information on innocent Americans, we have a duty to protect their privacy as much as we possibly can. And we can do that without sacrificing our ability to collect information that will help us protect our national security. This supposed compromise, unfortunately, fails that test.

I don't mean to suggest that this bill does not contain some improvements over the bill that the Senate passed early this year. Clearly it does, and I appreciate that. Certainly, it is a good thing that this bill includes language making clear, once and for all, that Congress considers FISA and the criminal wiretap laws to be the exclusive means by which electronic surveillance can be conducted in this country—a provision that Senator FEINSTEIN fought so hard for. And it is a good thing that Congress is directing the relevant inspectors general to do a comprehensive report on the President's illegal wiretapping program—a report whose contents I hope will be made public to the greatest degree possible. And it is a good thing that the bill no longer redefines the critical FISA term ''electronic surveillance,'' which could have led to a lot of confusion and unintended consequences.

All of those provisions are positive developments, and I am glad that the ultimate product seemingly destined to become law contains these improvements.

But I just can't pretend somehow that these improvements are enough. They are nowhere close. When I offered my amendments on the Senate floor in February, the vast majority of the Democratic caucus supported me. While I did not have the votes to pass those amendments, I am confident that more and more Members of Congress will agree that changes to this legislation need to be made. If we can't make them this year, then Congress must return to this issue—and it must do so as soon as the new President takes office. These issues are far too important to wait until the sunset date, especially now that it is set in this bill for 2012, another presidential election year.

But let me now turn to the grant of retroactive immunity that is contained in this bill because on that issue there is no question that any differences between this bill and the Senate bill are only cosmetic. Make no mistake: This bill will result in immunity.

Under the terms of this bill, a Federal district court would evaluate whether there is substantial evidence that a company received ''a written request or directive . . . from the Attorney General or the head of an element of the intelligence community . . . indicating that the activity was authorized by the President and determined to be lawful.''

But we already know from Senate Select Committee on Intelligence's committee report last fall that the companies received exactly these materials. That is already public information. So under the exact terms of this proposal, the court's evaluation would essentially be predetermined.

Regardless of how much information the court is permitted to review, what standard of review is employed, how open the proceedings are, and what role the plaintiffs are permitted to play, the court will essentially be required to grant immunity under this bill.

Now, proponents will argue that the plaintiffs in the lawsuits against the companies can participate in briefing to the court. This is true. But they are allowed to participate only to the extent it does not necessitate the disclosure of classified information. The administration has restricted information about this illegal program so much that, again, more than 70 Members of this Chamber alone don't even have access to the basic facts about what happened. So let's not pretend that the plaintiffs will be able to participate in any meaningful way. And even if they could participate fully, as I said before, immunity is a foregone conclusion under the bill.

This result is extremely disappointing on many levels, perhaps most of all because granting retroactive immunity is unnecessary and unjustified. Doing this will profoundly

undermine the rule of law in this country.

For starters, current law already provides immunity from lawsuits for companies that cooperate with the Government's request for assistance, as long as they receive either a court order or a certification from the Attorney General that no court order is needed and the request meets all statutory requirements. But if requests are not properly documented, FISA instructs the telephone companies to refuse the Government's request, and subjects them to liability if they instead still decide to cooperate. Now, there is a reason for this. This framework, which has been in place for 30 years, protects companies that act at the request of the Government while also protecting the privacy of Americans' communications.

Some supporters of retroactively expanding this already existing immunity provision argue that the telephone companies should not be penalized if they relied on a high-level Government assurance that the requested assistance was lawful. But as superficially appealing as that argument may sound, it completely ignores the history of the FISA law.

Telephone companies have a long history of receiving requests for assistance from the Government. That is because telephone companies have access to a wealth of private information about Americans—information that can be a very useful tool for law enforcement. But that very same access to private communications means that telephone companies are in a unique position of responsibility and public trust.

And yet, before FISA, there were basically no rules at all to help these phone companies resolve the tension between the Government's requests for assistance in foreign intelligence investigations and the companies' responsibilities to their customers.

So this legal vacuum resulted in serious governmental abuse and overreaching. The abuses that took place are well documented and quite shocking. With the willing cooperation of the telephone companies, the FBI conducted surveillance of peaceful antiwar protesters, journalists, steel company executives, and even Martin Luther King, Jr.

So Congress decided to take action. Based on the history of, and potential for, Government abuses, Congress decided that it was not appropriate—not appropriate—for telephone companies to simply assume that any Government request for assistance to conduct electronic surveillance was legal. Let me repeat that: A primary purpose of FISA was to make clear, once and for all, that the telephone companies should not blindly cooperate with Government requests for assistance.

At the same time, however, Congress did not want to saddle telephone companies with the responsibility of determining whether the Government's request for assistance was a lawful one. That approach would leave the companies in a permanent state of legal uncertainty about their obligations.

So Congress devised a system that would take the guesswork out of it completely. Under that system, which was in place in 2001, and is still in place today, the companies' legal obligations and liability depend entirely on whether the Government has presented the company with a court order or a certification stating that certain basic requirements have been met. If the proper documentation is submitted, the company must cooperate with the request and will be immune from liability. If the proper documentation has not been submitted, the company must refuse the Government's request, or be subject to possible liability in the courts.

The telephone companies and the Government have been operating under this simple framework for 30 years. The companies have experienced, highly trained, and highly compensated lawyers who know this law inside and out.

In view of this history, it is inconceivable that any telephone companies that allegedly cooperated with the administration's warrantless wiretapping program did not know what their obligations were. It is just as implausible that those companies believed they were entitled to simply assume the lawfulness of a Government request for assistance. This whole effort to obtain retroactive immunity is based on an assumption that doesn't hold water.

That brings me to another issue. I have been discussing why retroactive immunity is unnecessary and unjustified, but it goes beyond that. Granting companies that allegedly cooperated with an illegal program this new form of automatic, retroactive immunity undermines the law that has been on the books for decades—a law that was designed to prevent exactly the type of actions that allegedly occurred here.

Remember, telephone companies already have absolute immunity if they complied with the applicable law. They have an affirmative defense if they believed in good faith that they were complying with that law. So the retroactive immunity provision we are debating here is necessary only if we want to extend immunity to companies that did *not* comply with the applicable law and did not even have a good faith belief that they were complying with it. So much for the rule of law.

Even worse, granting retroactive immunity under these circumstances will undermine any new laws that we pass regarding Government surveillance. If we want companies to follow the law in the future, it sends a terrible message, and sets a terrible precedent, to give them a ''get out of jail free'' card for allegedly ignoring the law in the past.

I find it particularly troubling when some of my colleagues argue that we should grant immunity in order to encourage the telephone companies to cooperate with Government in the future. They want Americans to think that not granting immunity will damage our national security. But if you take a close look at the argument, it does not hold up. The telephone companies are already legally obligated to cooperate with a court order, and as I have mentioned, they already have absolute immunity for cooperating with requests that are properly certified. So the only thing we would be encouraging by granting immunity here is cooperation with requests that violate the law. That is exactly the kind of cooperation that FISA was supposed to prevent.

Let's remember why. These companies have access to our most private conversations, and Americans depend on them to respect and defend the privacy of these communications unless there is clear legal authority for sharing them. They depend on us to make sure the companies are held accountable for betrayals of that public trust. Instead, this immunity provision would invite the telephone companies to betray that trust by encouraging cooperation with illegal Government programs.

But this immunity provision does not just allow telephone companies off the hook for breaking the law. It also will make it that much harder to get to the core issue that I have been raising since December 2005, which is that the President ran an illegal program and should be held accountable. When these lawsuits are dismissed, we will be that much further away from an independent judicial review of this program.

Since 9/11, I have heard it said many times that what separates us from our enemies is respect for the rule of law. Unfortunately, the rule of law has taken it on the chin from this administration. Over and over, the President and his advisers have claimed the right to ignore the will of Congress and the laws on the books if and when they see fit. Now they are claiming the same right for any entity that assists them in that effort, no matter how unreasonable that assistance might have been.

On top of all this, we are considering granting immunity when more than 70 members of the Senate still—still—have not been briefed on the President's wiretapping program. The majority of this body still does not even know what we are being asked to grant immunity for.

In sum, I cannot support this legislation. I appreciate that changes were made to the Senate bill, but they are not enough. Nowhere near enough.

We have other alternatives. We have options. We do not have to pass this law in the midst of a presidential election year, while George Bush remains President, in the worst possible political climate for constructive legislating in this area. If the concern is that orders issued under the PAA could expire as early as August, we could extend the PAA for another 6 months, 9 months, even a year. We could put a 1-year sunset on this bill, rather than

having it sunset in the next Presidential election year when partisan politics will once again be at their worst. Or we could extend the effect of any current PAA orders for 6 months or a year. All of these options would address any immediate national security concerns.

What we do not have to do and what we should not do is pass a law that will immunize illegal behavior and fundamentally alter our surveillance laws for years to come.

I have spent a great deal of time over the past year—in the Senate Intelligence Committee, in the Senate Judiciary Committee, and on the Senate floor—discussing my concerns, offering amendments, and debating the possible effects of the fine print of various bills. But this is not simply about fine print. In the end, my opposition to this bill comes down to this: This bill is a tragic retreat from the principles that have governed Government conduct in this sensitive area for 30 years. It needlessly sacrifices the protection of the privacy of innocent Americans, and it is an abdication of this body's duty to stand up for the rule of law. I will vote no.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, we are at a critical moment. According to the Mortgage Bankers, the rate of foreclosures and the percentage of loans in the process of foreclosure are at the highest recorded level since 1979.

The delinquency rate for all mortgage loans on one- to four-unit residential properties stood at 6.35 percent of all loans outstanding at the end of the first quarter of 2008. This is an increase of 151 basis points from 1 year ago—a 1.5-percent increase—which is usually significant because it translates into thousands and thousands of Americans who are facing foreclosure.

The percentage of loans in the foreclosure process was 2.47 percent at the end of the first quarter, more than double what it was a year prior.

In my own State of Rhode Island, 5.65 percent of all loans are past due, and 2.75 percent are in foreclosure.

That is a staggering statistic. Rhode Island has the unfortunate distinction of having the highest foreclosure rate in New England and is fourth in the Nation for subprime foreclosures.

For many Rhode Islanders—in fact, the majority—their home is their wealth, their nest egg. Unfortunately, with such a high foreclosure rate, many Rhode Islanders are seeing their wealth erode as home prices fall. Thousands more are in default because they are no longer able to refinance or sell their homes since their mortgages are now worth more than the appraised value of their homes.

This week, the latest Case-Schiller home price index was released. Home prices in 20 U.S. metropolitan areas in April fell by 15.3 percent from a year earlier, signaling that the housing recession is not over. In fact, it continues unabated.

More foreclosures will further exacerbate the overall decline in property values and have a dramatic and drastic effect on entire communities. It is clear that this vicious cycle in the mortgage and housing markets is negatively impacting the entire economy.

In addition, as a result of the credit crunch in the mortgage markets, Fannie Mae and Freddie Mac are now the largest player in the secondary housing market. Combined, they are purchasing and securitizing almost 80 percent of the mortgage market right now and almost single-handedly are keeping mortgage credit flowing throughout the country.

Fannie Mae and Freddie Mac are at a critical juncture, and we need to make sure they are well capitalized and overseen by a strong and independent regulator with more bank-like regulatory authorities.

Finally, we do not just have a credit crunch and a mortgage meltdown, we also have a continuing and persistent affordable housing crisis in this country. The irony is, we had an affordable housing crisis when prices were going up because people were being squeezed out of rental properties. Rents were going up. People were being squeezed because there was a real demand for upscale housing and not the same kind of demand in the private market for affordable housing.

As the housing market declines, people are also squeezed. People lost their homes and are moving into apartments. The activity to build and develop affordable housing has not picked up at all. So we have the situation where we also have to deal with affordable rental housing in particular. In the wake of the foreclosure crisis, all of these factors are compounding the plight of Americans across the board. Homeowners are losing their homes, low-income Americans are struggling to find properties to rent, and homeowners have seen the value of their housing investment—which represented their plans for the future and the future of their children—all being radically rewritten as we speak because of a decline in the price of houses. We have seen for the first time a reversal in what had been a positive trend in home ownership. That is now declining.

So I think we are working hard to try to respond to all these issues. How do we inhibit, prevent, as much as we can, this drumbeat of foreclosures? How do we provide support for families who are looking for affordable housing? How do we do it in a conscientious way and also strengthen the regulatory structure that governs Fannie Mae and Freddie Mac? I think we have achieved that in this legislation, and now the time is to move forward. That is why I am encouraging all of my colleagues to support the Housing and Economic Recovery Act of 2008.

This bill includes the Federal Housing Finance Regulatory Reform Act, which will allow us to create a world-class regulator for Fannie Mae and Freddie Mac and the Federal Home Loan Banks, the housing government-sponsored enterprises. This regulator will have broad, new authorities to ensure the safe and sound operations of all these institutions. These powers will include establishing capital standards, setting prudential management standards, enforcing orders through cease-and-desist authority, civil monetary penalties and also the authority to remove officers and directors, restricting asset growth and capital distribution for those institutions which are undercapitalized. It can place a regulated entity into receivership, and it can review and approve new product offers. All of these are the powers which we have extended historically to bank regulators, and now these powers are being extended to the regulator of three of the most prominent financial institutions in the country, although their focus is on housing exclusively, or generally.

This legislation expands the number of families Freddie Mac and Fannie Mae can serve by raising the loan limits in high-cost areas to 150 percent of the conforming loan limit. It also significantly enhances the housing component of the GSEs' mission.

It includes provisions I authored that will dramatically expand Fannie Mae's and Freddie Mac's affordable housing mission by creating a new housing trust fund and capital magnet fund, financed by annual contributions from the enterprises, which will be used for the construction and rehabilitation of affordable rental housing. We expect these programs to eventually provide between $500 million to $1 billion per year for the development of housing for low-income families. These affordable housing contributions are obtained by requiring Fannie Mae and Freddie Mac to set aside less than half a cent on each dollar of unpaid principal balance of the enterprises' total new business purchases. Eventually, 75 percent of the funds collected will be used for the affordable housing trust fund and 25 percent will be allocated for the payment of Government bonds to keep the bill deficit neutral.

I was very pleased to have worked out a compromise with all my colleagues, particularly Senators DODD and SHELBY, that would allow the HOPE for Homeowners Program—the

program Senator DODD has taken the lead in crafting which will resolve or attempt to resolve some of these foreclosure difficulties—to be a mandatory program that is deficit neutral and would not require any payments from the Federal taxpayers because it would use the proceeds from the Federal housing fund in the first 2 years to pay for this foreclosure program. I think this program is a great way to accomplish many of the objectives we have. First, we do want to help people facing foreclosure, but we also do not want to necessarily engage taxpayer funds in that process. This arrangement accomplishes those two objectives.

As many of my colleagues know, I introduced a bill in November to improve the mission of the GSEs that would, in fact, allocate all the money to affordable housing. The bill before us would help this affordable housing mission, but it would also allow, as I have said, for the first 2 years, to allocate some of the resources to Senator DODD's proposal to prevent and assist in the foreclosure process.

Once we have the foreclosure program up and running, then, after 2 years, the resources will be devoted to affordable housing, with 65 percent being used to create a permanent housing trust fund. The housing trust fund will be managed by the Secretary of Housing and Urban Development, and it would distribute these funds to States via a formula. At least 75 percent of the funds distributed to the States must be targeted to extremely low-income families.

Thirty-five percent of the affordable housing funds will be allocated to a capital magnet fund and will be used by the Secretary of the Treasury to run a competitive grant program to attract private capital for and increase investment in affordable housing. Applicants for funding will need to show they can leverage the funding by at least 10 to 1. We believe this will result in the creation of many more units of affordable housing than could be done otherwise. What we are requiring these applicants to do is to enlist private capital in a ratio of at least 10 to 1 to match the public capital and increase significantly the scope of these programs and to house many more Americans. I think this is a great way to incentivize and challenge private capital to come into the field of affordable housing and to put more Americans in decent, affordable rental housing.

The mission improvement section of the bill also strengthens Fannie Mae's and Freddie Mac's affordable housing goals. In particular, it would align their goals regarding the purchase of affordable mortgages with current Community Reinvestment Act income targeting definitions and ensure that these enterprises provide liquidity to both ownership and rental housing markets for low- and very low-income families. We want to make sure we target these resources to those Americans particularly struggling in a very difficult economy—low- and very low-income Americans.

The legislation requires the enterprises to serve a variety of underserved markets, such as rural areas, manufactured housing, and affordable housing preservation. It improves reporting requirements for affordable housing activities, including expansion of a public-use database, and strengthens the new regulator's ability to enforce compliance with these housing goals.

All of these affordable housing provisions are premised on the fact that with Fannie and Freddie's Government benefits come many important responsibilities to the public.

As I mentioned earlier, this legislation also contains a bill authorized by Senator DODD called the HOPE for Homeowners Act. I wish to commend him for his hard work in crafting these provisions and also commend him for the judicious way he has managed this legislation.

In the last several weeks, this legislation has called for very critical judgments about procedures and timing and substance. On every one of those occasions, Senator DODD, working closely with Senator SHELBY, has made some remarkable, wise, and judicious judgments, and I commend him for that—both of them, and for their stewardship of this legislation.

Now, this legislation Senator DODD is proposing, the HOPE for Homeowners Act, would create a new temporary, voluntary program within the Federal Housing Administration to back FHA-insured mortgages to distressed borrowers. The program is vitally important and could not come at a more important time.

Two weeks ago, the OCC—the Office of the Comptroller of the Currency—put out a report documenting the scope of the failure of the Bush administration's efforts to stem the mortgage crisis. The administration has been relying on a voluntary industry effort called HOPE Now. HOPE Now has been reporting that it has produced in excess of 1 million loan modifications through this program. They have had events to tout it in the public and the press. They always mention this number.

The credibility of the HOPE Now numbers has been under attack for a while, primarily because they are self-reported numbers and because HOPE Now includes in its numbers ''payment plans,'' which are not loan modifications but only delay troubled home borrowers. Apparently, the regulators themselves have begun to feel a little uncomfortable, and the OCC decided to do its own report with its own numbers. They reported that voluntary mortgage industry efforts have resulted in only 52,000 loan modifications out of 3 million seriously delinquent loans.

In addition to the 3 million seriously delinquent loans—loans over 60 days or in bankruptcy or foreclosure—there are also 1.5 million foreclosures in process, and new foreclosures initiated during the same period total almost 300,000. In effect, foreclosures are running six times ahead of loan-modification efforts. Looking at it another way, loan modifications are less than 2 percent of seriously delinquent loans and only about 3 percent of foreclosures.

It is clear that the administration's argument that no new action is needed has been proven wrong. The OCC data also clearly demonstrates that helping mitigate the effects of this mortgage mess cannot be left completely up to the mortgage industry and voluntary efforts. ''Fuzzy math'' and a lack of transparency are what got us into this mess. It should not be used to try to cover up the fact that there is still a major problem.

That is why Senator DODD's HOPE for Homeowners Program is so important. It is going to enable approximately 400,000 homeowners to refinance into 30-year fixed mortgage products with FHA mortgage insurance. Many of these homeowners have no other financing option since their homes are now worth less than their mortgage. They are ''underwater.''

Any lender who participates in the HOPE Program Senator DODD is advancing will have to write down the value of the mortgage to 90 percent of the current appraised value of the home. They will write off the loss, and then the new loan for the homeowner will have to be for 30 years at a fixed rate and with FHA mortgage insurance. In exchange for getting a new loan with built-in equity, homeowners will have to share future appreciation equally with the FHA.

The intent of the legislation is to set a floor on lender losses while at the same time putting families into 30-year fixed rate mortgages that will allow them to keep their homes. This legislation, we hope, will help stabilize the housing markets in parts of the country that need the help the most.

In addition, most of the provisions from the Foreclosure Prevention Act of 2008 that passed the Senate by a vote of 88 to 8 on April 10 are included in this legislation. This section of the bill contains the Banking Committee's legislation to modernize, streamline, and expand the reach of the FHA mortgage insurance program.

The FHA modernization section includes provisions I authored that would expand access to home ownership counseling, provide for technology and staffing improvements at FHA, and update the FHA Home Equity Conversion Mortgage—HECM—Program, allowing seniors to safely tap into the equity of their home for other necessary expenses.

The FHA loan limit is increased from 95 percent to 110 percent of area median home price, with a cap at 150 percent of the GSE limit in high-cost areas, which currently will be $625,000. This should allow families in older areas of the country to access home

ownership through FHA. It also requires a downpayment of at least 3.5 percent for any FHA loan.

In addition, the Foreclosure Prevention Act section of the bill provides $3.92 billion in funding to communities hardest hit by foreclosure and delinquencies to purchase foreclosed homes at a discount and rehabilitate or redevelop the homes to stabilize neighborhoods and stem the significant losses in house values of neighboring homes. It also contains $150 million in additional funding for housing counseling.

It contains some important provisions to help our returning soldiers avoid foreclosure by lengthening the time a lender must wait before starting the foreclosure process and providing the veterans—soldiers, sailors, marines, airmen of the current conflict—with 1 year of relief from increases in mortgage interest rates. In addition, the Department of Defense is required to establish a counseling program to ensure these veterans can access assistance if facing financial difficulties. The legislation also increases the VA loan guarantee amount, so that veterans have additional home ownership opportunity.

I am also pleased that the bill contains a provision I authored in my bill, S. 2153, to amend the Truth in Lending Act to improve home loan disclosures. This provision will ensure that consumers are provided with timely and meaningful disclosures in connection with not just home purchases but also for loans that refinance a home or provide a home equity line of credit. The bill requires that mortgage disclosures be provided within 3 days of application and no later than 7 days prior to closing. This should allow borrowers to shop for another mortgage if they are not satisfied with the terms. If the terms of the loan change, the consumer must be notified 3 days before closing of the changed terms.

If consumers apply for adjustable rate or variable rate payment loans, there will now be an explicit warning on the 1-page Truth in Lending Act form that the payments will change depending on the interest rate and an estimate of how those payments will change under the terms of the contract based on the current interest rate. The bill also provides a new disclosure that informs borrowers of the maximum monthly payments possible under their loan. The bill provides the right to waive the early disclosure requirements if the consumer has a bona fide financial emergency that requires they close the loan quickly and increases the range of statutory damages for TILA violations from the current $200 to $2,000 to a range of $400 to $4,000.

Finally, it requires lenders to include a statement that the consumer is not obligated on the mortgage loan just because they received the disclosures. This will give consumers the opportunity to truly shop around for the best mortgage terms for the first time ever. They will be able to compare the payments and costs associated with a certain loan product and decide not to sign on the dotted line if they do not like the basic terms of the loan.

I believe that giving consumers the information they need regarding the maximum payment is absolutely critical. Borrowers need to better understand the full financial impact of entering into a particular loan early in the process and before they actually consummate the loan.

There are many borrowers today who signed up for a loan with teaser rates with a monthly payment they could well afford and then were shocked 18 months later to get the adjusted rates that were staggering to them and were, for many, unaffordable. Many in good faith relied on what they thought would be the initial introductory loan. I do not think they should be in that position. I think all the details, the maximum loan amount under the current rate should be available upfront, not hidden in a pile, literally a foot high, of closing documents.

They also have to have a chance to back out of the loan, if the terms are not acceptable to them, before closing the loan at the conference room table.

I am pleased my Republican colleagues have agreed with the need to improve mortgage disclosures also.

Finally, this legislation includes some important tax provisions that should enhance and strengthen the low-income housing tax credit program and the mortgage revenue bond program. It also has a refundable first-time home buyer credit of up to $8,000 to help reduce the stock of existing unoccupied housing and a nonitemizer tax deduction for State and local property taxes from Federal income tax.

It is my hope this legislation will help more families to refinance out of bad loans, help stabilize the housing market, and improve the laws and regulations so this type of foreclosure crisis never happens again.

As a member of the Banking Committee, I wish to particularly thank Chairman DODD and Senator SHELBY for including a number of bills and initiatives that I have been working on in the Housing and Economic Recovery Act that is before us today, and I hope we are going to be able to pass this important legislation in very short order.

The American people need a lot more than the current HOPE Now program, they need help now. I encourage all my colleagues, we should move forward deliberately—today, I hope—on this important legislation and send it to our colleagues in the House.

I know Chairman FRANK and his colleagues have done a remarkable job on their side to pass legislation that is very close to ours. Together, we should be able to send something to the President that he will, I hope, sign and will send a message to the American people that hope is not just a fiction of rhetoric, but it is a reality—and not just hope, but help is on the way.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. That was going to be my first unanimous consent request. My second one would be I ask consent that I be recognized following the remarks of the distinguished Senator from Idaho.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COUNTY PAYMENTS ACT

Mr. CRAPO. Mr. President, I rise to discuss the increasingly dire need to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000. It is commonly called the County Payments Act. We also need to fully fund the payment in lieu of taxes provisions, otherwise commonly called PILT funding.

One hundred years ago, legislation was enacted to provide for the return of a percentage of the U.S. Forest Service gross receipts to the States to assist counties that are home to our national forests with school and road services. The reason for this legislation was that these States, where there are very high percentages of Federal ownership of property, have a much smaller property tax base for their communities. Particularly, many of these rural communities exist in counties where most of the county—in some counties in Idaho over 90 percent of the county—is owned by the Federal Government. They have virtually no property base. Yet they have all the other issues that come with the land base to deal with in their counties—schools, roads, law enforcement, and the like. It was recognized that since the Federal Government was immune from paying property taxes, the Federal Government—which was the beneficiary from these counties and which had such significant land holdings in these counties—should provide some kind of compensation to the counties as an alternative to property taxes, which they would pay if they were not the Federal Government and exempt from paying those taxes. That is where you get the payment in lieu of taxes, or PILT payment. The Secure Rural Schools and County Self-Determination Act was something that followed up on the PILT legislation. Without these funds, many rural communities that neighbor national forests would be unable to fully meet school and road needs of local communities. In recent years, however, timber receipts have eroded

to the point where the Federal obligation to local rural communities is not met through these receipts alone.

To compensate for the shortfall and to prevent the loss of essential county schools and roads infrastructure, Congress enacted the Secure Rural Schools and Community Self-Determination Act. This law has provided assistance to communities whose regular Forest Service and Bureau of Land Management receipt-sharing payments have declined significantly. Unfortunately, it expired at the end of 2006. While funding to continue the program for 2007 was thankfully included in last year's emergency supplemental, this funding has run out.

I stood on the floor of this Senate almost 5 months ago asking my colleagues to make this overdue extension and funding a top priority or Congress. However, this extension has still not been achieved, and counties and school districts that were facing job losses 5 months ago are in an increasingly more difficult situation. People are losing their jobs and families across the Nation are being impacted. The education of children across this Nation is being affected. This is unacceptable.

In April, I joined a bipartisan group of Senators who sent a letter to the Senate Appropriations Committee seeking the inclusion of an extension and funding for the Secure Rural Schools and Self-Determination Act of 2000 in the Fiscal Year 2008 Emergency Supplemental Appropriations Act. The Emergency Supplemental that was passed by the Senate last month contained $400 million to continue county payments for another year. This funding would ensure the continued assistance for rural communities struggling to provide necessary services in areas with large amounts Federal land. This bridge funding is essential to ensure the continuation of needed school services in rural communities throughout the country while work continues on a longer term extension. I understand that unfortunately this funding was stripped out of the supplemental in negotiations between the House and the administration.

I remind this body that a multiple year extension and funding for county payments and PILT has the overwhelming support of a bipartisan majority of the Senate. In fact, 74 Senators voted in favor of an amendment to provide a multi-year extension and funding in last year's emergency supplemental appropriations bill. However, as previously mentioned, this extension was pared back to one-year funding in the version that came out of conference and was enacted into law. Now, there is no funding and far less time.

What does a failure to extend the Secure Rural Schools and Community Self-Determination Act mean? It means the loss of more than 20,000 county and school employee jobs across the Nation. It means nearly 7,000 teachers and educational staff are estimated to lose their jobs. More than 100 teaching positions in Idaho alone will likely be affected. It means that 600 counties and more than 4,000 school districts in 42 States will not have the funds to fully provide needed services. It means incredible uncertainty to rural communities, counties, and families across the Nation during these difficult economic times. It means more than 8,000 road miles will not be maintained in Idaho alone. It means children in rural communities will have decreased access to quality education.

To help visualize the impact on rural communities of a failure to extend the program, I want to share some Idaho examples that were shared with me from my constituents: Shoshone County, ID, with a population of 15,000, expects 15 school instructional staff and as much as 55 percent of the county's road department employees to be affected. In Boise County, with a population of close to 7,000, the Road and Bridge Department will have to lay off the majority of its employees—one half to three-fourths of the employees—within 1 year and only perform those activities that are necessary to public safety. Clearwater County, with a population of approximately 8,000, faces the loss of more than $500,000, which will greatly impact public safety because of lost services for road maintenance and law enforcement. I am told that Boundary County, with a population of 11,000, will not be able to blacktop roads and will have to let them deteriorate to gravel-based roads. We simply cannot allow this to occur in any State in this Nation.

Congress needs to demonstrate it is serious about getting this done. Families in rural communities across this Nation deserve no less. It is shameful that Congress may be recessing once again and Members will be heading home to their home States without passing an extension. The word disappointing is an understatement. This puts services in rural communities across this Nation in jeopardy, and it is simply wrong. We all need to work together to make this more of a priority. Over the years, this has been a bipartisan effort, and that simply must continue. This takes the commitment of all of us, including administration, House and Senate leadership to get this done.

I understand that other domestic spending has been included in the supplemental. I won't for a second diminish the need for those funds, but I must point out that county payments are vitally important and deserve to be included in the supplemental as well. I will continue to work with my colleagues to press for the inclusion of county payment funds. In December, Senators CRAIG, SMITH, MURKOWSKI, MCCASKILL, DOLE, STEVENS and BENNETT joined me in urging the Senate leadership to attach a reauthorization of county payments and PILT funding to any legislative vehicles expected to be enacted before Congress concluded work for the year.

I continue to believe, as I did then, that we must pursue every opportunity to achieve enactment and attach an extension to every moving legislative vehicle. The counties of the United States which host our Federal properties are not allowed by Federal law to impose property tax on them for the services that those properties require.

This legislation honorably and fairly has met these responsibilities over the years until the last few years when Congress has struggled so hard to find its way through to extension and funding of these important needs.

I encourage my colleagues to act quickly, to act now, and to assure that we give the necessary priority to this county funding to get us past this crisis.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we have received a request that the distinguished senior Senator from Missouri, Mr. BOND, wishes to be recognized upon the conclusion of my remarks.

I ask unanimous consent that Senator BOND be recognized upon the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISA

Mr. LEAHY. Mr. President, we have an ongoing debate on the whole question of FISA, the Foreign Intelligence Surveillance Act. Since the beginning of this debate, I have opposed legislation that does not provide some kind of accountability for the 6 years of illegal warrantless wiretapping that was started and, in fact, approved by this administration.

The bill that has been presented to the Senate, as it stands now, absent any amendments, seems intended to result in the dismissal of ongoing cases against the telecommunication carriers that participated in the warrantless wiretapping program. It would lead to the dismissal of the cases without allowing a court ever to review whether the program itself was legal.

So the bill would have the effect of ensuring that this administration, the administration that decided to carry out the illegal wiretapping, is never called to answer for its actions, and never held accountable in a court of law. I cannot support that result.

It is now almost 7 years since the President began an effort to circumvent the law in violation of the provisions of the governing statute, the Foreign Intelligence Surveillance Act.

I have said I believe that the conduct was illegal. In running its program of warrantless surveillance, the administration relied on result-oriented legal opinions. These opinions were prepared in secret. They were shown only to a tiny group of like-minded officials. This ensured, of course, that the administration received not independent legal advice, but the legal advice that it had predetermined it wanted.

A former head of the Justice Department's Office of Legal Counsel described this program as a ''legal mess.''

And this administration wants to make sure no court ever reviews this legal mess.

The bill presented to the Senate seems designed to ensure that they are going to get their wish. The administration worked very hard to ensure that Congress could not effectively review the program or the basis for its arguments for immunity.

Since the existence of the program became known through the press, the Judiciary Committee has repeatedly tried to obtain access to information its members needed so we could evaluate the administration's legal arguments, which are squarely under the jurisdiction of our committee.

Indeed, Senator SPECTER, when he was the chairman of the Judiciary Committee, prepared subpoenas to telecommunication carriers to obtain this information. He wanted information from the telecommunications carriers because the administration would not tell us directly what it had done. But those subpoenas sought by a Republican chairman were never issued.

As Senator SPECTER himself has explained publicly, Vice President CHENEY intervened with other Republican members of the Judiciary Committee to undercut Senator SPECTER, and, of course, the Vice President then succeeded in blocking the subpoenas.

It was only just before the Intelligence and Judiciary Committees' consideration of this bill that the Judiciary Committee members finally obtained access to some of the documents we had sought. I remind you, though, that most Members of this Chamber, most Senators called upon to vote, have not seen those documents. I have seen them, and I would hope that they would be made available to every Senator.

The Senators who have seen them have drawn very different conclusions. But no matter what conclusion you reach, you ought to get access to the documents so that you can make an informed judgment.

I will not discuss the documents that are still held in secret, but I will talk about the public reports. There are public reports that at least one telecommunications carrier refused to comply with the administration's request to cooperate with the warrantless wiretapping. All Senators should have had the opportunity to know those facts so they can make informed judgments whether there were legal claims that other carriers should have raised.

It is also clear that the Bush-Cheney administration did not want the Senate to evaluate the evidence and be able to draw its own conclusions. They wanted to avoid accountability.

Indeed, the Senate Select Committee on Intelligence, with all of the work it has done on this issue, has not conducted a review of the legality of the warrantless wiretapping program.

Now, I am not here to try to get the telephone companies. According to public reports, at least one company said no, presumably because it feared that by complying it would break the law. Other phone companies, according to the public statements, apparently believed they were doing what was best for their country. I am not out to get them.

In fact, I would have supported legislation to have the Government indemnify the telecommunications carriers for any liability incurred at the behest of the Government. As I said, it is not a case of going after the phone companies; I want accountability.

I supported alternative efforts by Senator SPECTER and Senator WHITEHOUSE to substitute the Government for the defendants in these cases. In other words, take the phone companies out and substitute the Government so the cases can proceed to a determination on the merits.

These alternatives would have allowed judicial review of the legality of the administration's acts—I think it is clear that the administration's actions were illegal—then let a court determine who was responsible for those actions.

This bill does not provide that accountability. As I read the language of the bill, it is designed to have the courts dismiss the pending cases if the Attorney General simply certifies to the court that the alleged activity was the subject of a written request from the Attorney General, and that request indicated the activity was authorized by the President and determined to be lawful.

In other words, if the Attorney General said: Well, I do not care what the law says, I have determined that the President does not have to follow the law. If the Attorney General says, in effect, notwithstanding the rule of law in this country, this President is above the law, so, therefore, nothing he does is illegal. These kinds of baseless legal conclusions could form the basis for immunity under this scheme.

That is really what this bill provides. That concerns me, as it should concern everybody. We should not be dismissing Americans' claims that their fundamental rights were violated based on the mere assertion of a party in interest that what it did was lawful.

Think about it: this would be like a police officer catching someone committing a burglary and saying: I am going to arrest you for burglary. And the burglar sitting there with a bag of burglary tools, having broken in the door, saying: You cannot do that because I thought about this breaking and entering. I decided that in my case it is not illegal. And then the police officer has to say: Gee, I am sorry for the inconvenience, sir, go on your merry way.

That is what we are saying. Or actually, it is even worse than that. It is as if they actually arrested that burglar, they brought him into court, and the burglar stands up and says: Your Honor, I determined all by myself—disregarding you, Your Honor; disregarding the evidence, I determined all by myself—that even though I was involved in a burglary, I should not even be subject to the court's jurisdiction because I say that what I did was legal. Goodbye, Your Honor. Have a nice day. I am leaving.

That is what we are doing with this bill. In fact, there is not even a determination by the current Attorney General that the wireless wiretapping program was lawful, perhaps because he could not make such a determination. But all he has to do to ensure immunity is to certify that the phone company acted at the behest of the administration and that the administration indicated that the activity was determined to be lawful.

Regardless of whether or not it actually was lawful, all the Attorney General has to say is that it was determined to be lawful. We are not going to tell you when that determination was made. We are not even going to tell you whether the people who made that determination went to law school. It is lawful because the President is above the law; therefore, we are off the hook.

I believe the rule of law is important. I do not believe any one of us, the 100 of us in this body, is above the law. I have been here with six Presidents. I do not believe any one of them, Republican or Democratic Presidents, is above the law. I do not believe Congress should try to put a President above the law and seek to take away the only viable avenue for Americans to seek redress for harm to their privacy and liberty, and the only viable avenue of accountability for the administration's lawlessness.

Why should we, the United States Senate, the conscience of the Nation, why should we sit here and say: We are going to condone lawlessness, and even more importantly, we 100 people, acting on behalf of 300 million other Americans, are saying: We are never even going to let you know who committed the unlawful acts and why.

Now, I recognize this legislation also contains important surveillance authority. I support this new authority. I worked for years to craft legislation that provides that important authority along with appropriate protections for privacy and civil liberties. I have voted for dozens of changes in the FISA legislation to be able to help our intelligence agencies.

In fact, the Senate Judiciary Committee, under my leadership, reported such a bill last fall. So I commend House Majority Leader HOYER and Senator ROCKEFELLER, who negotiated this legislation, for incorporating several additional protections to bring it closer to the bill we voted out of the Judiciary Committee.

I note, in particular, the requirement of an inspector general review of this administration's warrantless wiretapping program. It is a provision I have advocated at every single meeting we have had, open or closed, through the course of the consideration of these matters. This review will provide for a

comprehensive examination of the relevant facts about this program.

Actually, it should prove useful to the next President. I believe we should have still more protections for privacy and civil liberties. If this bill becomes law I will work with the next administration on additional protections. Despite some improvements to the surveillance authorities the bill authorizes, improvements I support, I will not support this legislation. The administration broke the law. They violated FISA by conducting warrantless surveillance for more than 5 years, and they got caught. Now they want us to cover their actions. They want us to say: That's OK. Even though we don't know which one of you decided to break the law, we are going to let you all off the hook. The apparent purpose of title II of this bill is to ensure that they will not be held to account. That is wrong. I will, therefore, oppose cloture on the motion to proceed to the measure. If the Senate proceeds to the bill, I will then support amendments to its unaccountability provisions, including an amendment to strike the immunity provisions. But if those are not successful, I will have to vote against it.

The bottom line is this: In America, nobody should be above the law. One thing unites every single Senator. We want to keep our great and good country safe. We all want to stop terrorists. We have spent hundreds of billions of dollars to do that. We have procedures to do that. But one of the principles of this country and something we have always preached to other countries is, that in good times and bad times, we follow the law. We did this during two world wars, in the Revolutionary War and in the Civil War.

I am imploring the Senate not to turn its back on over 200 years of history of following the law and saying, in this situation, we are going to condone an administration that broke the law. I cannot vote for that. I cannot in good conscience vote for that. I cannot be true to my own oath of office and vote for that. Certainly, I would not want to tell the people of Vermont I voted for that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent that after my remarks, the Senator from California, Mrs. FEINSTEIN, be recognized, and that she be followed by the Senator from Georgia, Mr. CHAMBLISS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, while my good friend from Vermont was on the floor, I thought he raised some good questions. I believe we have good answers for those questions. I know of his dedication and commitment to the rule of law and accountability, his very distinguished service as head of the Judiciary Committee. But there are several things I would point out.

No. 1, we have been working on this entire issue of the President's terrorist surveillance program for better than a year now. We have reviewed all of the documents. We have had all of the people who administered the program, who have given opinions on it, come in. I dispute his statement that there were 6 years of unlawful activity of the President. He said no court will be able to review the illegality; no independent officials have reviewed it.

First, it is my understanding, although I was not one of them, that the big eight at the time—that is, the Republican and Democratic leaders of the House and the Senate and the leaders of their Intelligence Committees—were briefed on this program before it started. I don't know the substance of the briefing. I would imagine that they told them the problems in the existing old FISA law would make it difficult to implement that law, given the new technology which, in fact, was the case. In any event, it went forward.

When the program was finally disclosed and briefed to the Intelligence Committee, I spent a good bit of time reviewing that. I have studied constitutional law and made constitutional law arguments before. I believe if my friends who have questions about it will check the Constitution and the appellate court's interpretation of article II, they will find that they assume the President does have power to collect foreign intelligence information as an adjunct to his responsibility to conduct foreign affairs.

There is no question that Congress cannot pass a law abrogating that constitutional right. As a matter of fact, in one of the released cases, one of the cases made public by the Foreign Intelligence Surveillance Court, or FISC, they noted that Congress could not abrogate that constitutional right. It would be unconstitutional. For those who raise the test of the steel cases, I don't necessarily accept that test, that the enactments of Congress can affect the measure of credibility and extent of the President's power. The Congress did pass the authorization for the use of military force prior to the imposition of the terrorist surveillance program. We had access to the documents. Based on review of the documents, the Senate Intelligence Committee, by a vote of 13 to 2, passed out the bill which is the essential framework that is before us.

The courts can review to see that there are certifications by the Attorney General, directives by the President, and only if they find no substantial evidence to support that, then the suits will be dismissed.

My friend from Vermont said we ought to substitute the Government for the phone company for judicial review. There is another provision in the bill he should understand. If you want to sue the Government, there is no ban in this bill on suing the Government or suing Government officials. That can go forward. That is not affected by this bill. There has been extensive discussion over the legality of it. For those who wish to have a trial on the legality of the program, there are other means still available. To penalize a phone company or other carrier which, in good faith reliance on a representation of the Attorney General and the President of the United States, carried out a program that I believe is lawful to protect American citizens, I think is totally unwarranted.

Let me describe today for my colleagues and for those who may be interested this long and difficult process which I believe has finally accomplished its goal. This week we have a chance to tell the American people that the intelligence community on which our citizens, our troops, and our allies rely to keep us safe from terrorists and other forms of evil in the world can continue to do its job. We can tell those companies that answered their Government's call for help in the aftermath of the September 11 terrorist attacks that a grateful nation stands behind them and that they will be given the civil liability protection they rightly deserve.

I strongly support voting for cloture on the motion to proceed to H.R. 6304, the FISA Amendments Act, this afternoon. I strongly encourage my colleagues not only to do the same but also to oppose any amendments offered to it. We have finally struck a deal with the House, and the House honored the deal last Friday by allowing no amendments on the House floor. I ask my colleagues to hold up our end of the bargain. While it is in every Senator's right to offer an amendment, I urge my colleagues to vote down all amendments no matter what they may be so that we may send the bill immediately to the President for signature and make sure we don't have further gaps in our intelligence system which could appear once again if we do not pass this in a timely fashion. If we send it back to the House, there is no telling when a final bill could be back here for passage.

Let me describe briefly how we got here. Approximately a year ago, Director of National Intelligence ADM Mike McConnell came to Congress and asked that we update the Foreign Intelligence Surveillance Act. Changes in technology resulted in court rulings or interpretations that made it very difficult to use electronic surveillance effectively against terrorist enemies overseas. The problem came to a head in May 2007, with a ruling that caused significant gaps in collection. Although the DNI at the time pleaded to Congress to help, the leadership of Congress did not move.

In the looming pressure of the August recess, the Republican leader, Senator MCCONNELL, and I cosponsored the Protect America Act which Congress passed the first week of August last year. The act did exactly what it

was intended to. It closed the intelligence gaps that threatened the security of our Nation and of our troops. But it was lacking in one important aspect, as we were not able to include in it the retroactive civil liability protection from ongoing frivolous lawsuits against those partners who had assisted the intelligence community in the President's program.

Following the passage of the Protect America Act, I am proud to say that Senator ROCKEFELLER and I worked on a bipartisan basis to come up with a permanent solution to modernize FISA and give those private partners the needed retroactive liability protection. We worked closely for months with the DNI, Department of Justice, and their experts from the intelligence community to ensure there would be no unintended operational consequences from any of the provisions included in our bipartisan product. In February of this year, after many hearings, briefings, and a lot of debate on the Senate floor, the Senate passed the FISA amendments by a strong bipartisan vote of 68 to 29.

The bill coming out of the Senate reflected the Intelligence Committee's conclusion that the electronic communication service providers who assisted the President's TSP acted in good faith and deserved civil liability protection from frivolous lawsuits. The Senate bill also went farther than any legislation in history in protecting the privacy interests of American citizens or U.S. persons whose communications might be acquired through targeting overseas. It also required the FISA approval to target U.S. persons overseas, if they are going to have collection initiated against them.

At the end of the day, there were many difficult compromises. Both sides gave, and we came up with a bill that was not only bipartisan but the best piece of effort we could get out of this legislative process.

Although the Senate passed the bill before the Protect America Act expired, in the House there was a clear majority. But the leadership didn't let it come up. They went on recess. In the days following the expiration, private partners refused to provide intelligence information, frankly, in light of the ongoing litigation, the tremendous threat to their business franchise, the fact that they and, particularly their shareholders, who may be retired persons depending on pensions and others, could be losing billions of dollars in the marketplace because of the size of these outrageous lawsuits seeking billions of dollars, when, in my view, there was no damage and no grounds for recovery. Fortunately, after several days' negotiation, the intelligence community was able to get the providers to resume cooperation, but the intelligence lost in that time was gone, and we will never know what we missed because the House leadership refused to bring up the Senate bill.

Some have accused me and my colleagues of saying at the time, falsely, that the sky was falling. For a few days the sky was falling until a tenuous agreement was worked out between the executive branch and the providers. But the agreement was all predicated upon ongoing work to pass a FISA modernization law in the near term. That is another reason why it is vital the Senate move immediately to consider the FISA Amendments Act. Once the House returned from the Easter recess, my good friend and fellow Missourian, majority whip ROY BLUNT, and I met with the House majority leader, STENY HOYER, asking him what he thought the House needed in order to allow the Senate bill a vote on the House floor. We and our staffs began discussions and sent proposals back and forth attempting to come together. During that time, ROY BLUNT and I conferred repeatedly with Congressmen HOEKSTRA and SMITH and, of course, vetted our proposals with the intelligence community.

Finally, after four personal meetings over 2 months—and a tremendous amount of staff work—between Majority Leader HOYER, Minority Whip BLUNT, and me—Whip BLUNT and I delivered a proposal to Mr. HOYER before Memorial Day, a deadline he had set.

This agreement was one that had been signed off on and fully discussed with Mr. HOEKSTRA, the vice chairman of the House Intelligence Committee, and LAMAR SMITH, the ranking member of the Judiciary Committee. We felt this was the best offer we could make on behalf of the Republicans in the House and Senate, and it was agreed to by the intelligence community.

The Memorial Day deadline, however, came and went, and again the House went on recess. Finally, after more interaction among our staffs, I received word 2 weeks ago that the House Democrats were ready to work out final language. So Leader HOYER and Whip BLUNT and I met for a fifth time, this time inviting my colleague, JAY ROCKEFELLER, to join us in the final negotiations. On June 12, the Democratic House leaders gave up their idea of having a commission take a look at the surveillance program, which we believe would have been political, further interfering with the work of the Intelligence Committee and perhaps community, and perhaps lead to increased leaks about the program.

They agreed on a longer sunset than in previous bills. We abandoned the idea that the FISA Court should be the one to assess compliance with the minimization procedures used in foreign targeting. With the concessions Republicans and the administration had already made, along with some minor technical fixes, I am proud to say the intelligence community was given the flexibility and tools it needs to keep us safe. We had a compromise.

Now, I offer all that as background so the record is clear. That brings us where we are today. Once we get on the bill, I will explain what is before us, and I will explain how statements from some about this legislation is nothing short of fear mongering, such as from those who are saying all Americans who talk to anyone overseas will be listened to by the Government. That is flat wrong.

Americans cannot be targeted without a court order, period. If someone overseas is targeted and talks to an American, then the American's end of the communication is what we call minimized, which means it is hidden, protected, suppressed. I will elaborate further on this. But at this time, I simply ask my colleagues to vote for cloture so we may move immediately to the bill.

I note some of my colleagues from the Senate Intelligence Committee are seeking recognition, and I appreciate the work all members of the committee have done. I see my colleague from Georgia, who has been an outstanding help, and the Senator from California, who has offered many useful ideas. This has been truly a year's long work, and we are happy to bring the final process before the Senate today.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, it is my understanding I am next in the order. I ask unanimous consent that following my presentation the Senator from Vermont be recognized on our side. I know Senator CHAMBLISS is here on the Republican side and wishes to speak.

Mr. CHAMBLISS. Mr. President, reserving the right to object, can we propose a unanimous consent request that following Senator FEINSTEIN, I be recognized to speak, and then Senator SANDERS will be next?

The ACTING PRESIDENT pro tempore. I believe that was the Senator's request.

Mrs. FEINSTEIN. That was the intent.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, I begin my remarks by thanking the chairman of the Intelligence Committee, Senator ROCKEFELLER, and the vice chairman of the Intelligence Committee, Senator BOND, the House Speaker, and the House leadership for their distinguished work on this piece of legislation. This has not been easy. It is certainly not without controversy. There are some major challenges to work through.

I want to begin by putting my remarks, at least, in context.

There is no more important requirement for national security than obtaining accurate, actionable intelligence. At the same time, there have to be strong safeguards in place to ensure that the Government does not infringe on Americans' constitutional rights.

Yet if Congress does not act and pass this bill, as it was passed overwhelmingly in the House, both of these goals,

I believe, are in jeopardy. Here is why. If this bill does not pass, our Nation would likely be forced to either extend the Protect America Act or leave the Nation bare until a new bill can be written. Neither of these are good options.

As I will describe, the Protect America Act does not adequately protect Americans' constitutional rights. It was written to be a temporary measure for 6 months, and it expired on February 5.

What many people do not understand is that surveillance conducted under the Protect America Act will cease by the middle of August. It will be impossible to write a new bill, to get it past both Houses, to have it signed by the President in time to meet this deadline.

If that bill expires without this Congress passing new legislation, we will be unable to conduct electronic surveillance on a large number of foreign targets. In other words, our intelligence apparatus will be laid bare and the Nation will go into greater jeopardy. I truly believe that.

The FISA legislation of 1978 cannot accommodate this number of targets. It is simply inadequate for this new task due to changes in technology and the communications industry. That is precisely why FISA needs to be modernized.

So taking no action means we will be opening ourselves, in my view, to the possibility of major attack. This is unacceptable.

So as I see it, our choice is a clear one: We either pass this legislation or we extend the Protect America Act. For me, this legislation is much the better option.

This bill, in some respects, improves even on the base bill, the 1978 Foreign Intelligence Surveillance Act. It provides clear protections for U.S. persons both at home and abroad. It ensures that the Government cannot conduct electronic surveillance on an American anywhere in the world without a warrant. No legislation has done that up to this point.

I think the improvements in this bill over the Protect America Act and the 1978 legislation are important to understand, and I wish to list a few.

First, prior court review. This bill ensures that there will be no more warrantless surveillance. Now, why do I say this? Under the Protect America Act—which is expiring, but we are still collecting surveillance under it for now—the intelligence community was authorized to conduct electronic surveillance for a period of 4 months before submitting an application for a warrant to the FISA Court. Surveillance could actually proceed for 6 months before there was a warrant.

Under this bill, the Government must submit an application and receive a warrant from the FISA Court before surveillance begins. No more warrantless surveillance. This is, in fact, a major point.

In emergency cases, there can be a short period of collection—up to 7 days—as the application is prepared. There has been a provision for emergency cases under FISA for some 30 years now. So that is prior court review for a U.S. person anywhere in the world if content is collected.

Meaningful court review. This bill strengthens court review. Under the Protect America Act, the Government submitted to the FISA Court its determination that procedures were in place to ensure that only people outside the United States would be targeted. The court could only reject an application for a warrant if it found that determination to be ''clearly erroneous.'' This bill returns to the traditional FISA standard, empowering the court to decide whether the Government's determination is ''reasonable.'' This is a higher standard of review, so the court review under this bill is meaningful.

Next, minimization. These first two improvements ensure that the Government will only be targeting people outside the country. That is good, but it is not enough. There is always the possibility of someone outside the country talking to a U.S. person inside the country. The bill addresses this with a process known as minimization.

In 1978, Congress said that the Government could do surveillance on U.S. persons under a court warrant, but required the Government to minimize the amount of information on those Americans who get included in the intelligence reporting. In practice, this actually means that the National Security Agency only includes information about a U.S. person that is strictly necessary to convey the intelligence. Most of the time, the person's name is not included in the report. That is the minimization process.

If an American's communication is incidentally caught up in electronic surveillance while the Government is targeting someone else, minimization protects that person's private information.

Now, the Protect America Act did not provide for court review over this minimization process at all. But this bill requires the court in advance to approve the Government's minimization procedures prior to commencing with any minimization program. That is good. That is the third improvement.

Fourth, reverse targeting. There is an explicit ban on reverse targeting. Now, what is reverse targeting? That is the concern that the National Security Agency could get around the warrant requirement. If the NSA wanted to get my communications but did not want to go to the FISA Court, they might try to figure out who I am talking with and collect the content of their calls to get to me. This bill says you cannot do that. You cannot reverse target. It is prohibited. This was a concern with the Protect America Act, and it is fixed in this bill.

Those are four reasons—good reasons. Here is a fifth: U.S. person privacy outside the United States. This bill does more than Congress has ever done before to protect Americans' privacy regardless of where they are, anywhere in the world. Under this bill, the executive branch will be required to obtain a warrant any time it seeks to direct surveillance at a U.S. person anywhere in the world. So any U.S. person anywhere in the world is protected by the requirement that a warrant must be received from the Foreign Intelligence Surveillance Court before electronic surveillance can begin.

Previously, FISA only covered people inside the United States. The Protect America Act did the same thing.

Now, also under this bill, there will be reviews of surveillance authorities by the Director of National Intelligence, the Attorney General, the heads of all relevant agencies, and the inspectors general of all relevant agencies on a regular basis, and the FISA Court and the Congress will receive the results of those reviews.

So there will be regular reporting from the professionals in the arena on how this bill is being followed through on—how electronic surveillance is being carried out worldwide. The Intelligence and Judiciary Committees will receive those reports. That, too, is important.

Also, under this bill, there will be a retrospective review of the President's Terrorist Surveillance Program. That is the program that has stirred the furor. The bill requires an unclassified report on the facts of the program, including its limits, the legal justifications, and the role played by the FISA Court and any private actors involved. This will provide needed accountability.

In summary, all intelligence collection under the Terrorist Surveillance Program will be brought under court review and court orders.

Everything I have described brings this administration back under the law. There is no more Terrorist Surveillance Program. There is only court-approved, Congressionally reviewed collection.

But what is to keep this administration or any other administration from going around the law again? The answer is one word, and it is called exclusivity.

It means that the Foreign Intelligence Surveillance Act is the only, the exclusive, means for conducting electronic surveillance inside the United States for foreign intelligence purposes.

The exclusivity language in this bill is identical in substance to the amendment I offered in February, which received 57 votes in this Senate. It is section 102 of this bill.

This language reiterates what FISA said in 1978, and it goes further. Here is what this bill says:

Never again will a President be able to say that his authority—or her authority, one day, I hope—as Commander in Chief can be used to violate a law duly enacted by Congress.

Never again can an Executive say that a law passed to do one thing—such as use military force against our enemies—also overrides a ban on warrantless surveillance. The administration has said that the resolution to authorize the use of military force gave this President the right to go around FISA.

Never again can the Government go to private companies for their assistance in conducting surveillance that violates the law.

Now, this administration has a very broad view of Executive authority. Quite simply, it believes that when it comes to these matters, the President is above the law. I reject that notion in the strongest terms.

I think it is important to review the recent history with this administration to demonstrate why FISA exclusivity is so important.

At the very beginning of the Terrorist Surveillance Program, John Yoo, at the Office of Legal Counsel, wrote in a legal opinion that:

> . . . [u]nless Congress made a clear statement in the Foreign Intelligence Surveillance Act that it sought to restrict presidential authority to conduct warrantless searches in the national security area—which it has not—then the statute must be construed to avoid [such] a reading.

That was the argument. I believe it is wrong. Congress wrote FISA in 1978 precisely in the field of national security; there are other, separate laws that govern wiretapping in the criminal context. In fact, the Department of Justice has repudiated Yoo's notion.

But if the Department admitted that FISA did apply, it found another excuse not to take the Terrorist Surveillance Program to the FISA Court.

The Department of Justice developed a new, convoluted argument that Congress had authorized the President to go around FISA by passing the authorization to use military force against al-Qaida and the Taliban.

This is as flimsy as the last argument.

There is nothing in the AUMF that talks about electronic surveillance or FISA, and I know of not one Member who believed we were suspending FISA when we authorized the President to go to war.

But that is another argument we lay to rest with this bill. Here is how we do it. We say in the language in this bill that FISA is exclusive. Now, here is the major part: Only a specific statutory grant of authority in future legislation can provide authority to the Chief Executive to conduct surveillance without a FISA warrant.

So we go a step further in exclusivity. We cover what Yoo was trying to argue and what others might argue on behalf of a Chief Executive in the future, by closing the loophole and saying: You need specific statutory authority by the Congress of the United States to go outside the law and the Constitution.

The final argument the President has made is that even if FISA was intended to apply, and even if the AUMF didn't override FISA's procedures, he still had the authority as Commander in Chief to disregard the law.

Now, I have spoken on the floor before about how the President believes he is above the law and the Youngstown Sheet and Tube Company v. Sawyer case. In that case, Justice Jackson described how the President's power is at the ''lowest ebb'' when he is acting in contravention to the will of the Congress.

This bill, again, makes it clear that the will of Congress is that there will be no electronic surveillance inside the United States without a warrant, and it makes clear that any electronic surveillance that is conducted outside of FISA or outside of another express statutory authorization for surveillance is a criminal act. It is criminalized. This is the strongest statement of exclusivity in history.

The reason I am describing all this is to build a case of legislative intent in case this is ever litigated, and I suspect it may well be.

So, finally, I wish to read into the RECORD the comments on exclusivity from a June 19, 2008, letter that Attorney General Mukasey and Director of National Intelligence McConnell wrote to the Congress. The letter recognizes that the exclusivity provision in this bill ''goes beyond the exclusive means provision that was passed as part of FISA [in 1978].''

So they essentially admit we are taking exclusivity to a new high. Nevertheless, they acknowledge that the provision in this bill ''would not restrict the authority of the government to conduct necessary surveillance for intelligence and law enforcement purposes in a way that would harm national security.''

I said in February I could not support a bill without exclusivity. This is what keeps history from repeating itself and another President from going outside the law. I believe that with this language we will prevent it from ever happening again.

Now, a comment on title II of the bill, which is the telecom immunity section. This bill also creates a legal process that may—and, in fact, is likely to—result in immunity for telecommunications companies that are alleged to have provided assistance to the Government.

I have spent a great deal of time reviewing this matter. I have read the legal opinions written by the Office of Legal Counsel at the Department of Justice. I have read the written requests to telecommunications companies. I have spoken to officials inside and outside the Government, including several meetings with the companies alleged to have participated in the program.

The companies were told after 9/11 that their assistance was needed to protect against further terrorist acts. This actually happened within weeks of 9/11. I think we can all understand and remember what the situation was in the 3 weeks following 9/11.

The companies were told the surveillance program was authorized and that it was legal, and they were prevented from doing their due diligence in reviewing the Government's request. In fact, very few people in these companies—these big telecoms—are actually cleared to receive this information and discuss it. So that creates a very limited universe of people who can do their due diligence within the confines of a given telecommunications company.

For the record, let me also address what I have heard some of my colleagues say. At the beginning of the Terrorist Surveillance Program, only four Senators were briefed. The Intelligence Committee was not, other than the Chairman and Vice Chairman.

I am one who believes it is right for the public and the private sector to support the Government at a time of need. When it is a matter of national security, it is all the more important.

I think the lion's share of the fault rests with the administration, not with the companies.

It was the administration who refused to go to the FISA Court to seek warrants. They could have gone to the FISA Court to seek these warrants on a program basis, and they have done so subsequently.

It was the administration who withheld this surveillance program from the vast majority of Members of Congress, and it was the administration who developed the legal theories to explain why it could, in fact, go around the law.

So I am pleased this bill includes independent reviews of the administration's actions to be conducted by the inspectors general of the relevant departments.

All of that said, when the legislation was before the Senate in February, I stated my belief that immunity should only be provided if the defendant companies acted legally, or if they acted in good faith with a reasonable belief that their actions were legal. That is what the law calls for.

I moved an amendment to require the court to review the written requests to companies to see whether they met the terms of the law. That law requires that a specific person send a certification in writing to a telecommunications company. That certification is required to state that no court order is required for the surveillance, that all statutory requirements have been met, and that the assistance is required by the Government.

Unfortunately, my amendment was not adopted, but I continue to believe it is the appropriate standard.

Now, the pending legislation does not assess whether the request made by the Government was, in fact, legal, nor whether the companies had a good-faith and objective belief that the requests were legal. What this bill does provide is a limited measure of court

review. It is not as robust as my amendment would have provided, but it does provide an opportunity for the plaintiffs to be heard in court, and it provides an opportunity for the court to review these request documents.

I believe the court should not grant immunity without looking into the legality of the companies' actions. So if there is an amendment that does support this, I would intend to vote for it.

But I believe the RECORD should be clear in noting that if this bill does become law, in my view, it does not mean the Congress has passed judgment on whether any companies' actions were or were not legal. Rather, it should be interpreted as Congress recognizing the circumstances under which the companies were acting and the reality that we desperately need the voluntary assistance of the private sector to keep the Nation secure in the future.

I believe this bill balances security and privacy without sacrificing either. It is certainly better than the Protect America Act in that regard, and makes improvements over the 1978 FISA law.

As I said, if a new bill is not in place by mid-August, the Nation will be laid bare and unable to collect intelligence.

This bill provides for meaningful and repeated court review of surveillance done for intelligence purposes. It ends, once and for all, the practice of warrantless surveillance, and it protects Americans' constitutional rights both at home and abroad. It provides the Government with the flexibility it needs under the law to protect our Nation. It makes it crystal clear that this is the law of the land and that this law must be obeyed.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the unanimous consent agreement be amended, and that following my comments, Senator SANDERS be recognized, and that following Senator SANDERS, Senator HATCH be recognized.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I wish to speak about H.R. 6304, the Foreign Intelligence Surveillance Act Amendments Act.

Before I do that, I wish to make a couple comments relative to the comments made by my colleague from California regarding the TSP or terrorist surveillance program implemented by the President within days after September 11, and make sure Americans are very clear about two points: First of all, Congress did know about this program. Members of Congress were briefed throughout the duration of this program. Members of Congress were briefed on a regular basis. That doesn't mean every Member of Congress but the leadership knew exactly what was going on, exactly what the President was doing. They were kept very informed.

Secondly, the targets of the terrorist surveillance program were not Americans; the program targeted the communications of al-Qaida, that we knew—not guessed but that the intelligence community knew were used by al-Qaida. Today, al-Qaida gets up every morning, just as they did before and after September 11, and they think of ways to kill and harm Americans. Our intelligence community, without getting into the details of it, suffice it to say, has done a magnanimous job since then in protecting Americans.

The fact that we have not suffered another attack on domestic soil since then indicates the terrific job that members of the intelligence community have done. The terrorist surveillance program that was implemented by the administration immediately after September 11 is a major factor in why we have not suffered another act of terrorism on domestic soil. Information gathered from the terrorist surveillance program was used rightly to disrupt terrorist activity, both domestically as well as abroad. Some of the instances where the terrorist surveillance program has stopped attacks and saved lives are very public right now.

Again, I rise to comment on H.R. 6304. This critical legislation has been the subject of many negotiations and, although the legislation is not perfect, I am pleased with the bipartisan nature of this compromise bill. I commend Vice Chairman BOND, Congressman HOYER, and Congressman BLUNT on their work.

I am satisfied that this legislation will provide our intelligence agencies with the legal tools necessary to perform their jobs, the flexibility they require, and the capability to protect Americans' civil liberties. However, I am perplexed it has taken Congress this long to adopt meaningful legislation necessary to protect our country; legislation which Congress knew, at least since last August, needed to be enacted expeditiously. Normally, Congress is accused of being guided by expediency rather than principle but not usually in national security matters. Intelligence is bipartisan. Securing our Nation is bipartisan. It is in every American's interest that Congress act quickly to protect our Nation from terrorist attack, espionage, or any other harm. Yet the bill before us now is substantially the same as S. 2248, which was drafted in a bipartisan nature by Senators ROCKEFELLER and BOND and passed the Senate over 4 months ago, on February 12, 2008, with a supermajority vote of 68 in favor and only 29 in opposition.

Last summer, our intelligence community officials informed us that, as a result of a decision by the FISA Court and changes in technology, they had lost the ability to collect intelligence on terrorists around the world who wish to harm the United States. Congress responded to these pleas from our intelligence community and passed the Protect America Act, which temporarily fixed this problem, but we knew then we had to have a more permanent solution. Despite this knowledge and despite the hard work of the Senate Intelligence Committee for the previous 10 months, Congress failed to fix FISA in February. The House leadership refused to consider the Senate-passed bill, despite stated support from a majority of that body's members. I can only surmise that there were political, rather than substantive, reasons that prevented this legislation from passing months ago. Some may say this is the nature of one of the political branches of Government. What no one talks about is the harm this has caused.

But, as a result of the Protect America Act's expiration, our collection efforts have been degraded. The public likely is not aware, nor may be many Members of this Chamber, but the members on the Senate Select Committee on Intelligence have heard regularly about the disruptions and legal obstacles that have occurred as a result of our inaction. The week after the Protect America Act expired, the Director of National Intelligence told us that ''we have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act.'' Gaps in our intelligence collection began to resurface, and it has had a real and negative impact on our national security.

Our intelligence collection relies on the assistance of U.S. telecommunications carriers. These communication providers are facing multimillion dollar lawsuits for their alleged assistance to the Government after September 11, 2001. After the expiration of the Protect America Act, many providers began to delay or refuse further assistance. Losing the cooperation of just one provider could mean losing thousands of pieces of intelligence on a daily basis. According to the Director of National Intelligence, uncertainty about potential liability caused many carriers to question whether they could continue to provide assistance after the expiration of the Protect America Act.

In just 1 week after its expiration, we lost significant amounts of intelligence forever. We will never be able to recover those lost communications, nor will we ever know what we missed.

For this reason, it is crucial that any FISA legislation include retrospective, as well as prospective, immunity for telecommunications providers who assist the Government in securing our national security. Title II of this bill, just as title II of S. 2248, provides the minimum protections needed for our electronic service providers. In a civil suit against a communications provider, the Government may submit a certification that any assistance provided was pursuant to a Presidential authorization and at the time determined to be lawful. The district courts may review this certification, and if it finds that it is supported by substantial evidence, the court must dismiss

the case. This is not a commentary on, or a court sanction of, the President's alleged terrorist surveillance program. It is the right thing to do.

Unlike many countries which regularly suppress an individual's speech or violate an individual's right to privacy, a cornerstone of our democratic and free society is a limited Government—one that doesn't sanction Government intrusion on an individual's private life. The Government cannot infringe upon an individual's rights without due process. But, in order to preserve those rights, Americans rely upon the Government to provide that freedom and security to protect them from harm, whether it be from a criminal on the streets or from an international terrorist.

Under U.S. criminal law, the U.S. frequently requests the assistance of private citizens and companies in order to combat crime. These companies provide assistance, usually pursuant to a court order—but not always—to help keep Americans safe. When assistance is needed to combat terrorism overseas, patriotic U.S. companies step up to the plate and help their country. At a minimum, these companies rely upon Government assurances that their assistance is lawful. When sued in a court, they are sometimes unable to supply a defense for their actions without exposing Government secrets or jeopardizing Government investigations. Instead, they rely on the Government to come to their defense and assert Government sanction. In the case of the President's terrorist surveillance program—which despite leaks in the press, remains highly classified and secret—these companies are defenseless. If the Government can show a court its assurances—still classified—that the assistance was lawful, and the court determines upon substantial evidence that the company acted pursuant to a Presidential authorization or other lawful means, then our American companies should not be liable.

If any constitutional or privacy violation occurred, an aggrieved individual may still sue the Government. This bill, however, assures America's corporations that their good-faith assistance will not subject them to frivolous lawsuits from individuals who really are alleging a claim against the Government, not those who assist it. Ordinarily, Americans should be protected against Government intrusion, but it should not be at the cost of higher phone and Internet access bills for customers just so these corporations can defend themselves against frivolous lawsuits.

This legislation preserves liability protection for Americans, and I am pleased to see that our bipartisan, bicameral negotiators sustained this provision. Title II of this legislation is largely the same as what was in the Senate-passed bill. I commend the House for passing legislation including this provision and the Senate for now taking much-needed action.

One thing that came out of the debate on this particular aspect of the bill within the Intelligence Committee was the fact that in this situation it is pretty obvious that the Government was in a crisis situation just following September 11. We had just been attacked by terrorists. We needed the assistance of private corporations in America. When we asked for their assistance, they stepped up to the plate. We know it is going to happen again. It may not be a terrorist attack next time; it may be some other crisis that is inflicted upon America. At that point in time, we are going to need the assistance of the private sector in America again. If we don't tell the private sector, in this particular case, that we are going to protect them and make sure they suffer no loss as a result of stepping up to help protect Americans following September 11, then should we expect the private sector to step up next time, whatever the crisis may be? The answer to that is obvious, and, in a very bipartisan way within the Intelligence Committee, there was general agreement that is the way we should proceed.

The only real and meaningful differences between this bill and the Senate-passed bill are more judicial involvement in the President's constitutional duty to conduct foreign affairs and protect our Nation. Our intelligence agencies will be allowed to collect intelligence against individuals located outside the United States, without having to first seek individual court orders in each instance.

Rather than having to seek numerous court orders and losing time and valuable collection opportunities, this legislation will require a reasonable belief that the target is outside the United States, so our intelligence analysts have the ability to assess and task new collection in real time; that is, before the bad guys get away, switch phones, and continue their planning. Unlike the Senate-passed bill, this legislation requires prior court review and approval of the targeting and minimization procedures submitted by the Attorney General, our chief law enforcement and legal advisor, and the Director of National Intelligence, our primary national security adviser.

I wish to state in the record that the exigent circumstances provision included in this legislation is not meant to be limited. Rather, it is a provision necessary to allow the retention of intelligence gathered in those situations where prior court approval was not practical.

Under no circumstance is it acceptable for intelligence gathered under an exigent circumstance, and later found to be acceptable by the court, to be discharged. Intelligence does not wait for court orders, and it must be collected timely. The intelligence community should not have to wait for a court order to continue collection against those who seek to harm America. If the court later determines that the targeting and certifications were lawful, then our intelligence officials should be allowed to review that which was collected.

It is now time for us to make more permanent changes to FISA to ensure we have the ability to obtain intelligence on terrorists and our adversaries. Although not a perfect bill, the FISA Amendments Act will fill the gaps identified by our intelligence officials and provide them with the tools and flexibility they need to collect intelligence from targets overseas, while at the same time providing significant safeguards for the civil liberties of Americans. This bill will ensure that we do not miss opportunities to target and collect foreign terrorist communications just because our operators had to get permission from a U.S. court first.

Let me be clear, these amendments to FISA would only apply to surveillance directed at individuals who are located outside of the United States. This is not meant to intercept conversations between Americans or even between two terrorists who are located within the United States. The Government still would be required to seek the permission of the FISA Court for any surveillance done against people physically located within the United States, whether a citizen or not.

In fact, this legislation will provide new protections for U.S. citizens under our law. Under this bill, for the first time, a court order must be obtained to conduct electronic surveillance for foreign intelligence purposes against an American who is located outside the United States. It also includes a prohibition on reverse targeting; that is, our intelligence agencies will not be allowed to target an individual overseas with the intent and purpose of obtaining a U.S. person's communications.

I am satisfied that the FISA Amendments Act will close gaps in our intelligence collection as well as provide some legal certainty to those patriotic companies that assist us. I urge my colleagues to support this bill and give our professional intelligence officials the confidence they need to secure our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I come to the floor today to express my strong opposition to H.R. 6304, the FISA Amendments Act, and my opposition to invoking cloture on the motion to proceed to this legislation.

Let me tell you what I think this debate is about and what it is not about. What it is not about is whether anyone in the Senate or the Congress is not going to do everything he or she can to protect the American people from another terrorist attack. It is not about whether we are going to be as vigorous as we can in hunting down terrorists. It is not about whether we are going to be vigilant in the war against terrorism. That is what it is not about. What it is

about essentially is whether we can be forceful and successful in fighting terrorism while we protect the constitutional rights that make us a free country. That is what this debate is about.

I happen to believe that with strong law enforcement, with a strong and effective judiciary, with a Congress working diligently, we can be vigorous and successful in protecting the American people against terrorism and we can do it in a way that does not undermine the constitutional rights which people have fought for hundreds of years to protect—the Constitution, which today remains one of the greatest documents ever written in the history of humanity.

We hear a whole lot about the word ''freedom.'' Everybody in the Senate and the House is for freedom. But what do we mean by freedom? What we mean by freedom is that we want our kids to be able to read any book they want to read without worrying that the FBI is going to come into a library or a bookstore to check on what they are reading. We want people to be able to write letters to the editor critical of the President, critical of their Congressmen or their Senator without worrying that somebody is going to knock on their door. We want people to have the freedom to assemble, to demonstrate without worrying that someone has a camera on them and is taking notes and later on there will be retribution because they exercised their freedom of assembly and their right to dissent.

That is really what the debate is about. It is not whether you are for protecting the American people against a terrorist attack. That is not what the debate is. The debate is whether we, as a great country, will be capable of doing that within the context of our laws, within the context of our Constitution, and understanding that we are a nation of laws and not of men, regardless of who the President is.

Before I go into deeper concerns, I begin by recognizing the very hard work done by members of both the Intelligence Committee and the Judiciary Committee in the Senate and in the House. We all know these are not issues resolved, and while I have strong disagreements with the final product, I know that the intentions of all the Members on both sides of the aisle were honorable.

Although there have been some improvements made to this bill that the Senate passed earlier this year, including having the inspector general review the so-called terrorist surveillance program and making it clear that FISA and criminal law are the exclusive process by which the electronic surveillance can take place rather than some broad power of the President, this final legislation is something I simply cannot support.

This legislation does not strike the right and appropriate balance between ensuring that our intelligence community has the tools it needs to protect our country against international terrorism and protecting the civil liberties of law-abiding Americans. Instead, it gives a get-out-of-jail-free card to companies that may well have violated the privacy and constitutional rights of millions of innocent Americans.

I am proud to be a cosponsor of the amendment that will be offered, as I understand it, by Senators DODD, FEINGOLD, and LEAHY to strike title II of the Intelligence bill which deals with retroactive immunity. This is a very important amendment, and I hope a majority of the Members of the Senate will support it.

It is important in this debate to put the discussion of this FISA legislation in a broader context. The context, sadly, in which we must view this legislation has everything to do with the history of what this administration currently in power has done since 9/11. Sadly, what they have done is shown the people of our country and people all over the world that they really do not understand what the Constitution of the United States is about and, in fact, they do not understand, in many instances, what international human rights agreements, such as the Geneva Convention, are all about.

So when we enter this debate, we should not look at it that this is the first time we are addressing the issue of fundamental attacks on American civil liberties. This has been going on year after year. This is more of the same from an administration which believes, to a significant degree, that they are an imperial Presidency, that in the guise of fighting terrorism, a President has the right to do anything against anybody for any reason without understanding what our Constitution is about or what our laws are about.

Let me give a few examples to remind my colleagues what kind of credibility, or lack thereof, this administration has in the whole area of civil liberties.

Among other things, this administration has pushed for, successfully, the passage of the original PATRIOT Act and the PATRIOT Act reauthorization. Under that bill, among many things, an area I was involved in when I was in the House was a provision that says, without probable cause, the FBI can go into a library or bookstore and find out the books you are reading, and if the librarian or bookstore owner were to tell anybody, that person would be in violation of the law. Do we want the kids of this country to be frightened about taking out a book on Osama bin Laden because somebody may think they are sympathetic to terrorism? I don't think so. What freedom is about is encouraging our young people and all Americans to investigate any area they want. I don't want the people of this country to be intimidated. That is not what free people are about.

Further, under this administration, we have seen an illegal and expanded use of national security letters by the FBI.

We have seen the NSA's warrantless wiretap program, which, in fact, is what we are discussing today.

We have seen the President using signing statements to ignore the intent of Congress's law in an unprecedented way. The President says: Oh, yes, I am going to sign this bill, but, by the way, I am not going to enforce section 387; I don't like that section. Mr. President, that is not the way the law works. If you don't like it, you have the power to veto. You cannot pick and choose what provisions you want. But that is, to a large degree, what this President has done.

What we have seen in recent years is a profiling of citizens engaged in constitutionally protected free speech and peaceful assembly. As I mentioned earlier, the right to dissent, the right to protest is at the heart of what this country is about. I do not want Americans to be worried that there is a video camera filming them and they will be punished somewhere down the line because they exercised their freedom of speech.

We have seen data mining of personal records.

We have seen the Abu Ghraib prison scandal, which has embarrassed us before the entire world.

We have seen a broad interpretation of congressional resolutions regarding use of military force as justification for unauthorized surveillance and other actions.

We have seen extraordinary renditions of detainees to countries that allow torture. All over the world, people are looking at the United States of America and saying: What is going on in that great Nation? We tell them to be like us, to support democracy, to support human rights, and then we engage in torture and we pick people up and we take them to countries where they are treated in horrendous ways. This is certainly one of the reasons respect for the United States has gone down all over this world, which is a tragedy unto itself but obviously makes it harder for us to bring countries together in the important fight against international terrorism.

We have seen an administration that has gotten rid of the rights of detainees to file habeas corpus petitions—simply put people away, deny them access to a lawyer, deny them the right to defend themselves.

We have seen political firings in the Office of the U.S. Attorney.

We have seen destruction of CIA tapes.

The list goes on and on.

So the issue we are debating today has to be seen in the broader context that for the last 7 years, there has been a systematic attack on our Constitution by an administration which believes that, in the guise of fighting terrorism, they can do anything they want against anybody they want without getting court approval or without respecting our Constitution and the rule of law.

I wish to touch on one point. I know Senator FEINGOLD, Senator LEAHY, and Senator DODD have touched on this bill at great length. I just want to focus on one issue, and that is the retroactive immunity granted to the telecommunications companies.

Why is it important that we support the amendment which does away with that retroactive immunity? It is very simple. The argument is that the President of the United States went to these companies and said: Look, I need your help in doing something, and the companies obliged.

Then the issue is, well, why are we punishing them, even if they broke the law? And the answer is pretty simple: It is precisely that we are a nation of laws and not of men. If we grant them retroactive immunity, what it says to future Presidents is, I am the law because I am the President, and I will tell you what you can do. And because I tell you what to do or ask you to do something, that is, by definition, legal. Go and break into my political opponent's office. Don't worry about it; I am the President. I am saying it is for national security. Those guys are bad guys, just do it. I am the President, and that is all that matters.

That is the precedent that we are setting today, and I think it is a very bad precedent. Trust me, Verizon and these other large telecommunications companies, multi, multibillion-dollar companies, have a lot of lawyers. They have a lot of good lawyers. And what we know, in fact, is that some of the telecommunications companies—at least one that comes to mind—said: No, Mr. President, sorry, that is unconstitutional. That is illegal, I ''ain't'' gonna do it. I applaud them for that. But others said: Hey, the President is asking us, we are going to do it.

The point is, the President is not the law. The law is the law. The Constitution is the law. And I don't want to set a precedent today by which any President can tell any company or any individual: You go out and do it; don't worry about it; no problem at all. That is not what this country is about.

So let me conclude, Mr. President, by saying this is a very important issue which concerns millions and millions of Americans. Bottom line, every American, every Member of the Senate understands we have to do every single thing we can to protect the American people from terrorist attacks. There is no debate about that. Some of us believe, however, that we can be successful in doing that while we uphold the rule of law, while we uphold the Constitution of this country, which has made us the envy of the world and for which we owe the Founders of our country and those who came after, fighting to protect those civil liberties, so much.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Utah.

Mr. HATCH. Madam President, Congress has been working on FISA modernization since April of 2007. That is over 425 days ago. It is simply amazing to me that it would take this long. As I have often said, the Constitution of the United States was written in about 115 days, and that included travel time on horseback for the Founding Fathers. We have spent plenty of time on this issue.

So why is it taking so long? Should this issue be controversial? I can only surmise that the delay is due to the ominous sounding terrorist surveillance program. That is the program where the President had the audacity to allow the intelligence community to listen to international communications where at least one person was suspected to be a member of al-Qaida—the same al-Qaida who killed nearly 3,000 innocent American civilians on September 11; the same al-Qaida who since that day has committed attacks in Istanbul, Algiers, Karachi, Islamabad, Casablanca, London, Madrid, Mombasa, the Gulf of Aden, Riyadh, Tunisia, Amman, and Bali; the same al-Qaida whose mission statement can be summed up in three words: ''Death to America.''

This is the group the President targeted. He wanted an early warning system to help prevent future attacks—a terrorist smoke detector, if you will. We often are reminded that we are fighting against an unconventional enemy, one that has asymmetrical advantages against us. Al-Qaida is not a nation state and adheres to no treaties or principles on the conduct of war. They wear no uniforms. They hide in peace-loving societies and deliberately conduct mass attacks against unarmed civilians. But we also have asymmetrical advantages.

As the most technologically sophisticated Nation in history, we have huge advantages that derive from this expertise. We are also—and I certainly see this as an asymmetrical advantage over the barbarism that is al-Qaida—a nation of laws. Finally, our surveillance laws are going to be modernized so we can continue to use our own technological superiority to help prevent future attacks against our public and the public of nations that have joined us in our fight to liquidate al-Qaida.

This is what the President was always intent on doing. So he initiated the terrorist surveillance program, and the administration provided appropriate briefings to the chairs and ranking members of the Senate and House Intelligence Committees and to the leaders of both parties in both Chambers. When a new Member of Congress assumed one of those positions, they were given a similar briefing.

Last year, the Senate Intelligence Committee and numerous staff conducted a full review of the terrorist surveillance program and found no wrongdoing.

So why has it taken us so long to get here, and what is the concern that has caused the delay; that the President listened to the international communications of al-Qaida after 9/11? No President would ever engage in this type of activity, except of course President Woodrow Wilson, who authorized interceptions of communications between Europe and the United States, and President Franklin Roosevelt, who in 1940 authorized interception of all communications into and out of the United States.

I guess the fourth amendment and the media's outrage were more flexible under Democratic Presidents. But let's leave these situations aside and continue to focus on the program one of my Democratic colleagues previously called ''one of the worst abuses of executive power in our history.''

With all due respect to my colleague, if listening to the international communications of al-Qaida is one of the biggest power grabs in the country's history, then our Nation has lived a charmed existence, worthy of envy throughout the world.

We should never forget the reasons for the creation of this program. It is no accident that America has not been attacked since September 11. Is it more than luck? Did al-Qaida take a hiatus from terrorist attacks? Given al-Qaida's numerous foreign attacks during this same timeframe, I think the answer is clearly no. So something must be working. Perhaps the terrorist surveillance program has played a role.

But what about warrantless wiretapping? That phrase certainly means something illegal, right? Not really. As often as that phrase is repeated, what does it really mean? Does warrantless wiretapping automatically mean unconstitutional? That is certainly what we are led to believe by the hand-wringing blatteroons of the day. But this is simply not true.

The fourth amendment does not proscribe warrantless searches or surveillance. It proscribes unreasonable searches or surveillance. For example, let's look at a few of the numerous warrantless searches that are performed every day: Waiting for warrantless searches at the U.S. Border Inspection Station. Look at that mess.

Look at this: Waiting for warrantless searches at the U.S. Supreme Court. It is done every day that the court is in session, and even when it isn't sometimes. Waiting for warrantless searches at the National Archives. In other words, waiting to be searched before viewing the fourth amendment. This happens every day. I see that there are members of the public in the gallery above. Every last one of them went through a warrantless search just to get into this building.

So the question becomes whether a warrantless search or surveillance of international communications involving al-Qaida is reasonable or, to put it another way, whether signals intelligence against a declared enemy of the United States is reasonable. In my opinion, and I think in the opinion of the vast majority of our body, it certainly is.

Let's also look at what the Foreign Intelligence Surveillance Court of Review, the highest court that has considered this issue, has said:

The Truong court, as did all the other courts to have decided the issue, held that the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information. We take for granted that the President does have that authority and, assuming that is so, FISA could not encroach on the President's constitutional power.

That is out of in re: Sealed, case 310 F3d, 717, the FISA Court of Review, 2002.

While the phrase ''warrantless wiretapping'' has been cited incessantly, there is another phrase mentioned nearly as often, and that is ''domestic spying.'' In order to better evaluate this phrase, let's look at what the President said in a December 17, 2005, radio address that described the TSP.

In the weeks following the terrorist attacks on our Nation, I authorized the National Security Agency, consistent with U.S. law and the Constitution, to intercept the international communications of people with known links to al-Qaida and related terrorist organizations. Before we intercept these communications, the government must have information that establishes a clear link to these terrorist networks.

I don't see anything in that statement about domestic spying. I thought the definition of the word ''domestic'' was pretty clear. If the program intercepted communications in which at least one party was overseas, not to mention a member of al-Qaida, then it seems fairly obvious that those calls were—and I will emphasize this—not domestic.

Is this a domestic call? A foreign terrorist calling a terrorist within the United States? I hardly think so. Is this really such a hard concept? The last time I flew overseas, I didn't fly on a domestic flight. I flew on an international flight. My last phone bill showed there is a big difference between domestic calls and international calls.

Domestic spying may sound catchy and mysterious, but it is a completely inaccurate, even misleading, way to describe the TSP terrorist surveillance program—or FISA modernization. Why don't we describe them as international spying, which is what they really are? Isn't that a more accurate description? But I imagine international spying wouldn't raise the same level of fear and distrust in our Government that some on the left try to foster.

So while I regret the political machination that has turned this seemingly straightforward issue on its head, I am hopeful the time for debate is finally over. Yet some have suggested Congress should not pass a bill modernizing FISA. Even after such a prolonged period and extensive debate on the issue, they would prefer that we do nothing.

We are now hearing about efforts to strike or amend the immunity provisions in the compromise bill so that Members may express their views.

Is this really necessary? Did the multiple times the Senate has considered and rejected similar efforts mean nothing?

Look at this: The Senate has affirmed telecom civil liability protection in six separate votes. On October 18, 2007, the Senate Intelligence Committee rejects the amendment to strike the immunity provisions 12 to 3. That was bipartisan, by the way. On November 15, 2007, the Senate Judiciary Committee rejects amendment to strike immunity provisions 12 to 7. Again, bipartisan. On 12/13/07, the Senate Judiciary Committee rejects standalone Government substitution bill 13 to 5. On January 24, 2008, the full Senate tables the Judiciary's substitute, which does not include immunity, 60 to 36. On February 12, 2008, the full Senate rejects the amendment to substitute the Government for telecoms 68 to 30. On February 12, 2008, the full Senate rejects amendment to strike immunity provisions 67 to 31.

The last time I saw that and looked at those numbers, those were all bipartisan votes. The civil liability provision in the Senate bill, which has been tweaked in this compromise, is supported by a bipartisan majority of the House and Senate, after all this hullabaloo.

In addition, let us not forget the opinions of the State attorneys general who previously wrote to Congress to express their support for civil liability protection.

Look at all the State attorneys general who endorse immunity. State attorney general of Wisconsin, the attorney general of Rhode Island, the attorney general of Oklahoma, the attorney general of Colorado, the attorney general of Florida, the attorney general of Alabama, the attorney general of Arkansas, the attorney general of Georgia, the attorney general of Kansas, the attorney general of my beloved home State of Utah, the attorney general of Texas, the attorney general of New Hampshire, the attorney general of Virginia, the attorney general of North Dakota, the attorney general of North Carolina, the attorney general of South Carolina, the attorney general of Pennsylvania, attorney general of South Dakota, attorney general of Nebraska, the attorney general of West Virginia, the attorney general of Washington.

These are all legal officers, by the way, attorneys general of those very States.

Another complaint that has been mentioned is that this bill does not have adequate oversight. We have heard allegations that:

the government can still sweep up and keep the international communications of innocent Americans in the U.S. with no connection to suspected terrorists, with very few safeguards to protect against abuse of this power.

We have heard other allegations that this bill does not provide adequate protections for innocent Americans. Make no mistake. The role of the Federal judiciary into the realm of foreign intelligence gathering is greatly expanded by this legislation.

So when we hear the incessant claims that this legislation lacks meaningful review, I want people to be absolutely crystal clear on the staggering amount of oversight in this bill.

The Foreign Intelligence Surveillance Court was created by the 1978 FISA law for solely one purpose: This is Title 50 of the U.S. Code 1803(a): ''a court which shall have jurisdiction to hear applications for and grant orders approving electronic surveillance.''

Let's think about this. It is America in 1978. The Church Committee has published information about known abuses by the Government involving surveillance against American citizens. The public wanted action. So what did the 95th Congress do?

Did it create a Court with the authority to review and approve the intelligence community's foreign targeting techniques? No.

Did it create a Court with the ability to review and approve the techniques used to minimize incidental interceptions involving Americans? No.

Did it mandate the intelligence community to get a warrant when targeting United States persons overseas? No.

But the 110th Congress will mandate each and every one of those things by passing this bill.

For the first time, the FISC will review and approve targeting procedures to ensure that authorized acquisitions are limited to persons outside of the United States.

For the first time, the FISC will review and approve minimization techniques.

For the first time, the FISC will ensure that the foreign targeting procedures are consistent with the fourth amendment.

So given the staggering amount of oversight, there must be some sweeping new surveillance authority that would necessitate these changes, right? Wrong.

The ''broad new surveillance authority'' that we hear so much about is directed at one thing: the Government can target foreign citizens overseas after the FISC reviews and approves the targeting and minimization procedures. In layman's terms: the Government can listen to foreign citizens overseas to collect foreign intelligence information. That doesn't sound like broad sweeping authority to me. In fact, it is less authority than the Government had before.

Let me enumerate some of the many restrictions on this authority:

No. 1, the Government can't intentionally target any person known to be in the U.S.

No. 2, the Government can't intentionally target a person outside the U.S. if the purpose is to target a known person in the U.S.—reverse targeting.

No. 3, the Government can't acquire domestic communications in the U.S.

No. 4, the targeting has to be consistent with the fourth amendment to the Constitution.

And there is more: the Attorney General and the Director of National Intelligence have to develop and adopt guidelines to ensure compliance with these limitations. These guidelines must be submitted to Congressional Intelligence and Judiciary Committees as well as the FISC.

The Attorney General and the Director of National Intelligence shall assess compliance with the targeting and minimization procedures at least every 6 months. This assessment must be submitted to the FISC, and the Intelligence and Judiciary committees of both chambers of Congress.

The Inspectors General of the Department of Justice and each element of the intelligence community may review compliance with the targeting and minimization procedures.

Finally, this bill authorizes a horde of inspectors general to conduct a full review of certain communications surveillance activities—a review that the Senate Intelligence Committee has already conducted on a bipartisan basis and found nothing wrong. Vice Chairman BOND and the other negotiators agreed to narrow the scope of this review so that there would be minimal or no operational impact on our intelligence analysts. It should come as no surprise that we want intelligence analysts to focus on analysis, not spend limited time and resources digging up documents for redundant IG reviews.

So for those who criticize this bill as lacking oversight, I wonder if any level would be enough? I have no doubt that some would only be satisfied by specific individual warrants for each and every foreign terrorist overseas. This would complete the twisted logic that somehow giving complete constitutional protections to foreign terrorists leads to more protections for Americans. Do we really need to remind people that foreign citizens outside of our country, particularly members of terrorist organizations, enjoy no—none—no protections from our Constitution?

Make no mistake about the power the FISA Court will possess in foreign intelligence gathering following passage of this bill. If the Court finds any deficiency in the certification submitted by the Attorney General or Director of National Intelligence, then the FISC can direct the Government to cease or not initiate the foreign targeting. In other words—our collection would go dark. Fortunately, the Government will be able to rightly begin acquisitions pending an appeal to the Foreign Intelligence Surveillance Court of Review.

This is surely an intimidating environment for our intelligence analysts. Essentially, any accident or mistake will be highlighted to Congress. Unforgiving is not the word. I wonder how many private citizens would enjoy having policies at their jobs where any inadvertent error would result in notification to and review by Congress?

I will suggest that the amount of oversight in this bill should be revisited in the future; not to increase it, but rather to mandate more realistic and appropriate levels of review.

The multiple oversight initiatives in this legislation are not fulfilled by magic. It takes a tremendous amount of time and resources by the very analysts whose primary job is to track terrorists. As great as our analysts are, they can't be two places at once. There are only so many of them, and they don't have unlimited resources. It is worth noting what Director of National Intelligence McConnell said to Congress last September:

> Prior to the Protect America Act, we were devoting substantial expert resources towards preparing applications that needed FISA Court approval. This was an intolerable situation, as substantive experts, particularly IC subject matter and language experts, were diverted from the job of analyzing collection results and finding new leads.

The leaders of our intelligence community have to make wise choices when allocating the time and expertise of analysts, and their hands should not be unnecessarily tied by Congress. Analytic expertise on target is a finite resource; a finite resource which the public must understand is rendered against an enemy whose resources and capabilities remain obscured to us, while its intent remains deadly.

But I guess I shouldn't be surprised by the inclusion of these onerous oversight provisions, which no previous Congress felt the need to add. How many times have we heard claims that the Protect America Act would permit the Government to spy on innocent American families overseas on their vacations? Or innocent American soldiers overseas serving our country? Or innocent students who are simply studying abroad?

Painting this type of picture only feeds the delusions of those who wear tin foil hats around their house and think that 9/11 was an inside job.

Do we think so little of the fine men and women of our intelligence community that we assume they would rather target college kids in Europe than foreign terrorists bent on nihilistic violence?

The absurdity of these accusations cannot be understated and we should not tolerate them. We should never forget that our intelligence analysts are not political appointees. They serve regardless of which President is in office, or which political party is represented. They take an oath to defend the Constitution. And rather than respect and trust their judgment and integrity, we layer oversight mechanisms that treat them like 16-year-olds who just got their first job and have to be birdwatched for fear they are stealing money from the cash register.

Now I agree there are some instances in which we may want to target individuals studying abroad. I am not necessarily talking about institutions of higher learning like the Sorbonne, but rather terrorist training camps spread through some hostile regions of foreign countries. These are the type of schools that our intelligence community is interested in. When it comes to these students, I want to know what they are up to.

Here is a good illustration: Supposed ''Graduation'' of Taliban Members on June 9, 2007. I want to know what they are about.

After addressing some of the critiques of this bill by others, let me offer one of my own. This bill calls for prior court review and approval of certifications presented to the FISC before foreign intelligence collection can begin. As I have consistently stated throughout these FISA modernization discussions, I believe this principle is unjustified and unwise.

The idea that the executive branch of the Government needs the explicit approval of the judiciary branch before collecting foreign intelligence information from foreign citizens in foreign countries is simply wrongheaded and is contrary to our Constitutional principles. I don't care if the President represents the Democratic party, Republican party, Green party, Independent party, or Whig party; he shouldn't need permission to track foreign terrorists.

With that said, I am encouraged that the bill includes a provision which would allow collection before court review of procedures if ''exigent circumstances'' exist. Even with this provision, I am troubled that one of my Democratic colleagues in the House made the following statement last week about this provision:

> This is intended to be used rarely, if at all, and was included upon assurances from the administration that agrees that it shall not be used routinely.

This begs the question, is tracking terrorists not an ''exigent circumstance''? I urge the executive branch to utilize this provision appropriately and as often as necessary following the informed judgment of those with the appropriate acumen to make such decisions. The phrase ''intelligence * * * may be lost'' means what it says: if the executive branch determines that we may lose intelligence while waiting for the Court to issue an order, then the Intelligence Community should do what our Nation expects: it should act and act quickly. The executive branch should not hesitate to utilize this authority because of fear of reprisal from those who may seek to advance political agendas—which we have seen plenty of, and some on this floor today.

Finally, I want to highlight the extensive efforts of the negotiators of this bill in both chambers. I especially want to express my appreciation and gratitude to my friend and colleague KIT BOND, the dedicated vice chairman of the Intelligence Committee, who adeptly navigated and managed the

tense and tedious negotiations to bring about the opportunity for passage of this historic legislation, the most extensive rewrite of foreign intelligence surveillance laws in 30 years.

As you can tell from the tone of my remarks, I am less than pleased at some of the compromises made in these negotiations. I don't like the expansion of the judiciary branch into what I believe are activities rightly under the executive's prerogative. But I came to the Senate to achieve improvements for the American people, not to be an ideologue. My entire career as a legislator has been in recognition that compromise gets more done for the public than obstruction. The people of Utah didn't send me to the Senate to obstruct business, but to get business done. Nowhere is this more important than on matters where the Congress is enjoined by our citizens to improve the national security. I am a pragmatist, and I am a realist. Part of being a realist, these days, is to recognize that there is a disturbing backlash against the national security policies of this administration. Fueled by dissatisfaction over mistakes in Iraq, over frustration that the fight there and in Afghanistan continues into its seventh year, and that Al Qaeda remains a credible and deadly threat, many people in the majority party have gone beyond criticism to denunciation, to condemnation and obstruction. I am hoping that the general election before us will provide the opportunity for a truly grand debate on what we consider are threats, and how we believe we must continue to address them. But so far the debate has not been joined, and the rhetoric is becoming more poisonous. I have come to this floor and expressed my own criticisms of this administration, but I have never had reason to condemn them as operating in bad faith when it came to defending this Nation.

I know this President. The President is a wonderfully good man. He has done everything in his power to try to protect us. He is an honest man. He has had untoward criticism from the media day in and day out. He has been deliberately maligned by people who should know better.

Yes, this administration has made mistakes, but they have not been made intentionally. It is pathetic the way the media and many have treated this President. I think we have got to go back to where we respect our President and we show some degree of tolerance for the tough job that being President is.

It is regrettable for me that the rhetoric around the terrorism surveillance program has devolved too often into fire but no light. So while I am concerned about some of the compromises made in this bill, I am grateful for all of the work done to bring it to a vote this week. We have to have this bill to protect the American people.

I urge my colleagues to support this monumental and historic legislation. Our country continues to be both the envy of the world and the target of those who seek to advance their warped, violent ideology. We know the threats are out there. We do not have to live our lives in fear, but we should acknowledge that the world changed on September 11 and we must remain vigilant.

Let's ensure that all of the dedicated and noble professionals who play a part in ensuring our liberty and safety are not hampered by partisan problems that we have the ability and responsibility to correct.

The legislation before us makes an important and admirable attempt to do just that. I hope my colleagues will support this legislation and support final passage. It is overdue. It has been delayed too long. We have been playing around with this far too long. There have been so many unjust criticisms, I am sick of them, to be honest with you. It is almost as though politics has to rear its ugly head every time we turn around here. A lot of it is driven by the fact that people resent the President of the United States. They do so unjustly, without proper sense, in ways that are detrimental to our country and future presidencies that will come into office. This President has had very difficult problems to handle.

I believe I am the longest serving person on the Senate Select Committee on Intelligence. I have been around a long time. I have seen a lot of things. I have tried to help prior Presidents as I have played a role on the Intelligence Committee. I have done so, I believe, without resorting to partisan attacks. We have had too many partisan attacks around here, and I think too many vicious attacks against the President and, I might add, against these unnamed, highly classified unknown, except by those in the intelligence community, telecom companies that patriotically helped our country to protect us, that have gone through untold expense, the deprivation and harm caused by the zealousness of those who believe that only they can protect the civil liberties of this country, when, in fact, that is what the telecom companies were cooperating to do.

I thank all of the Intelligence Committee staffers who have played such a big role in helping this bill to come to the floor. We have a very dedicated staff on the Intelligence Committee. I have to say that in this current Intelligence Committee I have seen more partisanship than I have seen in the past. But, by and large, when we passed the original bill out of the committee, it was passed 13 to 2, and we worked together in a very good way on that committee.

So I thank those staffers who worked so hard to try and help us all resolve this set of difficulties. I hope everybody in the Senate will vote for this bill and send it out with resounding victory.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, soon the Senate will take up the Foreign Intelligence Surveillance Act. It, of course, is known as FISA. FISA may not be a household word to most Americans, but a properly written FISA reauthorization is exceptionally important to the well-being of our country and it needs to meet a simple test: It must allow our country to fight terrorism ferociously and still protect our individual liberty.

I do not know how many Senators have traveled to the other end of Pennsylvania Avenue to personally read the legal opinions from the Department of Justice on the warrantless wiretapping program that is at the center of this debate. Someday these opinions are going to become public. Someday the American people will see how flimsy the legal reasoning is behind warrantless wiretapping. Someday the American people will see the damage that is done to our Nation when the executive branch tries to rewrite important national security law in secret.

The warrantless wiretapping program is not the first of this administration's counterterrorism programs that is built on legal quicksand. We have seen the coercive interrogation program, and the detention program at Guantanamo. Again and again on these vital counterterrorism programs, the administration has overreached, it has fallen short, and then it has come to the Congress and asked that the Congress clean up these legal messes. I am especially troubled by the provisions in this reauthorization of the FISA bill that grant blanket retroactive immunity to any telecommunications company that participated in the warrantless wiretapping program. I want to spend a few minutes to unpack this issue and discuss why I think it is such a significant mistake to reauthorize the program in this fashion and to have what amounts to a blanket amnesty provision for those who may have been involved in illegal activity.

Many have argued that companies that were asked to participate in the warrantless wiretapping program should be treated leniently since they acted during a state of national panic and confusion. I have given this argument a lot of thought and, frankly, I think there is a valid rationale behind that thinking if you are talking about a short period of time. But that is not what is being discussed here. The warrantless wiretapping program did not last for a few weeks or a few months as America worried about the prospect of another attack. It went on for nearly 6 years. At some point during that nearly 6-year period, any company participating in the program had an obligation to stop and to consider whether what they were doing was legal.

Others have suggested that if you do not give amnesty to the companies now, it is going to be impossible to get

cooperation from other companies in the future in the fight against terrorism. I do not buy that argument. Our country is full of patriotic citizens and businesses that are eager to do their part and to serve their Nation. I will say, I think it is insulting to suggest that American businessmen and women will be less patriotic if the Congress does not grant amnesty to the phone companies. People of this country love our Nation, and I believe they step up, they come forward whenever they can.

I hope, however, that they are not going to say: Well, okay, when the Government breaks the law we will automatically step forward in those instances. When American businesses are asked to participate in a program that looks as if it could be illegal, we all say, that is the time to hold on. I think it is important, particularly for our major businesses, to follow the law and not just the words of the President. I am disappointed that this legislation includes this amnesty provision. I hope as colleagues continue to examine the bill, they understand what is at issue.

If the legislation passes, the Attorney General will be able to stop any of the lawsuits against the companies dead in their tracks. All the Attorney General will have to do is tell the judges considering these cases that any corporation that participated in the program was told by the Government that what they were doing was legal. They will not have to actually prove it was legal, they will not have to provide any evidence, they will not have to cite any statutes, they will not have to make any legal arguments whatsoever.

In my view, this amounts to self-certification. Self-certification runs counter to the whole idea of the Foreign Intelligence Surveillance Act in the first place. The Foreign Intelligence Surveillance Act is based on the notion that the way to keep classified intelligence activities from intruding on Americans' privacy is to make sure there is a significant measure of independent judicial oversight. The judges in this situation will be allowed to examine as many documents as they like. But, in this instance, they will not actually be allowed to exercise independent judgment at all. As long as they see a piece of paper, a piece of paper that gets held up from a few years ago, a Presidential permission slip, if you will, that claims the program is legal, they will be required to grant immunity to the phone companies. Even the distinguished leader in the House, the minority whip, has acknowledged that this would be a mere ''formality.''

The concept of independent oversight that is so central to the Foreign Intelligence Surveillance Act and that has worked so well in practice simply, in my view, should not be transformed into an approach that effectively permits the administration to self-certify with respect to these particular cases.

I want to be clear that I cannot begin to divine how various matters in litigation will come out. In addition to the constitutional issues that are at stake, there is a number of contentious matters regarding standing, injury, a host of very difficult legal problems involved. I think the judges in these cases will need to consider all of the issues if the cases go forward. That is what makes the judicial process in the original statute so important. It is independent. They look at all of the factors that are relevant. But I will say that I did not think the Congress or I should substitute our judgment for the judgment of the courts, and that is, in effect, what happens if the legislation goes forward as written and blanket immunity is granted to every company that participated in the program.

It saddens me to have to oppose the legislation as written. I do so knowing that the bill contains a number of very important provisions and, with respect to individual liberty and the rights of our people, contains some significant steps forward. I am especially grateful to Senators ROCKEFELLER and BOND for working very closely with me to ensure that Americans who travel overseas don't lose their rights when they leave America's shores. That is the status today, regrettably. In this area, Senators ROCKEFELLER, BOND, myself, WHITEHOUSE, FEINGOLD, a number of us who serve on the Senate Select Committee on Intelligence worked in a constructive, good-faith way with the Bush administration. In this legislation, we have put into law that in the digital age, your rights are going to travel with you. You don't lose your rights. If you are a serviceman from the State of Missouri or a businessperson from another part of the country, you won't lose your rights when you leave American soil. That is as it should be. It is a significant expansion of the individual liberties of our citizens. They should not give up their rights when they travel. They ought to have rights that do travel in a world with modern communications and modern transportation. That provision is part of this reauthorization.

However, I feel so strongly about the ill-advised nature of the provisions that provide for blanket amnesty that I must oppose this bill as written. I think when history looks back at what happened, the warrantless wiretapping program, they are going to say that this program, along with several other flawed counterterrorism programs that have come from this administration, was a mistake. We should not compound those mistakes by reauthorizing this legislation that contains a blanket grant of immunity at a time when Americans understand that it is possible to fight terrorism relentlessly, fight terrorism ferociously without trashing our rights and liberties simultaneously.

We can do better. The Senate will have an opportunity to do better. A number of colleagues are going to be advocating proposals to strip the legislation of the amnesty provision. I hope those provisions will be successful.

I would like to pass this bill when we have an opportunity to strike a better balance between fighting terrorism aggressively and protecting the liberties of our citizens.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, before our colleague leaves the Chamber, I commend him for his statement. I had a chance to listen to part of it before coming to the floor of the Senate. This is a long-held view of my colleague when it comes to civil liberties and the rule of law. I commend him for remaining consistent in that insistence. He is absolutely correct that this is not a choice between security or liberty. In fact, I argue, as he has, that when we begin to retreat on the rule of law, we become less secure as a people. We have learned that lesson painfully throughout history. This is the time for us to be vigilant, both in terms of our security and also when it comes to our rights. This is an issue that ought not divide people based on our determination to deal with terrorism or those who wish to do great harm to our country but to recognize that historically, when we have been motivated by fear and have failed to stand up for basic rights, we have made horrendous mistakes. When we have stood up for our rights as well as insisting on our security, we have done our job as a generation, as previous ones have as well.

This is one of those moments history will look back upon. Why did we say that 17 phone companies that relied on a letter and not much more than that decided for over 5 years to invade the privacy of millions of Americans and would still be doing it today but for a whistleblower who revealed the program? Why did they not seek the FISA Court, as 18,748 other cases that been submitted and only 5 examples when they were turned down seeking a warrant since 1978? Why in this case did the Bush administration decide to avoid that normal process and go with a simple letter, without any legal justification I can determine, and get that kind of reaction? Why should we not know that? Why should not the American people know that? What happened here?

That is what the Senator is insisting upon. We will not know the answers to those questions if we, as a legislative body, by a simple vote here, declare that the courts have no business examining the legality of this action. We will avoid that responsibility by casting a vote to keep this immunity process in place. I will be joining him. In fact, I will be offering the amendment to strike the immunity provisions, to do our job when it comes to dealing with FISA, to modernizing it, but not to grant immunity to 17 phone companies.

Quest, to their great credit, when they were given that letter, said: We need more legal justification. They did

not engage in this program. Not all phone companies did. But the ones that did bear the responsibility to determine whether what they did was legal. We will never know the answer to that if the Senator from Oregon and I do not prevail on our amendment.

I commend him immensely for his statement.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Chair.

Madam President, the Senate today—hopefully, tomorrow—returns to debating the matter of modernizing FISA and, more specifically, the Foreign Intelligence Surveillance Amendments Act of 2008. After many months of careful and often very difficult negotiations, we bring to the Senate an agreement that many believed could actually never be achieved, that is bipartisan legislation aimed at protecting the Nation's security and civil liberties, supported by the House, by the Senate, as well as both the Attorney General and the Director of National Intelligence.

The bill before us reflects the fact that FISA, as it was created in 1978, has increasingly become outdated and hindered our Nation's ability to collect intelligence on foreign targets in a timely manner. It is the direct result of changing technologies, advances in technology, in telecommunications, and the need to evolve and meet today's threat facing our Nation; namely, global terrorism and the proliferation of weapons of mass destruction.

The fact is, as telecommunications technology has changed, intelligence agencies have been presented with collection opportunities inside the United States against targets overseas. Yet, because of the way FISA was written in 1978, they could not take full advantage of these new opportunities.

Finding a solution to this problem has not been easy. It was made more complicated by the President's decision, in the aftermath of the September 11, 2001, disaster, to go completely outside of the FISA rather than work with Congress to fix the situation. That decision was complicated even further by the fact that the President put telecommunication companies in a precarious position by not giving them the legal security of the FISA Court, even when they were told their efforts were legal and necessary to prevent another terrorist attack.

Early last year, at the start of our tenure as the new chairman and vice chairman of the Senate Intelligence Committee, Senator BOND and I agreed that our top priority was going to be to modernize FISA. It had to be our top priority for the year. Even then, I don't think we understood how complex and difficult this endeavor would be or even just how important it would be to our intelligence efforts and to the war against terrorism. It is a monumental bill, and it redoes, for the first time in 30 years, proper handling of collection, which is why I am so pleased to stand before you today and say that we have succeeded.

The laborious process of consultation with Members of both bodies and both parties and legal and intelligence officials in the executive branch has worked. We have produced a strong, smart policy that will meet the needs of our intelligence community and protect America's cherished civil liberties.

For procedural reasons, the bill now before the Senate is a new bill which passed the House on Friday by a vote of 293 to 129. You can run that out to a 70-percent vote. While formally a new bill, it is the product of compromise between the FISA bills developed, debated, and amended in both Houses in the course of the past year.

In the absence of a formal conference, there is no conference report that describes this final bill. To help fill that void, I have prepared, as manager of the bill, a section-by-section analysis which builds on the analysis in our earlier Senate report and includes the changes that have followed. I hope it will be of assistance to the Senate in consideration of this final legislation as well as to the public and all those who will have responsibility to implement the bill.

Accordingly, I ask unanimous consent to have printed in the RECORD the summary of the bill's legislative history and a description of its four titles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 6304, FISA AMENDMENTS ACT OF 2008

SECTION-BY-SECTION ANALYSIS AND EXPLANATION

Senator John D. Rockefeller IV, Chairman of the Select Committee on Intelligence

The consideration of legislation to amend the Foreign Intelligence Surveillance Act of 1978 (''FISA'') in the 110th Congress began with submission by the Director of National Intelligence (''DNI'') on April 12, 2007 of a proposed Foreign Intelligence Surveillance Modernization Act of 2007, as Title IV of the Administration's proposed Intelligence Authorization Act for Fiscal Year 2008. The DNI's proposal was the subject of an open hearing on May 1, 2007 and subsequent closed hearings by the Senate Select Committee on Intelligence, but was not formally introduced. It is available on the Committee's website: http://intelligence.senate.gov/070501/bill.pdf. In the Senate, the original legislative vehicle for the consideration of FISA amendments in the 110th Congress was S. 2248. It was reported by the Select Committee on Intelligence on October 26, 2007 (S. Rep. No. 110–209 (2007)), and then sequentially reported by the Committee on the Judiciary on November 16, 2007 (S. Rep. No. 110–258 (2008)). In the House, the original legislative vehicle was H.R. 3773. It was reported by the Committee on the Judiciary and the Permanent Select Committee on Intelligence on October 12, 2007 (H. Rep. No. 110–373 (Parts 1 and 2)(2007)). H.R. 3773 passed the House on November 15, 2007. S. 2248 passed the Senate on February 12, 2008, and was sent to the House as an amendment to H.R. 3773. On March 14, 2008, the House returned H.R. 3773 to the Senate with an amendment.

No formal conference was convened to resolve the differences between the two Houses on H.R. 3773. Instead, following an agreement reached without a formal conference, the House passed a new bill, H.R. 6304, which contains a complete compromise of the differences on H.R. 3773.

H.R. 6304 is a direct descendant of H.R. 3773, as well as of the original Senate bill, S. 2248, and the legislative history of those measures constitutes the legislative history of H.R. 6304. The section-by-section analysis and explanation set forth below is based on the analysis and explanation in the report of the Select Committee on Intelligence on S. 2248, at S. Rep. No. 110–209, pp. 12–25, as expanded and edited to reflect the floor amendments to S. 2248 and the negotiations that produced H.R. 6304.

OVERALL ORGANIZATION OF ACT

The FISA Amendments Act of 2008 (''FISA Amendments Act'') contains four titles.

Title I includes, in section 101, a new Title VII of FISA entitled ''Additional Procedures Regarding Certain Persons Outside the United States.'' This new title of FISA (which will sunset in four and a half years) is a successor to the Protect America Act of 2007, Pub. L. 110–55 (August 5, 2007) (''Protect America Act''), with amendments. Sections 102 through 110 of the Act contain a number of amendments to FISA apart from the collection issues addressed in the new Title VII of FISA. These include a provision reaffirming and strengthening the requirement that FISA is the exclusive means for electronic surveillance, important streamlining provisions, and a change in the definitions section of FISA (in section 110 of the bill) to facilitate foreign intelligence collection against proliferators of weapons of mass destruction.

Title II establishes a new Title VIII of FISA which is entitled ''Protection of Persons Assisting the Government.'' This new title establishes a long-term procedure, in new FISA section 802, for the Government to implement statutory defenses and obtain the dismissal of civil cases against persons, principally electronic communication service providers, who assist elements of the intelligence community in accordance with defined legal documents, namely, orders of the FISA Court or certifications or directives provided for and defined by statute. Section 802 also incorporates a procedure with precise boundaries for liability relief for electronic communication service providers who are defendants in civil cases involving an intelligence activity authorized by the President between September 11, 2001, and January 17, 2007. In addition, Title II provides for the protection, by way of preemption, of the federal government's ability to conduct intelligence activities without interference by state investigations.

Title III directs the Inspectors General of the Department of Justice, the Department of Defense, the Office of National Intelligence, the National Security Agency, and any other element of the intelligence community that participated in the President's Surveillance Program authorized by the President between September 11, 2001, and January 17, 2007, to conduct a comprehensive review of the program. The Inspectors General are required to submit a report to the appropriate committees of Congress, within one year, that addresses, among other things, all of the facts necessary to describe the establishment, implementation, product, and use of the product of the President's Surveillance Program, including the participation of individuals and entities in the private sector related to the program.

Title IV contains important procedures for the transition from the Protect America Act to the new Title VII of FISA. Section 404(a)(7) directs the Attorney General and the DNI, if they seek to replace an authorization under the Protect America Act, to

submit the certification and procedures required in accordance with the new section 702 to the FISA Court at least 30 days before the expiration of such authorizations, to the extent practicable. Title IV explicitly provides for the continued effect of orders, authorizations, and directives issued under the Protect America Act, and of the provisions pertaining to protection from liability, FISA court jurisdiction, the use of information acquired and Executive Branch reporting requirements, past the statutory sunset of that act. Title IV also contains provisions on the continuation of authorizations, directives, and orders under Title VII that are in effect at the time of the December 31, 2012 sunset, until their expiration within the year following the sunset.

TITLE I. FOREIGN INTELLIGENCE SURVEILLANCE

Section 101. Targeting the Communications of Persons Outside the United States

Section 101(a) of the FISA Amendments Act establishes a new Title VII of FISA. Entitled ''Additional Procedures Regarding Certain Persons Outside the United States,'' the new title includes, with important modifications, an authority similar to that granted by the Protect America Act as temporary sections 105A, 105B, and 105C of FISA. Those Protect America Act provisions had been placed within FISA's Title I on electronic surveillance. Moving the amended authority to a title of its own is appropriate because the authority involves not only the acquisition of communications as they are being carried but also while they are stored by electronic communication service providers.

Section 701. Definitions

Section 701 incorporates into Title VII the definition of nine terms that are defined in Title I of FISA and used in Title VII: ''agent of a foreign power,'' ''Attorney General,'' ''contents,'' ''electronic surveillance,'' ''foreign intelligence information,'' ''foreign power,'' ''person,'' ''United States,'' and ''United States person.'' It defines the congressional intelligence committees for the purposes of Title VII. Section 701 defines the two courts established in Title I that are assigned responsibilities under Title VII: the Foreign Intelligence Surveillance Court (''FISA Court'') and the Foreign Intelligence Surveillance Court of Review. Section 701 also defines ''intelligence community'' as found in the National Security Act of 1947. Finally, section 701 defines a term, not previously defined in FISA, which has an important role in setting the parameters of Title VII: ''electronic communication service provider.'' This definition is connected to the objective that the acquisition of foreign intelligence pursuant to this title is meant to encompass the acquisition of stored electronic communications and related data.

Section 702. Procedures for Targeting Certain Persons Outside the United States Other than United States Persons

Section 702(a) sets forth the basic authorization in Title VII, replacing section 105B of FISA, as added by the Protect America Act. Unlike the Protect America Act, the collection authority in section 702(a) is to be conducted pursuant to the issuance of an order of the FISA Court, or pursuant to a determination of the Attorney General and the DNI, acting jointly, that exigent circumstances exist, as defined in section 702(c)(2), subject to subsequent and expeditious action by the FISA Court. Authorizations must contain an effective date, and may be valid for a period of up to one year from that date.

Subsequent provisions of the Act implement the prior order and effective date provisions of section 702(a): in addition to section 702(c)(2) which defines exigent circumstances, section 702(i)(1)(B) provides that the court shall complete its review of certifications and procedures within 30 days (unless extended under section 702(j)(2)); section 702(i)(5)(A) provides for the submission of certifications and procedures to the FISA Court at least 30 days before the expiration of authorizations that are being replaced, to the extent practicable; and section 702(i)(5)(B) provides for the continued effectiveness of expiring certifications and procedures until the court issues an order concerning their replacements.

Section 105B and section 702(a) differ in other important respects. Section 105B authorized the acquisition of foreign intelligence information ''concerning'' persons reasonably believed to be outside the United States. To make clear that all collection under Title VII must be targeted at persons who are reasonably believed to be outside the United States, section 702(a) eliminates the word ''concerning'' and instead authorizes ''the targeting of persons reasonably believed to be located outside the United States to collect foreign intelligence information.''

Section 702(b) establishes five related limitations on the authorization in section 702(a). Overall, the limitations ensure that the new authority is not used for surveillance directed at persons within the United States or at United States persons. The first is a specific prohibition on using the new authority to target intentionally any person within the United States. The second provides that the authority may not be used to conduct ''reverse targeting,'' the intentional targeting of a person reasonably believed to be outside the United States if the purpose of the acquisition is to target a person reasonably believed to be in the United States. If the purpose of the acquisition is to target a person reasonably believed to be in the United States, the acquisition must be conducted in accordance with other titles of FISA. The third bars the intentional targeting of a United States person reasonably believed to be outside the United States. In order to target such United States person, acquisition must be conducted under three subsequent sections of Title VII, which require individual FISA court orders for United States persons: sections 703, 704, and 705. The fourth limitation goes beyond targeting (the object of the first three limitations) and prohibits the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States. The fifth is an overarching mandate that an acquisition authorized in section 702(a) shall be conducted in a manner consistent with the Fourth Amendment to the U.S. Constitution, which provides for ''the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.''

Section 702(c) governs the conduct of acquisitions. Pursuant to section 702(c)(1), acquisitions authorized under section 702(a) may be conducted only in accordance with targeting and minimization procedures approved at least annually by the FISA Court and a certification of the Attorney General and the DNI, upon its submission in accordance with section 702(g). Section 702(c)(2) describes the ''exigent circumstances'' in which the Attorney General and Director of National Intelligence may authorize targeting for a limited time without a prior court order for purposes of subsection (a). Section 702(c)(2) provides that the Attorney General and the DNI may make a determination that exigent circumstances exist because, without immediate implementation of an authorization under section 702(a), intelligence important to the national security of the United States may be lost or not timely acquired and time does not permit the issuance of an order pursuant to section 702(i)(3) prior to the implementation of such authorization. Section 702(c)(3) provides that the Attorney General and the DNI may make such a determination before the submission of a certification or by amending a certification at any time during which judicial review of such certification is pending before the FISA Court.

Section 702(c)(4) addresses the concern, reflected in section 105A of FISA as added by the Protect America Act, that the definition of electronic surveillance in Title I might prevent use of the new procedures. To address this concern, section 105A redefined the term ''electronic surveillance'' to exclude ''surveillance directed at a person reasonably believed to be located outside of the United States.'' This redefinition, however, broadly exempted activities from the limitations of FISA's individual order requirements. In contrast, section 702(c)(4) does not change the definition of electronic surveillance, but clarifies the intent of Congress to allow the targeting of foreign targets outside the United States in accordance with section 702 without an application for a court order under Title I of FISA. The addition of this construction paragraph, as well as the language in section 702(a) that an authorization may occur ''notwithstanding any other law,'' makes clear that nothing in Title I of FISA shall be construed to require a court order under that title for an acquisition that is targeted in accordance with section 702 at a foreign person outside the United States.

Section 702(d) provides, in a manner essentially identical to the Protect America Act, for the adoption by the Attorney General, in consultation with the DNI, of targeting procedures that are reasonably designed to ensure that collection is limited to targeting persons reasonably believed to be outside the United States. As provided in the Protect America Act, the targeting procedures are subject to judicial review and approval. In addition to the requirements of the Protect America Act, however, section 702(d) provides that the targeting procedures also must be reasonably designed to prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States. Section 702(d)(2) subjects these targeting procedures to judicial review and approval.

Section 702(e) provides that the Attorney General, in consultation with the DNI, shall adopt, for acquisitions authorized by section 702(a), minimization procedures that are consistent with section 101(h) or 301(4) of FISA, which establish FISA's minimization requirements for electronic surveillance and physical searches. Section 702(e)(2) provides that the minimization procedures, which are essential to the protection of United States citizens and permanent residents, shall be subject to judicial review and approval. This corrects an omission in the Protect America Act which had not provided for judicial review of the adherence of minimization procedures to statutory requirements.

Section 702(f) provides that the Attorney General, in consultation with the DNI, shall adopt guidelines to ensure compliance with

the limitations in section 702(b), including the prohibitions on the acquisition of purely domestic communications, on targeting persons within the United States, on targeting United States persons located outside the United States, and on reverse targeting. Such guidelines shall also ensure that an application for a court order is filed as required by FISA. It is intended that these guidelines will be used for training intelligence community personnel so that there are clear requirements and procedures governing the appropriate implementation of the authority under this title of FISA. The Attorney General is to provide these guidelines to the congressional intelligence committees, the judiciary committees of the House of Representatives and the Senate, and the FISA Court. Subsequent provisions implement the guidelines requirement. See section 702(g)(2)(A)(iii)(certification requirements); section 702(l)(1) and 702(l)(2) (assessment of compliance with guidelines); and section 707(b)(1)(G)(ii) (reporting on noncompliance with guidelines).

Section 702(g) requires that the Attorney General and the DNI provide to the FISA Court, prior to implementation of an authorization under subsection (a), a written certification, with any supporting affidavits. In exigent circumstances, the Attorney General and DNI may make a determination that, without immediate implementation, intelligence important to the national security will be lost or not timely acquired prior to the implementation of an authorization. In exigent circumstances, if time does not permit the submission of a certification prior to the implementation of an authorization, the certification must be submitted to the FISA Court no later than seven days after the determination is made. This seven-day time period for submission of a certification in the case of exigent circumstances is identical to the time period by which the Attorney General must apply for a court order after authorizing an emergency surveillance under other provisions of FISA, as amended by this Act.

Section 702(g)(2) sets forth the requirements that must be contained in the written certification. These elements include: that the targeting and minimization procedures have been approved by the FISA Court or will be submitted to the court with the certification; that guidelines have been adopted to ensure compliance with the limitations of subsection (b) have been adopted; that those procedures and guidelines are consistent with the Fourth Amendment; that the acquisition is targeted at persons reasonably believed to be outside the United States; that a significant purpose of the acquisition is to obtain foreign intelligence information; and an effective date for the authorization that in most cases is at least 30 days after the submission of the written certification. Additionally, as an overall limitation on the method of acquisition. permitted under section 702, the certification must attest that the acquisition involves obtaining foreign intelligence information from or with the assistance of an electronic communication service provider.

Requiring an effective date in the certification serves to identify the beginning of the period of authorization (which is likely to be a year) for collection and to alert the FISA Court of when the Attorney General and DNI are seeking to begin collection. Section 702(g)(3) permits the Attorney General and DNI to change the effective date in the certification by amending the certification.

As with the Protect America Act, the certification under section 702(g)(4) is not required to identify the specific facilities, places, premises, or property at which the acquisition under section 702(a) will be directed or conducted. The certification shall be subject to review by the FISA Court.

Section 702(h) authorizes the Attorney General and the DNI to direct, in writing, an electronic communication service provider to furnish the Government with all information, facilities, or assistance necessary to accomplish the acquisition authorized under subsection 702(a). It requires compensation for this assistance and provides that no cause of action shall lie in any court against an electronic communication service provider for its assistance in accordance with a directive. Section 702(h) also establishes expedited procedures in the FISA Court for a provider to challenge the legality of a directive or the Government to enforce it. In either case, the question for the court is whether the directive meets the requirements of section 702 and is otherwise lawful. Whether the proceeding begins as a provider challenge or a Government enforcement petition, if the court upholds the directive as issued or modified, the court shall order the provider to comply. Failure to comply may be punished as a contempt of court. The proceedings shall be expedited and decided within 30 days, unless that time is extended under section 702(j)(2).

Section 702(i) provides for judicial review of any certification required by section 702(g) and the targeting and minimization procedures adopted pursuant to sections 702(d) and 702(e). In accordance with section 702(i)(5), if the Attorney General and the DNI seek to reauthorize or replace an authorization in effect under the Act, they shall submit, to the extent practicable, the certification and procedures at least 30 days prior to the expiration of such authorization.

The court shall review certifications to determine whether they contain all the required elements. It shall review targeting procedures to assess whether they are reasonably designed to ensure that the acquisition activity is limited to the targeting of persons reasonably believed to be located outside the United States and prevent the intentional acquisition of any communication whose sender and intended recipients are known to be located in the United States. The Protect America Act had limited the review of targeting procedures to a ''clearly erroneous'' standard; section 702(i) omits that limitation. For minimization procedures, section 702(i) provides that the court shall review them to assess whether they meet the statutory requirements. The court is to review the certifications and procedures and issue its order within 30 days after they were submitted unless that time is extended under section 702(j)(2). The Attorney General and the DNI may also amend the certification or procedures at any time under section 702(i)(1)(C), but those amended certifications or procedures must be submitted to the court in no more than 7 days after amendment. The amended procedures may be used pending the court's review.

If the FISA Court finds that the certification contains all the required elements and that the targeting and minimization procedures are consistent with the requirements of subsections (d) and (e) and with the Fourth Amendment, the court shall enter an order approving their use or continued use for the acquisition authorized by section 702(a). If it does not so find, the court shall order the Government, at its election, to correct any deficiencies or cease, or not begin, the acquisition. If acquisitions have begun, they may continue during any rehearing en banc of an order requiring the correction of deficiencies. If the Government appeals to the Foreign Intelligence Surveillance Court of Review, any collection that has begun may continue at least until that court enters an order, not later than 60 days after filing of the petition for review, which determines whether all or any part of the correction order shall be implemented during the appeal

Section 702(j)(1) provides that judicial proceedings are to be conducted as expeditiously as possible. Section 702(j)(2) provides that the time limits for judicial review in section 702 (for judicial review of certifications and procedures or in challenges or enforcement proceedings concerning directives) shall apply unless extended, by written order, as necessary for good cause in a manner consistent with national security.

Section 702(k) requires that records of proceedings under section 702 shall be maintained by the FISA Court under security measures adopted by the Chief Justice in consultation with the Attorney General and the DNI. In addition, all petitions are to be filed under seal and the FISA Court, upon the request of the Government, shall consider ex parte and in camera any Government submission or portions of a submission that may include classified information. The Attorney General and the DNI are to retain directives made or orders granted for not less than 10 years.

Section 702(l) provides for oversight of the implementation of Title VII. It has three parts. First, the Attorney General and the DNI shall assess semiannually under subsection (l)(1) compliance with the targeting and minimization procedures, and the Attorney General guidelines for compliance with limitations under section 702(b), and submit the assessment to the FISA Court and to the congressional intelligence and judiciary committees, consistent with congressional rules.

Second, under subsection (l)(2)(A), the Inspector General of the Department of Justice and the inspector general (''IG'') of any intelligence community element authorized to acquire foreign intelligence under section 702(a) are authorized to review compliance of their agency or element with the targeting and minimization procedures adopted in accordance with subsections (d) and (e) and the guidelines adopted in accordance with subsection (f). Subsections (l)(2)(B) and (l)(2)(C) mandate several statistics that the IGs shall review with respect to United States persons, including the number of disseminated intelligence reports that contain references to particular U.S. persons, the number of U.S. persons whose identities were disseminated in response to particular requests, and the number of targets later determined to be located in the United States. Their reports shall be submitted to the Attorney General, the DNI, and the appropriate congressional committees. Section 702(l)(2) provides no statutory schedule for the completion of these IG reviews; the IGs should coordinate with the heads of their agencies about the timing for completion of the IG reviews so that they are done at a time that would be useful for the agency heads to complete their semiannual reviews.

Third, under subsection (l)(3), the head of an intelligence community element that conducts an acquisition under section 702 shall review annually whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition and provide an accounting of information pertaining to United States persons similar to that included in the IG report. Subsection (l)(3) also encourages the

head of the element to develop procedures to assess the extent to which the new authority acquires the communications of U.S. persons, and to report the results of such assessment. The review is to be used by the head of the element to evaluate the adequacy of minimization procedures. The annual review is to be submitted to the FISA Court, the Attorney General and the DNI, and to the appropriate congressional committees.

Section 703. Certain Acquisition Inside the United States Targeting United States Persons Outside the United States

Section 703 governs the targeting of United States persons who are reasonably believed to be outside the United States when the acquisition of foreign intelligence is conducted inside the United States. The authority and procedures of section 703 apply when the acquisition either constitutes electronic surveillance, as defined in Title I of FISA, or is of stored electronic communications or stored electronic data. If the United States person returns to the United States, acquisition under section 703 must cease. The Government may always, however, obtain an order or authorization under another title of FISA.

The application procedures and provisions for a FISA Court order in sections 703(b) and 703(c) are drawn from Titles I and III of FISA. Key among them is the requirement that the FISA Court determine that there is probable cause to believe that, for the United States person who is the target of the surveillance, the person is reasonably believed to be located outside the United States and is a foreign power or an agent, officer or employee of a foreign power. The inclusion of United States persons who are officers or employees of a foreign power, as well as those who are agents of a foreign power as that term is used in FISA, is intended to permit the type of collection against United States persons outside the United States that has been allowed under existing Executive Branch guidelines. The FISA Court shall also review and approve minimization procedures that will be applicable to the acquisition, and shall order compliance with such procedures.

As with FISA orders against persons in the United States, FISA orders against United States persons outside of the United States under section 703 may not exceed 90 days and may be renewed for additional 90–day periods upon the submission of renewal applications. Emergency authorizations under section 703 are consistent with the requirements for emergency authorizations in FISA against persons in the United States, as amended by this Act; the Attorney General may authorize an emergency acquisition if an application is submitted to the FISA Court in not more than seven days.

Section 703(g) is a construction provision that clarifies that, if the Government obtains an order and target a particular United States person in accordance with section 703, FISA does not require the Government to seek a court order under any other provision of FISA to target that United States person while that person is reasonably believed to be located outside the United States.

Section 704. Other Acquisitions Targeting United States Persons Outside the United States

Section 704 governs other acquisitions that target United States persons who are outside the United States. Sections 702 and 703 address acquisitions that constitute electronic surveillance or the acquisition of stored electronic communications. In contrast, as provided in section 704(a)(2), section 704 addresses any targeting of a United States person outside of the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required if the acquisition occurred within the United States. It thus covers not only communications intelligence, but, if it were to occur, the physical search of a home, office, or business of a United States person by an element of the United States intelligence community, outside of the United States.

Pursuant to section 704(a)(3), if the targeted United States person is reasonably believed to be in the United States while an order under section 704 is in effect, the acquisition against that person shall cease unless authority is obtained under another applicable provision of FISA. Likewise, the Government may not use section 704 to authorize an acquisition of foreign intelligence inside the United States.

Section 704(b) describes the application to the FISA Court that is required. For an order under section 704(c), the FISA Court must determine that there is probable cause to believe that the United States person who is the target of the acquisition is reasonably believed to be located outside the United States and is a foreign power, or an agent, officer or employee of a foreign power. An order is valid for a period not to exceed 90 days, and may be renewed for additional 90-day periods upon submission of renewal applications meeting application requirements.

Because an acquisition under section 704 is conducted outside the United States, or is otherwise not covered by FISA, the FISA Court is expressly not given jurisdiction to review the means by which an acquisition under this section may be conducted. Although the FISA Court's review is limited to determinations of probable cause, section 704 anticipates that any acquisition conducted pursuant to a section 704 order will in all other respects be conducted in compliance with relevant regulations and Executive Orders governing the acquisition of foreign intelligence outside the United States, including Executive Order 12333 or any successor order.

Section 705. Joint Applications and Concurrent Authorizations

Section 705 provides that if an acquisition targeting a United States person under section 703 or 704 is proposed to be conducted both inside and outside the United States, a judge of the FISA Court may issue simultaneously, upon the request of the Government in a joint application meeting the requirements of sections 703 and 704, orders under both sections as appropriate. If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304, and that order is still in effect, the Attorney General may authorize, without an order under section 703 or 704, the targeting of that United States person for the purpose of acquiring foreign intelligence information while such person is reasonably believed to be located outside the United States.

Section 706. Use of Information Acquired Under Title VII

Section 706 fills a void that has existed under the Protect America Act which had contained no provision governing the use of acquired intelligence. Section 706(a) provides that information acquired from an acquisition conducted under section 702 shall be deemed to be information acquired from an electronic surveillance pursuant to Title I of FISA for the purposes of section 106 of FISA, which is the provision of Title I of FISA that governs public disclosure or use in criminal proceedings. The one exception is for subsection (j) of section 106, as the notice provision in that subsection, while manageable in individual Title I proceedings, would present a difficult national security question when applied to a Title VII acquisition. Section 706(b) also provides that information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to Title I of FISA for the purposes of section 106 of FISA; however, the notice provision of subsection (j) applies. Section 706 ensures that a uniform standard for the types of information is acquired under the new title.

Section 707. Congressional Oversight

Section 707 provides for additional congressional oversight of the implementation of Title VII. The Attorney General is to fully inform ''in a manner consistent with national security'' the congressional intelligence and judiciary committees about implementation of the Act at least semiannually. Each report is to include any certifications made under section 702, the reasons for any determinations made under section 702(c)(2), any directives issued during the reporting period, a description of the judicial review during the reporting period to include a copy of any order or pleading that contains a significant legal interpretation of section 702, incidents of noncompliance and procedures to implement the section. With respect to sections 703 and 704, the report must contain the number of applications made for orders under each section and the number of such orders granted, modified and denied, as well as the number of emergency authorizations made pursuant to each section and the subsequent orders approving or denying the relevant application. In keeping the congressional intelligence committees fully informed, the Attorney General should provide no less information than has been provided in the past in keeping the committees fully and currently informed.

Section 708. Savings Provision

Section 708 provides that nothing in Title VII shall be construed to limit the authority of the Government to seek an order or authorization under, or otherwise engage in any activity that is authorized under, any other title of FISA. This language is designed to ensure that Title VII cannot be interpreted to prevent the Government from submitting applications and seeking orders under other titles of FISA.

Section 101(b). Table of Contents

Section 101(b) of the bill amends the table of contents in the first section of FISA.

Subsection 101(c). Technical and Conforming Amendments

Section 101(c) of the bill provides for technical and conforming amendments in Title 18 of the United States Code and in FISA.

Section 102. Statement of Exclusive Means by which Electronic Surveillance and Interception of Certain Communications May Be Conducted

Section 102(a) amends Title I of FISA by adding a new Section 112 of FISA. Under the heading of ''Statement of Exclusive Means by which Electronic Surveillance and Interception of Certain Communications May Be Conducted,'' the new section 112(a) states: ''Except as provided in subsection (b), the procedures of chapters 119, 121 and 126 of Title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communication may be conducted.'' New section 112(b) of FISA provides that only an express statutory authorization for electronic surveillance or the interception of domestic wire, oral, or electronic communications, other than as an amendment to FISA or chapters 119, 121, or 206 of Title 18 shall constitute an additional exclusive means for the

purpose of subsection (a). The new section 112 is based on a provision which Congress enacted in 1978 as part of the original FISA that is codified in section 2511(2)(f) of Title 18, United States Code, and which will remain in the U.S. Code.

Section 102(a) strengthens the statutory provisions pertaining to electronic surveillance and interception of certain communications to clarify the express intent of Congress that these statutory provisions are the exclusive means for conducting electronic surveillance and interception of certain communications. With the absence of reference to the Authorization for Use of Military Force, Pub. L. 107–40, (September 18, 2001) (''AUMF''), Congress makes clear that this AUMF or any other existing statute cannot be used in the future as the statutory basis for circumventing FISA. Section 102(a) is intended to ensure that additional exclusive means for surveillance or interceptions shall be express statutory authorizations.

In accord with section 102(b) of the bill, section 109 of FISA that provides for criminal penalties for violations of FISA, is amended to implement the exclusivity requirement added in section 112 by making clear that the safe harbor to FISA's criminal offense provision is limited to statutory authorizations for electronic surveillance or the interception of domestic wire, oral, or electronic communications which are pursuant to a provision of FISA, one of the enumerated chapters of the criminal code, or a statutory authorization that expressly provides an additional exclusive means for conducting the electronic surveillance. By virtue of the cross-reference in section 110 of FISA to section 109, that limitation on the safe harbor in section 109 applies equally to section 110 on civil liability for conducting unlawful electronic surveillance.

Section 102(c) requires that when a certification for assistance to obtain foreign intelligence is based on statutory authority, the certification provided to an electronic communication service provider is to include the specific statutory authorization for the request for assistance and certify that the statutory requirements have been met. This provision is designed to assist electronic communication service providers in understanding the legal basis for any government requests for assistance.

In the section-by-section analysis of S. 2248, the report of the Select Committee on Intelligence (S. Rep. No. 110–209, at 18) described and incorporated the discussion of exclusivity in the 1978 conference report on the original Foreign Intelligence Surveillance Act, in particular the conferees' description of the Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579, 637 (1952) and the application of the principles described there to the current legislation. That full discussion should be deemed incorporated in this section-by-section analysis.

Section 103. Submittal to Congress of Certain Court Orders under the Foreign Intelligence Surveillance Act of 1978

Section 6002 of the Intelligence Reform Act and Terrorism Prevention Act of 2004 (Pub. L. 108–458), added a Title VI to FISA that augments the semiannual reporting obligations of the Attorney General to the intelligence and judiciary committees of the Senate and House of Representatives. Under section 6002, the Attorney General shall report a summary of significant legal interpretations of FISA in matters before the FISA Court or Foreign Intelligence Surveillance Court of Review. The requirement extends to interpretations presented in applications or pleadings filed with either court by the Department of Justice. In addition to the semiannual summary, the Department of Justice is required to provide copies of court decisions, but not orders, which include significant interpretations of FISA. The importance of the reporting requirement is that, because the two courts conduct their business in secret, Congress needs the reports to know how the law it has enacted is being interpreted.

Section 103 improves the Title VI reporting requirements in three ways. First, as significant legal interpretations may be included in orders as well as opinions, section 103 requires that orders also be provided to the committees. Second, as the semiannual report often takes many months after the end of the semiannual period to prepare, section 103 accelerates provision of information about significant legal interpretations by requiring the submission of such decisions, orders, or opinions within 45 days. Finally, section 103 requires that the Attorney General shall submit a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, from the period five years preceding enactment of the bill that has not previously been submitted to the congressional intelligence and judiciary committees.

OVERVIEW OF SECTIONS 104 THROUGH SECTION 109. FISA STREAMLINING

Sections 104 through 109 amend various sections of FISA for such purposes as reducing a paperwork requirement, modifying time requirements, or providing additional flexibility in terms of the range of Government officials who may authorize FISA actions. Collectively, these amendments are described as streamlining amendments. In general, they are intended to increase the efficiency of the FISA process without depriving the FISA Court of the information it needs to make findings required under FISA.

Section 104. Applications for Court Orders

Section 104 of the bill strikes two of the eleven paragraphs on standard information in an application for a surveillance order under section 104 of FISA, either because the information is provided elsewhere in the application process or is not needed.

In various places, FISA has required the submission of ''detailed'' information, as in section 104 of FISA, ''a detailed description of the nature of the information sought and the type of communications or activities to be subjected to the surveillance.'' The DNI requested legislation that asked that ''summary'' be substituted for ''detailed'' for this and other application requirements, in order to reduce the length of FISA applications. In general, the bill approaches this by eliminating the mandate for ''detailed'' descriptions, leaving it to the FISA Court and the Government to work out the level of specificity needed by the FISA Court to perform its statutory responsibilities. With respect to one item of information, ''a statement of the means by which the surveillance will be effected,'' the bill modifies the requirement by allowing for ''a summary statement.''

In aid of flexibility, section 104 increases the number of individuals who may make FISA applications by allowing the President to designate the Deputy Director of the Federal Bureau of Investigation (''FBI'') as one of those individuals. This should enable the Government to move more expeditiously to obtain certifications when the Director of the FBI is away from Washington or otherwise unavailable.

Subsection (b) of section 104 of FISA is eliminated as obsolete in light of current applications. The Director of the Central Intelligence Agency is added to the list of officials who may make a written request to the Attorney General to personally review a FISA application as the head of the CIA had this authority prior to the establishment of the Office of the Director of National Intelligence.

Section 105. Issuance of an Order

Section 105 strikes from Section 105 of FISA several unnecessary or obsolete provisions. Section 105 strikes subsection (c)(1)(F) of Section 105 of FISA which requires minimization procedures applicable to each surveillance device employed because Section 105(c)(2)(A) requires each order approving electronic surveillance to direct the minimization procedures to be followed.

Subsection (a)(6) reorganizes, in more readable form, the emergency surveillance provision of section 105(f), now redesignated section 105(e), with a substantive change of extending from 3 to 7 days the time by which the Attorney General must apply for and obtain a court order after authorizing an emergency surveillance. The purpose of the change is to help make emergency authority a more practical tool while keeping it within the parameters of FISA.

Subsection (a)(7) adds a new paragraph to section 105 of FISA to require the FISA Court, on the Government's request, when granting an application for electronic surveillance, to authorize at the same time the installation and use of pen registers and trap and trace devices. This will save the paperwork that had been involved in making two applications.

Section 106. Use of Information

Section 106 amends section 106(i) of FISA with regard to the limitations on the use of unintentionally acquired information. Currently, section 106(i) of FISA provides that unintentionally acquired radio communication between persons located in the United States must be destroyed unless the Attorney General determines that the contents of the communications indicates a threat of death or serious bodily harm to any person. Section 106 of the bill amends subsection 106(i) of FISA by making it technology neutral on the principle that the same rule for the use of information indicating threats of death or serious harm should apply no matter how the communication is transmitted.

Section 107. Amendments for Physical Searches

Section 107 makes changes to Title III of FISA: changing applications and orders for physical searches to correspond to changes in sections 104 and 105 on reduction of some application paperwork; providing the FBI with administrative flexibility in enabling its Deputy Director to be a certifying officer; and extending the time, from 3 days to 7 days, for applying for and obtaining a court order after authorization of an emergency search.

Section 303(a)(4)(C), which will be redesignated section 303(a)(3)(C), requires that each application for physical search authority state the applicant's belief that the property is ''owned, used, possessed by, or is in transmit to or from'' a foreign power or an agent of a foreign power. In order to provide needed flexibility and to make the provision consistent with electronic surveillance provisions, section 107(a)(1)(D) of the bill allows the FBI to apply for authority to search property that also is ''about to be'' owned, used, or possessed by a foreign power or agent of a foreign power, or in transit to or from one.

Section 108. Amendments for Emergency Pen Registers and Trap and Trace Devices

Section 108 amends section 403 of FISA to extend from 2 days to 7 days the time for applying for and obtaining a court order after an emergency installation of a pen register or trap and trace device. This change harmonizes among FISA's provisions for electronic surveillance, search, and pen register/

trap and trace authority the time requirements that follow the Attorney General's decision to take emergency action.

Section 109. Foreign Intelligence Surveillance Court

Section 109 contains four amendments to section 103 of FISA, which establishes the FISA Court and the Foreign Intelligence Surveillance Court of Review.

Section 109(a) amends section 103 to provide that judges on the FISA Court shall be drawn from ''at least seven'' of the United States judicial circuits. The current requirement—that the eleven judges be drawn from seven judicial circuits (with the number appearing to be a ceiling rather than a floor) has proven unnecessarily restrictive or complicated for the designation of the judges to the FISA Court.

Section 109(b) amends section 103 to allow the FISA Court to hold a hearing or rehearing of a matter en banc, which is by all the judges who constitute the FISA Court sitting together. The Court may determine to do this on its own initiative, at the request of the Government in any proceeding under FISA, or at the request of a party in the few proceedings in which a private entity or person may be a party, i.e., challenges to document production orders under Title V, or proceedings on the legality or enforcement of directives to electronic communication service providers under Title VII.

Under section 109(b), en banc review may be ordered by a majority of the judges who constitute the FISA Court upon a determination that it is necessary to secure or maintain uniformity of the court's decisions or that a particular proceeding involves a question of exceptional importance. En banc proceedings should be rare and in the interest of the general objective of fostering expeditious consideration of matters before the FISA Court.

Section 109(c) provides authority for the entry of stays, or the entry of orders modifying orders entered by the FISA Court or the Foreign Intelligence Surveillance Court of Review, pending appeal or review in the Supreme Court. This authority is supplemental to, and does not supersede, the specific provision in section 702(i)(4)(B) that acquisitions under Title VII may continue during the pendency of any rehearing en banc and appeal to the Court of Review subject to the requirement for a determination within 60 days under section 702(i)(4)(C).

Section 109(d) provides that nothing in FISA shall be construed to reduce or contravene the inherent authority of the FISA Court to determine or enforce compliance with any order of that court or with a procedure approved by it.

Section 110. Weapons of Mass Destruction

Section 110 amends the definitions in FISA of foreign power and agent of a foreign power to include individuals who are not United States persons and entities not substantially composed of United States persons that are engaged in the international proliferation of weapons of mass destruction. Section 110 also adds a definition of weapon of mass destruction to the Act that defines weapons of mass destruction to cover explosive, incendiary, or poison gas devices that are designed, intended to, or have the capability to cause a mass casualty incident or death, and biological, chemical and nuclear weapons that are designed, intended to, or have the capability to cause illness or serious bodily injury to a significant number of persons. Section 110 also makes corresponding, technical and conforming changes to FISA.

TITLE II. PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

This title establishes a new Title VIII of FISA. The title addresses liability relief for electronic communication service providers who have been alleged in various civil actions to have assisted the U.S. Government between September 11, 2001, and January 17, 2007, when the Attorney General announced the termination of the Terrorist Surveillance Program. In addition, Title VIII contains provisions of law intended to implement statutory defenses for electronic communication service providers and others who assist the Government in accordance with precise, existing legal requirements, and for providing for federal preemption of state investigations. The liability protection provisions of Title VIII are not subject to sunset.

Section 801. Definitions

Section 801 establishes definitions for Title VIII. Several are of particular importance.

The term ''assistance'' is defined to mean the provision of, or the provision of access to, information, facilities, or another form of assistance. The word ''information'' is itself described in a parenthetical to include communication contents, communication records, or other information relating to a customer or communications. ''Contents'' is defined by reference to its meaning in Title I of FISA. By that reference, it includes any information concerning the identity of the parties to a communication or the existence, substance, purport, or meaning of it.

The term ''civil action'' is defined to include a ''covered civil action.'' Thus, ''covered civil actions'' are a subset of civil actions, and everything in new Title VIII that is applicable generally to civil actions is also applicable to ''covered civil actions.'' A ''covered civil action'' has two key elements. It is defined as a civil action filed in a federal or state court which (1) alleges that an electronic communication service provider (a defined term) furnished assistance to an element of the intelligence community and (2) seeks monetary or other relief from the electronic communication service provider related to the provision of the assistance. Both elements must be present for the lawsuit to be a covered civil action.

The term ''person'' (the full universe of those protected by section 802) is necessarily broader than the definition of electronic communication service provider. The aspects of Title VIII that apply to those who assist the Government in accordance with precise, existing legal requirements apply to all who may be ordered to provide assistance under FISA, such as custodians of records who may be directed to produce records by the FISA Court under Title V of FISA or landlords who may be required to provide access under Title I or III of FISA, not just to electronic communication service providers.

Section 802. Procedures for Implementing Statutory Defenses

Section 802 establishes procedures for implementing statutory defenses. Notwithstanding any other provision of law, no civil action may lie or be maintained in a federal or state court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General makes a certification to the district court in which the action is pending. (If an action had been commenced in state court, it would have to be removed, pursuant to section 802(g) to a district court, where a certification under section 802 could be filed.) The certification must state either that the assistance was not provided (section 802(a)(5)) or, if furnished, that it was provided pursuant to specific statutory requirements (sections 802(a)(1–4)). Three of these underlying requirements, which are specifically described in section 802 (sections 802(a)(1–3)), come from existing law. They include: an order of the FISA Court directing assistance, a certification in writing under sections 2511(2)(a)(ii)(B) or 2709(b) of Title 18, or directives to electronic communication service providers under particular sections of FISA or the Protect America Act.

The Attorney General may only make a certification under the fourth statutory requirement, section 802(a)(4), if the civil action is a covered civil action (as defined in section 801(5)). To satisfy the requirements of section 802(a)(4), the Attorney General must certify first that the assistance alleged to have been provided by the electronic communication service provider was in connection with an intelligence activity involving communications that was (1) authorized by the President between September 11, 2001 and January 17, 2007 and (2) designed to detect or prevent a terrorist attack or preparations for one against the United States. In addition, the Attorney General must also certify that the assistance was the subject of a written request or directive, or a series of written requests or directives, from the Attorney General or the head (or deputy to the head) of an element of the intelligence community to the electronic communication service provider indicating that the activity was (1) authorized by the President and (2) determined to be lawful. The report of the Select Committee on Intelligence contained a description of the relevant correspondence provided to electronic communication service providers (S. Rep. No. 110–209, at 9).

The district court must give effect to the Attorney General's certification unless the court finds it is not supported by substantial evidence provided to the court pursuant to this section. In its review, the court may examine any relevant court order, certification, written request or directive submitted by the Attorney General pursuant to subsection (b)(2) or by the parties pursuant to subsection (d). Section 802 is silent on the nature of any additional materials that the Attorney General may submit beyond those listed in subsection (b)(2) if the Attorney General determines they are necessary to provide substantial evidence to support the certification, such as if the Attorney General certifies that a person did not provide the alleged assistance.

If the Attorney General files a declaration that disclosure of a certification or supplemental materials would harm national security, the court shall review the certification and supplemental materials in camera and ex parte, which means with only the Government present. A public order following that review shall be limited to a statement as to whether the case is dismissed and a description of the legal standards that govern the order, without disclosing the basis for the certification of the Attorney General. The purpose of this requirement is to protect the classified national security information involved in the identification of providers who assist the Government. A public order shall not disclose whether the certification was based on an order, certification, or directive, or on the ground that the electronic communication service provider furnished no assistance. Because the district court must find that the certification—including a certification that states that a party did not provide the alleged assistance—is supported by substantial evidence in order to dismiss a case, an order failing to dismiss a case is only a conclusion that the substantial evidence test has not been met. It does not indicate whether a particular provider assisted the government.

Subsection (d) makes clear that any plaintiff or defendant in a civil action may submit any relevant court order, certification, written request, or directive to the district court for review and be permitted to participate in the briefing or argument of any legal

issue in a judicial proceeding conducted pursuant to this section, to the extent that such participation does not require the disclosure of classified information to such party. The authorities of the Attorney General under section 802 are to be performed only by the Attorney General, the Acting Attorney General, or the Deputy Attorney General.

In adopting the portions of section 802 that allow for liability protection for those electronic communication service providers who may have participated in the program of intelligence activity involving communications authorized by the President between September 11, 2001, and January 17, 2007, the Congress makes no statement on the legality of the program. This is in accord with the statement in the report of the Senate Intelligence Committee that ''Section 202 [as the immunity provision was then numbered] makes no assessment about the legality of the President's program.'' S. Rep. No. 110–209, at 9.

Section 803. Preemption of State Investigations

Section 803 addresses actions taken by a number of state regulatory commissions to force disclosure of information concerning cooperation by state regulated electronic communication service providers with U.S. intelligence agencies. Section 803 preempts these state actions and authorizes the United States to bring suit to enforce the prohibition.

Section 804. Reporting

Section 804 provides for oversight of the implementation of Title VIII. On a semi-annual basis, the Attorney General is to provide to the appropriate congressional committees a report on any certifications made under section 802, a description of the judicial review of the certifications made under section 802, and any actions taken to enforce the provisions of section 803.

Section 202. Technical Amendments

Section 202 amends the table of contents of the first section of FISA.

TITLE III. REVIEW OF PREVIOUS ACTIONS

Title III directs the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the Department of Defense, the National Security Agency, and any other element of the intelligence community that participated in the President's surveillance program, defined in the title to mean the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007, to complete a comprehensive review of the program with respect to the oversight authority and responsibility of each such inspector general.

The review is to include: all of the facts necessary to describe the establishment, implementation, product, and use of the product of the program; access to legal reviews of the program and information about the program; communications with, and participation of, individuals and entities in the private sector related to the program; interaction with the FISA Court and transition to court orders related to the program; and any other matters identified by any such inspector general that would enable that inspector general complete a review of the program with respect to the inspector general's department or element.

The inspectors general are directed to work in conjunction, to the extent practicable, with other inspectors general required to conduct a review, and not unnecessarily duplicate or delay any reviews or audits that have already been completed or are being undertaken with respect to the program. In addition, the Counsel of the Office of Professional Responsibility of the Department of Justice is directed to provide the report of any investigation of that office relating to the program, including any investigation of the process through which the legal reviews of the program were conducted and the substance of such reviews, to the Inspector General of the Department of Justice, who shall integrate the factual findings and conclusions of such investigation into its review.

The inspectors general shall designate one of the Senate confirmed inspectors general required to conduct a review to coordinate the conduct of the reviews and the preparation of the reports. The inspectors general are to submit an interim report within sixty days to the appropriate congressional committees on their planned scope of review. The final report is to be completed no later than one year after enactment and shall be submitted in unclassified form, but may include a classified annex.

The Congress is aware that the Inspector General of the Department of Justice has undertaken a review of the program. This review should serve as a significant part of the basis for meeting the requirements of this title. In no event is this title intended to delay or duplicate the investigation completed to date or the issuance of any report by the Inspector General of the Department of Justice.

TITLE IV. OTHER PROVISIONS

Section 401. Severability

Section 401 provides that if any provision of this bill or its application is held invalid, the validity of the remainder of the Act and its application to other persons or circumstances is unaffected.

Section 402. Effective Date

Section 402 provides that except as provided in the transition procedures (section 404 of the title), the amendments made by the bill shall take effect immediately.

Section 403. Repeals

Section 403(a) provides for the repeal of those sections of FISA enacted as amendments to FISA by the Protect America Act, except as provided otherwise in the transition procedures of section 404, and makes technical and conforming amendments.

Section 403(b) provides for the sunset of the FISA Amendments Act on December 31, 2012, except as provided in section 404 of the bill. This date ensures that the amendments by the Act will be reviewed during the next presidential administration. The subsection also makes technical and conforming amendments.

Section 404. Transition Procedures

Section 404 establishes transition procedures for the Protect America Act and the Foreign Intelligence Surveillance Act Amendments of 2008.

Subsection (a)(1) continues in effect orders, authorizations, and directives issued under FISA, as amended by section 2 of the Protect America Act, until the expiration of such order, authorization or directive.

Subsection (a)(2) sets forth the provisions of FISA and the Protect America Act that continue to apply to any acquisition conducted under such Protect America Act order, authorization or directive. In addition, subsection (a) clarifies the following provisions of the Protect America Act: the protection from liability provision of subsection (l) of Section 105B of FISA as added by section 2 of the Protect America Act; jurisdiction of the FISA Court with respect to a directive issued pursuant to the Protect America Act, and the Protect America Act reporting requirements of the Attorney General and the DNI. Subsection (a) is made effective as of the date of enactment of the Protect America Act (August 5, 2007). The purpose of these clarifications and the effective date for them is to ensure that there are no gaps in the legal protections contained in that act, including for authorized collection following the sunset of the Protect America Act, notwithstanding that its sunset provision was only extended once until February 16, 2008. Additionally, subsection (a)(3) fills a void in the Protect America Act and applies the use provisions of section 106 of FISA to collection under the Protect America Act, in the same manner that section 706 does for collection under Title VII.

In addition, subsection (a)(7) makes clear that if the Attorney General and the DNI seek to replace an authorization made pursuant to the Protect America Act with an authorization made under section 702, as added by this bill, they are, to the extent practicable, to submit a certification to the FISA Court at least 30 days in advance of the expiration of such authorization. The authorizations, and any directives issued pursuant to the authorization, are to remain in effect until the FISA Court issues an order with respect to that certification.

Subsection (b) provides similar treatment for any order of the FISA Court issued under Title VII of this bill in effect on December 31, 2012.

Subsection (c) provides transition procedures for the authorizations in effect under section 2.5 of Executive Order 12333. Those authorizations shall continue in effect until the earlier of the date that authorization expires or the date that is 90 days after the enactment of this Act. This transition provision is particularly applicable to the transition to FISA Court orders that will occur as a result of sections 703 and 704 of FISA, as added by this bill.

Mr. ROCKEFELLER. Before laying out where this bill improves upon the Senate-passed bill—and it does—let me first restate how proud I am of our efforts in February that laid the foundation for the final action we will soon take. Our Senate bill established the framework for a judicial review of the targeting and minimization procedures which are at the heart of the present compromise. It also established clear authority and procedures for individual judicial orders where there is probable cause for targeting Americans overseas. This may long be regarded as the single most important innovation of the act we will soon pass.

Additionally, during debate on our Senate bill, we identified other needed improvements that have been addressed in this compromise, including strengthening exclusivity, something Senator FEINSTEIN was a great advocate of, and also a shorter sunset, something Senator CARDIN wanted to see happen; that is, when the bill sunsets, and it will end before the end of the next administration.

The bottom line is, we started with a good product in February and, through hard work and compromise with all parties in both Houses, we have made it even stronger. And we have. We have. We are all slightly aghast at what we were able to do. So let me mention a few of the key features in this new compromise.

First, the agreement makes changes in the provisions related to targeting foreigners overseas to increase protections for Americans. It requires the

FISA Court to approve targeting and minimization procedures before collections begin in virtually all instances. The Attorney General and the Director of National Intelligence can move forward without a court order only in what will be extremely rare instances, if emergency circumstances exist. And there is a way that is done which is time minimized, a total of 37 days, but it doesn't happen.

It preserves the definition of ''electronic surveillance.'' That is important. It doesn't sound very interesting, but it is important. It preserves that definition found in title I of FISA to ensure that there are no unintended consequences—that sounds like gobbledygook, but it isn't—relating to when a warrant must be obtained under FISA or how information obtained using FISA can be used. In other words, we leave the definition of ''telecommunications'' exactly as it is. We do not change it. If there is to be a change, then there must be legislative action to expand or make that change.

But unintended consequences is when something you do in one bill affects something that happened in another bill, and you just do not know it at the time you are doing it. You have to be very careful about that. So that is why we did that.

Second, the agreement contains additional measures compared to the Senate bill to improve oversight and accountability—the two greatest needs we have in the Congress and for the administration.

It shortens the sunset of the legislation to December 31, 2012, to ensure the FISA modernization law we are going to pass is reviewed in the next administration.

It requires a comprehensive review by multiple inspectors general of the President's warrantless surveillance program to ensure Congress has a complete set of facts about the program. We will have them. We will be informed. The public will be informed about that.

Third, the agreement assures that no past or future congressional authorization for the use of military force may be used to justify the conduct of warrantless surveillance electronically, unless Congress explicitly provides that can happen. That means the President cannot ever do what he did again. No other President can ever do that. FISA rules, and only the Congress can make the change.

With enactment of this agreement, there will be no question that Congress intends that only an express statutory authorization for electronic surveillance or interception may constitute an additional exclusive means for that surveillance or interception. It is logical, and it is necessary.

This is reinforced by the clarification that criminal and civil penalties can be imposed for any electronic surveillance that is not conducted in accordance with FISA or specifically listed provisions of title XVIII. We are prepared to do criminal, civil fines. It is in the bill. It will happen if somebody tries to do something.

Finally, with respect to the liability protection provisions of title II, the new language is improved in a number of ways. The agreement makes clear that the district court has the authority to review the documents provided to the companies to determine whether the Attorney General has met the statutory requirements for the certification under the statute.

In addition, the plaintiffs are given their fair day in court in our bill, as the parties to the litigation are explicitly provided the opportunity to brief the legal and constitutional issues before the court, to the court. And the district court, in deciding the question, must go beyond whether the Attorney General abused his discretion in preparing his certification to seek the dismissal of a lawsuit. Under the agreement, the district court must decide whether the Attorney General's certification is supported by ''substantial evidence.'' It is a good bar.

These are important additions and clarifications, and I hope many of my colleagues will recognize how far we have come. Remember, this is a bill that the House would not even vote on a couple of months ago. They would not even vote on it. So we just went over to them, to STENY HOYER, who deserves all praise for being an unbelievable moderator, bringer-together of opinions and people and a lot of people who are reluctant over there about doing anything, and gradually, through compromise, through extensive consultation, worked it out so they could agree on the bill. Indeed, Speaker PELOSI went to the floor of the House and spoke as to why she was going to vote for the bill—which she did.

Now, before I conclude, I must say a few words about all the people—and spare me on this, I say to the Presiding Officer—who worked together to make this happen.

House majority leader STENY HOYER is—I have down here in my text ''a near saint.'' I have decided that is in extremis. I think he is extraordinary—extraordinary. He deserves tremendous credit for his ability to bring people together with strongly divergent views and not give up until a compromise is achieved. He has everything on his plate, but he always seemed to have time for—he kept saying he was not really schooled in this, but he knew everything that was going on.

Vice Chairman BOND and House Minority Whip BLUNT also deserve our thanks and our praise for their hard work and unending commitment. The other leaders of the House and Senate Intelligence and Judiciary Committees—SILVESTRE REYES, PETER HOEKSTRA, JOHN CONYERS, LAMAR SMITH, and on our side PAT LEAHY and ARLEN SPECTER—not all of whom have or will support the final bill—also deserve thanks for their valuable contributions for making the legislation a much better product.

My own leader, HARRY REID, deserves special credit for insisting that we persevere on protecting national security and civil liberties, even though at times he believed he himself could not support our ultimate compromise. I do not know what that result will be, but he has been terrific in pushing us.

In addition, we would not have reached this critical juncture without the unlimited support of the Director of National Intelligence, Mike McConnell, Attorney General Michael Mukasey, and the dedicated staff of the DNI, DOJ, and NSA counsel, in particular Ben Powell, Brett Gerry, John Demers, Vito Potenza, and Chris Thuma. I did not think I would be saying those words, but I am saying them, and I do believe them deeply. All of those individuals worked with us for months on this issue, putting in long hours, even at times when there was not light at the end of the tunnel.

As we know all too well, the legislative efforts of the House and the Senate would come to a screeching halt if we were forced to operate without the seamless efforts of our staffs.

I would like to thank my exceptionally talented staff: Andy Johnson, Mike Davidson, Alissa Starzak, Chris Healey, and Melvin Dubee—all of whom brought an enormous amount of expertise, creativity, and perseverance to the table.

I want to single out Mike Davidson. Mike Davidson is a very smart lawyer. He has this way of when everything is collapsing all about him—it is kind of a let's come and reason together. Let's be practical. He is such a good person and so smart and so respected for what he knows that people follow his lead. It was in many ways because of him that a lot of our problems got solved. He would not quit on them, and he would keep saying: Now, let's deal with this practically. And he uses his hands just in that manner. It worked because we have a bill.

I would also like to thank Mariah Sixkiller, Brian Diffel, Joe Onek, Mike Sheehy, Jeremy Bash, Wyndee Parker, Eric Greenwald, Chris Donesa, Lou DeBaca, Perry Apelbaum, Ted Kalo, and Caroline Lynch in the House of Representatives; and in the Senate, Louis Tucker, Jack Livingston, Kathleen Rice, Mary DeRosa, Zulima Espinel, Matt Solomon, Nick Rossi, Ron Weich, Serena Hoy, and Marcel Lettre for their efforts.

I may have left somebody out. But I think the Presiding Officer thinks I have probably done enough. It is heartfelt, and if you have been through the process you really feel what people put into it and what they give up.

Madam President, this is a very proud day for the Senate, for national security and civil liberties, and for the Congress in general. I would venture to say this may be the most important bill we will pass this year. We have proven that compromise is not a lost virtue and that good, sound policy is not only possible, it is achievable.

I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I see my good friend from West Virginia on the floor. While I have some disagreement with him on the effort he has made on the FISA bill, I commend my friend from West Virginia. He has the thankless task of heading up the Intelligence Committee, which is a difficult job. I wish to acknowledge that and recognize that. My respect for him and the work he is doing and trying to do on this issue is something I respect immensely. Unfortunately, we don't agree on one aspect—at least one aspect—of this bill, but that in no way diminishes my respect for the effort he has made to try to produce as good a bill as he can under the circumstances. You only have to try and manage a bill around here to understand how difficult that can be, as someone who is engaged right now in this housing proposal.

Senator SHELBY and I have spent weeks putting together a bill that has enjoyed almost unanimous support in our committee—19 to 2—coming out of the Banking Committee. We had the vote of 83 to 9 the other day on a cloture motion to deal with a proposal we put together covering everything from mortgage revenue bonds and tax incentives for people to buy foreclosed properties, not to mention the GSE—the government sponsored enterprises—reform, an affordable housing program in perpetuity to assist rental housing opportunities in the Nation, as well as the HOPE for Homeowners Act to deal with the foreclosure crisis. Here we are now approaching the late afternoon of Wednesday. We had the cloture vote yesterday morning, about 30 hours ago. We have yet to have one amendment I can deal with because one Senator is insisting that his bill be paramount, that we disregard the efforts we have made to listen to ideas, to take additional suggestions that have come from other Members to incorporate as part of this bill.

Senator KOHL of Wisconsin has a very good proposal which we have worked out. Senator SUNUNU has made a proposal as well and we have been able to modify it and work with him to be a part of it. Senator ISAKSON has made a proposal we are working on to deal with a date in this bill that could make a difference. Senator BOND has a proposal we are working on dealing with disclosures. Senator KOHL and Senator NELSON are working on a proposal dealing with 401(k)s. All of these ideas have to be held in abeyance because one Senator won't even let us consider these matters on the floor, to bring them up and to deal with them.

It is awfully difficult to understand, when you consider that between 8,000 and 9,000 people every day are filing for foreclosure in this country. This is the center of our economic problems in the Nation.

The Wall Street Journal reported today in a banner headline that consumer confidence in this Nation is at the lowest point it has been since the late 1980s, early 1990s. A report yesterday actually takes it back to 1967. We are also told that home values are declining by the hour in this country. The Case-Schiller Index indicates that home values may decline by as much as 30 percent over the next 2 or 3 years. This is affecting student loans, it is affecting municipal finance, and it is affecting commercial borrowing. We are literally in a stall with the economy growing worse and the level of optimism and confidence of the American people declining at a rapid rate.

There is nothing more important we could do before adjourning for the next week to go home for Independence Day than to deal with this bill. We could literally complete this housing bill in about an hour. That is about all it would take to consider the amendments we can agree to, to adopt the ones we have, and then move this bill off this floor, out of this Chamber to the point that I think the House may accept what we have done, and send the bill to the President for his signature.

What better message to send to those who are facing potential foreclosure, of losing their most important and valuable asset that the overwhelming majority of Americans will ever have, not just in financial terms, but in the context of having a home for their families. This is something most Americans wish for their children, wish for their grandchildren, wish to have themselves, that idea of a home where you grow up and live. The fact that between 8,000 and 9,000 people—not on a weekly basis, not on a monthly basis, but every single day—every day we are home next week, every day we are gone from here, remind yourselves that another 9,000 people are beginning to file foreclosure and losing their homes. Neighborhoods collapse, values in these neighborhoods go down, and we see the continued suffering that goes on in our country, all because I can't even bring up and allow consideration of some amendments on this bill.

We have been at this now since January, trying to put this together and here we are in late June and still unable to get even consideration of amendments or to vote on some we may disagree with. There are many others of our colleagues here who have some ideas. I failed to mention Senator VOINOVICH. We have proposals from Senator LEVIN and Senator STABENOW involving important projects in their State, not to mention Massachusetts as well. There are a number of other things included in this legislation providing the kind of support for those who are out there, including counseling to people going through foreclosure or who could go through foreclosure. All of these elements could make a difference; the community development block grants to mayors, county supervisors, and Governors that could provide some targeted help in neighborhoods that have foreclosed properties.

We learn from screaming headlines on a daily basis—you need not hear my voice; just listen to what is going on in almost every State in the country. Now the States of California and Nevada are particularly hard-pressed, as well as Arizona, Florida, Michigan, and Ohio are seeing these numbers at record levels. The State of Nevada, in fact, I think, on a per capita basis has the worst foreclosure rate in the country, what that State is going through and the people are suffering from in that jurisdiction, with 10, I am told, centers around the State trying to help people hang on to their homes if they can.

Here we have a proposal that would provide that kind of relief, a system that would allow for workouts where people could have a new mortgage they could afford to pay, as well as paying into the program at some cost, and the lenders taking, of course, a significant cut in what they would otherwise be getting. But it would allow us to keep people in their homes.

So in those States that are feeling this particularly, I want them to know there are those of us here—and they ought to know the majority leader of this body, Senator HARRY REID, has been on the forefront of trying to get this bill up, trying to allow us to vote on it to get the job done. I wish to thank him for that, as the chairman of the Banking Committee, to have a majority leader who understands this priority is at the top of our list. I am deeply grateful to him for making it possible for us to get as far as we have.

But to know we are down here with a few remaining hours before we will be leaving for a week or 10 days; knowing that in that period of time, unnecessarily, in my view, more Americans may end up paying that awful price, watching their home value decline, watching them possibly lose their homes; that idea of being able to build that equity and provide for your children's education, to contribute to your retirement, to deal with an unexpected illness in the family where that equity could make a difference, all of that is eroding because we can't get off the dime because we have a colleague who wants to insist that his proposal be paramount, that we drop everything else and deal with that bill. I say that respectfully. I have been here 27 years and this happens periodically. But at this moment, at this time, facing the worst crisis in housing since the Great Depression, this is not the kind of reaction we ought to be getting.

I am going to come here periodically as long as we are here to talk about this. I will make unanimous consent requests, or the leader will, to try and

let us move on this. When objection is heard, then that Senator ought to have the courage, in my view, to stand up and express that objection on why we can't deal with this housing bill. Even if you disagree with the bill, allow us to vote. Allow your colleagues to offer their amendments. They need to explain to the American people why it is that after all of this effort, with an 83-to-9 vote yesterday, that Democrats and Republicans want to do something about housing, but we can't get a bill up and can't consider these outstanding amendments.

I apologize to my colleagues for this, but they ought to know what is going on and why it is. Members have asked me: Why aren't we voting? Why can't we bring up these matters? The reason is because I need unanimous consent to do so and one Senator can object, and because they object, none of these other amendments, Republican or Democratic amendments, can be considered or modified, even, in this context. So that is why we are here and where we are. If people are wondering why, after this long time, despite the efforts of bringing people together, we are not managing to get this bill done, that is the reason. My hope is that common sense and reasonableness may prevail in the coming hour or so that will allow us to get to this. But if we are unable to do so, then that is the reason.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. BOND. Madam President, I am hoping very shortly we will vote on or act on or somehow pass an amendment that I have offered, offered on the previous housing bill which, incidentally, I thought was a much better bill than this one.

I ask unanimous consent to speak for—well, Madam President, I am going to continue to tell you that.

The teaser rate problem is one which has afflicted many borrowers in Missouri. They get these offers for loan rates. They are told, verbally, that they can get a good rate when the time expires. The problem is, it is not in writing. So we would require full disclosure in advance, written down. If the people are going to make a representation, it has to be a binding representation. My amendment is designed to advise consumers, before they purchase a home, what they are going to have to pay.

I understand there is a modification that will make this amendment acceptable to all sides. I think it is terribly important to avoid putting so many people, in the future, in the trap that they now find themselves, that we require they disclose what the rates will be, and if they want to offer good terms, they put them in writing.

I urge my colleagues to support this amendment as modified.

I yield the floor.

The PRESIDING OFFICER. All time postcloture has expired.

Mr. BOND. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent the pending amendments be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on the motion to concur, with an amendment.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. REID. Madam President, are we in a quorum call?

The PRESIDING OFFICER. We are not.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the previous order which was entered regarding the withdrawing of the amendments we vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4987, AS MODIFIED, AMENDMENT NO. 4999, AS MODIFIED, AND AMENDMENT NO. 4988, AS MODIFIED

Mr. REID. I ask unanimous consent that the pending amendments No. 4987, Bond; No. 4999, Sununu; and No. 4988, Kohl, be agreed to, as modified, with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as modified, were agreed to, as follows:

AMENDMENT NO. 4987, AS MODIFIED

On page 522, line 2, before the period insert the following: '',including the fact that the initial regular payments are for a specific time period that will end on a certain date, that payments will adjust afterwards potentially to a higher amount, and that there is no guarantee that the borrower will be able to refinance to a lower amount''.

AMENDMENT NO. 4999, AS MODIFIED

On page 538, between lines 6 and 7, insert the following:

TITLE VII—SMALL PUBLIC HOUSING AUTHORITIES PAPERWORK REDUCTION ACT

SEC. 2701. SHORT TITLE.

This title may be cited as the ''Small Public Housing Authorities Paperwork Reduction Act''.

SEC. 2702. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN QUALIFIED PUBLIC HOUSING AGENCIES.

(a) IN GENERAL.—Section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(b)) is amended by adding at the end the following:

''(3) EXEMPTION OF CERTAIN PHAS FROM FILING REQUIREMENT.—

''(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

''(i) the requirement under paragraph (1) shall not apply to any qualified public housing agency; and

''(ii) except as provided in subsection (e)(4)(B), any reference in this section or any other provision of law to a 'public housing agency' shall not be considered to refer to any qualified public housing agency, to the extent such reference applies to the requirement to submit an annual public housing agency plan under this subsection.

''(B) CIVIL RIGHTS CERTIFICATION.—Notwithstanding that qualified public housing agencies are exempt under subparagraph (A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall, on an annual basis, make the certification described in paragraph (16) of subsection (d), except that for purposes of such qualified public housing agencies, such paragraph shall be applied by substituting 'the public housing program of the agency' for 'the public housing agency plan'.

''(C) DEFINITION.—For purposes of this section, the term 'qualified public housing agency' means a public housing agency that meets the following requirements:

''(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 550 or fewer.

''(ii) The agency is not designated under section 6(j)(2) as a troubled public housing agency, and does not have a failing score under the section 8 Management Assessment Program during the prior 12 months.''.

(b) RESIDENT PARTICIPATION.—Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) is amended—

(1) in subsection (e), by inserting after paragraph (3) the following:

''(4) QUALIFIED PUBLIC HOUSING AGENCIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this section may be construed to exempt a qualified public housing agency from the requirement under paragraph (1) to establish 1 or more resident advisory boards. Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall consult with, and consider the recommendations of the resident advisory boards for the agency, at the annual public hearing required under subsection (f)(5), regarding any changes to the goals, objectives, and policies of that agency.

''(B) APPLICABILITY OF WAIVER AUTHORITY.—Paragraph (3) shall apply to qualified public housing agencies, except that for purposes of such qualified public housing agencies, subparagraph (B) of such paragraph shall be applied by substituting 'the functions described in the second sentence of

paragraph (4)(A)' for 'the functions described in paragraph (2)'.

''(f) PUBLIC HEARINGS.—''; and

(2) in subsection (f) (as so designated by the amendment made by paragraph (1)), by adding at the end the following:

''(5) QUALIFIED PUBLIC HOUSING AGENCIES.—

''(A) REQUIREMENT.—Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to conduct a public hearing regarding the annual public housing plan of the agency, each qualified public housing agency shall annually conduct a public hearing—

''(i) to discuss any changes to the goals, objectives, and policies of the agency; and

''(ii) to invite public comment regarding such changes.

''(B) AVAILABILITY OF INFORMATION AND NOTICE.—Not later than 45 days before the date of any hearing described in subparagraph (A), a qualified public housing agency shall—

''(i) make all information relevant to the hearing and any determinations of the agency regarding changes to the goals, objectives, and policies of the agency to be considered at the hearing available for inspection by the public at the principal office of the public housing agency during normal business hours; and

''(ii) publish a notice informing the public that—

''(I) the information is available as required under clause (i); and

''(II) a public hearing under subparagraph (A) will be conducted.''.

AMENDMENT NO. 4988, AS MODIFIED

On page 538, between lines 6 and 7, insert the following:

TITLE VIII—FORECLOSURE RESCUE FRAUD PROTECTION

SEC. 2801. SHORT TITLE.

This title may be cited as the ''Foreclosure Rescue Fraud Act of 2008''.

SEC. 2802. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) FORECLOSURE CONSULTANT.—The term ''foreclosure consultant''—

(A) means a person who makes any solicitation, representation, or offer to a homeowner facing foreclosure on residential real property to perform, for gain, or who performs, for gain, any service that such person represents will prevent, postpone, or reverse the effect of such foreclosure; and

(B) does not include—

(i) an attorney licensed to practice law in the State in which the property is located who has established an attorney-client relationship with the homeowner;

(ii) a person licensed as a real estate broker or salesperson in the State where the property is located, and such person engages in acts permitted under the licensure laws of such State;

(iii) a housing counseling agency approved by the Secretary;

(iv) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

(v) a Federal credit union or a State credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)); or

(vi) an insurance company organized under the laws of any State.

(3) HOMEOWNER.—The term ''homeowner'', with respect to residential real property for which an action to foreclose on the mortgage or deed of trust on such real property is filed, means the person holding record title to such property as of the date on which such action is filed.

(4) LOAN SERVICER.—The term ''loan servicer'' has the same meaning as the term ''servicer'' in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(5) RESIDENTIAL MORTGAGE LOAN.—The term ''residential mortgage loan'' means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act (15 U.S.C. 1602)(v)) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(6) RESIDENTIAL REAL PROPERTY.—The term ''residential real property'' has the meaning given the term ''dwelling'' in section 103 of the Consumer Credit Protection Act (15 U.S.C. 1602).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 2803. MORTGAGE RESCUE FRAUD PROTECTION.

(a) LIMITS ON FORECLOSURE CONSULTANTS.—A foreclosure consultant may not—

(1) claim, demand, charge, collect, or receive any compensation from a homeowner for services performed by such foreclosure consultant with respect to residential real property until such foreclosure consultant has fully performed each service that such foreclosure consultant contracted to perform or represented would be performed with respect to such residential real property;

(2) hold any power of attorney from any homeowner, except to inspect documents, as provided by applicable law;

(3) receive any consideration from a third party in connection with services rendered to a homeowner by such third party with respect to the foreclosure of residential real property, unless such consideration is fully disclosed, in a clear and conspicuous manner, to such homeowner in writing before such services are rendered;

(4) accept any wage assignment, any lien of any type on real or personal property, or other security to secure the payment of compensation with respect to services provided by such foreclosure consultant in connection with the foreclosure of residential real property; or

(5) acquire any interest, directly or indirectly, in the residence of a homeowner with whom the foreclosure consultant has contracted.

(b) CONTRACT REQUIREMENTS.—

(1) WRITTEN CONTRACT REQUIRED.—Notwithstanding any other provision of law, a foreclosure consultant may not provide to a homeowner a service related to the foreclosure of residential real property—

(A) unless—

(i) a written contract for the purchase of such service has been signed and dated by the homeowner; and

(ii) such contract complies with the requirements described in paragraph (2); and

(B) before the end of the 3-business-day period beginning on the date on which the contract is signed.

(2) TERMS AND CONDITIONS OF CONTRACT.—The requirements described in this paragraph, with respect to a contract, are as follows:

(A) The contract includes, in writing—

(i) a full and detailed description of the exact nature of the contract and the total amount and terms of compensation;

(ii) the name, physical address, phone number, email address, and facsimile number, if any, of the foreclosure consultant to whom a notice of cancellation can be mailed or sent under subsection (d); and

(iii) a conspicuous statement in at least 12 point bold face type in immediate proximity to the space reserved for the homeowner's signature on the contract that reads as follows: ''You may cancel this contract without penalty or obligation at any time before midnight of the 3rd business day after the date on which you sign the contract. See the attached notice of cancellation form for an explanation of this right.''.

(B) The contract is written in the principal language used to solicit or market the services to the homeowner.

(C) The contract is accompanied by the form required by subsection (c)(2).

(c) RIGHT TO CANCEL CONTRACT.—

(1) IN GENERAL.—With respect to a contract between a homeowner and a foreclosure consultant regarding the foreclosure on the residential real property of such homeowner, such homeowner may cancel such contract without penalty or obligation by mailing a notice of cancellation not later than midnight of the 3rd business day after the date on which such contract is executed or would become enforceable against the parties to such contract.

(2) CANCELLATION FORM AND OTHER INFORMATION.—Each contract described in paragraph (1) shall be accompanied by a form, in duplicate, that—

(A) has the heading ''Notice of Cancellation'' in boldface type; and

(B) contains in boldface type the following statement:

''You may cancel this contract, without any penalty or obligation, at any time before midnight of the 3rd day after the date on which the contract is signed by you.

''To cancel this contract, mail or deliver a signed and dated copy of this cancellation notice or any other equivalent written notice to [insert name of foreclosure consultant] at [insert address of foreclosure consultant] before midnight on [insert date].

''I hereby cancel this transaction on [insert date] [insert homeowner signature].''.

(d) WAIVER OF RIGHTS AND PROTECTIONS PROHIBITED.—

(1) IN GENERAL.—A waiver by a homeowner of any protection provided by this section or any right of a homeowner under this section—

(A) shall be treated as void; and

(B) may not be enforced by any Federal or State court or by any person.

(2) ATTEMPT TO OBTAIN A WAIVER.—Any attempt by any person to obtain a waiver from any homeowner of any protection provided by this section or any right of the homeowner under this section shall be treated as a violation of this section.

(3) CONTRACTS NOT IN COMPLIANCE.—Any contract that does not comply with the applicable provisions of this title shall be void and may not be enforceable by any party.

SEC. 2804. WARNINGS TO HOMEOWNERS OF FORECLOSURE RESCUE SCAMS.

(a) IN GENERAL.—If a loan servicer finds that a homeowner has failed to make 2 consecutive payments on a residential mortgage loan and such loan is at risk of being foreclosed upon, the loan servicer shall notify such homeowner of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE REQUIREMENTS.—Each notice provided under subsection (a) shall—

(1) be in writing;

(2) be included with a mailing of account information;

(3) have the heading ''Notice Required by Federal Law'' in a 14-point boldface type in English and Spanish at the top of such notice; and

(4) contain the following statement in English and Spanish: ''Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and nonprofit agencies you may contact for helpful information about the foreclosure process. Contact your

lender immediately at [_____], call the Department of Housing and Urban Development Housing Counseling Line at (800) 569–4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department's Tips for Avoiding Foreclosure website at http://www.hud.gov/foreclosure for additional assistance.'' (the blank space to be filled in by the loan servicer and successor telephone numbers and Uniform Resource Locators (URLs) for the Department of Housing and Urban Development Housing Counseling Line and Tips for Avoiding Foreclosure website, respectively).

SEC. 2805. CIVIL LIABILITY.

(a) IN GENERAL.—Any foreclosure consultant who fails to comply with any provision of section 2803 or 2804 with respect to any other person shall be liable to such person in an amount equal to the greater of—

(1) the amount of any actual damage sustained by such person as a result of such failure; or

(2) any amount paid by the person to the foreclosure consultant.

(b) CLASS ACTIONS PROHIBITED.—No Federal court may certify a civil action under subsection (a) as a class action under rule 23 of the Federal Rules of Civil Procedure.

SEC. 2806. ADMINISTRATIVE ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of a prohibition described in section 2803 or a failure to comply with any provision of section 2803 or 2804 shall be treated as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of sections 2803 and 2804 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this title.

(b) STATE ACTION FOR VIOLATIONS.—

(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating the provisions of section 2803 or 2804, the State—

(A) may bring an action to enjoin such violation;

(B) may bring an action on behalf of its residents to recover damages for which the person is liable to such residents under section 2805 as a result of the violation; and

(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO COMMISSION.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

(B) INTERVENTION.—The Commission shall have the right—

(i) to intervene in any action referred to in subparagraph (A);

(ii) upon so intervening, to be heard on all matters arising in the action; and

(iii) to file petitions for appeal in such actions.

(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary and other evidence.

(4) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for a violation of section 2803 or 2804, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of section 2803 or 2804 that is alleged in that complaint.

SEC. 2807. LIMITATION.

No violation of a prohibition described in section 2803 or a failure to comply with any provision of section 2803 or 2804 shall provide grounds for the halt, delay, or modification of a foreclosure process or proceeding.

SEC. 2808. PREEMPTION.

Nothing in this title affects any provision of State or local law respecting any foreclosure consultant, residential mortgage loan, or residential real property that provides equal or greater protection to homeowners than what is provided under this title.

APPRAISAL STANDARDS

Mr. SHELBY. Madam President, I rise to engage Senator DODD in a colloquy discussing the amendment offered by Senator DOLE concerning appraisal standards. I would like to acknowledge the distinguished Senator from North Carolina for her efforts in crafting this amendment.

In December of last year, Attorney General Cuomo of New York, along with Fannie Mae, Freddie Mac and OFHEO entered into an agreement to create a mortgage appraiser code of conduct. I applaud the work of the attorney general of New York for being proactive in trying to come up with a code of conduct in order to deal with some of the problems in the mortgage appraisal process.

While the ''code of conduct'' moves things in a positive direction, Fannie Mae and Freddie Mac are secondary market players, and the attorney general of New York has authority to deal with the conduct that touches upon the State of New York. In order to fully address the issue and create a unified standard affecting all mortgage originators, there must be a process involving all of the appropriate regulatory authorities including the Federal banking regulators who participate in the congressionally authorized Federal Financial Institutions Examination Counsel, FFIEC, subcommittee on appraisals. This would also provide regulated institutions with adequate opportunity to participate in the process.

The National Bank Act authorizes national banks to engage in mortgage lending, subject to OCC regulation. Since the early 1990s, each of the Federal banking regulators has had standards in place that deal with the conduct of mortgage appraisers. These standards were put in place to address many of the safety and soundness concerns that we are grappling with today. While I recognize the need to update and strengthen these standards, I believe that we need to be mindful of that structure, and rely upon it as part of the effort to reform the appraisal process.

The appraisal is a key component in ensuring sound underwriting both for banks and the consumer. I believe that the key concept of appraisal independence is laudable and although incorporated into Federal banking regulation, perhaps this construct needs to be strengthened.

Our goal should be to ensure that a standard exists that avoids inconsistencies, provides stronger consumer protection, and protects the safety and soundness of lending institutions. I believe that as a wake-up call to the regulators that their standards must be revamped and their enforcement stepped up.

Mr. DODD. I thank my colleague and agree with him on several fronts. The first is that I commend Attorney General Cuomo for his aggressive pursuit in ferreting out fraudulent appraisal practices. Law enforcement has said repeatedly that unscrupulous appraisers are the ''enablers'' of mortgage fraud.

Appraisers, seeking new business, are eager to ''hit the number'' needed to make sure a mortgage is approved. If they fail to give the lenders and brokers the appraisal needed to close the loan, they simply don't get any more referrals from those lenders. As a result, appraisers were inflating their estimates of house value, adding to the frenzy that created the housing bubble.

The guidelines negotiated by Attorney General Cuomo with Fannie and Freddie, and approved by OFHEO, seek to ensure that this kind of pressure cannot be brought to bear on appraisers. They are designed to ensure independence and address the significant evidence of collusion between lenders and appraisers that Mr. Cuomo uncovered.

I understand there is great concern about the process for the reforms the attorney general is demanding. I also understand that some people don't like the new standards which will affect the practices of the lenders that sell their mortgages to Fannie and Freddie.

As a result, I agree with my colleague that the Federal banking agencies have a role in this process. These agencies already have regulations in place that set forth appraisal standards for their lenders. However, the appraisal fraud over the past couple of years, and the attorney general's action, should serve as a wake-up call to the regulators that their standards must be revamped and their enforcement stepped up.

AMENDMENT NO. 4984 WITHDRAWN

Mr. REID. I ask unanimous consent that the Dole amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON MOTION TO CONCUR

Mr. REID. Madam President, is the matter now the concurrence in the substitute amendment?

The PRESIDING OFFICER. That is correct. The question is on agreeing to the motion to concur in the House amendment, with amendment No. 4983, as amended.

The yeas and nays have been previously ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 16, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—79

Akaka	Graham	Nelson (FL)
Alexander	Grassley	Nelson (NE)
Allard	Gregg	Pryor
Baucus	Hagel	Reed
Bayh	Harkin	Reid
Bennett	Hatch	Roberts
Biden	Hutchison	Rockefeller
Bingaman	Inouye	Salazar
Boxer	Isakson	Sanders
Brown	Johnson	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shelby
Carper	Kohl	Smith
Casey	Landrieu	Snowe
Cochran	Lautenberg	Specter
Coleman	Leahy	Stabenow
Collins	Levin	Stevens
Conrad	Lieberman	Sununu
Corker	Lincoln	Tester
Craig	Lugar	Voinovich
Dodd	Martinez	Warner
Dole	McCaskill	Webb
Domenici	McConnell	Whitehouse
Dorgan	Menendez	Wicker
Durbin	Mikulski	Wyden
Feingold	Murkowski	
Feinstein	Murray	

NAYS—16

Barrasso	Coburn	Inhofe
Bond	Cornyn	Kyl
Brownback	Crapo	Thune
Bunning	DeMint	Vitter
Burr	Ensign	
Chambliss	Enzi	

NOT VOTING—5

Byrd	Kennedy	Obama
Clinton	McCain	

The motion was agreed to.

FISA AMENDMENTS ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 827, H.R. 6304, the FISA Amendments Act of 2008.

Sheldon Whitehouse, Patty Murray, Max Baucus, Tim Johnson, Ken Salazar, Barbara A. Mikulski, John D. Rockefeller, IV, Herb Kohl, Robert P. Casey, Jr., Daniel K. Inouye, Mary Landrieu, Blanche L. Lincoln, Mark L. Pryor, Dianne Feinstein, Thomas R. Carper, Joseph Lieberman, Claire McCaskill.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 6304, the FISA Amendments Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 80, nays 15, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—80

Akaka	Domenici	Murkowski
Alexander	Dorgan	Murray
Allard	Ensign	Nelson (FL)
Barrasso	Enzi	Nelson (NE)
Baucus	Feinstein	Pryor
Bayh	Graham	Reed
Bennett	Grassley	Reid
Bingaman	Gregg	Roberts
Bond	Hagel	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Sessions
Burr	Inhofe	Shelby
Cardin	Inouye	Smith
Carper	Isakson	Snowe
Casey	Johnson	Specter
Chambliss	Klobuchar	Stabenow
Coburn	Kohl	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Tester
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	Webb
Crapo	McCaskill	Whitehouse
DeMint	McConnell	Wicker
Dole	Mikulski	

NAYS—15

Biden	Durbin	Leahy
Boxer	Feingold	Menendez
Brown	Harkin	Sanders
Cantwell	Kerry	Schumer
Dodd	Lautenberg	Wyden

NOT VOTING—5

Byrd	Kennedy	Obama
Clinton	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 15. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 3221

Mr. REID. Madam President, I ask unanimous consent that the Senate concur in the amendments of the House—this is on the housing bill—striking titles VI through XI to the amendment of the Senate; and finally that the Senate then disagree to the amendments of the House adding a new title and inserting a new section to the amendment of the Senate to H.R. 3221, notwithstanding rule XXII; further that a managers' amendment which has been cleared by the managers and the leaders also be in order.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Madam President, I will object. I have been attempting, with the Senator in the chair right now, to attach the Clean Energy Tax Stimulus amendment to the housing bill and get a vote on it. This is an amendment that passed on the housing bill a couple months ago by a vote of 88 to 8 in a bipartisan fashion in the Senate.

People say: What does this have to do with housing? Well, it has several things to do with housing. There is energy efficiency built in for new home construction. If somebody wants to upgrade their home with renewable energy products, they can do that with the help of tax credits in this amendment. It is a good amendment because this country is facing an energy crisis and gasoline prices are too high; home heating oil is too high; and natural gas has gone up by 70 percent. We need to have more renewable energy in the United States. All we have to do is have a vote on this amendment, and we could proceed with the housing bill.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ENSIGN. In a moment. I would say in closing that people have said—we can't do this. The House of Representatives would object because it isn't ''paid for.'' Well, there is $2.4 billion in unoffset tax provisions included in the Dodd/Shelby amendment and a large amount of this does not even relate to housing. Why should the House of Representatives accept $2.4 billion worth in tax incentives not paid for and object to our clean energy tax provisions at the same time? That is an example of why there is inconsistency in objecting to our amendment being voted on.

I yield for a question.

Mr. DURBIN. Madam President, I would like to ask, through the Chair, the Senator from Nevada if he could tell me the name of the State that has had 17 consecutive months leading the Nation in foreclosures.

Mr. ENSIGN. Madam President, there is no question that the whole country is facing a housing crisis and it is not just housing; it actually is leading to a liquidity problem, and my State like others has experienced difficulties. I wish to solve this problem, and improve this bill with the Clean Energy Tax Stimulus amendment——

Mr. REID. Madam President, regular order.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I have been very patient while my dear friend, the junior Senator from Nevada, has talked about this. Here is the situation in which we find ourselves. Everyone knows we have an extenders package. I have a letter on my desk that has been spread on the RECORD previously—218 House Members have signed it—saying the House will not accept anything that is not paid for on the extenders. We have a letter that is now also a part of the RECORD, more than 400 companies, most of them Fortune 400 companies, say it is very important to pass the extenders legislation paid for. We also had a statement in The Hill newspaper yesterday, where the National Association of Manufacturers said: Why can't they pass this bill? It is very important to pass the extenders. It is the most important thing the manufacturers need in the country.

We have a situation where there was an agreement made on this bill, the housing bill. The agreement was that they would be related to housing. With all due respect, everyone knows the matter relating to the extenders that my dear friend from Nevada talks about has—you have to stretch a lot to have it related to housing. Why would we want to send something to the House and have them send it back to us? We have a situation on the housing bill that Senator GRASSLEY and Senator BAUCUS are going to take care of—the pay-fors. That is all part of the deal, and everyone knows that.

This is a situation where Senator SHELBY and Senator DODD have worked very hard, and not only have they been working with the House, but they have been working with the White House on this housing bill.

Let's look at where we are. The Senate has turned this week to a number of issues. We have had four main bills: Housing, FISA—the Foreign Intelligence Surveillance Act—Medicare fix, which is important to do; and the supplemental appropriations bill. As of this minute, we haven't passed any of those because there have been continued objections from the minority.

Now, there is no need to whip out a Velcro chart about the number of filibusters we have had, but that is the reason we are in the position we are in today, because we have this great big funnel of legislation that needs to get done and now we have the little spout and that spout is the Fourth of July and it is hard to stuff everything into that. So we have a situation now where there is no reason why housing, the Medicare fix, the supplemental appropriations bill can't be passed in the next couple days.

We have all talked about FISA. I voted on the motion to proceed, not because I like the bill, but I think it is very important that there be an opportunity to offer amendments on it. Senator BOND and Senator ROCKEFELLER recognize that and know they would also feel it appropriate to have amendments on this legislation, but right now it appears we are not going to have that opportunity. FISA enjoys support from both sides of the aisle. It, too, could be easily dealt with before the Fourth of July recess. All these bills are critical to the health, safety, and well-being of the American people.

With thousands of American families losing their homes every day—8,500 new foreclosures every day—and millions more facing the shockwaves of abandoned properties and falling equity—and sometimes rapidly falling equity—it is important we act quickly. This housing legislation raises limits on Federal home loans; it creates a privately funded program to help distressed homeowners; it modernizes the Federal Housing Authority to keep pace with the current housing conditions; and it provides foreclosure counseling moneys to families in need.

This housing legislation enjoys overwhelming bipartisan support. There is no reason we shouldn't pass this legislation.

On FISA, I recognize that Members of the House and Senate have worked hard for 3 months to come up with these improvements. Some of my Democratic colleagues will support a FISA compromise. I respect their decision. Even though I may disagree with the majority of the Senate, I have an obligation, as I said last night, to do everything I can to move this forward. We should be able to do that this week.

The Medicare bill, also known as the doctors' fix, passed by a stunning 355-to-59 vote in the House of Representatives—355 to 59. Republican leaders in the House openly supported this legislation or they wouldn't have gotten a vote such as that. This legislation will both help Medicare beneficiaries and head off the looming cuts facing doctors in many different ways. This bill was very similar to a bill drafted by Senator BAUCUS and supported by every Senate Democrat and nine Republicans in the Senate earlier this month. It represents the only chance this body has to head off cuts to doctors before they take effect at the end of the month. There is no reason we can't pass the Medicare doctors' fix this week.

Who supports this legislation? AARP, the American Medical Association, the American Cancer Society, the American Hospital Association, the National Committee to Preserve Social Security, the National Council on Aging, and dozens more—dozens more.

I ask unanimous consent that a full list of the scores of other organizations be printed in the RECORD that support this Medicare fix—fixing it now. It has to be done before the end of the month.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Alliance for Retired Americans, Alzheimer's Association, American Academy of Audiology, American Academy of Dermatology, American Academy of Otolaryngology, American Academy of Ophthalmology, American Association for Geriatric Psychiatry, American Association for Homecare, American Association of Nurse Anesthetists, American College of Cardiology, American College of Physicians, American College of Radiology, American College of Osteopathic Internists, American College of Surgeons, American Counseling Association, American Clinical Laboratory Association, American Federation of State, County and Municipal Employees, American Heart Association/American Stroke Association, American Hospital Association, American Medical Association.

American Mental Health Counselors Association, American Optometric Association, American Psychological Association, American Society of Anesthesiologists, American Society of Plastic Surgeons, Association for Community Affiliated Plans, American Osteopathic Association, California Medical Association, Center for Medicare Advocacy, Clinical Social Work Association, Federation of American Hospitals, Food Marketing Institute, Kidney Care Partners, Leadership Council of Aging Organizations, Medical Group Management Association, Medicare Rights Center, Mental Health America, National Association of Anorexia Nervosa and Associated Disorders, National Association of Chain Drug Stores, and National Association of State Mental Health Program Directors.

National Committee to Preserve Social Security and Medicare, National Community Pharmacists Association, National Council on Aging, National Rural Health Association, Society of Gynecologic Oncologists, Society of Hospital Medicine and Suicide Prevention Action Network USA (SPAN USA).

Mr. REID. Madam President, it is legislation that every State in the Union is calling us about, their Governors and other representatives, to please take care of this. That is what we need to do. Are we doing this to take care of the doctors? Partially, yes, but the other reason we are doing it is we are doing it to preserve Medicare. If we do not do this, there will be more doctors who drop out of taking care of Medicare patients.

What does that mean? It also means there will be other people who are reimbursed by insurance companies and other health care providers who base their reimbursement on what Medicare pays. So we have to do this fix. It is not only to take care of the doctors, it is to take care of patients and Americans from one end of this country to the other.

Finally, we have a supplemental appropriations bill. I would hope we could pass that before the Fourth of July recess. It is an emergency supplemental. We know it funds the war fighting. No matter how people feel about the money that has gone to pay for this war, costing us in Iraq alone $5,000 every second, I would hope everyone understands we are not going to vote on the war funding in this measure that is before us now. But we have other things we have to vote on or the war funding would not come forward, and that is important issues such as the GI bill of rights and unemployment

compensation extension which States are drastically in need of.

It does other good things. There is money in here as a result of the floods that have taken place. That is important. There are Medicaid fixes. Out of the seven regulations that are causing a problem with every Governor in America, six of them will be repealed by this legislation. So there is no reason that we can't do this legislation.

I have said repeatedly we can pass all four of these bills this week. We can do them tomorrow, as a matter of fact. But as with everything else we try to accomplish around here in a closely divided Senate, passing them will require the cooperation of Members from both sides of the aisle.

The filibuster chart is now up to 78. Of course, this is an alltime record for obstructionism. I have said our Republican colleagues, on occasion, have acted Orwellian this year; they say one thing and do another. I guess today is an appropriate day to say this because it is George Orwell's birthday today. He would be 105 today.

So I would hope everyone understands there will be no going home tomorrow unless we complete the things we are obligated to the American people to complete. Now, some say, well, that may mean we are going to have to be here Saturday. Yes, it may mean we have to be here Saturday because that is the way it is, and if we can't complete our work by Saturday, then we can continue our work. It wouldn't be the first time in the history of this country that important legislation was worked on during a holiday. Now, the Fourth of July doesn't come until next Friday or Saturday, a week from the day after tomorrow. So we may have to work here. Everyone should understand that. Everyone has obligations. I do. I don't get to go home as much as a lot of people. I would love to be able to go home on Friday, but we may not be able to. We have to, in my opinion, complete the supplemental appropriations. That is extremely important. We have to complete the Medicare legislation before we go. If we can complete FISA, I am not going to stand in the way of that. I think we should do that too. It appears now, realistically, with this objection to the housing bill, it appears very clear to me that is going to take more time, and we will not be able to do it by the day after tomorrow, but we are going to complete it. We have gone too far to do that. I tell all those people who are objecting to our completing this housing legislation: We will complete it. It may not be tomorrow, it may not be Friday, it may have to wait until the first week we get back. I understand the procedural aspects of that. It could require two more cloture votes, but two more cloture votes would only bring us to 80. We have worked through more difficult things than that. We have a relatively short work period in July, and it is guaranteed that we will do—we will complete the work on the housing bill the first week we get back.

So that is the best I can do. I am not upset with anyone. It has been an interesting day, but it is a day that focuses attention on the work we need to do. I haven't even mentioned the FAA extension. We have to do that some way. We tried to do that, and that was objected to. We have this global AIDS bill the President wants to do. I had a good conversation with Senator ENZI a few minutes ago, and he said he had three people who were objecting to that. He has taken care of two of them today. He is going to deal with the other one tomorrow. I hope, in fact, that is the case. So there is a lot of work we need to do, and I hope we can do it. But everyone should understand we are not walking out of here at 2 o'clock tomorrow. If this means we have to stay until after midnight to file cloture on various things, we will do that. We have work we have to do for the American people.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, let me brighten our day and lift the mood of my good friend, the majority leader. I think by any standard this is going to be a week of considerable bipartisan accomplishment for the American people. We have a great likelihood of completing the supplemental. As everyone knows, the war portion of the supplemental, we don't even have to vote on again. The only thing we will be voting on, again, on the supplemental are the domestic parts of it that are widely supported on both sides of the aisle.

We all agree we need to do the so-called docs' fix. There is some difference of opinion about exactly how to craft that. Senator BAUCUS and Senator GRASSLEY have a history of being able to come together and work these things out in a way that makes sense for both sides.

The FISA bill enjoys almost, I assume, unanimous support on this side of the aisle and more than half the votes on the other side of the aisle. There is no reason we would not get there on that.

As the majority leader has pointed out, at some point along the way, the cobwebs and trip wires and other problems the housing bill has run into will be circumvented by the majority and we will get to final passage on a piece of legislation that the vast majority of people on both sides of the aisle think is important.

So I finish today with optimism about the chances of considerable accomplishment for the American people before the week is out.

I yield the floor.

Mr. REID. Mr. President, it is my understanding that the business before the Senate is the postcloture time on the FISA legislation; is that correct?

The PRESIDING OFFICER (Mr. CASEY). Yes, we are on the motion to proceed to H.R. 6304.

Mr. REID. Yes, that is the FISA legislation.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, briefly, I want to thank our colleagues. I thank the majority leader for his tremendous help in getting us this far on the housing bill. We have worked together, and we would not have been this far without the cooperation of the minority leader as well. So I thank Senator MCCONNELL for that. I am grateful for my colleagues to let us get cloture. Before we leave here—and the Presiding Officer knows how important this legislation is to our States—if we can get this done, I cannot think of a better message to send to the country than having Democrats and Republicans come together to make a difference to thousands of constituents who, over the next week and a half, will be in foreclosure and in danger of losing their homes.

I am grateful for the vote we just had on the Dodd-Shelby substitute. There are other hurdles to go because of the way this matter was sent to us. Any individual Senator can drag this out further. Given the overwhelming vote we have had, it seems to me it would be in our interest to try to get to the other amendments that remain and make this bill as supportive as we can in recognition of what the other body has done, with the hopes that the President might even have this on his desk for signature while we are back in our States during the Independence Day holiday. I think we can do it if we really want to. It is not that much of a difference that remains. As long as one or two individuals insist that we go through all of the remaining procedural hoops, they can delay the outcome. The outcome will happen. Unfortunately, their delays will cause others who might otherwise have been helped by this bill to possibly lose their homes. I think that is tragic indeed.

I hope the leadership will prevail upon those Senators to allow us to continue the amendment process, get through the hurdles, and complete work on this bill before we leave.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for a few minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORPORATE RESPONSIBILITY IN IOWA

Mr. GRASSLEY. Mr. President, I want to address an issue of corporate responsibility, particularly as it relates to my hometown of New Hartford, IA, and the flood that recently took place there, and whether a large chain

of convenient stores that is headquartered across Wisconsin is going to take the corporate responsibility of continuing to serve a small town that has been devastated by a flood.

It has been a tough and challenging time for Iowans over the past few weeks. I have come to the floor on a few occasions already to update my colleagues on the natural disasters that have hit Iowa so hard.

Tornadoes and floods have caused economic and emotional toil and pain and have, sadly, taken 24 lives across the Midwest.

Just a mile from my farm is the town of New Hartford, where I have lived my entire 74 years. It is a modest town of about 650 people. On May 25, the north edge of the town suffered extensive damage from a tornado.

That same tornado destroyed half the town of Parkersburg, IA, just 10 miles west of my hometown of New Hartford, and continued damaging towns over a 43-mile range, including Dunkerton and Hazleton, as that tornado traveled east.

Then came the floods. The town and residents of New Hartford were devastated by the flood waters of what we call Beaver Creek. Much of the town's homes and businesses suffered damages from the floods.

But Iowans are resilient people. The residents and the entire community are pulling together to help their neighbors get back on their feet.

But one resident is abandoning the people of New Hartford. Kwik Star has announced that the only convenience gas store in town will not be rebuilt. The decision by Kwik Star to not reopen their store is a serious setback for the town of New Hartford.

These folks have endured a tornado and a damaging flood, but they are working to rebuild, pull themselves together, and somehow get their lives back to normal.

But the one gas station and convenience store will not be around to help with that rebuilding. They view the damage to their facility as too great, too daunting to overcome. This news has added another devastation to the residents of the community. We get the story: Well, we will not rebuild in New Hartford. We will put one double the size of that one in Parkersburg, so then all the people in New Hartford can drive 10 miles to get whatever they would get in their local community.

This is a large chain of convenience stores. I am begging for corporate responsibility, to continue to serve the community. And, particularly, don't ditch people when they are most in need.

Well, their decision doesn't sit well with the residents of New Hartford. As you can tell, it doesn't sit well with me.

As the residents are cleaning up their homes, parks, and businesses, Kwik Star has decided to abandon them. Kwik Star is hurting my neighbors and friends emotionally and economically.

If they don't see the value in rebuilding in New Hartford, why should the residents have any hope? These folks are doing everything they can to bring their properties back from this disaster, to rebuild our hometown, and Kwik Star is leaving them high and dry during this time of devastation.

It is not just the emotional pain of their decision that hurts the people of New Hartford, IA; it is also economic because Kwik Star employed 15 people before the flood. Three full-time employees—Deana Ackerson, Brenda Smith, and Barb Harper—have each worked for Kwik Star for many years.

Twelve other employees—Cindy Huberg, John Mulder, John Anderson, Matt Winkelman, Rich Moore, Teresa Peverill, Carol Grooms, Lauri and Roger Palmersheim, Mitch Konken, Pam Hargema, and Heather Hugelucht—depended on Kwik Star for employment as well.

The bottom line is that the residents of New Hartford are clinging to their hope that the town will come back even stronger than before these disasters. They are using that hope to get through this.

But Kwik Star is dashing that hope. Kwik Star is telling them that their town no longer deserves a gas station and convenience store. One flood is all that this big corporation can seem to handle. If you want gas, milk, or bread, you will have to drive 10 miles to get it in a new, refurbished store that is twice as large.

I can tell them that in another town, just 15 miles away, they had a flood, and they had two stores in that town. One of the two stores in Waverly was flooded, but they are going to rebuild that store. I don't understand this. I am working for tax changes, which is the very same thing we did for Katrina in New Orleans, and with the help of Senator BAUCUS and Congressman RANGEL, chairman of the House Ways and Means Committee, we are working to enact tax relief for victims of natural disasters similar to what was done to the victims of the hurricane. I hope this will encourage Kwik Star to stay in New Hartford.

This includes expensing for demolition and cleanup of debris. Another major provision would allow additional depreciation to greatly reduce or eliminate the business tax liability for the current year, including an operating loss carryback, as an example, for 5 years, which ought to be plenty of incentive for these businesses to continue in the communities where they work.

In the case of the floods, we are talking about 250 different communities in eastern Iowa, just as an example; and, in addition, Wisconsin, Illinois, and Indiana—and now it looks as though it is going to cover Missouri as well.

I am pushing these provisions to help businesses such as Kwik Star cope with the cost of damage and rebuilding.

Mr. President, I am here to appeal to this major convenience store and corporation serving the Midwest, the Kwik Star Corporation, and tell them that New Hartford is worthy of a convenience store. Our residents deserve Kwik Star's commitment to the community. They need to know that a company they have depended on and they have done business with for over 20 years will reverse this decision and join them in bringing New Hartford back from disaster.

IOWA FLOODING

Mr. President, I want to take a moment to provide another update on the flooding in Iowa. As you are aware, Iowa is in the middle of a crisis. Across the State, floods have devastated homes, businesses, farms, and communities, and that continues.

I have been traveling back and forth to Iowa to see the catastrophic damage, and I have been anguished to see my fellow Iowans suffering. People are hurting, and it will take a long time and a lot of hard work just to get back to normal.

However, in the midst of this devastation, I have also witnessed incredible examples of the spirit of Iowa. I have seen Iowans come together in communities across the State sandbagging, consoling, sharing, and providing a helping hand to neighbors and strangers alike. This spirit of dedication, a natural inclination to put others before self, is what makes me most proud to call myself an Iowan.

I cannot talk about the spirit of Iowa without talking about the dedication and efforts of our police, fire, emergency medical services, National Guard forces, and the Civil Air Patrol. These first responders are the frontline of defense for all Iowans. These selfless individuals come to the aid of all Iowans, putting duty first to help others defend their homes, livelihoods, and lives. They do this without thinking twice and put others' lives before their own. They have worked tirelessly to build levees, to sandbag, to secure dangerous areas, and to make water rescues. They have suffered loss, just as all Iowans have; but they never waiver and they always continue to come to the aid of others.

For instance, police and fire stations across the flood zone have been damaged or destroyed. News reports have documented how the fire station in Columbus Junction, IA, was under 10 feet of water. Other reports point to devastation of police, fire, and EMS facilities across the State, including the second largest city in our State, Cedar Rapids. Despite this, first responders still continue to provide security and to help communities in distress. Their efforts are nothing short of heroic.

It is not just local police, fire, EMS personnel who are helping out. Law enforcement officers with the Iowa State Patrol and from other agencies across the State have come to the flood zone to lend a helping hand.

Some have come from out of State. For instance, Coast Guard rescue teams based out of St. Louis came to

provide search and rescue. State troopers and police officers from Nebraska and Minnesota have helped the Cedar Rapids Police Department keep the city secure as the floodwaters recede and cleanup begins.

I appreciate the sacrifice and dedication these folks have made to help Iowa in its time of need.

But it does not stop there. The Iowa National Guard has deployed over 4,000 of their members across the State, providing vital manpower to assist local communities. They have used their skills and training to help meet numerous local needs. They have helped with sandbagging, shoring up levees, saving homes and businesses, and they have secured bridges and patrolled levees. They have been assisting local law enforcement with security. They have distributed clean drinking water to communities that have no running water and provided generators to those without power.

The National Guard has also provided air support via helicopters to support the assessment of damage and transportation of vital equipment. The list of needs met by our Iowa Guardsmen goes on and on, and their dedication knows no bounds.

In fact, one Iowa Guardsman, National Guard SPC Curtis L. White, had to change his wedding plans when he was deployed in support of the flood effort. He married his wife Daniele on Thursday, June 19, on the viaduct on the corner of Highway 92 and 2nd Street in Columbus Junction where he had been assisting with the flood operations. I thank him, his new wife, and his fellow Iowa National Guard soldiers and airmen for their sacrifices and compassion for their fellow Iowans.

I also thank those in the Iowa wing of the Civil Air Patrol who flew Senator HARKIN and this Senator around the State to view the impacted areas. The Civil Air Patrol also flew photo missions to examine the extent of flooding. I commend the Civil Air Patrol for their dedication.

Finally, I thank the men and women across the State who are serving in hospitals, emergency rooms, long-term care facilities, community health centers, home health agencies, and hospices. Many of these people lost their homes to flooding, and yet they still showed up at work to do the right thing. They are to be commended for those efforts.

I know these folks were on the frontline working to evacuate patients from places such as Mercy Medical Center in Cedar Rapids as floodwaters rose. When this happened, facilities such as Saint Luke's Hospital in the same city and others nearby jumped up without hesitation to take in these displaced hospital patients.

We cannot forget the hard work and dedication of our health care professionals during this crisis, and as they are on the road to recovery. With people such as these, I have no doubt that facilities such as Mercy Medical Center will be fully operational in no time.

As the floodwaters start to recede and Iowa moves toward rebuilding, the responsibility of public safety will still be on the shoulders of our first responders. These capable men and women who serve in law enforcement, fire departments, EMS, the National Guard, and in hospitals across the State need all the resources we can provide them in this time of need. We have a responsibility to make sure they are equipped for the job and any future natural disasters we have.

That is why I led the Iowa congressional delegation in writing to Federal agencies, such as the Department of Homeland Security and the Department of Justice, asking that deadlines for law enforcement and first responder grant programs be extended for communities impacted by the flooding.

Communities in Iowa should not be penalized from receiving grants because they have not had the time to hurry up and beat a deadline that does not take into consideration such natural disasters. These communities should be given special consideration for applying for grant moneys because of the extensive damage.

Programs such as the Assistance to Firefighters and the Staffing for Adequate Fire and Emergency Response Firefighters can provide vital assistance to fire departments that were impacted by the flooding. These departments may need new equipment, radios, computers, and repairs to their fire stations. These grants can provide that assistance.

Further, programs such as the Edward Byrne Memorial Justice Assistance Program, called Byrne/JAG, as we all know it around here, and the Community Oriented Policing Services, and we refer to that as the COPS Program, can also provide these same types of resources to police departments in need.

Iowans will soon be facing a long process toward rebuilding. It will not be easy. However, I am proud to say that I know Iowans will be helping others to rebuild in the Iowa spirit of hard work and generosity. We in Congress are doing all we can on our end to ensure that first responders in the field have the resources they need.

So I applaud, maybe now a third or fourth time but you cannot do it too many times, these brave men and women who serve their communities and carry on the spirit of Iowa.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the time counting postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE RETIREMENT OF GLORIA HUGHES

Mr. REID. Mr. President, I rise today to recognize and honor Ms. Gloria Hughes for her committed service to Nevada. Ms. Hughes will be retiring on June 30, 2008, after over three decades of service in the Mineral County Assessor's office.

Ms. Hughes began her service in 1973 as a deputy clerk. She then served as deputy assessor, senior deputy assessor, and chief deputy assessor. In 1994, she was elected to her first of four terms as assessor.

As sssessor of Mineral County, Gloria has worked tirelessly to improve the quality and efficiency of her office, never losing heart when she encountered obstacles. For example, Gloria won a 12 year battle to obtain an office vehicle, which helps the staff fulfill their appraisal duties throughout rural Mineral County. Ms. Hughes' realization of this goal and others like it ensured that her office was consistently the best it could be. Indeed, the State department of taxation repeatedly gave the Mineral County Assessor's office perfect marks in every category of methods and procedures of tax assessment.

True to her nature, Ms. Hughes expresses regret that she will not be able to see all of her goals for Mineral County realized, but is optimistic that the dedicated employees she leaves behind will fulfill them when the time is right.

Gloria will be missed by her employees—whose best interests she worked for ceaselessly—and the citizens of Mineral County who were the fortunate beneficiaries of her fervent commitment to her job, her county, and her state.

I am grateful to Ms. Hughes for her service and proud to honor her and her achievements.

RECOGNIZING THE RETIREMENT OF BOB STOLDAL

Mr. REID. Mr President, I rise today to recognize Bob Stoldal, a legend in Nevada news and the Las Vegas community for more than 40 years. Mr. Stoldal's first experience in a news office came in 1960, working for the Las Vegas Review Journal—first as a janitor, then as a typesetter. In the next year he was hired by KLAS radio as a graveyard-shift radio disk jockey, where he was known to his listeners as Bob Free.

Over the past five decades, Mr. Stoldal has worked as a reporter, anchor, news director, and vice president of news for KLAS. He was the first ever general manager of Las Vegas One and held that position for the past 10 years.

Bob's dedication to accuracy in media content and high ethical standards in broadcast journalism have defined his career. He demands journalistic excellence and integrity from himself and those who work for him. Bob's demand for excellence has earned KLAS countless national and regional awards and recognitions.

Besides upping the ante for Nevada journalism, Bob Stoldal has impacted the field on a national level. Mr. Stoldal has been a staunch advocate for cameras in courtrooms and pioneered the charge to allow cameras in southern Nevada's courtrooms, adding a degree of public scrutiny to our legal system.

Mr. Stoldal's dedication to Las Vegas and his community extends far beyond the realm of media. Bob Stoldal has donated countless hours to the public good, working on State and local boards, commissions, and museums. He currently serves as chairman of the Nevada State Museum and Historical Society and the Las Vegas Historic Preservation Commission.

As a member of the Nevada Broadcasting Hall of Fame and the longest serving employee of KLAS, Bob Stoldal is a legend in the field of journalism; his insight, dedication, and integrity will be missed by all. I wish him an enjoyable retirement and all the best in his future endeavors.

HONORING OUR ARMED FORCES

LANCE CORPORAL LAYTON BRADLY CRASS

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of the brave lance corporal from Richmond, IN. Layton Crass, 22 years old, died on June 14, 2008, in Farah Province, Afghanistan, from injuries sustained while his unit was conducting combat operations. He was a member of the U.S. Marine Corps, Golf Company, 2nd Battalion, 7th Marines from Twentynine Palms, CA.

Layton graduated from Richmond High School in 2005. Outgoing and active in school, Layton also loved rollerblading, paintball, and computers. Public service was a family tradition for Layton; his father is a veteran and his brother, Donald, serves in the U.S. Marines, as well. In high school, Layton was part of the Richmond Police Youth Cadet Program and, according to his family, surprised no one when he enlisted in the Marines. It had been his ambition since he was 16 years old.

Before his deployment in Afghanistan, Layton served an 8-month tour in Iraq. Layton never wavered in his commitment to his country or to the Armed Services. His friend, Dustin Gibbs, told a local newspaper that he joined the Marines because of Layton's inspiration. Gibbs had this to say of his comrade: ''He was a true friend and an extremely brave man. He had a huge heart and made quite an impact on my life and my future to come.'' These words illustrate the great influence Layton had on those lucky enough to know him. His memory will live on long past his years through the many lives he touched.

Today, I join Layton's family and friends in mourning his death. Layton will forever be remembered as a son, brother, and friend to many. He is survived by his parents Donald and Lynne Shingledecker Crass; his sister Dusty Nichole Throop and her husband Nicholas; his brother Devin James Crass and his wife Megan Elizabeth; his nephew, Brenton Isaiah Throop; and his grandparents, Mary Ann and Bob Coons, Zeb and Darlene Crass and Virginia Shingledecker.

While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Layton. Today and always, Layton will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Layton's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Layton's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Layton Bradly Crass in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the pain that comes with the loss of our heroes, I hope that Layton's family can find comfort in the words of the prophet Isaiah, who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Layton.

SOMALIA

Mr. BROWNBACK. Mr. President, I rise in support of S. Res. 541, adopted on May 21, which is a resolution designed to support humanitarian assistance in Somalia. As you know, Somalia has seen one government after another fail to deliver for the Somali people for the better part of two decades. At the same time, the situation in Somalia and the broader Horn of Africa is of great strategic importance to the United States and of deep concern to me personally, having traveled to the region on several occasions.

I do not think that we can overestimate the scale of the humanitarian challenges facing Somalia. At least a million people were uprooted during fighting between the Transitional Federal Government and Islamic insurgents last year, and their plight has become graver because of record food prices, drought, and hyperinflation. The 250,000 Somalis in a small corridor outside Mogadishu is now considered the largest camp of internally displaced persons in the world.

The goal of the international community has been to support the formation of a viable government of national unity in Somalia to help stabilize the situation on the ground, and this resolution is designed to support this goal. Nevertheless, we should recall that the country recently faced the terrible prospect of rule by Islamic extremists and that without Ethiopia's intervention, the TFG would not have had this opportunity to bring some measure of stability to the country.

For its part, Ethiopia eliminated the threat of a Taliban-like state taking root on its eastern border and scored a major victory in the war on terrorism. And for our part, this accomplishment furthered U.S. interests by helping ensure that the Somali government did not threaten or seek to destabilize its neighbors or provide protection for terrorists that threaten the United States and its allies.

While I support the broad goal of stability for Somalia and a sustainable peace, let me be clear on an important point. No Somali government should include factions with ties to al-Qaida or al-Shabaab.

Both groups seek to undermine the stability of the TFG, which is the internationally recognized government of Somalia, through violence and intimidation. While al-Qaida's status and animosity towards the United States has been clear for a long time, we should also not underestimate the threat that al-Shabaab also poses to stability in Somalia and the entire region. Indeed, Secretary of State Condoleezza Rice designated the group as a foreign terrorist organization and as a specially designated global terrorist on February 29.

In its assessment of the group's activities, the State Department explains the organization scattered leaflets on the streets of Mogadishu warning participants in last year's reconciliation conference that they intended to bomb the conference venue. Al-Shabaab promised to shoot anyone planning to attend the conference and to blow up delegates' cars and hotels. The group has claimed responsibility for shooting deputy district administrators, as well as several bombings and shootings in Mogadishu targeting Ethiopian troops and Somali government officials. In short, terrorist organizations such as al-Qaida and al-Shabaab seek to undermine the hard-fought and tenuous

peace that has been achieved and their influence in Somalia must be curbed.

In addition, while I support the resolution's call for Ethiopia to develop a timeline for the ''responsible'' withdrawal of its troops from Somalia, it is important to emphasize that this resolution does not call for either an immediate withdrawal or a rigid timeline irrespective of the availability of replacement peacekeeping forces. Any such inflexible approach would be counterproductive, undermine the TFG, and threaten the important gains that have already been achieved.

Just as the presence of Ethiopian troops in Somalia derives, in part, from the intra-party Somali conflict, their departure should not occur until African Union or other international troops have arrived to keep the peace secure. To date, unfortunately, only 2,500 of 8,000 pledged AU peacekeepers have arrived. While some have claimed the presence of Ethiopian troops itself is destabilizing, there is no doubt in my mind that the alternative would be far worse.

Lastly, I would be remiss if I did not comment on the impact that Eritrea has had in terms of making the withdrawal of Ethiopian troops more challenging. According to the United Nations, Eritrea is supporting insurgent groups to undermine the TFG. Under these circumstances, not only would it leave a vacuum for the Ethiopian troops to be withdrawn early, but such a withdrawal would be seized upon by Eritrean-backed insurgents to destabilize the situation in Somalia. This is why this resolution calls on Eritrea to play a productive—and not a destructive—role in Somalia.

The United States has a deep and profound interest in securing the peace in Somalia and the broader Horn of Africa. There is no doubt that serious challenges remain. Nevertheless, I look forward to our continuing to work with our friend and ally Ethiopia, as well as the African Union, United Nations, and other countries in the region to secure a brighter future for all those people in Somalia who yearn to live their lives in peace and with the opportunity to provide for their families.

CHANGES TO S. CON. RES. 70

Mr. CONRAD. Mr. President, section 323(d) of S. Con. Res. 70, the 2009 budget resolution, permits the chairman of the Senate Budget Committee to make appropriate adjustments in aggregates, allocations, and other levels assumed in the resolution to reflect the budgetary impact of certain legislation.

I am filing adjustments pursuant to section 323(d) for legislation that Congress cleared prior to the adoption of S. Con. Res. 70 but for which the necessary information to incorporate their budgetary effects was not available at the time the conference report was filed. The revisions are for public law 110–232, the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008, and public law 110–245, the Heroes Earnings Assistance and Relief Tax Act of 2008.

For the information of my colleagues, the combined effect of the adjustments, including accompanying changes in debt service, is to reduce the on-budget deficit assumed in S. Con. Res. 70 by $965 million in 2008, while increasing it by $933 million in 2009 and by roughly $1 billion over the 2009 to 2013 period. On a unified basis, the legislation is expected to lower deficits by $322 million over the 2008 to 2013 period. Because the revisions are being made for legislation that has already cleared Congress, they will neither raise nor lower the amount of room available to Congress under the budgetary aggregates and committee allocations.

I ask unanimous consent to have printed in the RECORD a set of tables which show the revised allocations, aggregates, and other levels for S. Con. Res. 70, the 2009 budget resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 323(d)

[In billions of dollars]

Section 101:	
(1)(A) Federal Revenues:	
FY 2008	1,875.400
FY 2009	2,029.644
FY 2010	2,204.668
FY 2011	2,413.246
FY 2012	2,506.023
FY 2013	2,626.530
(1)(B) Change in Federal Revenues:	
FY 2008	−4.000
FY 2009	−67.755
FY 2010	21.270
FY 2011	−14.824
FY 2012	−151.572
FY 2013	−123.689
(2) New Budget Authority:	
FY 2008	2,562.305
FY 2009	2,531.668
FY 2010	2,562.869
FY 2011	2,693.847
FY 2012	2,736.860
FY 2013	2,868.805
(3) Budget Outlays:	
FY 2008	2,464.754
FY 2009	2,566.868
FY 2010	2,621.952
FY 2011	2,712.799
FY 2012	2,722.051
FY 2013	2,860.217
(4) Deficits (On-Budget):	
FY 2008	589.354
FY 2009	537.224
FY 2010	417.284

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 323(d)—Continued

[In billions of dollars]

FY 2011	299.553
FY 2012	216.028
FY 2013	233.687
(5) Debt Subject to Limit:	
FY 2008	9,574.025
FY 2009	10,206.896
FY 2010	10,731.823
FY 2011	11,136.758
FY 2012	11,483.707
FY 2013	11,831.678
(6) Debt Held by the Public:	
FY 2008	5,403.025
FY 2009	5,760.896
FY 2010	5,988.823
FY 2011	6,079.758
FY 2012	6,074.707
FY 2013	6,080.678
Section 102:	
(a) Social Security Revenues:	
FY 2008	666.716
FY 2009	695.932
FY 2010	733.631
FY 2011	772.531
FY 2012	809.862
FY 2013	845.108
(b) Social Security Outlays:	
FY 2008	463.746
FY 2009	493.602
FY 2010	520.149
FY 2011	540.478
FY 2012	566.241
FY 2013	595.535

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 323(d)

[In billions of dollars]

Section 104:	
(18) Net Interest (900):	
FY 2008	
New budget authority	349.344
Outlays	349.344
FY 2009	
New budget authority	334.396
Outlays	334.396
FY 2010	
New budget authority	370.799
Outlays	370.799
FY 2011	
New budget authority	407.907
Outlays	407.907
FY 2012	
New budget authority	433.182
Outlays	433.182
FY 2013	
New budget authority	448.797
Outlays	448.797
(19) Allowances (920):	
FY 2008	
New budget authority	3.476
Outlays	1.125
FY 2009	
New budget authority	−12.223
Outlays	−5.484
FY 2010	
New budget authority	−11.936
Outlays	−9.366
FY 2011	
New budget authority	−12.294
Outlays	−11.756
FY 2012	
New budget authority	−12.683
Outlays	−13.758
FY 2013	
New budget authority	−12.993
Outlays	−13.389

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL 2008

(In millions of dollars)

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General Purpose Discretionary	1,050,478	1,094,944		
Memo:				
Off-budget	5,260	5,181		
On-budget	1,045,218	1,089,763		
Mandatory	585,962	569,537		
Total	1,636,440	1,664,481		
Agriculture, Nutrition, and Forestry	14,910	15,413	74,287	58,027
Armed Services	119,050	118,842	105	101
Banking, Housing, and Urban Affairs	15,285	1,628	0	0
Commerce, Science, and Transportation	13,964	9,363	1,182	1,126
Energy and Natural Resources	3,850	4,264	62	61
Environment and Public Works	39,658	2,196	0	0
Finance	1,100,859	1,102,857	442,523	442,584
Foreign Relations	15,852	15,819	159	159
Homeland Security and Governmental Affairs	86,027	84,221	10,573	10,573
Judiciary	7,262	7,533	611	610
Health, Education, Labor, and Pensions	9,874	9,745	13,208	13,229
Rules and Administration	70	225	122	121
Intelligence	0	0	263	263
Veterans' Affairs	746	801	42,867	42,683
Indian Affairs	453	451	0	0
Small Business	−333	−333	0	0
Unassigned to Committee	−604,458	−596,472	0	0
Total	2,459,509	2,441,034	585,962	569,537

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL 2009

(In millions of dollars)

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations				
General Purpose Discretionary	1,011,718	1,106,112		
Memo:				
off-budget	5,491	5,418		
on-budget	1,006,227	1,100,694		
Mandatory	621,707	608,653		
Total	1,633,425	1,714,765		
Agriculture, Nutrition, and Forestry	15,688	14,530	76,307	63,526
Armed Services	126,030	125,863	105	100
Banking, Housing, and Urban Affairs	12,680	−1,239	0	0
Commerce, Science, and Transportation	14,432	10,250	1,149	1,145
Energy and Natural Resources	6,041	5,789	62	63
Environmental and Public Works	34,528	2,291	0	0
Finance	1,085,721	1,087,208	473,803	473,788
Foreign Relations	15,966	15,955	149	149
Homeland Security and Governmental Affairs	89,749	87,732	10,599	10,599
Judiciary	9,749	8,414	624	627
Health, Education, Labor and Pensions	9,349	8,088	14,129	14,116
Rules and Administration	69	19	127	127
Intelligence	0	0	279	279
Veterans' Affairs	1,166	1,247	44,374	44,134
Indian Affairs	529	542	0	0
Small Business	0	0	0	0
Unassigned to Committee	−594,692	−586,021	0	0
Total	2,460,430	2,495,433	621,707	608,653

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT 5-YEAR TOTAL: 2009–2013

[In millions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	76,466	69,479	387,350	329,869
Armed Services	668,567	667,908	456	458
Banking, Housing, and Urban Affairs	66,961	−10,748	0	0
Commerce, Science, and Transportation	75,918	49,960	6,322	6,294
Energy and Natural Resources	26,349	25,971	302	303
Environment and Public Works	173,099	11,833	0	0
Finance	6,165,556	6,172,365	2,703,905	2,703,728
Foreign Relatons	73,053	73,024	660	660
Homeland Security and Governmental Affairs	484,637	472,579	51,467	51,467
Judiciary	40,735	41,031	3,207	3,241
Health, Education, Labor, and Pensions	62,263	60,084	79,175	78,944
Rules and Administration	341	343	685	685
Intelligence	0	0	1,481	1,481
Veterans' Affairs	5,595	6,208	236,997	235,550
Indian Affairs	2,158	2,216	0	0
Small Business	0	0	0	0

42ND ANNIVERSARY OF THE FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, on July 4, our Nation will celebrate the 42nd anniversary of the signing of the Freedom of Information Act, FOIA. While we mark this important anniversary, the country also celebrates the enactment earlier this year of the first major reforms to FOIA in over a decade—the OPEN Government Act—which will reinvigorate and strengthen this vital open government law for many years to come.

Now in its fourth decade, the Freedom of Information Act remains an indispensable tool for shedding light on bad policies and Government abuses.

The act has helped to guarantee the public's ''right to know'' for generations of Americans. Today, thanks to the reforms contained in the OPEN Government Act, which was signed into law on December 31, Americans who seek information under FIOA will experience a process that is much more transparent and less burdened by delays than it has been in the past. This is very good news. But there is still much more to be done to ensure that FOIA remains an effective tool for keeping our democracy open and free.

A key component of the OPEN Government Act is the creation of an Office of Government Information Services, OGIS, within the National Archives and Records Administration. The office would mediate FOIA disputes, review agency compliance with FOIA, and house a newly created FOIA ombudsman. Establishing a fully funded OGIS is essential to reversing the troubling trend of the last 7 years towards lax FOIA compliance and excessive Government secrecy.

I am pleased that the Committee on Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies—a panel on which I serve—last week rejected the President's budget proposal to move the functions of OGIS to the Department of Justice. I will continue to work very hard to ensure that OGIS is fully funded within the National Archives—as Congress intended—so that this important office has the necessary resources to fully comply with the OPEN Government Act.

There is also more work to be done to further strengthen FOIA. Earlier this year, I was pleased to join with Senator JOHN CORNYN in introducing the OPEN FOIA Act, S. 2746, a bill that requires Congress to clearly and explicitly state its intention to create a statutory exemption to FOIA when it provides for such an exemption in new legislation. While there is a very real need to keep certain Government information secret to ensure the public good and safety, excessive Government secrecy is a constant temptation and the enemy of a vibrant democracy.

The OPEN FOIA Act provides a safeguard against the growing trend towards FOIA exemptions, and would make all FOIA exemptions clear and unambiguous, and vigorously debated, before they are enacted into law. The Senate Judiciary Committee will consider this bill at its business meeting this week, and I urge all members to support this legislation to further restore the public's trust in their Government.

As we reflect upon the celebration of another FOIA anniversary, we in Congress must also reaffirm our commitment to open and transparent government. As I have said many times, open government is not a Democratic issue or a Republican issue. It is an American value and a virtue that all Americans hold dear. It is in this bipartisan spirit that I join Americans from across the political spectrum in celebrating the 42nd anniversary of the birth of FOIA and all that this law has come to symbolize about our vibrant democracy.

HONORING THE RESCUERS OF KEITH KENNEDY

Ms. KLOBUCHAR. Mr. President, I wish to recognize the dedication of all those involved in the safe and miraculous return of Keith Kennedy, an autistic man from Shoreview, MN, who spent this past week alone, without food or shelter, lost in the woods of northwestern Wisconsin.

His safe return has been called a miracle, but this miracle would not have been possible without the commitment of the hundreds of volunteers, law enforcement officers, firefighters and medics who selflessly gave their time and continued to search for Keith, even when all hope seemed lost.

Special recognition must go to Gary Ruiz and Jim Cotroneo, two St. Paul firefighters who found Keith against all odds. Their efforts, and the efforts of their colleagues who joined them in this search, ensured a joyful ending to what could so easily have been another tragedy.

I cannot fail to mention Keith's parents, Bruce and Linda Kennedy, whose spirit of hope was by all accounts an inspiration to those who participated in bringing Keith home safely. Their bravery and the bravery of their son are an inspiration to us all.

I believe this story shows once again the willingness of Minnesotans, and of our friends in Wisconsin, to go beyond what is asked of them to come together as a community and support those in need. My hope is that the actions of all those who gave of themselves so that Keith could return home, will inspire others to do the same.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, earlier this week, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR CRAPO, Thank you for the opportunity to tell my story. I am nearly 70 years old and for 40 to 50 years have dreamed of a vacation in Jasper National Park in Canada. This year was to be the year to go. I had a new vehicle, a competent driver to share the driving, and I had the money. Well, I had the money until the price of gas began to rise so sharply. I had to cancel this dream trip. I may never get to Jasper.

My sister and I made weekly trips to Boise for religious purposes. Because of the cost of gas, we had to cut that back to twice a month.

I have a little patch of strawberries that produces more than I can use. I have shared with friends, family and neighbors nearby. There are many who I would love to share with (and they would love to have them), but they live too far to make it worth the trip with the high cost of gas.

My sister and I are on a limited budget (Social Security), and the cost of gas has caused the prices of food and other things we have to buy to skyrocket. We live at least 20 miles from town, one way. It costs over three times for gas to go to town than it used to. There are no buses in our area.

My personal opinion is that the environmentalists should either donate their money to pay for foreign fuel or let us produce that which we have in our own country. I think they are being very selfish, and I wish a bunch of those characters had to live on less than $1,000 per month.

Sincerely,

DELORES, *Melba*.

With the gas prices the way they are, my family has to stay home instead of camping, fishing and other family activities we have done in the past. The grocery stores have had to raise the prices because of the price of fuel. My wife travels 55 miles a day for work in a car that is on its last leg. I cannot replace it because of the money that we are spending in fuel. I never worried about ''filling my tank'' before, but now I cannot fill my tank because of the price of fuel. I feel like my government wants the fuel to keep going up and up. Everybody says that the oil companies are making a fortune, but they make 4 cents a gallon and taxes are 50 cents a gallon. So who is making the money, the oil companies or the government? Please help us by lowering the fuel prices even if we have to rely on the oil in the United States and not buy from the Middle East.

JASON, *Pocatello*.

DEAR SENATOR, I am concerned about your ignorance on why prices not only at the pump but on anything we buy are up. The Federal Reserve is most responsible for this inflation. It is taught in economics 101. The Federal Reserve has inflated our dollar 50 percent in the last 7 years, according to their statistics. That means 7 years ago, if you had $100,000 in the bank, it would only buy half as much today ''say $50,000''. This means if you made $10.00 an hour seven years ago and your wages stayed the same, you only have the buying power of $5.00/hour.

The Federal Reserve inflates our money supply. They will not give the M3 numbers out because there's a conscious effort not to let the public know what they are doing. You must kick the can, do your research on how inflation really works before you even talk about making changes. If you are to fix the problem, go to the Congress and ask them to fire the Federal Reserve.

Sure, energy prices are up, and these big companies are making big profits. The big oil companies are only in the right place at the right time. The Federal Reserve was voted in wrongly Dec 24, 1913. This was when no one could vote against the creation of the

Federal Reserve. The Federal Reserve is responsible for the Great Depression. They are responsible now for our inflation. Please takes steps and ask Congress to remove this private agency and go to gold standard.

KEVIN, *Rathdrum.*

Fortunately, I can live, work, and shop within a 2-mile radius of home. However, we're reluctant to pull our RV down the road, which causes a loss of business for those tourist areas we would have visited.

I believe the best way to reduce gas prices is to increase production—drill off the coasts (like China and Cuba are doing now), and in Alaska; extract oil from coal and shale; and exploit other known resources. A massive effort to build nuclear plants would also be wise. It is time to tell the environmentalists where to ''get off''. The planet is not getting warmer, and certainly not at the hands of man.

SCOTT.

SENATOR CRAPO, Thank you for your time and ears. I am married with three children at home (two girls, ages 15 and 16; and one boy, 10 years old). Ten years ago, my wife and I were receiving government assistance; now we are both college graduates and working in professional positions, yet we still feel the pain at the pump. I can only imagine how hard it is affecting those who are still on government assistance, or those less fortunate without a higher education. I have personally bought relatives gas in the last month, not because they asked but because I knew they needed it.

Our family has felt the crunch with rising fuel prices. Fuel costs have taken away money from other pertinent bills in our household, especially our energy/power bill. Our family has scaled back traveling and fun family activities such as going to Mariners baseball games. After all, baseball is as American as apple pie. I know these aren't priorities in most households, but activities like these are ones which my family enjoys our time together. When you are raising teenagers you really appreciate these times because teens are hard to convince that family time is truly important. My wife and I bought two small import vehicles (4-cylinders) because we saw this fuel crisis coming. Maybe there could be incentives for using energy-efficient vehicles, not specifically imports but fuel-efficient vehicles. We have a large SUV, but we only drive it when we travel or have to transport the entire family.

Please help contain the ever-rising fuel crisis. Families are affected in more ways than we can imagine, especially the poor.

Sincerely,

RICHARD, *Lenore.*

You asked for my story here it is.

As a retired person and gas prices so high, I do not go anywhere. What bothers me more is the profit taking by oil companies, record profit earning 300 percent and over. Now is the time to own stock in oil. Is this not just greed, ripping off of the American public? We have back-up supplies; we have other sources of energy. We have a government that is not doing its job of protecting the people from being taken advantage of. Why are our government officials allowing this to happen? OPEC does control a lot but are they not beholden to us for some of our products? Can we not hold them over the barrel—for some of the product we send them? OK, a head of lettuce $4.00 each? What is happening with this country? All I am seeing is greed.

We have oil in Alaska; we have oil in Texas. Drill more here; supply ourselves. Why are we shipping oil out? Why not keep our oil here so that OPEC can't hold us up at the bank?

Sincerely,

CLAUDIA, *Nampa.*

DEAR SENATOR CRAPO, I am very pleased for the opportunity to say something that will be heard. I bought a nice little 3-bedroom house in Caldwell, thinking the drive would be long, but something I could handle because I have a car that gets decent gas mileage. Well, with the high gas prices, I have left my home in Caldwell and moved to Boise to be able to keep my job and have something left to live on. Of course with the housing market, it is not selling. I know a lot of people like me who are sharing homes with others due to the increase in gas, electricity, and food prices. Right now living in Boise, it is still costing me 150.00 a month for gas, and I live about 15 minutes from work. Living in Caldwell it was three times the amount. That is one whole paycheck for me. I learned to eat noodles and potatoes instead of other things that would be better for me to eat. Can you imagine the people who are living on that who do not have a good job? I go to work, home and church. Now you may think that is not much of a life. I used to go for drives and visit friends, but that is not possible at this time due to the high cost of everything. We in this country know how to cut back and buckle down to do what needs to be done to help, but our government has let things get way out of hand. We as the voting public are supposed to have a say in things and too many have sat back and said nothing. Something must be done. We have far too long been dependent on others for our fuel, when we have the resources right here in this great country. I do not mean to sound negative, but there is nothing left for us to give. It is time those who have been elected begin giving back to those who support them!

I pray someone is listening.

JEANNIE, *Boise.*

The amount of fuel that I use is as minimal as I can get. I do not do anything except drive back and forth to work and to the grocery store on weekends. I do very little, if any, extra driving. I would love to go camping or up in our wonderful mountains to go fishing, but I cannot afford the gas that it would take to do this. I have been trying to find a way to purchase a different automobile that would get better mileage, but if you do not have extra money, it is real hard to try to save. I use one tank of gas a month to do what I do and, at today's price, that costs me $120.00; soon it will be $150.00; then who knows. I understand price increases, but this is ridiculous. We need to have relief now. I do not understand how one group of people can put all of our own oil in such problems by not allowing us to drill for our own gas and oil. This problem stems from green people who have no idea how anyone else lives. We do not now nor will we ever have mass transit that will remove our cars from the highway.

I feel that we need to drill and produce our own oil and gas as much as we can; then we can tell all of these countries that do not like us goodbye, and we can keep our money here to help people in the U.S. that need help.

Thank you very much for the space to vent. I am not sure it will come of anything, but we can hope.

God bless the USA.

RICK.

With fuel prices increasing so rapidly, we aren't travelling as much or planning a vacation. We are making cutbacks in many areas. However, I was recently visiting my parents in Idaho Falls. They are retired and on a limited income, so I have worried a bit about their finances with the rising fuel prices that not only affect transportation but everything. We stopped at a grocery store known to have the lowest prices consistently. As I approached the check out I saw a family and the mom's voice was starting to rise in intensity and volume. She was under a lot of stress. Her children were near and her husband was, too. She was adding up the cost of the meager amount of groceries in their cart and starting to put back basic items. The children and husband looked at her. She said, ''I only have a half tank of gas left. I only have a half tank of gas left,'' she repeated. ''I just filled it up and I only have ½ tank left.'' She turned to her husband and asked him if he had driven her car yesterday. He replied, ''No.'' Tears came to my eyes as I realized what this young, small, responsible family was going through. Tension was mounting, money was very tight, without fuel, how would they get to work? With fuel costing at least double what it recently was, how would they have enough to stretch? I hadn't realized that people were already having to make choices between fuel and food. Many, many Idahoans are independent and hard-working. They do not look for government hand-outs. They are resourceful. They grow gardens, glean fields nearby, cook from scratch and stretch their dollars in many ways. They make things work. But there comes a point when dollars do not stretch farther, salaries aren't increasing as rapidly as expenses, second jobs are scarcer to find. I live in Boise, a city with more transportation options. We are biking more; my husband has the privilege of biking to work. This family did not! Rural areas have few transportation options besides personal vehicles, and the distance to almost anywhere is great.

I believe as we use and develop our own resources in our great country that people will rise to the occasion and find solutions before we run out of fuel. When we encourage personal initiative and do not take a dependency attitude we, the people, can accomplish amazing things.

KARLA, *Boise.*

We must start drilling for domestic oil, start making nuclear power plants and oil refineries. I will not support anyone who does not and will be willing to help support those leaders who do.

JOHN.

My story is not special, but I think it is too common. I am a 55-year-old woman. I am my sole support. I live in Emmett, but there are no jobs there. I work in Boise, a 30-mile drive one way. I do not make a lot of money and, with the mortgage industry the way it is, I cannot afford to move. Homes are not selling in Emmett. I wonder how much higher things are going to go. Soon it will be a choice of food or gas. Which would you choose?

I am disgusted with our government. They do nothing, and I know they do not have to suffer the way we do. I feel our government has forgotten they work for us, not that we are supporting them.

CANDACE, *Emmett.*

DEAR SENATOR CRAPO, I am lucky enough to live within three miles of where I work, so transporting myself has not impacted me as much as most in my community. Where I am hit hard, though, is the cost of the organic and healthy food I buy. Since spending a lot of time trying to get myself healthy and researching about pesticides and about environmental toxins, I had to make the decision to vote with my dollars. I have spent a

much higher percentage on the important organics such as tomatoes, berries, greens, and some other staples that are most chemical-laden in the conventional counterpart. And I am happy to do so to help a growing sector of sustainable farmers. I always felt that, in the long run, this would come back to benefit all as our country turned to more sustainable and nutritious agriculture.

After studying some of the recent documentaries about our food supply, and the big corporate welfare, and how the farm bill works, I realized that, for some reason, our system prefers us eating the 2,000 mile irradiated, grown for shelf life, nutrient void produce. Organic and sustainable farming hasn't really been given the chance in the past, but I do have hope that because of rising fuel costs that maybe our officials will wake up and support locally grown and sold agriculture (at the expense of big agri and big oil). It will be cheaper with less transportation costs, but to get off the ground we need some government intervention that gives incentives for farmers to take the risk. We subsidize all the corn out there to make us obese with its crack of sweeteners and processed puffed foods and to feed more farm animals than we really have business eating, ($79 hamburgers???); why do we not give nutrition a fair shake. Why do we not try to learn some of Europe's successes and shape a healthy community-based food system? So what I can do is look at my plate as half full on this issue; that is how high fuel costs can benefit me most.

Thank you,

RYAN.

The high energy prices are affecting our family negatively. Higher grocery prices. Gas prices were 1.46 when Bush took office. Unfortunately, Senator Crapo's vote to support the war in Iraq is one reason that gas prices are so high.

BRIAN.

I live in Jerome, Idaho, a rural community. We live between Twin Falls and Jerome, my wife works in Twin Falls and I work in Jerome. Since our area is rural and there is not any form of mass transit like in larger cities the high gas prices are killing us. My wife works for Twin Falls school district and they got a 2 percent raise this year and I got a 3 percent raise. The gas prices have taken all of our raises plus much more. We do not take any long drives other than to work. Life has changed in a big way and not to the positive side. The following is an email I received and I did check it out on the internet. Why are we not tapping into this oil field?

1. Ever heard of the Bakken Formation? Google it. I did, and again, blew my mind. The U.S. Geological Service issued a report in April ('08) that only scientists and oilmen/women knew was coming, but man was it big. It was a revised report (hadn't been updated since '95) on how much oil was in this area of the western 2/3 of North Dakota; western South Dakota; and extreme eastern Montana . . . check this out:

''The Bakken is the largest domestic oil discovery since Alaska's Prudhoe Bay, and has the potential to eliminate all American dependence on foreign oil. The Energy Information Administration (EIA) estimates it at 503 billion barrels. Even if just 10% of the oil is recoverable . . . at $107 a barrel, we're looking at a resource base worth more than $5.3 trillion.

'' 'When I first briefed legislators on this, you could practically see their jaws hit the floor. They had no idea,' '' says Terry Johnson, the Montana Legislature's financial analyst.

'' 'This sizable find is now the highest-producing onshore oil field found in the past 56 years,' reports The Pittsburgh Post Gazette. It is a formation known as the Williston Basin, but is more commonly referred to as the 'Bakken.' And it stretches from Northern Montana, through North Dakota and into Canada. For years, U.S. oil exploration has been considered a dead end. Even the 'Big Oil' companies gave up searching for major oil wells decades ago. However, a recent technological breakthrough has opened up the Bakken's massive reserves . . . and we now have access of up to 500 billion barrels. And because this is light, sweet oil, those billions of barrels will cost Americans just $16 per barrel!

''That is enough crude to fully fuel the American economy for 41 years straight.''

2. [And if that didn't throw you on the floor, then this next one should—because it is from two years ago, people!]

''U.S. Oil Discovery—Largest Reserve in the World! Stansberry Report Online—4/20/2006 Hidden 1,000 feet beneath the surface of the Rocky Mountains lies the largest untapped oil reserve in the world is more than 2 trillion barrels. On August 8, 2005 President Bush mandated its extraction.

''They reported this stunning news: We have more oil inside our borders, than all the other proven reserves on earth. Here are the official estimates: 8 times as much oil as Saudi Arabia; 18 times as much oil as Iraq; 21 times as much oil as Kuwait; 22 times as much oil as Iran; 500 times as much oil as Yemen—and it is all right here in the Western United States.''

[How can this be!? How can we not be extracting this!? Because we've not demanded legislation to come out of Washington allowing its extraction; that is why!]

''James Bartis, lead researcher with the study says we've got more oil in this very compact area than the entire Middle East—more than 2 trillion barrels. Untapped. That is more than all the proven oil reserves of crude oil in the world today, reports The Denver Post.

''Do not think 'Big Oil' will drop its price—even with this find? Think again! It is all about the competitive marketplace, and if they can extract it (here) for less, they can afford to sell it for less—and if they do not, others will. It will come down—it has to.'' [Got your attention/ire up yet? Hope so! Now, while you're thinking about it . . . and hopefully P.O'd, do this:

PAT.

SENATOR CRAPO, New drilling of oil reserves will not even reduce the price of gas. All drilling more wells will do is put more money into the hands of the big oil companies. Nuclear costs far too much when accounting for the storage of the waste it generates. It is time for a new approach!

We need incentives for mass transit and electric vehicles. Idaho, in particular has an abundance of renewable energy potential, just waiting to be exploited. Solar and wind development needs to be a priority. It is time to fill our gas tanks from the sun!

Why not take this opportunity to address carbon dioxide generation from vehicles and gas prices at the same time?

My family has been affected by high energy prices just like everyone else, but the solution is not poking our heads in the sand.

Sincerely,

CHRIS, *Boise*.

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1. Get all your fellow Senators to emphasize conservation and to practice what they preach. The 'historic' comment by Vice President Dick Cheney that conservation is a 'personal virtue' came across as an inference that conservation is a wimpy attitude and real cowboys do not do that.

2. Show me that the federal bureaucracy really can reduce the waste of our energy and natural resources. Start with your office and your staff. Hypocrisy is so yesterday!

3. Quit the whining that we must drill in the ANWR. The so-called Naval Reserves established in the 1920s are now being ''developed'' for oil and gas exploitation; an area the size of the State of Indiana.

4. Show us that oil and gas drilling can be done properly. The massive operations in Wyoming are creating a gawd-awful mess.

5. Encourage our nation's truck carriers to pay their drivers by the hour and not by the mile. Then, the drivers will have a decent incentive to drive at the speed limit and conserve fuel.

6. Then, if you dare, encourage the USPS to eliminate Saturday deliveries, and keep those 200,000 residential-delivery jitneys off the road. (Besides, all they do is save up the junk mail for Saturday delivery. When is the last time you received anything important via US mail on a Saturday?)

Thanks for listening,

D.

SENATOR CRAPO, Rather than solicit stories for the purpose of political grandstanding, how about you take a moment to understand the real reason why energy prices are where they are.

High energy (and food) costs can be laid squarely at the feet of the U.S. Congress and President, including you. This is because of what has been done to the U.S. dollar during the Bush/Republican years. Deficit spending and a disastrous war in Iraq have frittered away a budget surplus and progress toward reducing our national debt. Rather than act as the party of fiscal responsibility, the Republican Party has frittered our national financial health away.

Over the last few years, it was plainly obvious what was being done to the dollar from a spendthrift Congress and markets acted accordingly. And, if you believe that your currency is going to become worthless, the only way to preserve your net worth is to own tangible things, particularly commodities. This is what has spurred this massive commodity boom—lack of faith in the dollar. I have been invested in a basket of commodities for over four years now, one of the best investments I have ever made. My decision was based heavily on the irresponsible Congress.

If you have any doubts about this relationship, look no further than those bad unemployment numbers from June 6th. Intuitively, you'd think that lots of unemployed people would cause oil prices to drop on weaker demand. Yet oil had its biggest one day rise in history, starting the minute those unemployment numbers came out. Why? Because bad unemployment numbers puts pressure on the Federal Reserve to hold rates steady or lower them at a time when the Fed wants to raise them before inflation gets any further out of control. This is bad for the dollar; the dollar dropped as well that day.

Let me give you a quick example of the effect the weak dollar has had on gas prices. Let's say the dollar magically went back to par with the Euro, where it used to be not so very long ago. Gasoline would be around $2.70 per gallon! A strong dollar would also pop this balloon of commodity speculation we are seeing and drive down prices even further.

So if you truly want to fix high gasoline prices, it is time to face up to the giant elephant in the room that is the irresponsible fiscal policy of the U.S. Congress and stop this huffing and puffing about drilling on the continental shelf and ANWR. Even a hint of real fiscal responsibility would go a long way toward strengthening the dollar. We cannot drill our way out of this problem, as much as

the oil companies would like to have you believe that. Because of the very same weak dollar, U.S. oil reserves are extremely profitable at this time, so it is no surprise they are pushing hard for expanded drilling. I can't imagine a better scenario for them—an outraged public and production costs that keep dropping as the dollar weakens.

Of course we need to conserve and develop alternative forms of energy, but to ignore the role of the dollar in all this will just mean we continue down this road to disaster we've been on the last few years.

This might not be the story of suffering you're looking for (actually just the opposite in my case). But I think it might be more constructive than an inbox full of moaning and groaning about how much it costs to commute to work from Nampa.

Regards,

STAN, *Boise*.

HMONG DETAINEES IN LAOS

Mr. COLEMAN. Mr. President, I would like to submit for the RECORD a statement given by Mrs. Sheng Xiong, a spokeswoman for her husband Hakit Yang and other families of Hmong-American citizens from St. Paul, MN, that are being detained by the the Lao Peoples Democratic Republic, LPDR, regime. This statement was given by Mrs. Xiong at a congressional forum on Laos on January 31, 2008, organized by the Center for Public Policy Analysis.

I ask unanimous consent that the Statement to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

STATEMENT BY MRS. SHENG XIONG

I want to thank Congressman Dana Rohrabacher, Congressman Frank Wolf, Congressman Patrick Kennedy, Congresswoman Tammy Baldwin and other Members of the U.S. House of Representatives for co-hosting today's U.S. Congressional Forum on Laos in cooperation with Mr. Philip Smith, Executive Director of the Center for Public Policy Analysis, Dr. Jane Hamilton-Merritt, Lao Hmong scholar; Vaughn Vang of the Lao Human Rights Council of Wisconsin and Minnesota; Khamphet Moukdarath of the United League for Democracy in Laos and T. Kumar, Advocacy Director of Amnesty International. I appreciate their leadership on the current human rights crisis in Laos, especially facing the Hmong people, and the serious situation regarding the arrest and imprisonment in Laos of my husband, Hakit Yang, and his two Hmong-American colleagues from St. Paul, Minnesota last year.

The U.S. Government granted Normalized Trade Relations (NTR) to Laos in 2005. Today, it encourages citizens to consider foreign investments in the communist state despite the country's atrocious human rights records and the unjustified arrest, jailing and continued detention of three Hmong-American citizens from St. Paul, Minnesota including my husband Mr. Hakit Yang.

On July 10, 2007, Hakit Yang, Congshineng Yang and Trillion Yuhaison departed the United States for Laos to pursue business investment opportunities. The men were staying at the #5 Guest House in Phousavan, Laos when they were arrested by secret police forces. They were detained in Phonthong Prison and later transferred to an unknown destination. Several unofficial reports suggest they are being detained in the North of Laos near the Vietnam border.

The last phone call and communication was received from Yuhaison on August 26, 2007 at approximately 9:00 am (CST). Yuhaison called Hakit's older brother Xai Yang, and stated that he was calling from a security guard's cell phone and confirmed that all three men had been arrested without warrant. Yuhaison sounded very worried and wanted Xai to contact the U.S. Embassy in Vientiane right away.

A U.S. Embassy staff confirmed with local Lao authorities that three U.S. Citizens were arrested, however, the authorities refused to release any names. According to the U.S. Embassy, the Ministry of Foreign Affairs could not confirm the situation over the phone, but it appeared they knew about the cases.

The U.S. Embassy contacted the Lao government who denied having any record of the men entering their country and any U.S. Citizens being detained or arrested. Later, the Lao government changed their previous denials and admitted that the men did indeed enter Laos, but allegedly claimed that they had allegedly departed Laos via the Lao-Thai Friendship Bridge on August 29, 2007. Despite repeated requests from the U.S. Embassy no departure cards have ever been produced as evidence for their departure. Other documents produced are clearly bogus and fabricated allegedly claiming to support the Lao government's false claims that my husband and the other two departed from Laos to Thailand, which is not factual.

It has been many months since the arrest and disappearance of Hakit Yang, Congshineng Yang and Trillion Yuhaison. To this day, our family has not received any concrete answers from the U.S. Embassy in Laos nor the State Department. I have been in contact with the other men's families and they also have not received any answers.

The U.S. Government and U.S. Embassy have a responsibility to inform U.S. Citizens that there are no real protections in place to safeguard their civil and legal rights. The U.S. Government has failed to properly hold the Laos Government accountable for the disappearance of these U.S. investors.

Hakit, Congshineng, and Trillion represent the first of many U.S. investors and tourists to travel to Laos under the new Normalised Trade Relations agreement but their disappearance clearly proves that no U.S. Citizen is safe in Laos and no U.S. citizen should invest in the current Lao regime until proper protections can be put in place, to safeguard the civil, legal and human rights of all U.S. Citizens traveling to Laos.

I respectfully ask that the U.S. Government and U.S. Embassy in Laos continue to investigate the arrest and disappearance of Hakit, Congshineng, and Trillion and to press the Lao government for humanitarian access to the three U.S. citizens and their unconditional and immediate release.

The Lao government continues to jail my husband and the two other Americans from St. Paul that he was traveling with in clear violation and contempt of international law. Lao and Hmong Americans should not invest in the current regime in Laos, the Lao Peoples Democratic Republic. NTR Trade Status to Laos should be revoked by the U.S. Congress; and, U.S. foreign aid and assistance to the Lao regime should also be cut by the U.S. Congress and U.S. Government completely, including all de-mining funding, until at least such time as my husband Hakit Yang, Congshineng and Trillion, as Hmong-American citizens, are released from prison in Laos and brought home safely to America and their homes and families in St. Paul, Minnesota.

We will not forget and not give up fighting until we have truthful answers and the Lao regime releases Hakit Yang, Congshineng and Trillion. We appeal to the U.S. Congress, the U.S. Government and international community for assistance in pressing the Lao regime to release our family members and restore human rights and freedom to them so that we can be reunited and these American citizens can return home once again from this terrible darkness.

ADDITIONAL STATEMENTS

IN RECOGNITION OF JEANNA HENRY

• Mr. CARPER. Mr. President, today I recognize the outstanding contributions of Jeanna Henry, whose dedication to the Environmental Protection Agency earned her the Glen Witmer Award. Jeanna, noted for her dedication, resourcefulness, and sheer joy in her work, is an excellent example of the quality employees who serve us at the EPA.

The Glen Witmer Award is presented each year to the employee whose service is distinguished by concern for our environment, enthusiasm for environmental programs, a logical approach to problem solving, attention to detail, resourcefulness and initiative, and an ability to interact with people in a manner that fosters cooperation, understanding, and resolution of environmental problems. It is the highest award that may be presented to an employee by the U.S. Environmental Protection Agency.

Jeanna grew up in Delmar, MD—the town too big for one State—and graduated from Salisbury State University in 1996 with a degree in environmental health and minors in biology and chemistry. Following through on a goal she set her freshman year of college, Jeanna went on to work as an environmental scientist at the EPA upon winning a National Network for Environmental Management Studies Fellowship. Currently an enforcement officer at EPA's Waste and Chemical Management Division in Wilmington, DE, she has managed a multitude of hazardous waste and underground storage tank enforcement cases, all with motivation, professionalism, and extraordinary attention to detail.

Beyond her achievements in her field, Jeanna is most noted for her work ethic, exceptional communication skills, and for the passion that she brings to all of her undertakings. New employees often gravitate towards her because despite her heavy workload, she is never too busy to take time out to help others. She has become a mentor for new employees, a role model for her peers, and an absolute joy to her supervisors.

Jeanna is not only an outstanding employee, but a remarkable person, as well. Her lifelong passion for the environment has enabled her to help shape and enrich the lives of many in her field and the lives of those lucky

enough to call her their friend. I rise today to extend my sincere congratulations to Jeanna on her award. She is a remarkable woman as well as a credit and testament to the community that she represents so well.●

REMEMBERING JUSTICE REVIUS ORTIQUE

● Mrs. CLINTON. Mr. President, on June 22, our Nation lost a great judge and lawyer, civil rights champion, and public servant. Justice Revius Ortique, the first African-American justice elected to the Louisiana Supreme Court, has died at 84.

I met Justice Ortique when we served together in the 1970s on the board of the Legal Services Corporation, and much later in his career, Justice Ortique was appointed by my husband to serve as alternate delegate to the United Nations.

Justice Ortique had an illustrious career. In World War II, he served as an officer in the Pacific Theater and after earning his law degree in 1956, set up a legal practice at the vanguard of the civil rights movement. He helped to successfully win equal pay for Black employees in several cases, to integrate State labor unions, and served five terms as president of the Urban League of Greater New Orleans. Justice Ortique not only worked to achieve racial equality but also to achieve racial harmony and served three terms as president of the New Orleans Community Relations Council. He negotiated for the Black community with White civic leaders helping to bring about the peaceful desegregation of lunch counters, bathrooms, and other public facilities in New Orleans before the passage of the landmark Civil Rights Act of 1964 would guarantee these rights.

Justice Ortique was a courtly figure with a mild manner that belied his courage, convictions, and ability to effect change. I am proud to have known him, and my thoughts and prayers are with his wife Miriam, his daughter Rhesa, and all those whose lives were made better because of his leadership.●

125TH ANNIVERSARY OF NEW SALEM, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that is celebrating its 125th anniversary. On July 18 through 20, the residents of New Salem, ND, will celebrate their community's history and founding.

New Salem began on an April day in 1882 when young John Christiansen hopped off a westbound freight train. The only sign of civilization he saw were the train tracks behind him and the belongings he brought. Soon after his arrival a Colonization Bureau out of Chicago sent settlers to the area and gave the colony its independence for $600. A church, land office, lumber yard, drugstore, and general store were soon built, and by the end of 1883, the town was ready for great plains living.

Known nationally as the home of the world's largest Holstein cow, New Salem is a community filled with pride and energy. ''Salem Sue'' stands 38 feet high, weighs over 6 tons, and was erected by the New Salem Lions Club in 1974 to honor the dairymen of North Dakota. New Salem also has a nine-hole golf course, public swimming pool, and numerous parks to entertain residents and tourists.

To celebrate its 125th anniversary, the community of New Salem is organizing a celebration that will include a parade, demolition derby, mixed golf scramble, pitchfork fondue, and numerous outdoor activities. A street dance down New Salem's Main Street will also be held. It promises to be a wonderful event.

Mr. President, I ask the U.S. Senate to join me in congratulating New Salem, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring New Salem and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as New Salem that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

New Salem has a proud past and a bright future.●

125TH ANNIVERSARY OF RICHARDTON, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 11 through 13, the residents of Richardton will gather to celebrate their community's history and founding.

Richardton is located in Stark County in the southwest part of the State. Oscar L. Richard named the town in 1882 after his relative, C.B. Richard, who was an agent for the Hamburg-American Steamship Co., which promoted German-Russian settlement in this area. The post office was established a year later by Adolph Norberg. In 1906, the village was incorporated, and Richardton was officially recognized as a city in 1935.

Richardton has a prominent Roman Catholic monastery, which was founded by Bishop Vincent DePaul Wehrle in 1899. Vincent was the first Abbot of the monastery, which was named St. Mary's Priory, from 1903–1910. Under his leadership, the great twin-tower cathedral was built in 1906.

St. Mary's faced significant challenges after its completion in 1910 which eventually led to its closure. Abbot Alcuin Deutsch of St. John's Abbey in Minnesota wanted to revive the Richardton community because it was still struggling financially. In 1926, Abbot Deutsch and other monks around North Dakota helped reopen the monastery with the name Assumption Abbey. Assumption Abbey remains in operation today.

Richardton's attractions also include a golf course, bed and breakfasts, restaurants, motels and much more. Residents of Richardton take great pride in their community. To celebrate their 125th centennial anniversary, the community will be holding a 5k walk/run, a parade, games, an antique car show, a Rough Rider Rodeo, a dance, and a fireworks show.

Mr. President, I ask the U.S. Senate to join me in congratulating Richardton, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Richardton and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Richardton that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Richardton has a proud past and a bright future.●

HONORING KENWAY CORPORATION

● Ms. SNOWE. Mr. President, I wish today to recognize the Kenway Corporation, an outstanding small business from my home State of Maine that recently earned the distinguished recognition of Manufacturer of the Year by the Maine Manufacturing Extension Partnership, or Maine MEP. A fiberglass manufacturer located in Maine's capital city of Augusta, the Kenway Corporation has for over 60 years been known for its high-quality products. The MEP's Manufacturer of the Year award is presented every year to a company that has achieved world-class status and has applied the best manufacturing practices necessary to succeed in the marketplace.

The Kenway Corporation formally began operations as Kenway Boats in 1947 in the rural community of Palermo, ME. Originally focused on building wooden crafts, the firm switched its concentration to composites in the 1960s and has since grown into a tremendously successful manufacturing company. Today, Kenway manufactures corrosion-resistant fiberglass for a variety of industries, including marine, pulp and paper, and power. Notably, in 1991, Kenway moved its venture to Augusta and increased its manufacturing facilities to more than 10,000 square feet. The firm is expanding again this year by doubling its current size while consolidating its operations. Additionally, since 2003, the company has increased its staff more than twofold, to nearly 80 employees, and Kenway is seeking to provide even more jobs in the near future. Kenway has attracted a loyal customer base ranging from coast to coast and even to Puerto Rico.

The Kenway Corporation's products are highly advanced and heavily sought after by numerous companies. Kenway

makes process piping that is used in petrochemical and wastewater treatment facilities, as well as in power plants and paper mills. In addition, the firm manufactures an assortment of custom designed dampers, tanks, scrubbers, shower pipes, and railcar drip pans to prevent corrosion and chemical leakage. Kenway's employees engage in an array of intensive manufacturing processes, including laminating, vacuum resin transfer molding, and pultrusion.

Since its inception 61 years ago, the Kenway Corporation has wisely taken advantage of tools available to small businesses. In 2007, the Maine Department of Economic and Community Development designated Kenway a Pine Tree Zone business, making it eligible for targeted tax benefits to better compete in today's global economy. The company had previously won a $100,000 grant from the Maine Technology Institute, which allowed Kenway to install sensor systems in its piping to transfer hazardous materials.

Early last year, Kenway returned to its historic roots of shipbuilding by purchasing Maritime Skiff from its retiring Massachusetts owners. Now operating under the name Maritime Marine, the company makes small, fuel-efficient skiffs and family fishing boats with fiberglass decks and hulls. Kenway received a $400,000 community development block grant to properly incorporate Maritime Skiff into its present operations, a transition that has thus far yielded positive results. To generate additional interest in Maritime's line of vessels, the company recently began offering a lifetime no-rot warranty on all of its models.

A powerhouse and leader in fiberglass manufacturing for nearly a half century, the Kenway Corporation's name is synonymous with quality craftsmanship and innovative production. Through intelligent growth and adjusting to economic conditions, Kenway has been successful at staying ahead of the curve and maintaining its preeminent position. I commend Ken Priest, company president, and everyone at the Kenway Corporation for their accomplishment in garnering the respected Manufacturer of the Year award from the Maine MEP and wish them well in their continuing endeavors.●

RECOGNIZING SHANE BRYAN

● Mr. THUNE. Mr. President, today I wish to recognize Shane Bryan, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Originally from Oacoma-Chamberlain, SD, Shane is currently a sophomore at the University of South Dakota and is majoring in political science and communication studies. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Shane for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING JORDAN FEIST

● Mr. THUNE. Mr. President, today I wish to recognize Jordan Feist, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Originally from Sioux Falls, SD, Jordan is currently a sophomore at the University of South Dakota and is majoring in political science and philosophy. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jordan for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING CAMDEN HELDER

● Mr. THUNE. Mr. President, today I wish to recognize Camden Helder, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Originally from De Smet, SD, Camden is currently a senior at South Dakota State University and is majoring in economics and political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Camden for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING JONATHON REYNOLDS

● Mr. THUNE. Mr. President, today I wish to recognize Jonathon ''Jonny'' Reynolds, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Originally from Baltic, SD, Jonny recently graduated from the Air Force Academy where he majored in economics. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jonny for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING KAYLA WOLFF

● Mr. THUNE. Mr. President, today I wish to recognize Kayla Wolff, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Originally from Rapid City, SD, Kayla is currently a junior at the University of Central Arkansas and is majoring in economics and prepharmacy. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kayla for all of the fine work she has done and wish her continued success in the years to come.●

125TH ANNIVERSARY OF CANOVA, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Canova, SD. The town of Canova will commemorate the 125th anniversary of its founding with celebrations July 4 to 5, 2008.

Located in Miner County, Canova was founded in 1883 and was named after Italian sculptor Antonio Canova. Since its beginning 125 years ago, the community of Canova has continued to serve as a strong example of South Dakota traditions, especially in its outstanding amateur baseball team, the Canova Gang.

I would like to offer my congratulations to the citizens of Canova on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF HOVEN, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Hoven, SD. The town of Hoven will commemorate the 125th anniversary of its founding with celebrations July 4 to 6, 2008.

Located in Potter County, Hoven was founded in 1883 and was named after a landowner with the last name of Hoven. Since its beginning 125 years ago, the community of Hoven has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Hoven on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF WOONSOCKET, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Woonsocket, SD. The town of Woonsocket will commemorate its 125th anniversary of its founding with celebrations July 3 to 6, 2008.

Located in Sanborn County, Woonsocket was founded in 1883 and was named after Woonsocket, RI. Since its beginning 125 years ago, the community of Woonsocket has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Woonsocket on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:47 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2818. An act to amend title 38, United States Code, to provide for the establishment of epilepsy center of excellence in the Veterans Health Administration of the Department of Veterans Affairs.

H.R. 4289. An act to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the ''Euripides Rubio Department of Veterans Affairs Outpatient Clinic''.

H.R. 5687. An act to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes.

H.R. 6307. An act 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.

H.R. 6312. An act 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.

At 6:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3180. An act to temporarily extend the programs under the Higher Education Act of 1965.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4289. An act to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the ''Euripides Rubio Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

H.R. 5687. An act to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6307. An act 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 Finance.

H.R. 6312. An act 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 Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3186. A bill to provide funding for the Low-Income Home Energy Assistance Program.

H.R. 6331. An act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2818. 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.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–401. A resolution adopted by the Council of the City of Tehachapi, California, expressing its support for the original and historic view of the Second Amendment; to the Committee on the Judiciary.

POM–402. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to appropriate the United States Army Corps of Engineers the total amount of funds collected from the Harbor Maintenance Tax; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 127

Whereas, Louisiana, more than most other states, is keenly aware of the importance of maintaining waterway channels clear for navigation with several major rivers, including the Mississippi River, flowing through the state and is also keenly aware that dredging navigation channels and letting the dredge material merely flow out to the Gulf of Mexico is, in essence, letting Louisiana merely flow out to the Gulf of Mexico; and

Whereas, if the total amount of funds collected from the Harbor Maintenance Tax is appropriated to the Corps of Engineers, those funds could be used to help fund the dredging necessary to maintain the navigation channels open for commerce; and

Whereas, an ancillary use of dredging activity that has become essential to the preservation of Louisiana's coastline is beneficial use of dredge material whereby the material dredged from waterways is then taken and ''planted'' where it can be used to preserve and grow land in the coastal areas where Louisiana is losing land at an alarming rate; and

Whereas, coastal Louisiana was formed by the depositional processes of the Mississippi River over the past seven thousand five hundred years; and

Whereas, the thick fluvial deposits that comprise the Mississippi River Delta are naturally prone to compaction under their own weight, but if sediment supplies are sufficient, the delta can build and maintain its surfaces as sea level rises; and

Whereas, the land building processes of the Mississippi River have been halted in South Louisiana by a combination of levees which prevent seasonal overbank flooding and sediment deposition, dredged waterways which channel freshwater and sediment to the Gulf of Mexico, and upstream dam construction which prevent sediment from naturally reaching the Louisiana coast; and

Whereas, over fifteen hundred square miles of Louisiana's coastal wetlands and barrier islands have been lost to open water since the early 1930s, and scientists project that another five hundred square miles will be lost by 2050, if current resource management practices continue; and

Whereas, more than one hundred twenty million tons of river sediment that could be used to sustain the Mississippi Delta will be lost to the Gulf of Mexico each year if nothing is done to restore the natural hydrology of the Mississippi River; and

Whereas, prevention of wetland loss in the Mississippi River Deltaic Plain, which comprises most of the southeastern Louisiana coastal zone, is dependent upon restoring flows of fresh water and sediment to the delta; and

Whereas, an international team of scientists convened for the express purpose of advising the state of Louisiana about its coastal land loss problem in 2006 concluded that, ''The most fundamental and essential action needed to achieve a sustainable coast is to reduce, to the greatest extent possible, the amount of Mississippi River sediment and freshwater flowing directly into the deep waters of the Gulf. These valuable resources, which originally built coastal Louisiana, can only benefit the coast if they are redirected to inshore and nearshore waters. This would occur naturally if the river were not artificially maintained for navigation along its present course into deep water''; and

Whereas, fully appropriating to the Corps of Engineers the revenue received from the Harbor Maintenance Tax could provide the funds essential to both dredge rivers for navigation purposes as intended by the imposition of the tax and, to go a step further, as authorized by the tax, to use that dredge material for beneficial uses in restoring and preserving coastal Louisiana. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to appropriate to the United States Army Corps of Engineers the total amount of funds collected from the Harbor Maintenance Tax so that those funds can be used for dredging navigation channels and, where possible, the beneficial use of dredged material to protect, restore, and conserve wetlands along the coast of Louisiana. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–403. A resolution adopted by the House of Representatives of the State of South Carolina urging Congress to appoint an independent counsel to investigate unresolved matters pertaining to U.S. personnel unaccounted for from this Nation's wars and

conflicts beginning with World War II; to the Committee on Armed Services.

HOUSE RESOLUTION

Whereas, the Prisoner of War—Missing in Action (POW/MIA) issue has been a national dilemma since the end of World War II; and

Whereas, there is a strong need for an independent investigation into all unresolved matters relating to any United States personnel unaccounted for from the Vietnam War, the Korean War, World War II, the Cold War, the Gulf Wars, and other conflicts including MIAs and POWs; and

Whereas, it is the responsibility and the duty of the United States government to bring home Americans missing in action from these conflicts; and

Whereas, as of July 2005, the Government Accountability Office listed over eighty-eight thousand service men and women unaccounted for from World War II, the Korean War, the Cold War, the Vietnam War, the Gulf Wars, and other conflicts; and

Whereas, American POWs and their missing comrades have demonstrated the true spirit of our nation and should never be forgotten; and

Whereas, the families of these inspiring Americans deserve to know what truly happened to their loved ones; and

Whereas, Americans from every generation have answered the call to duty with dedication and valor. These brave Americans deserve the respect and gratitude of our nation and all efforts should be made to resolve the Prisoner of War-Missing in Action issue in their honor. Now, therefore, be it

Resolved by the House of Representatives, That the members of the South Carolina House of Representatives, by this resolution, urge the United States Congress to appoint an independent counsel to investigate the Prisoner of War-Missing in Action issue regarding unresolved matters pertaining to United States personnel unaccounted for from this nation's wars and conflicts beginning with World War II. Be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the United States Senate and House of Representatives, and the members of the South Carolina Congressional Delegation.

POM–404. A joint resolution adopted by the Senate of the State of Tennessee urging the adoption of a Veterans Remembered Flag; to the Committee on Armed Services.

SENATE JOINT RESOLUTION, NO. 901

Whereas, there are flags for all branches of the armed services, as well as flags for POWs and MIAs, but there is no flag to honor the millions of former military personnel who have served our nation; and

Whereas, a flag is the symbol of recognition for a group or an ideal; veterans compose a group and certainly represent an ideal, and surely deserve their own symbol; and

Whereas, it is estimated that 20,400,000 veterans have served in our nation's military, comprising a significant portion of our country's population; and

Whereas, a Veterans Remembered Flag would memorialize and honor all past, present, and future veterans and provide an enduring symbol to support tomorrow's veterans today; and

Whereas, displaying and flying this flag would honor the lives of millions of men and women who have served our country in times of war, peace, and national crisis; and

Whereas, the symbolism of this unique flag's design would be all-inclusive and would pay respect to the history of our nation, to all branches of the military, and would serve to honor those who have served or died in the service of our nation; and

Whereas, in memorializing America's veterans, the Veterans Remembered Flag includes specific symbolism and should be designed in substantially the following form:

(a) It depicts the founding of our nation through the thirteen stars that emanate from the hoist of the flag and march to the large red star, representing our nation and the five branches of our country's military that defend her: the Army, Navy, Air Force, Marines, and Coast Guard.

(b) The white star indicates a veteran's dedication to service.

(c) The blue star honors all men and women who have ever served in our country's military.

(d) The gold star memorializes those who fell defending our nation.

(e) The blue stripe which bears the title of the flag honors the loyalty of veterans to our nation, flag, and government.

(f) The green field represents the hallowed ground where all rest eternally; and

Whereas, the Veterans Remembered Flag would serve to honor all veterans who have served in our country's Armed Forces; now, therefore, be it

Resolved by the senate of the One Hundred Fifth General Assembly of the State of Tennessee, the House of Representatives Concurring, That this General Assembly hereby urges the Congress of the United States to act expeditiously to adopt a Veterans Remembered Flag as described herein. Be it further

Resolved, That an enrolled copy of this resolution be transmitted to the President of the United States, the Speaker and the Clerk of the U.S. House of Representatives, the President and the Secretary of the U.S. Senate, and each member of the Tennessee Congressional Delegation.

POM–405. A resolution adopted by the California State Lands Commission addressing the incidental taking of marine animals by once-through cooling power plants; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, a cornerstone of the value and uniqueness of California's 1,100 mile coastline and adjacent coastal waters is the richness and diversity of marine life, including fish, marine mammals, birds and plants; and

Whereas, the California State Lands Commission has jurisdiction over the state-owned tide and submerged lands from the shoreline out three nautical miles into the Pacific Ocean, as well as the lands underlying California's bays, and navigable lakes and rivers; and

Whereas, the Commission is charged with managing these lands pursuant to the Public Trust Doctrine, a common law precept that requires these lands be protected for public use and needs including commerce, navigation, fisheries, water related recreation and ecological preservation; and

Whereas, the Commission has aggressively sought correction of adverse impacts on the biological productivity of its lands including litigation over contamination off the Palos Verdes Peninsula and at Iron Mountain, the adoption of best management practices for marinas, and litigation to restore flows to the Owens River; and

Whereas, California has a significant number of power plants that use once-through cooling (OTC), the majority of which are located on bays and estuaries where sensitive fish nurseries for many important species are located; and

Whereas, the environmental costs of persistent entrainment and impingement from once-through cooling to marine and coastal life and ecosystems are high; and

Whereas, OTC harms the environment by killing large numbers of wildlife, including fish, marine mammals, and sea turtles, as well as larvae and eggs, as they are drawn through fish screens and other parts of the power plant cooling system; and

Whereas, regulations adopted under Section 316(b) of the federal Clean Water Act recognize the adverse impacts of OTC by effectively prohibiting new power plants from using such systems and requiring existing power plants to reduce OTC impacts; and

Whereas, the Second Circuit U.S. Court of Appeals ruled that restoration measures do not minimize the impacts of once-through cooling and cannot be used to comply with Clean Water section 316(b); and

Whereas, the California State Water Resources Control Board is currently developing a state policy to implement Clean Water Act Section 316(b), which, in the draft released for public comment, will require the phase out of OTC technology at coastal power plants; and

Whereas, the National Marine Fisheries Service (NMFS) is evaluating applications, necessitated by the pernicious impacts of OTC, from thirteen power generating stations located in California requesting authority for incidental take of marine mammals and seven applications from power generating stations in California requesting permits for incidental take of sea turtles; and

Whereas, the Commission has imposed conditions on its leases to reduce the impact of OTC and is seriously concerned about the environmental consequences of the proposed incidental take of marine animals as a result of OTC; and

Whereas, alternative cooling methods such as repowering older power plants are readily available and used nationwide, and can eliminate OTC and its attendant environmental impacts and reduce the greenhouse gas emissions currently associated with fossil fuel power generation: Now, therefore, be it

Resolved by the California State Lands Commission, That it urges the NMFS to: (1) make any incidental take permit consistent with phasing out OTC, and at the minimum, include a clause requiring expiration of the permit if OTC is no longer permitted at the requesting facility or generally within the state; (2) deny any incidental take permit for power plants that have discontinued use of OTC; (3) require that information regarding historical and anticipated take be substantiated and made available to the Commission and the public prior to the issuance of any incidental take permit, and referenced in any draft and/or final permit; and (4) require, if an incidental take permit is issued, that stringent controls be implemented to eliminate or prevent to the maximum extent possible the take or harassment of marine wildlife; and be it further

Resolved, That the State Lands Commission supports OTC alternatives, such as repowering projects, that eliminate OTC, reduce greenhouse gas emissions and other environmental impacts, and are part of an overall plan that moves the state towards increased use of renewables and energy conservation; and be it further

Resolved, That the Commission's Executive Officer transmit copies of this resolution to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the National Marine Fisheries Service, to the National Oceanic and Atmospheric Administration, to the United States Environmental Protection

Agency, to the United States Supreme Court, to the Chairs of the State Water Resources Control Board, to the California Energy Commission, to the Public Utilities Commission, to the California Coastal Commission, to the California Air Resources Board, to the California Independent Systems Operator, and to the California Ocean Protection Council, all grantees, and all current lessees of public trust lands that utilize OTC.

POM–406. A resolution adopted by the House of Representatives of the State of Hawaii approving the establishment of a state-province affiliation between the State of Hawaii and the Province of Negros Oriental of the Republic of the Philippines; to the Committee on Foreign Relations.

HOUSE OF RESOLUTION NO. 85

Whereas, the State of Hawaii is actively seeking to expand its international ties and has an abiding interest in developing goodwill, friendship, and economic relations between the people of Hawaii and the people of Asian and Pacific countries; and

Whereas, as part of its effort to achieve this goal, Hawaii has established a number of sister-state agreements with provinces in the Pacific region; and

Whereas, because of the historical relationship between the United States of America and the Republic of the Philippines, there continue to exist valid reasons to promote international friendship and understanding for the mutual benefit of both countries to achieve lasting peace and prosperity as it serves the common interests of both countries; and

Whereas, there are historical precedents exemplifying the common desire to maintain a close cultural, commercial, and financial bridge between ethnic Filipinos living in Hawaii with their relatives, friends, and business counterparts in the Philippines, such as the previously established sister-city relationship between the City and County of Honolulu and the City of Cebu in the Province of Cebu; and

Whereas, similar state-province relationships exist between the State of Hawaii and the Provinces of Cebu, Ilocos Norte, Ilocos Sur, and Pangasinan, whereby cooperation and communication have served to establish exchanges in the areas of business, trade, agriculture and industry, tourism, sports, health care, social welfare, and other fields of human endeavor; and

Whereas, a similar state-province relationship would reinforce and cement this common bridge for understanding and mutual assistance between ethnic Filipinos of both the State of Hawaii and the Province of Negros Oriental; and

Whereas, with its vast fertile land resources, Negros Oriental's major industry is agriculture and lists its primary crops as sugarcane, corn, coconut, and rice, but the province is emerging as a technological center in the Central Philippines with its growing business process outsourcing and other technology-related industries, and is also becoming a notable tourist destination in the Visayas, making the province much like Hawaii; now, therefore, be it

Resolved by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, That Governor Linda Lingle of the State of Hawaii, or her designee, be authorized and is requested to take all necessary actions to establish a state-province affiliation with the Province of Negros Oriental in the Republic of the Philippines; and be it further

Resolved, That the Governor or her designee is requested to keep the Legislature of the State of Hawaii fully informed of the process in establishing the affiliation and involved in its formalization to the extent practicable; and be it further

Resolved, That the Province of Negros Oriental be afforded the privileges and honors that Hawaii extends to its sister states and provinces; and be it further

Resolved, That if by June 30, 2013, the state-province affiliation with the Province of Negros Oriental has not reached a sustainable basis by providing mutual economic benefits through local community support, the state-province affiliation shall be withdrawn; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's Congressional delegation, the Governor of the State of Hawaii, the President of the Republic of the Philippines through its Honolulu Consulate General, and the Governor and Provincial Board of the Province of Negros Oriental, Republic of the Philippines.

POM–407. A resolution adopted by the House of Representatives of the State of Hawaii urging Congress to enact legislation to waive single state agency requirements with regard to the administration of funds under the Homeland Security Grant Program; to the Committee on Homeland Security and Governmental Affairs.

HOUSE RESOLUTION NO. 209

Whereas, on March 12, 1987, the President of the United States directed all affected agencies to issue a grants management common rule to adopt government-wide terms and conditions for grants to state and local governments; and

Whereas, consistent with their legal obligations, all federal agencies administering programs that involve grants and cooperative agreements with state governments must follow the policies outlined in the federal Office of Management and Budget Circular A–102, as revised and amended; and

Whereas, the Office of Management and Budget is authorized to grant deviations from the requirements when permissible under existing law, however deviations are permitted only in exceptional circumstances; and

Whereas, according to a guidance document from the Department of Homeland Security, the governor of each state must designate a State Administrative Agency to apply for and administer the funds under the Homeland Security Grant Program; and

Whereas, Hawaii State Civil Defense is the State Administrative Agency for these purposes in Hawaii; and

Whereas, according to the Office for Domestic Preparedness Information Bulletin No. 112 (May 26, 2004), the State Administrative Agency is obligated to pass through no less than eighty per cent of its total grant award to local units of government within the State; and

Whereas, according to the Office for Domestic Preparedness Information Bulletin No. 120 (June 16, 2004), the remaining twenty per cent can be retained at the state level; and

Whereas, qualifying state and local government agencies in Hawaii can apply to Hawaii State Civil Defense for State Homeland Security Grant Program funds, and Hawaii State Civil Defense allocates funds based on investments and how well the program capabilities of the various state agencies tie together; and

Whereas, a single state agency requirement in the application and allocation of funds under the Homeland Security Grant Program is misplaced because it grants considerable discretion to one state agency for the allocation of funds, with no oversight by the state legislature; and

Whereas, it is traditionally the role of the state legislature as the policy making branch of the government to determine how financial resources should be allocated; and

Whereas, state legislatures should have greater input and oversight regarding the allocation of funds under the Homeland Security Grant Program, now: Therefore, be it

Resolved by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, That the United States Congress is requested to enact legislation to waive the single state agency requirement with regard to the administration of funds under the Homeland Security Grant Program and to provide state legislatures with authority to approve the allocation of funds under the Homeland Security Grant Program; and it be it further

Resolved That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Hawaii congressional delegation, and the State Adjutant General.

POM–408. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to take the actions necessary to expedite the reopening of the Arabi Branch of the United States Postal Service located in St. Bernard Parish; to the Committee on Homeland Security and Governmental Affairs.

SENATE CONCURRENT RESOLUTION NO. 76

Whereas, it has been almost three years since hurricanes Katrina and Rita devastated this community, flooding the Arabi branch of the United States Postal Service; and

Whereas, the effects of hurricanes Katrina and Rita continue to effect the operations of government inclusive of operations of branches of the United States Postal Service in St. Bernard Parish; and

Whereas, one essential to the continued recovery of the citizens of Arabi, Louisiana, along with the full restoration of governmental services, is the reopening of the Arabi branch of the United States Postal Service; and

Whereas, this branch will be well used by the individuals in this community, particularly by the elderly, the disabled, and parents with young children who need a convenient location to conduct business with the postal service. Therefore, be it further

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to expedite the reopening of the Arabi branch of the United States Postal Service in St. Bernard Parish. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 27. A bill to authorize the implementation of the San Joaquin River Restoration Settlement (Rept. No. 110–400).

S. 1171. A bill to amend the Colorado River Storage Project Act and Public Law 87–483 to

authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes (Rept. No. 110–401).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2009'' (Rept. No. 110–402).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3721. A bill to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the ''Marine Gunnery Sgt. John D. Fry Post Office Building''.

H.R. 4185. A bill to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the ''Marisol Heredia Post Office Building''.

H.R. 5168. A bill to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the ''Cody Grater Post Office Building''.

H.R. 5395. A bill to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the ''William 'Bill' Clay Post Office Building''.

H.R. 5479. A bill to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the ''Alonzo Woodruff Post Office Building''.

H.R. 5517. A bill to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the ''Texas Military Veterans Post Office''.

H.R. 5528. A bill to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the ''Rocky Marciano Post Office Building''.

S. 2622. A bill to designate the facility of the United States Postal Service located at 11001 Dunklin Road in St. Louis, Missouri, as the ''William 'Bill' Clay Post Office''.

S. 3015. A bill to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the ''Dr. Bernard Daly Post Office Building''.

S. 3082. A bill to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the ''Reverend Earl Abel Post Office Building''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Elisse Walter, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2012.

*Troy A. Paredes, of Missouri, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2013.

*Luis Aguilar, of Georgia, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2010.

*Michael E. Fryzel, of Illinois, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2013.

*Susan D. Peppler, of California, to be an Assistant Secretary of Housing and Urban Development.

*Sheila McNamara Greenwood, of Louisiana, to be an Assistant Secretary of Housing and Urban Development.

*Neel T. Kashkari, of California, to be an Assistant Secretary of the Treasury.

*Donald B. Marron, of Maryland, to be a Member of the Council of Economic Advisers.

*Joseph J. Murin, of Pennsylvania, to be President, Government National Mortgage Association.

*Christopher R. Wall, of Virginia, to be an Assistant Secretary of Commerce.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Elaine C. Duke, of Virginia, to be Under Secretary for Management, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL (for himself and Mrs. FEINSTEIN):

S. 3187. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 3188. A bill for the liquidation or reliquidation of certain entries of top-of-the-stove stainless steel cooking ware from the Republic of Korea, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 3189. A bill to amend Public Law 106–392 to require the Administrator of the Western Area Power Administration and the Commissioner of Reclamation to maintain sufficient revenues in the Upper Colorado River Basin Fund, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 3190. A bill to amend the Internal Revenue Code of 1986 to require employers to notify their employees of the availability of the earned income credit; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. NELSON of Florida, Ms. CANTWELL, Mr. KERRY, Mr. VITTER, Mr. LEVIN, Mr. VOINOVICH, Mrs. BOXER, Mr. CARDIN, and Ms. MIKULSKI):

S. 3191. A bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 3192. A bill to amend the Act of August 9, 1955, to authorize the Cow Creek Band of Umpqua Tribe of Indians, the Coquille Indian Tribe, and the Confederated Tribes of the Siletz Indians of Oregon to obtain 99-year lease authority for trust land; to the Committee on Indian Affairs.

By Mr. SCHUMER (for himself and Mr. ENSIGN):

S. 3193. A bill to restrict nuclear cooperation with the Kingdom of Saudi Arabia; to the Committee on Foreign Relations.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3194. A bill to transfer surplus Federal land administered by the Coast Guard in the State of Oregon; to the Committee on Indian Affairs.

By Mr. SMITH (for himself and Mr. DODD):

S. 3195. A bill to provide assistance to adolescents and young adults with serious mental health disorders as they transition to adulthood; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 3196. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of Puget Sound, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN:

S. 3197. A bill to amend title 11, United States Code, to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. SMITH, Ms. CANTWELL, and Ms. SNOWE):

S. 3198. A bill to amend title 46, United States Code, with respect to the navigation of submersible or semi-submersible vessels without nationality; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Ms. CANTWELL, Mr. SMITH, Mrs. MURRAY, Mr. SCHUMER, Ms. STABENOW, and Mr. VITTER):

S. 3199. A bill to amend the Internal Revenue Code of 1986 to exempt certain shipping from the harbor maintenance tax; to the Committee on Finance.

By Mr. WICKER (for himself, Mr. VITTER, Mr. CRAIG, Mr. ROBERTS, Mr. INHOFE, Mr. BROWNBACK, Mr. ALLARD, Mr. THUNE, and Mr. SHELBY):

S.J. Res. 43. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mr. CONRAD):

S. Res. 601. A resolution designating October 19 through October 25, 2008, as ''National Save for Retirement Week''; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, Mr. WHITEHOUSE, Mr. JOHNSON, and Mr. SMITH):

S. Res. 602. A bill supporting the goals and ideals of ''National Life Insurance Awareness Month''; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 186

At the request of Mr. SPECTER, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 186, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. 901

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 991

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1069

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1069, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1232

At the request of Mr. DODD, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1924

At the request of Mr. CARPER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1977

At the request of Mr. KERRY, his name was added as a cosponsor of S. 1977, a bill to provide for sustained United States leadership in a cooperative global effort to prevent nuclear terrorism, reduce global nuclear arsenals, stop the spread of nuclear weapons and related material and technology, and support the responsible and peaceful use of nuclear technology.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2565

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2669

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2669, a bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes.

S. 2672

At the request of Mr. CONRAD, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2672, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2902

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2902, a bill to ensure the independent operation of the Office of Advocacy of the Small Business Administration, ensure complete analysis of potential impacts on small entities of rules, and for other purposes.

S. 2920

At the request of Mr. KERRY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 2931

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2931, a bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program.

S. 2952

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2952, a bill to improve food safety through mandatory meat, meat product, poultry, and poultry product recall authority, to require the Secretary of Agriculture to improve communication about recalls with schools participating in the school lunch and breakfast programs, and for other purposes.

S. 2955

At the request of Mr. WHITEHOUSE, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2955, a bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative.

S. 2979

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend

the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3061

At the request of Mr. BIDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3061, a bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 3093

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3093, a bill to extend and improve the effectiveness of the employment eligibility confirmation program.

S. 3134

At the request of Mr. NELSON of Florida, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3134, a bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes.

S. 3141

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3141, a bill to provide for nondiscrimination by eligible lenders in the Federal Family Education Loan Program.

S. 3143

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3143, a bill to assist law enforcement agencies in locating, arresting, and prosecuting fugitives from justice.

S. 3166

At the request of Mr. SESSIONS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3166, a bill to amend the Immigration and Nationality Act to impose criminal penalties on individuals who assist aliens who have engaged in genocide, torture, or extrajudicial killings to enter the United States.

S. 3167

At the request of Mr. BURR, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 3167, a bill to amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes.

S. 3170

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3170, a bill to amend the Energy Policy and Conservation Act to modify the conditions for the release of products from the Northeast Home Heating Oil Reserve Account, and for other purposes.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

AMENDMENT NO. 4995

At the request of Mr. BROWN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 4995 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5005

At the request of Mr. ISAKSON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 5005 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5020

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of amendment No. 5020 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER:

S. 3190. A bill to amend the Internal Revenue Code of 1986 to require employers to notify their employees of the availability of the earned income credit; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I am pleased to introduce today, along with my colleague from the House, Rep. RAHM EMANUEL, an important and noncontroversial bill designed to increase the percentage of eligible families that claim the Earned Income Tax Credit, or EITC, every year.

The bill is endorsed by the Service Employees International Union, SEIU, Wal-Mart, the Center on Budget and Policy Priorities, the Citizens for Tax Justice, the Leadership Conference on Civil Rights, Corporate Voices for Working Families, the College and University Professional Association for Human Resources, TJ Maxx, Kindred Healthcare, and Cintas.

Even in these tough economic times, Wal-Mart is still the nation's top private employer, and they place a huge emphasis on keeping their business costs low. If they are taking such a lead role on this bill, it should send a strong signal to the business community and to Republicans that it is a good idea and that the cost burden on business is next to nothing.

The EITC is a hugely important and popular program for working families. Started under President Ford after President Nixon advanced a similar program, and expanded under virtually every President since, the EITC sends a message that if you work hard and play by the rules, you shouldn't live in poverty.

I know the program isn't perfect, but it's the best tax tool we have for helping working families make ends meet. Combined with the recent increase in the minimum wage that Democrats pushed through the Congress, the EITC is improving the lives of million of families.

For tax year 2006, more than $44 billion in benefits were distributed to more than 22.4 million American families. That shows what a success the program is.

As one of the most populous states, with millions of working families of modest means, the numbers for New York State by itself are impressive. In 2006, nearly 1.5 million New York families took advantage of the EITC, claiming $2.8 billion in benefits. That's an average of $1,867 per family. But if the estimates from the Government Accountability Office are right and 25 percent of eligible families do not file for the credit, that's almost 500,000 families in my state who are missing out.

At an average EITC benefit of nearly $1,900, that means that more than $900 million could be going back into the pockets of New Yorkers—without a single change in the law—if we could find a way to reach these families. It could represent a second stimulus package for 500,000 working families as large as the one we passed earlier this year—and all eligible families have to do is ask for it.

With gasoline costing over $4 a gallon, and health care and tuition costs on the rise, if we can get an average of $1,900 into the pockets of 500,000 New York families, or 7.5 million people nationally—that's an opportunity we can't pass up.

Since these families are eligible for the credit under current law, it's not a policy that has to be scored or ''paid for'' under the PAYGO rules, because current law assumes these benefits will be paid. I can't imagine anyone objecting to this bill.

The Emanuel/Schumer legislation simply requires that employers notify their workers of their potential eligibility for the EITC when they send out the annual W–2 wage notice. To satisfy the notice requirement, employers would provide either a copy of IRS Notice 797, which explains how one qualifies for the EITC, or a separate written notice that is described in the language of the bill.

For those that might be concerned about the cost to business, our bill exempts firms with less than 25 employees.

This is a bill that is such commonsense, and represents such little cost to business, and offers such a large potential benefit to so many families, that it's something that we ought to be able to pass unanimously before the end of the year.

Rep. EMANUEL and I sent a letter to Treasury Secretary Henry Paulson today about the bill. Even though the Bush Administration is nearing its end, the goals of this legislation could be accomplished via regulation or executive order, and I urge the Administration to take such action and render the bill moot. Rep. EMANUEL and I would be happy not to have to pass this bill. Otherwise, we will push it and hope to pass it with broad bipartisan support by year's end. With unions and major employers both supporting the bill, there really should be no objection.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3190

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 ''Earned Income Credit Information Act of 2008''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress hereby finds:

(1) President Gerald Ford and Congress created the earned income credit (EIC) in 1975 to offset the adverse effects of Social Security and Medicare payroll taxes on working poor families and to encourage low-income workers to seek employment rather than welfare.

(2) President Ronald Reagan described the earned income credit as ''the best anti-poverty, the best pro-family, the best job-creation measure to come out of Congress.''

(3) Over the last 30 years, the EIC program has grown into the largest Federal anti-poverty program in the United States. In 2005, 22.8 million tax filers received $42.4 billion in tax credits through the EIC program.

(4) In 2007, the EIC provided a maximum Federal benefit of $4,716 for families with 2 or more children, $2,853 for families with a single child, and $428 for a taxpayer with no qualifying children.

(5) Based on analysis conducted by the General Accountability Office, 25 percent of those eligible to receive the EIC do not take advantage of the tax benefit.

(6) Based on analysis conducted by the Joint Economic Committee, working Americans may have lost out on approximately $8 billion in unclaimed earned income credits in 2004.

(7) In response to a study by the California Franchise Tax Board that found that there were approximately 460,000 California families that qualified, but did not file, for the EIC, Governor Arnold Schwarzenegger signed into law Assembly Bill 650, the Earned Income Tax Credit Information Act, on October 13, 2007. The law requires that California employers notify employees of their potential eligibility for the EIC.

(8) In order to ensure that tax benefits designed to assist working Americans reach the maximum number of people, the Federal Government should enact a similar law.

(b) PURPOSE.—The purpose of this Act is to inform the greatest possible number of Americans about their potential eligibility for the earned income credit in a way that is neither costly nor burdensome for employers or the Government.

SEC. 3. EMPLOYER NOTIFICATION OF AVAILABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7529. EMPLOYER NOTIFICATION OF AVAILABILITY OF EARNED INCOME CREDIT.

''(a) IN GENERAL.—Every employer required to provide a statement under section 6051 (relating to W–2 statements) to a potential EIC-eligible employee shall provide to such employee the notice described in subsection (c).

''(b) POTENTIAL EIC-ELIGIBLE EMPLOYEE.—For purposes of this section, the term 'potential EIC-eligible employee' means any individual whose annual wages from the employer are less than the amount of earned income (as defined in section 32(c)(2)) at which the credit under section 32(a) phases out for an individual described in section 32(c)(1)(A)(ii) (or such other amount as may be prescribed by the Secretary).

''(c) CONTENTS OF NOTICE.—

''(1) IN GENERAL.—The notice required by subsection (a) shall be—

''(A) a copy of Internal Revenue Service Notice 797 or any successor notice, or

''(B) a notice stating: 'Based on your annual earnings, you may be eligible to receive the earned income credit from the Federal Government. The earned income credit is a tax credit for certain working individuals and families. In 2008, earned income credit benefits are available for taxpayers with earnings up to $38,646 ($41,646 if married filing jointly). Eligibility and benefit amounts vary according to filing status (single or married), number of qualifying children, and other sources of income. For example, in 2008, earned income credit benefits are available for childless taxpayers earning less than $15,880, taxpayers with 1 child earning less than $36,995, and taxpayers with 2 or more children earning less than $41,646. In most cases, earned income credit payments will not be used to determine eligibility for Medicaid, supplemental security income, food stamps, low-income housing or most temporary assistance for needy families programs. Even if you do not owe Federal taxes, you may qualify, but must file a tax return to receive the earned income credit. For information regarding your eligibility to receive the earned income credit, contact the Internal Revenue Service by calling 1-800-829-1040 or through its web site at www.irs.gov. The Volunteer Income Tax Assistance (VITA) program provides free tax preparation assistance to individuals under the above income limits. Call the IRS at 1-800-906-9887 to find sites in your area.'.

''(2) YEARS AFTER 2008.—In the case of the notice in paragraph (1)(B) for taxable years beginning in a calendar year after 2008—

''(A) such calendar year shall be substituted for '2008',

''(B) the lowest amount of earned income for a taxpayer with no qualifying children at which the credit phases out under section 32(a)(2)(B) for taxable years beginning in such calendar year shall be substituted for '$15,880',

''(C) the lowest amount of earned income for a taxpayer with 1 qualifying child at which the credit phases out under section 32(a)(2)(B) for such taxable years shall be substituted for '$36,995', and

''(D) the lowest amount of earned income for a taxpayer with 2 or more qualifying children at which the credit phases out under section 32(a)(2)(B) for such taxable years shall be substituted for '$41,646'.

''(d) EXEMPTION FOR SMALL EMPLOYERS.—

''(1) IN GENERAL.—An employer shall not be required to provide notices under this section during any calendar year if the employer employed an average of 25 or fewer employees on business days during the preceding calendar year. For purposes of the preceding sentence, a preceding calendar year may be taken into account only if the employer was in existence throughout such year.

''(2) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination under paragraph (1) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(3) SPECIAL RULES.—

''(A) CONTROLLED GROUPS.—For purposes of this subsection, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer.

''(B) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

''(e) TIMING OF NOTICE.—The notice required by subsection (a) shall be provided to each employee at the same time the employer statement is furnished to each such employee under section 6051.

''(f) MANNER OF PROVIDING NOTICE.—The notice required by subsection (a) shall be provided either by hand or by mail to the address used to provide the statement under section 6051 to the employee.''.

(b) PENALTY FOR FAILURE TO PROVIDE NOTICE.—Section 6724(d)(2) of such Code is amended by striking ''or'' at the end of subparagraph (BB), by striking the period at the end of subparagraph (CC) and inserting '', or'', and by inserting after subparagraph (CC) the following new subparagraph:

''(DD) section 7529 (relating to employer notification of availability of earned income credit).''.

(c) CLERICAL AMENDMENT.—The table of sections for such chapter 77 is amended by adding at the end the following new item:

''Sec. 7529. Employer notification of availability of earned income credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to statements required to be provided under section 6051 of the Internal Revenue Code of 1986 more than 180 days after the date of the enactment of this Act.

JUNE 25, 2008.

Hon. HENRY PAULSON,
Secretary, Department of the Treasury, Washington, DC.

DEAR SECRETARY PAULSON: Over the last 30 years, the Earned Income Tax Credit (EITC) has grown into the largest Federal anti-poverty program in the United States. In 2006, over 22 million taxpayers received almost $44 billion through the EITC. During its history, the program has been supported by both Democrats and Republicans. President Ronald Reagan described the earned income credit as ''the best anti-poverty, the best pro-family, the best job-creation measure to come out of Congress.''

As you know, millions of eligible Americans fail to take advantage of this critical program, costing themselves billions in tax benefits. Based on an analysis conducted by the General Accountability Office, 25 percent of those eligible to receive the EITC do not take advantage of it. The Internal Revenue Service (IRS) estimates that between 20 and 25 percent of taxpayers who are eligible don't claim the credit. While this issue has been a persistent source of concern, it is particularly troubling now when Americans are contending with record high gas prices and surging costs for other consumer goods.

On October 13, 2007, Governor Arnold Schwarzenegger signed into law Assembly Bill 650, the Earned Income Tax Credit Information Act. The legislation seeks to reduce the number of eligible taxpayers who fail to take advantage of the EITC by requiring California employers to notify their employees of their potential eligibility for the EITC. We believe that the California law should serve as a model for federal action, and will shortly introduce legislation to accomplish this goal.

We bring this to your attention because we believe that the goal of increasing awareness of the EITC, and thus expanding the number of taxpayers who access it, can also be accomplished through administrative rulemaking.

Earlier in the year, you played a critical role in providing needed economic stimulus to working Americans that is now helping to soften the brunt of our current economic downturn. By increasing the number of eligible taxpayers who take advantage of the EITC program, you can build on this accomplishment and add further stimulus by providing, in some cases, thousands of dollars of assistance that can be used to buy gas or groceries, or pay the mortgage.

For this reason, we ask you to explore what the Administration can do to improve EITC outreach efforts, and specifically ask that you examine the possibility of requiring employers to provide information to their employees about the EITC at the same time that they provide W–2 statements. Earlier this year, at an EITC Awareness Day event, you noted: ''Ensuring that more eligible families receive their EITC is important this year, as it is every year. I encourage people all across America to check to see if you are eligible for the Earned Income Credit.'' We couldn't agree more, but believe we should also look to employers to help taxpayers take advantage of critical federal tax programs like the EITC.

Finally, we are aware that the Administration instructed federal agencies on May 9, 2008 to not undertake any new rulemaking procedures after June 1, 2008. We sincerely hope that this policy will not prevent the Administration from helping hardworking Americans who need it the most.

We look forward to your response and thank you for your consideration.

Sincerely,

RAHM EMANUEL,
House Democratic Caucus Chair.
CHARLES SCHUMER,
Senate Democratic Caucus Vice-Chair.

By Ms. SNOWE (for herself, Mr. NELSON of Florida, Ms. CANTWELL, Mr. KERRY, Mr. VITTER, Mr. LEVIN, Mr. VOINOVICH, Mrs BOXER, Mr. CARDIN, and Ms. MIKULSKI):

S. 3191. A bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Harmful Algal Bloom and Hypoxia Amendments Act of 2008. This bill would enhance the research programs established in the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998 and reauthorized in 2004, which have greatly enhanced our ability to predict outbreaks of harmful algal blooms and the extent of hypoxic zones. But knowing when outbreaks will occur is only half the battle. By funding additional research into mitigation and prevention of HABs and hypoxia, and by enabling communities to develop response strategies to more effectively reduce their effects on our coastal communities, this legislation would take the next critical steps to reducing the social and economic impacts of these potentially disastrous outbreaks.

I am proud to continue my leadership on this important issue and I particularly want to thank my counterpart on this key piece of legislation, Senator BILL NELSON. My partnership with Senator BREAUX on the first two harmful algal bloom bills proved extremely fruitful, and I am pleased that the Gulf of Mexico—whose coastal residents are severely impacted by both harmful algal blooms, also known as HABs, and hypoxia—will continue to be so well represented as this program moves into the future. I also want to thank the bill's additional co-sponsors, Senators CANTWELL, KERRY, VITTER, VOINOVICH, BOXER and LEVIN for their vital contributions. We all represent coastal States directly affected by harmful algal blooms and hypoxia, and we see first hand the ecological and economic damage caused by these events.

In New England blooms of Alexandrium algae, more commonly known as ''red tide'', can cause shellfish to accumulate toxins that when consumed by humans lead to paralytic shellfish poisoning (PSP), a potentially fatal neurological disorder. Therefore, when levels of Alexandrium reach dangerous levels, our fishery managers are forced to close shellfish beds that provide hundreds of jobs and add millions of dollars to our regional economy. Red tide outbreaks—which occur in various forms not just in the northeast, but along thousands of miles of U.S. coastline—have increased dramatically in the Gulf of Maine in the last 20 years, with major blooms occurring almost every year.

In 2005, the most severe red tide since 1972 blanketed the New England coast from Martha's Vineyard to Downeast Maine, resulting in extensive commercial and recreational shellfish harvesting closures lasting several months at the peak of the seafood harvesting season. In a peer-reviewed study, economists found that the 2005 event caused over $2.4 million in lost landings of shellfish in the State of Maine alone, and more than $10 million throughout New England.

In May of this year, scientists once more predicted an abundance of Alexandrium off the New England coast, marking the onset of yet another severe harmful algal bloom in the area. Just yesterday, Maine's Department of Marine Resources announced the closure of additional shellfish beds covering many areas from Cutler east to the Canadian border, and today the Food and Drug Administration asked the National Marine Fisheries Service to issue a closure of a section of Federal waters near George's Bank to the harvest of ocean quahogs and surf clams.

Still, while this year's bloom has tracked the pattern of the 2005 event, thanks to previous investments in HAB programs, localized testing has led to fewer closures. Unlike 2005 when nearly the entire coast of Massachusetts and much of Maine was declared off-limits to shell fishermen, in this year's bloom, some unaffected areas remain open despite being directly adjacent to contaminated beds. These detailed forecasting and testing measures will greatly reduce the economic impact such outbreaks impose on our coastal communities, and is directly attributable to the efforts authorized in previous HAB legislation.

Mr. President, while we have made great strides in bloom prediction and monitoring, it is clear that these problems have not gone away, but rather increased in magnitude. Harmful algal blooms remain prevalent nationwide, and areas of hypoxia, also known as ''dead zones'', are now occurring with increasing frequency. Within a dead zone, oxygen levels plummet to the point at which they can no longer sustain life, driving out animals that can move, and killing those that cannot. The most infamous dead zone occurs annually in the Gulf of Mexico, off the shores of Louisiana. In 2007, researchers there predicted the biggest hypoxic zone ever recorded, covering more than 8,500 square miles. Dead zones are also occurring with increasing frequency in more areas than ever before, including off the coasts of Oregon and Texas.

The amendments contained in this legislation would enhance the Nation's ability to predict, monitor, and ultimately control harmful algal blooms and hypoxia. Understanding when these blooms will occur is vital, but the time has come to take this program to the next level—to determine not just when an outbreak will occur, but how to reduce its intensity or prevent its occurrence all together. This bill would build on NOAA's successes in research and forecasting by creating a program to mitigate and control HAB outbreaks.

This bill also recognizes the need to enhance coordination among State and local resource managers—those on the front lines who must make the decisions to close beaches or shellfish beds. Their decisions are critical to protecting human health, but can also impose significant economic impacts. The bill would mandate creation of Regional Research and Action Plans that would identify baseline research, possible State and local government actions to prepare for and mitigate the impacts of HABs, and establish outreach strategies to ensure the public is

informed of the dangers these events can present. A regional focus on these issues will ensure a more effective and efficient response to future events.

Mr. President, if enacted, this critical reauthorization would greatly enhance our Nation's ability to predict, monitor, mitigate, and control outbreaks of HABs and hypoxia. Over half the U.S. population resides in coastal regions, and we must do all in our power to safeguard their health and the health of the marine environment. The existing Harmful Algal Bloom and Hypoxia Program has done a laudable job to date, and this authorization will allow them to expand their scope and provide greater benefits to the Nation as a whole. I thank my cosponsors again for their efforts in developing this vital legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3191

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Harmful Algal Blooms and Hypoxia Amendments Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Harmful Algal Bloom and Hypoxia Research and Control Act of 1998.
Sec. 3. Findings.
Sec. 4. Purpose.
Sec. 5. Interagency task force on harmful algal blooms and hypoxia.
Sec. 6. National harmful algal bloom and hypoxia program.
Sec. 7. Regional research and action plans.
Sec. 8. Reporting.
Sec. 9. Pilot program for freshwater harmful algal blooms and hypoxia.
Sec. 10. Interagency financing.
Sec. 11. Application with other laws.
Sec. 12. Definitions.
Sec. 13. Authorization of appropriations.

SEC. 2. AMENDMENT OF HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

SEC. 3. FINDINGS.

Section 602 is amended—

(1) by striking paragraph (8) and inserting the following:

''(8) harmful algal blooms and hypoxia can be triggered and exacerbated by increases in nutrient loading from point and non-point sources, much of which originates in upland areas and is delivered to marine and freshwater bodies via river discharge, thereby requiring integrated and landscape-level research and control strategies;'';

(2) by striking ''and'' after the semicolon in paragraph (11);

(3) by striking ''hypoxia.'' in paragraph (12) and inserting ''hypoxia;''; and

(4) by adding at the end thereof the following:

''(13) harmful algal blooms and hypoxia affect many sectors of the coastal economy, including tourism, public health, and recreational and commercial fisheries; and according to a recent report produced by NOAA, the United States seafood and tourism industries suffer annual losses of $82 million due to economic impacts of harmful algal blooms;

''(14) global climate change and its effect on oceans and the Great Lakes may ultimately play a role in the increase or decrease of harmful algal bloom and hypoxic events;

''(15) proliferations of harmful and nuisance algae can occur in all United States waters, including coastal areas and estuaries, the Great Lakes, and inland waterways, crossing political boundaries and necessitating regional coordination for research, monitoring, mitigation, response, and prevention efforts; and

''(16) following passage of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, Federally-funded and other research has led to several technological advances, including remote sensing, molecular and optical tools, satellite imagery, and coastal and ocean observing systems, that provide data for forecast models, improve the monitoring and prediction of these events, and provide essential decision making tools for managers and stakeholders.''.

SEC. 4. PURPOSE.

The Act is amended by inserting after section 602 the following:

''SEC. 602A. PURPOSES.

''The purposes of this Act are—

''(1) to provide for the development and coordination of a comprehensive and integrated national program to address harmful algal blooms, hypoxia, and nuisance algae through baseline research, monitoring, prevention, mitigation, and control;

''(2) to provide for the assessment and consideration of regional and national ecosystem, socio-economic, and human health impacts of harmful and nuisance algal blooms and hypoxia, and integration of that assessment into marine and freshwater resource decisions; and

''(3) to facilitate regional, State, and local efforts to develop and implement appropriate harmful algal bloom and hypoxia event response plans, strategies, and tools including outreach programs and information dissemination mechanisms.''.

SEC. 5. INTERAGENCY TASK FORCE ON HARMFUL ALGAL BLOOMS AND HYPOXIA.

(a) FEDERAL REPRESENTATIVES.—Section 603(a) is amended—

(1) by striking ''The Task Force shall consist of the following representatives from—'' and inserting ''The Task Force shall consist of representatives of the Office of the Secretary from each of the following departments and of the office of the head of each of the following Federal agencies:'';

(2) by striking ''the'' in paragraphs (1) through (11) and inserting ''The'';

(3) by striking the semicolon in paragraphs (1) through (10) and inserting a period.

(4) by striking ''Quality; and'' in paragraph (11) and inserting ''Quality.''; and

(5) by striking ''such other'' in paragraph (12) and inserting ''Other''.

(b) STATE REPRESENTATIVES.—Section 603 is amended—

(1) by redesignating subsections (b) through (i) as subsections (c) through (j), respectively;

(2) by inserting after subsection (a) the following:

''(b) STATE REPRESENTATIVES.—The Secretary shall establish criteria for determining appropriate States to serve on the Task Force and establish and implement a nominations process to select representatives from 2 appropriate States in different regions, on a rotating basis, to serve 2-year terms on the Task Force.'';

(3) in subsection (h), as redesignated—

(A) by striking ''Not less than once every 5 years the'' in paragraph (1) and inserting ''The'';

(B) by striking ''The first such'' in paragraph (1) and inserting ''The'';

(C) by striking ''assessments'' in paragraph (2) and inserting ''assessment''; and

(4) in subsection (i), as redesignated—

(A) by striking ''Not less than once every 5 years the'' in paragraph (1) and inserting ''The'';

(B) by striking ''The first such'' in paragraph (1) and inserting ''The'';

(C) by striking ''All subsequent assessments'' in paragraph (1) and inserting ''The assessment''; and

(D) by striking ''assessments'' in paragraph (2) and inserting ''assessment''.

SEC. 6. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

The Act is amended by inserting after section 603 the following:

''SEC. 603A. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

''(a) ESTABLISHMENT.—The President, acting through NOAA, shall establish and maintain a national program for integrating efforts to address harmful algal bloom and hypoxia research, monitoring, prediction, control, mitigation, prevention, and outreach.

''(b) TASK FORCE FUNCTIONS.—The Task Force shall be the oversight body for the development and implementation of the national harmful algal bloom and hypoxia program and shall—

''(1) coordinate interagency review of plans and policies of the Program;

''(2) assess interagency work and spending plans for implementing the activities of the Program;

''(3) assess the Program's distribution of Federal grants and funding to address research priorities;

''(4) support implementation of the actions and strategies identified in the regional research and action plans under subsection (d);

''(5) support the development of institutional mechanisms and financial instruments to further the goals of the program;

''(6) expedite the interagency review process and ensure timely review and dispersal of required reports and assessments under this Act; and

''(7) promote the development of new technologies for predicting, monitoring, and mitigating harmful algal blooms and hypoxia conditions.

''(c) LEAD FEDERAL AGENCY.—NOAA shall be the lead Federal agency for implementing and administering the National Harmful Algal Bloom and Hypoxia Program.

''(d) RESPONSIBILITIES.—The Program shall—

''(1) promote a national strategy to help communities understand, detect, predict, control, and mitigate freshwater and marine harmful algal bloom and hypoxia events;

''(2) plan, coordinate, and implement the National Harmful Algal Bloom and Hypoxia Program; and

''(3) report to the Task Force via the Administrator.

''(e) DUTIES.—

''(1) ADMINISTRATIVE DUTIES.—The Program shall—

''(A) prepare work and spending plans for implementing the activities of the Program and developing and implementing the Regional Research and Action Plans and coordinate the preparation of related work and spending plans for the activities of other participating Federal agencies;

''(B) administer merit-based, competitive grant funding to support the projects maintained and established by the Program, and to address the research and management needs and priorities identified in the Regional Research and Action Plans;

''(C) coordinate NOAA programs that address harmful algal blooms and hypoxia and other ocean and Great Lakes science and management programs and centers that address the chemical, biological, and physical components of harmful algal blooms and hypoxia;

''(D) coordinate and work cooperatively with other Federal, State, and local government agencies and programs that address harmful algal blooms and hypoxia;

''(E) coordinate with the State Department to support international efforts on harmful algal bloom and hypoxia information sharing, research, mitigation, and control.''.

''(F) coordinate an outreach, education, and training program that integrates and augments existing programs to improve public education about and awareness of the causes, impacts, and mitigation efforts for harmful algal blooms and hypoxia;

''(G) facilitate and provide resources for training of State and local coastal and water resource managers in the methods and technologies for monitoring, controlling, and mitigating harmful algal blooms and hypoxia;

''(H) support regional efforts to control and mitigate outbreaks through—

''(i) communication of the contents of the Regional Research and Action Plans and maintenance of online data portals for other information about harmful algal blooms and hypoxia to State and local stakeholders within the region for which each plan is developed; and

''(ii) overseeing the development, review, and periodic updating of Regional Research and Action Plans established under section 603B;

''(I) convene an annual meeting of the Task Force; and

''(J) perform such other tasks as may be delegated by the Task Force.

''(2) PROGRAM DUTIES.—The Program shall—

''(A) maintain and enhance—

''(i) the Ecology and Oceanography of Harmful Algal Blooms Program;

''(ii) the Monitoring and Event Response for Harmful Algal Blooms Program;

''(iii) the Northern Gulf of Mexico Ecosystems and Hypoxia Assessment Program; and

''(iv) the Coastal Hypoxia Research Program;

''(B) establish—

''(i) a Mitigation and Control of Harmful Algal Blooms Program—

''(I) to develop and promote strategies for the prevention, mitigation, and control of harmful algal blooms; and

''(II) to fund research that may facilitate the prevention, mitigation, and control of harmful algal blooms; and

''(III) to develop and demonstrate technology that may mitigate and control harmful algal blooms; and

''(ii) other programs as necessary; and

''(C) work cooperatively with other offices, centers, and programs within NOAA and other agencies represented on the Task Force, States, and nongovernmental organizations concerned with marine and aquatic issues to manage data, products, and infractructure, including—

''(i) compiling, managing, and archiving data from relevant programs in Task Force member agencies;

''(ii) creating data portals for general education and data dissemination on centralized, publicly available databases; and

''(iii) establishing communication routes for data, predictions, and management tools both to and from the regions, states, and local communities.''.

SEC. 7. REGIONAL RESEARCH AND ACTION PLANS.

The Act, as amended by section 6, is amended by inserting after section 603A the following:

''SEC. 603B. REGIONAL RESEARCH AND ACTION PLANS.

''(a) IN GENERAL.—The Program shall—

''(1) oversee the development and implementation of Regional Research and Action Plans; and

''(2) identify appropriate regions and subregions to be addressed by each Regional Research and Action Plan.

''(b) REGIONAL PANELS OF EXPERTS.—As soon as practicable after the date of enactment of the Harmful Algal Blooms and Hypoxia Amendments Act of 2008, and every 5 years thereafter, the Program shall convene a panel of experts for each region identified under subsection (a)(2) from among—

''(1) State coastal management and planning officials;

''(2) water management and watershed officials from both coastal states and noncoastal states with water sources that drain into water bodies affected by harmful algal blooms and hypoxia;

''(3) public health officials;

''(4) emergency management officials;

''(5) nongovernmental organizations concerned with marine and aquatic issues;

''(6) science and technology development institutions;

''(7) economists;

''(8) industries and businesses affected by coastal and freshwater harmful algal blooms and hypoxia;

''(9) scientists, with expertise concerning harmful algal blooms or hypoxia, from academic or research institutions; and

''(10) other stakeholders as appropriate.

''(c) PLAN DEVELOPMENT.—Each regional panel of experts shall develop a Regional Research and Action Plan for its respective region and submit it to the Program for approval and to the Task Force. The Plan shall identify appropriate elements for the region, including—

''(1) baseline ecological, social, and economic research needed to understand the biological, physical, and chemical conditions that cause, exacerbate, and result from harmful algal blooms and hypoxia;

''(2) regional priorities for ecological and socio-economic research on issues related to, and impacts of, harmful algal blooms and hypoxia;

''(3) research needed to develop and advance technologies for improving capabilities to predict, monitor, prevent, control, and mitigate harmful algal blooms and hypoxia;

''(4) State and local government actions that may be implemented—

''(A) to support long-term monitoring efforts and emergency monitoring as needed;

''(B) to minimize the occurrence of harmful algal blooms and hypoxia;

''(C) to reduce the duration and intensity of harmful algal blooms and hypoxia in times of emergency;

''(D) to address human health dimensions of harmful algal blooms and hypoxia; and

''(E) to identify and protect vulnerable ecosystems that could be, or have been, affected by harmful algal blooms and hypoxia;

''(5) mechanisms by which data and products are transferred between the Program and State and local governments and research entities;

''(6) communication, outreach and information dissemination efforts that State and local governments and nongovernmental organizations can undertake to educate and inform the public concerning harmful algal blooms and hypoxia and alternative coastal resource-utilization opportunities that are available; and

''(7) pilot projects, if appropriate, that may be implemented on local, State, and regional scales to address the research priorities and response actions identified in the Plan.

''(d) PLAN TIMELINES; UPDATES.—The Program shall ensure that—

''(1) not less than 50 percent of the Regional Research and Action Plans developed under this section are completed and approved by the Program within 12 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Amendments Act of 2008;

''(2) the remaining Regional Research and Action Plans are completed and approved by the Program within 24 months after such date of enactment; and

''(3) each Regional Research and Action Plan is updated no less frequently than once every 5 years.

''(e) FUNDING.—

''(1) IN GENERAL.—Subject to available appropriations, the Program shall make funding available to eligible organizations to implement the research, monitoring, forecasting, modeling, and response actions included under each approved Regional Research and Action Plan. The Program shall select recipients through a merit-based, competitive process and seek to fund research proposals that most effectively align with the research priorities identified in the relevant Regional Research and Action Plan.

''(2) APPLICATION; ASSURANCES.—Any organization seeking funding under this subsection shall submit an application to the Program at such time, in such form and manner, and containing such information and assurances as the Program may require. The Program shall require any organization receiving funds under this subsection to utilize the mechanisms described in subsection (c)(5) to ensure the transfer of data and products developed under the Plan.

''(3) ELIGIBLE ORGANIZATION.—In this subsection, the term 'eligible organization' means—

''(A) a nongovernmental researcher or organization; or

''(B) any other entity that applies for funding to implement the State, local, and nongovernmental control, mitigation, and prevention strategies identified in the relevant Regional Research and Action Plan.

''(f) EMERGENCY REVIEWS.—If the Program determines that an intermediate review is necessary to address emergent needs in harmful algal blooms and hypoxia under a Regional Research and Action Plan, it shall notify the Task Force and reconvene the relevant regional panel of experts for the purpose of revising the Regional Research and Action Plan so as to address the emergent threat or need.''.

SEC. 8. REPORTING.

Section 603, as amended by section 5, is amended by adding at the end thereof the following:

''(k) BIANNUAL REPORTS.—The Program shall prepare biannual reports for the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committees on Science and Technology and on Natural Resources that describe—

''(1) activities, budgets, and progress on implementing the national harmful algal bloom and hypoxia program;

''(2) the proceedings of the annual Task Force meeting; and

''(3) the status, activities, and funding for implementation of the Regional Research

and Action Plans, including a description of research funded under the program and actions and outcomes of Plan response strategies carried out by States.

''(1) QUINQUENNIAL REPORTS.—

''(1) HARMFUL ALGAL BLOOM AND HYPOXIA ASSESSMENTS.—Not less than once every 5 years after the date of enactment of the Harmful Algal Blooms and Hypoxia Amendments Act of 2008, the Task Force shall prepare a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committees on Science and Technology and on Natural Resources that—

''(A) describes the state of knowledge on harmful algal blooms and hypoxia in marine and freshwater systems, including the causes and ecological consequences;

''(B) describes the social and economic impacts of harmful algal blooms and hypoxia and strategies for their minimization and mitigation;

''(C) describes the human health impacts of harmful algal blooms and hypoxia, including any gaps in existing research;

''(D) describes progress on developing technologies and advancing capabilities for monitoring, forecasting, modeling, control, mitigation, and prevention of harmful algal blooms and hypoxia and implementation of strategies for achieving these goals;

''(E) describes progress on, and techniques for, integrating landscape- and watershed-level water quality information into marine and freshwater harmful algal bloom and hypoxia prevention and mitigation strategies, including projects at the Federal and regional levels;

''(F) describes communication, outreach, and education efforts to raise public awareness of harmful algal blooms and hypoxia, their impacts, and the methods for mitigation and prevention;

''(G) includes recommendations for integrating and improving future national, regional, State, and local policies and strategies for preventing and mitigating the occurrence and impacts of harmful algal blooms and hypoxia; and

''(H) describes impacts of harmful algal blooms and hypoxia on coastal communities and a review of those communities' efforts and associated economic costs related to event forecasting, planning, mitigation, response, and public outreach and education.

''(2) PUBLIC COMMENT.—At least 90 days before submitting the report to Congress, the Secretary shall publish the draft report in the Federal Register for a comment period of not less than 60 days.''.

SEC. 9. PILOT PROGRAM FOR FRESHWATER HARMFUL ALGAL BLOOMS AND HYPOXIA.

The Act, as amended by section 7, is amended by inserting after section 603B the following:

''SEC. 603C. PILOT PROGRAM FOR FRESHWATER HARMFUL ALGAL BLOOMS AND HYPOXIA.

''(a) PILOT PROGRAM.—The Secretary shall establish a collaborative pilot program with the Environmental Protection Agency and other appropriate Federal agencies to examine harmful algal blooms and hypoxia occurring in freshwater systems. The pilot program shall—

''(1) be established in the Mississippi River Basin watershed;

''(2) assess the issues associated with, and impacts of, harful algal blooms and hypoxia in freshwater ecosystems;

''(3) research the efficacy of mitigation measures, including measures to reduce nutrient loading; and

''(4) recommend potential management solutions.

''(b) REPORT.—The Secretary of Commerce, in consultation with other participating Federal agencies, shall conduct an assessment of the effectiveness of the pilot program in improving freshwater habitat quality and publish a report, available to the public, of the results of the assessment.''.

SEC. 10. INTERAGENCY FINANCING.

The Act is amended by inserting after section 604 the following:

''SEC. 604A. INTERAGENCY FINANCING.

''The departments and agencies represented on the Task Force are authorized to participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Task Force for the purposes of carrying out any administrative or programmatic project or activity under this Act, including support for the Program, a common infrastructure, information sharing, and system integration for harmful algal bloom and hypoxia research, monitoring, forecasting, prevention, and control. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Task Force member and the costs of the same.''.

SEC. 11. APPLICATION WITH OTHER LAWS.

The Act is amended by inserting after section 606 the following:

''SEC. 607. EFFECT ON OTHER FEDERAL AUTHORITY.

''Nothing in this title supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.''.

SEC. 12. DEFINITIONS.

(a) IN GENERAL.—The Act is amended by inserting after section 605 the following:

''SEC. 605A. DEFINITIONS.

''In this Act:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the NOAA.

''(2) HARMFUL ALGAL BLOOM.—The term 'harmful algal bloom' means marine and freshwater phytoplankton that proliferate to high concentrations, resulting in nuisance conditions or harmful impacts on marine and aquatic ecosystems, coastal communities, and human health through the production of toxic compounds or other biological, chemical, and physical impacts of the algae outbreak.

''(3) HYPOXIA.—The term 'hypoxia' means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms.

''(4) NOAA.—The term 'NOAA' means the National Oceanic and Atmospheric Administration.

''(5) PROGRAM.—The term 'Program' means the integrated harmful algal bloom and hypoxia program established under section 603B.

''(6) REGIONAL RESEARCH AND ACTION PLAN.—The term 'Regional Research and Action Plan' means a plan established under section 603B.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Commerce, acting through NOAA.''.

''(8) TASK FORCE.—The term 'Task Force' means the Interagency Task Force established by section 603(a).

''(9) UNITED STATES COASTAL WATERS.—The term 'United States coastal waters' includes the Great Lakes.''.

(b) CONFORMING AMENDMENT.—Section 603(a) is amended by striking ''Hypoxia (hereinafter referred to as the 'Task force').'' and inserting ''Hypoxia.''.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 605 is amended to read as follows:—

''SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to NOAA to implement the Program under this title—

''(1) $30,000,000 for each of fiscal years 2009 and 2010; and

''(2) $70,000,000 for each of fiscal years 2011, 2012, and 2013.The Secretary shall ensure that a substantial portion of funds appropriated pursuant to this subsection that are used for research purposes are allocated to extramural research activities.

''(b) REGIONAL RESEARCH AND ACTION PLANS.—In addition to any amounts appropriated pursuant to subsection (a), there are authorized to be appropriated to NOAA to develop and revise the Regional Research and Action Plans, $40,000,000 for each of fiscal years 2009 and 2010, such sums to remain available until expended.

''(c) PILOT PROGRAM.—In addition to any amounts appropriated pursuant to subsection (a), there are authorized to be appropriated to NOAA such sums as may be necessary to carry out the pilot program established under section 603C.''.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation that will address an ongoing problem that adversely affects local communities and coastal areas around my home State of Florida and across coastal States nationwide.

Today, Senator SNOWE and I, along with Senators CANTWELL, KERRY, VITTER, LEVIN, VOINOVICH, BOXER, CARDIN, and MIKULSKI, are introducing a bill that would reauthorize and enhance the Harmful Algal Bloom and Hypoxia Research and Control Act, HABHRCA, which was enacted in 1998 and reauthorized 4 years ago. This act has enabled critical monitoring, forecasting, and research activities that have greatly improved our understanding and prediction of harmful algal blooms, nuisance blooms like red drift, and low-oxygen or hypoxia events that plague our estuaries and coastal waters.

While the accomplishments made to date through HABHRCA are certainly valuable and to be commended, more work lies ahead. In Florida, harmful algal blooms, including red tides, and frequent red drift events continue to occur along our coasts.

According to experts from Mote Marine Laboratory in Sarasota, most of Florida's red tides are caused by a microscopic algae called *Karenia brevis*, which creates blooms that can last for months and cover hundreds of square miles. What makes this organism so harmful are the toxins it produces. These toxins can kill fish, birds, and other marine animals. For humans, the toxins trigger respiratory problems, eye and skin irritation, and shellfish poisoning when the toxins accumulate in oysters and clams. When these blooms die, the decomposing algae strip oxygen from the water column. These hypoxic conditions deprive fish, manatees, and other animal species of the oxygen they need to survive.

A particularly devastating and intense red tide struck the Florida gulf coast in the summer of 2005, causing widespread animal deaths and public health and economic problems. The St.

Petersburg/Clearwater Area Convention and Visitors Bureau estimated upwards of $240 million in losses for the Tampa region as a result of this bloom.

Scientists have told us that red tides are a lot like hurricanes complex but natural phenomena that can have profound impacts on our environment and society. Although we may not be able to stop this natural process, we can do more to predict it and take actions to minimize its impacts on our citizens and natural resources.

While red drift algae lack the toxins associated with red tide, they can nonetheless cause enormous problems along Florida's beaches. We have had numerous red drift events in Florida over the last few years. In March 2007, some witnesses described clumps of red drift algae the size of hay bales floating on the surface of the Gulf of Mexico, and washing onshore from Fort Myers to Anna Maria Island. Scientists have also been looking into whether nutrients from the decomposing algae may feed subsequent blooms, keeping local waters in a terrible cycle.

Other algal blooms are impairing waterways and causing social and economic problems in my state. Earlier this month, a water treatment plant on the Caloosahatchee River in Lee County had to be closed temporarily due to a bloom of blue-green algae.

It is clear that harmful algal blooms and hypoxia events can have devastating impacts on water and air quality, aquatic species, wildlife, and beach conditions, which in turn affect public health, commercial and recreational fishing, tourism, and related businesses in our coastal communities. The question becomes, what can we do to stop this? If we can't stop these events, how can we better plan for them and take steps to minimize the impacts?

We have learned from scientists and researchers, many of whom were funded by HABHRCA-authorized programs, that some harmful algal blooms and red drift events can be triggered by excess nutrients from upland areas that wash into rivers and are delivered to the coast. Because this problem often crosses political and geographic boundaries, we must pursue solutions that are regional in nature and bring together expertise from all levels of government, from academia, and from other outside groups who have a stake in keeping our coastal waters healthy, clean, and productive.

Senator SNOWE and I have worked together to craft a bill that will not only continue critical research on harmful algal blooms and hypoxia, but help address some of these pressing needs that exist on every coast—from the Atlantic and Gulf of Mexico, to the Pacific and the Great Lakes. Our bill will help integrate and improve coordination among the government's programs that study and monitor these events. The bill would also improve how regional, state, and local needs are considered when prioritizing research grants and developing related products. Most importantly, this bill would focus new resources on translating research results into tools and products that state and local governments can use to help prevent, respond to, and mitigate the impacts of these events.

Although we have made significant progress in identifying some of the causes and consequences of harmful algal blooms and hypoxia since 1998, much work remains to find solutions that minimize the occurrence of these events and that enable our coastal communities to become resilient to the impacts. This legislation to amend and reauthorize the Harmful Algal Blooms and Hypoxia Act represents an important step toward realizing those goals.

In closing, I would like to recognize Senator SNOWE for her leadership on this issue. As the sponsor of both the original legislation in 1998 and the 2004 amendments, her expertise on harmful algal blooms and the impacts of these events on her constituents has proved invaluable as we developed the measure before us today. I look forward to working with Senator SNOWE, in her role as ranking member of the Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee of the Commerce, Science, and Transportation Committee, as well as with Chairman CANTWELL and the other members of our subcommittee, to debate this important legislation.

BY Mr. DURBIN:

S. 3197. A bill to amend title 11, United States Code, to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, when our National Guard and Reserve members return from active duty, the last thing they should have to worry about is struggling to catch up on the bills. Sadly, acute financial challenges are often exactly what greet our bravest men and women when they come home.

For those families who are struggling to make ends meet after serving our country, today I am introducing a bill, the National Guard and Reservists Debt Relief Act, that would give these families a little breathing room. My bill would waive the means test for entering into Chapter 7 bankruptcy protection for National Guard and Reserve members who have served since September 11, 2001. The bill would give these families a little more time to reorganize their finances so that they can get their lives back in order after serving.

The 2005 Bankruptcy Abuse Prevention and Consumer Protection Act changed the U.S. bankruptcy code to make it significantly harder for individuals to receive protection from their creditors via bankruptcy, by requiring filers to pass a means test based on an individual's income and expenses for the 6 month period preceding a bankruptcy filing.

My bill would exempt returning Guard and Reserve members from this means test, both because our finest men and women deserve greater financial protection and because they are uniquely disadvantaged by the means test criteria. Despite receiving much-deserved active duty pay for their service, National Guard and Reserve members often take a pay cut when they leave their jobs for a deployment. But because the means test includes the past 6 months of income in its calculation, men and women with little current income may not qualify for bankruptcy protection.

This is an issue that will become increasingly important in my home state of Illinois. The Illinois National Guard is preparing for the largest deployment of soldiers since World War II, with more than 2,700 currently training for deployment to Afghanistan. For the men and women in this group who find themselves in unfortunate financial circumstances when they return home, particularly if our economy continues to slow, this bill would help by allowing these men and women to file for bankruptcy if they desperately need that help.

I am pleased that the House version of this legislation, championed by my good friend Representative JAN SCHAKOWSKY, passed the House by voice vote earlier this week. I urge my Senate colleagues to support this bill just as strongly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3197

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 ''National Guard and Reservists Debt Relief Act of 2008''.

SEC. 2. AMENDMENTS.

Section 707(b)(2)(D) of title 11, United States Code, is amended—

(1) in each of clauses (i) and (ii)—

(A) by indenting the left margins of such clauses 2 ems to the right; and

(B) by redesignating such clauses as subclauses (I) and (II), respectively;

(2) by striking ''if the debtor is a disabled veteran'' and inserting the following:

''if—

''(i) the debtor is a disabled veteran'';

(3) by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(ii) while—

''(I) the debtor is—

''(aa) on, and during the 540-day period beginning immediately after the debtor is released from, a period of active duty (as defined in section 101(d)(1) of title 10) of not less than 90 days; or

''(bb) performing, and during the 540-day period beginning immediately after the debtor is no longer performing, a homeland defense activity (as defined in section 901(1) of title 32) performed for a period of not less than 90 days; and

''(II) if, after September 11, 2001, the debtor while a member of a reserve component of the Armed Forces or a member of the National Guard, was called to such active duty or performed such homeland defense activity.''.

SEC. 3. GAO STUDY.

(a) COMPTROLLER GENERAL STUDY.—Not later than 2 years after the effective date of this Act, the Comptroller General shall complete and transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a study of the use and the effects of the provisions of law amended (and as amended) by this Act. Such study shall address, at a minimum—

(1) whether and to what degree members of reserve components of the Armed Forces and members of the National Guard avail themselves of the benefits of such provisions,

(2) whether and to what degree such members are debtors in cases under title 11 of the United States Code that are substantially related to service that qualifies such members for the benefits of such provisions,

(3) whether and to what degree such members are debtors in cases under such title that are materially related to such service, and

(4) the effects that the use by such members of section 707(b)(2)(D) of such title, as amended by this Act, has on the bankruptcy system, creditors, and the debt-incurrence practices of such members.

(b) FACTORS.—For purposes of subsection (a)—

(1) a case shall be considered to be substantially related to the service of a member of a reserve component of the Armed Forces or a member of the National Guard that qualifies such member for the benefits of the provisions of law amended (and as amended) by this Act if more than 33 percent of the aggregate amount of the debts in such case is incurred as a direct or indirect result of such service,

(2) a case shall be considered to be materially related to the service of a member of a reserve component of the Armed Forces or a member of the National Guard that qualifies such member for the benefits of such provisions if more than 10 percent of the aggregate amount of the debts in such case is incurred as a direct or indirect result of such service, and

(3) the term ''effects'' means—

(A) with respect to the bankruptcy system and creditors—

(i) the number of cases under title 11 of the United States Code in which members of reserve components of the Armed Forces and members of the National Guard avail themselves of the benefits of such provisions,

(ii) the aggregate amount of debt in such cases,

(iii) the aggregate amount of debt of such members discharged in cases under chapter 7 of such title,

(iv) the aggregate amount of debt of such members in cases under chapter 7 of such title as of the time such cases are converted to cases under chapter 13 of such title,

(v) the amount of resources expended by the bankruptcy courts and by the bankruptcy trustees, stated separately, in cases under title 11 of the United States Code in which such members avail themselves of the benefits of such provisions, and

(vi) whether and to what extent there is any indicia of abuse or potential abuse of such provisions, and

(B) with respect to debt-incurrence practices—

(i) any increase in the average levels of debt incurred by such members before, during, or after such service,

(ii) any indicia of changes in debt-incurrence practices adopted by such members in anticipation of benefitting from such provisions in any potential case under such title; and

(iii) any indicia of abuse or potential abuse of such provisions reflected in the debt-incurrence of such members.

SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect 60 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to cases commenced under title 11 of the United States Code in the 3-year period beginning on the effective date of this Act.

BY Mr. SMITH (for himself and Mr. DODD):

S. 3195. A bill to provide assistance to adolescents and young adults with serious mental health disorders as they transition to adulthood; to the Committee on Health, Education, Labor, and Pensions. I

Mr. SMITH. Mr. President, I rise today with my colleague Senator DODD to introduce a bill that will have a tremendous impact on millions of young adults in America who will suffer from mental illness in their lifetime. The Healthy Transition Act of 2008 is an important bill and I look forward to its passage.

Senator DODD has been an ardent champion for children, and as the Sponsor of the Garrett Lee Smith Memorial Act in 2004 and the bill to reauthorize the successful grant program again last year, it has been an honor to work with him to ensure our Nation's youth and their mental health needs are not forgotten.

I want to begin by thanking my colleague Representative PETE STARK for working with me on this important issue and for joining me in requesting a report by the Government Accountability Office,GAO last year on the barriers facing youth with serious mental health disorders as they age into adulthood. It has been a pleasure to work with him on drafting legislation that we will introduce today as I know he shares a passion for improving the lives of our children and young adults.

This time in a young person's life is so difficult with the pressures of being independent, finding a first job, going to college and really discovering who you are. For so many of our Nation's youth this time is made so much more difficult by their struggle with mental illness. My son Garrett struggled with his transition to adulthood and in his ability to access the help he needed during this critical time. These young adults deserve our attention, our support and our compassion.

Finally, I want to thank the many stakeholders and advocates that have put so much time and dedication into working with us to introduce this bill, the Healthy Transition Act of 2008. They include the National Alliance on Mental Illness, the Children's Defense Fund, the National Federation of Families for Children's Mental Health, the Bazelon Center for Mental Health Law, and the American Psychological Association, just to name a few.

The findings of the GAO report that Congressman STARK and I requested, tells us that at least 2.4 million young adults aged 18–26 had a mental illness in 2006. We know that this number could be greatly understated as it does not count young adults who are institutionalized, incarcerated or homeless—all of which are groups that are known to have higher rates of mental illness.

These young people have such tremendous challenges that cause them to demonstrate lower rates of high school graduation and college attendance than their peers who do not suffer from mental illness. They also have lower propensity to find employment and remain stable in their communities. In my home State of Oregon, this transition-age population was found to be 80 percent less likely than any other population in the State with mental health needs to receive services.

However, from this report, and the work innovative States are doing to support our young people, we know that we can do a better job of helping these youth. We can do better at ensuring they can remain stable in their communities, that they can live healthy lives, and that they can prosper as adults.

The bill that Senator DODD, Representative STARK and I are introducing today will support States that want to do better for our Nation's young adults with mental illness. As the GAO found, too often services are not directed at this population or young adults are shoved into a system that was designed for a different age group with different needs.

Our bill, the Healthy Transition Act of 2008, will provide grants to States to first develop statewide coordination plans to assist adolescents and young adults with a serious mental health disorder to acquire the skills and resources they need to make a healthy transition to adulthood. After this plan has been submitted and evaluated by SAMHSA, States may then compete for a second round of grants to help them implement the plan that they have made.

Lastly, this bill will develop a Committee of Federal Partners that will coordinate service programs that assist adolescents and young adults with mental illness at the federal level and provide technical assistance to States as they implement their plans. They also will report to Congress on their activities so that we can ensure they are doing their best to make sure these vulnerable young adults get the help and support they need.

This is such a critical time in a person's life and I look forward to continuing to work with my colleagues to make sure it is as healthy and positive an experience as it can be. I look forward to working with my colleagues to ensure its passage. I urge my colleagues on both sides of the aisle to support the bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3195

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 ''Healthy Transition Act of 2008''.

SEC. 2. HEALTHY TRANSITIONING FOR YOUTH.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.) is amended by adding at the end the following:

"SEC. 520K. HEALTHY TRANSITIONING FOR YOUTH.

''(a) PLANNING GRANTS.—

''(1) IN GENERAL.—The Secretary, in consultation with the agencies described in subsection (c)(3), shall award grants or cooperative agreements to States to develop plans for the statewide coordination of services to assist adolescents and young adults with a serious mental health disorder in acquiring the skills, knowledge, and resources necessary to ensure their healthy transition to successful adult roles and responsibilities.

''(2) APPLICATION.—To be eligible for a grant or cooperative agreement under this subsection, a State shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

''(3) PLAN.—Not later than 18 months after the receipt of a grant or cooperative agreement under this subsection, a State shall submit to the Secretary a State plan that shall include—

''(A) reliable estimates on the number of adolescents and young adults with serious mental health disorders in the State;

''(B) information on the youth targeted under this Act, including—

''(i) the number of adolescents and young adults with serious mental health disorders in the State and the number of such individuals who are currently being served in the State;

''(ii) the number of such individuals who are receiving mental health services provided by State agencies other than the agency responsible for mental health services in the State;

''(iii) the number of youth with serious mental health disorders who are involved in the juvenile justice system in the State;

''(iv) the number of youth with serious mental health disorders who are involved in the child protection system in the State;

''(v) the number of youth with serious mental health disorders who have plans in effect under the Individuals with Disabilities Education Act in the State;

''(vi) the number of youth with serious mental health disorders who are involved in vocational rehabilitation in the State;

''(vii) the range of ages served by the programs described in clauses (i) through (vi);

''(viii) a description of the overall transition coordination that is currently provided by the State or local authorities and programs in the State;

''(C) an identification of the skills, knowledge, and resources that adolescents and young adults with serious mental health disorders in the State will need to ensure their successful and healthy transition into adult roles and responsibilities;

''(D) an identification of the obstacles that adolescents and young adults with serious mental health disorders in the State encounter while transitioning into adult roles and responsibilities, including breaks in service or programs caused by eligibility and program criteria differences between the child and adult mental health systems and the lack of local access to mental health and transition services;

''(E) an identification of the current level, type, quality, effectiveness, and availability of services, including evidence-based practices, available in the State that are uniquely designed for adolescents and young adults with a serious mental health disorder to ensure a healthy transition to successful adult roles and responsibilities;

''(F) an identification of adolescents and young adults with a serious emotional disorder who have a low likelihood of a healthy and successful transition due to the severity of their illness, and an identification of how the State will provide treatment and other support services to this population;

''(G) an analyses of the strengths, weaknesses, and gaps of the current system in the State, including the availability of lack of mental health professionals trained to treat adolescents and young adults with a serious mental health disorder, as well as barriers, to address the needs of adolescents and young adults with a serious mental health disorder with an appropriate array of effective services and supports;

''(H) a description of how the State will improve the system of care to ensure successful and healthy transitions;

''(I) a description of how the State will coordinate the services of State and non-State agencies that serve adolescents and young adults with a serious mental health disorder;

''(J) a description of how the State will provide a system of coordinated service delivery under the grant or cooperative agreement that will address the effective services, supports, and unique needs of adolescents and young adults with a serious mental disorder, including those who have been placed in out of home settings such as the juvenile justice system or those who are or were involved in the child protection systems;

''(K) a description of how the State will coordinate efforts under the grant or cooperative agreement with existing services and systems in the State that focus on life skills necessary for a healthy transition including health, employment and pre-employment training, transportation, housing, recreation, mental health services, substance abuse, vocational rehabilitation services for persons with disabilities, and training for adolescents, young adults and adults, consumers and their families;

''(L) a description of how the State will work to build workforce capacity to serve the population described in subparagraph (J);

''(M) a description of how the State will reach out to the target population pre-transition, during transition, and post-transition;

''(N) a description of how the State is currently utilizing and leveraging (and how the State will use and leverage) Federal funding streams to care for the target population, including funding through Medicaid, the Department of Housing and Urban Development, the Department of Labor though supported employment, the Early and Periodic Screening, Diagnosis, and Treatment Program, and other programs, and including an outline of the barriers the State faces in making Federal funding flow to the targeted population in a coordinated manner;

''(O) a description of how the State will involve adolescents and young adults with serious mental health disorders and their families and guardians in the service design, planning, and implementation of the plan under the grant or cooperative agreement;

''(P) an implementation subplan that shall be designed to recognize the challenges of implementing a program between communities at a statewide level and how the State will overcome those challenges;

''(Q) a description of how the State plans to evaluate outcomes under the program funded under the grant or cooperative agreement;

''(R) a designation of the State office that will be the lead agency responsible for administering the program under the grant or cooperative agreement;

''(S) a description of how the State will ensure that the activities planned under the grant or cooperative agreement will remain sustainable at the end of the cycle of Federal funding under this section; and

''(T) any other information determined appropriate by the Secretary.

''(4) DURATION OF SUPPORT.—The duration of a grant or cooperative agreement under this subsection shall not exceed 2 fiscal years.

''(5) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and training in the development of the plan under paragraph (3), including convening a meeting of potential applicants for grants or cooperative agreement under this subsection.

''(6) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection, $6,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.

''(B) TECHNICAL ASSISTANCE.—The Secretary shall make available 15 percent of the amount appropriated under subparagraph (A) in each fiscal year for technical assistance under paragraph (5)

''(b) IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants or cooperative agreement to eligible States for the coordination of services to assist adolescents and young adults with serious mental health disorders in acquiring the services, skills, and knowledge necessary to ensure their healthy transition to successful adult roles and responsibilities.

''(2) ELIGIBILITY.—To be eligible for a grant or cooperative agreement under paragraph (1), a State shall—

''(A) be a State that has received a grant or cooperative agreement under subsection (a) and submitted a plan that meets the requirements of paragraph (3) of such subsection; or

''(B) be a State that has not received such a grant or cooperative agreement but that has a plan that is equivalent to the plan required under subsection (a)(3).

''(3) APPLICATION.—To be eligible for a grant or cooperative agreement under this subsection, a State shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary requires, including—

''(A) a copy of the plan submitted under subsection (a)(3), or in the case of a State described in paragraph (2)(B), a plan that is equivalent to the plan required under subsection (a)(3);

''(B) a list of the State agencies that will participate in the program to be funded under the grant or cooperative agreement along with written verification as to the commitment of such agencies to the program;

''(C) an assurance that the State will develop a coordinating committee composed of representatives of the participating State agencies, as well as consumers and families of consumers;

''(D) a description of the role of such coordinating committee; and

''(E) the names of at least two local communities that will implement the program at the local level and how those communities will implement the State plan.

''(4) USE OF FUNDS.—Funds provided under a grant or cooperative agreement under this subsection shall be used to implement the State plan, including—

''(A) facilitating a youth ombudsman or other advocacy program;

''(B) facilitating peer support programs and networks within the State;

''(C) facilitating access to independent living and life skills supports;

''(D) developing infrastructure to support access to necessary health, mental health, employment, education, and housing supports; and

''(E) facilitating the training of support providers and workforce capacity to serve the target population.

''(5) DURATION OF SUPPORT.—The duration of a grant or cooperative agreement under this subsection shall not exceed 5 fiscal years.

''(6) MATCHING REQUIREMENT.—

''(A) IN GENERAL.—To be eligible for a grant or cooperative agreement under this subsection, the State shall agree that, with respect to the costs to be incurred by the State in carrying out activities under the grant or cooperative agreement, the State will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that—

''(i) for the first fiscal year for which the State receives payments under the grant or cooperative agreement, is not less than $1 for each $3 of Federal funds provided under the grant or cooperative agreement;

''(ii) for any second or third such fiscal year, is not less than $1 for each $2 of Federal funds provided under the grant or cooperative agreement;

''(iii) for any fourth such fiscal year, is not less than $1 for each $1 of Federal funds provided under the grant or cooperative agreement; and

''(iv) for any fifth such fiscal year, is not less than $2 for each $1 of Federal funds provided under the grant or cooperative agreement.

''(B) DETERMINATION OF AMOUNT CONTRIBUTED.—

''(i) IN GENERAL.—Non-Federal contributions required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(ii) NON-FEDERAL CONTRIBUTIONS.—In making a determination of the amount of non-Federal contributions for purposes of clause (i), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the State involved toward the purpose of the grant or cooperative agreement under this subsection for the 2-year period preceding the first fiscal year for which the State receives a grant or cooperative agreement under such subsection.

''(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and training to recipients of grants or cooperative agreements under this subsection, including convening meetings each year to identify ways of improving State programs. Such meetings shall include the members of the Federal Partners Committee under subsection (c).

''(8) EVALUATION.—The Secretary shall carry out a cross-site evaluation that—

''(A) reports on current State efforts to transition the population involved prior to the implementation of the State plans under this section; and

''(B) evaluates the program carried out by the State under this section to determine the effectiveness of such program in meeting its goals and objectives as compared with current approaches.

''(9) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection, $6,000,000 for each of fiscal years 2009 and 2010, $15,000,000 for fiscal year 2011, $20,000,000 for fiscal year 2012, and $25,000,000 for fiscal year 2013.

''(B) TECHNICAL ASSISTANCE AND EVALUATION.—The Secretary shall make available 15 percent of the amount appropriated under subparagraph (A), or $2,000,000 whichever is greater, in each fiscal year for technical assistance under paragraph (7) and the evaluation under paragraph (8).

''(c) FEDERAL PARTNERS.—

''(1) IN GENERAL.—The Secretary shall designate an existing Federal entity, or establish a Committee of Federal Partners, to coordinate service programs to assist adolescents and young adults with serious mental health disorders in acquiring the knowledge and skills necessary for them to transition into adult roles and responsibilities.

''(2) EXISTING FEDERAL ENTITY.—If the Secretary elects to utilize an existing Federal entity under paragraph (1), the Secretary shall ensure that—

''(A) such entity is comprised of representatives of at least the agencies described in paragraph (3); and

''(B) such entity shall give special attention to the knowledge and skills needed by adolescents and young adults with mental health disorders in coordinating the programs funded under this section.

''(3) MEMBERSHIP.—A Federal entity utilized under this subsection, or a committee established under paragraph (1), shall include representatives of—

''(A) the Department of Education (or any subagency of the Department);

''(B) the Department of Health and Human Services (or any subagency of the Department);

''(C) the Department of Labor (or any subagency of the Department);

''(D) the Department of Transportation (or any subagency of the Department);

''(E) the Department of Housing and Urban Development (or any subagency of the Department);

''(F) the Department of Interior (or any subagency of the Department);

''(G) the Department of Justice (or any subagency of the Department);

''(H) the Social Security Administration;

''(I) an organization representing consumers and families of consumers as designated by the Secretary; and

''(J) an organization representing mental health and behavioral health professionals as designated by the Secretary.

''(4) ROLE OF ENTITY OR COMMITTEE.—The Federal entity or committee designated or established under paragraph (1) shall review how Federal programs and efforts that address issues related to the transition of adolescents and young adults with serious mental health disorders may be coordinated to ensure the maximum benefit for the individuals being served and to provide technical assistance to the States who are planning or implementing programs under this section.

''(5) REPORT.—Not later than 18 months after the date of enactment of this Act, the Federal entity or committee designated or established under paragraph (1) shall submit to the appropriate committees of Congress, and make available to the general public, a report concerning the participation of Federal agencies and stakeholders in the planning and operations of the entity or committee. Such report shall also contain a description of the status of the efforts of such entity or committee in coordinating Federal efforts on behalf of the target population.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $1,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.

''(d) DEFINITION.—In this section, the term 'serious mental health disorder' has the meaning given the term 'serious mental illness' by the Administrator for purposes of this title.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 601—DESIGNATING OCTOBER 19 THROUGH OCTOBER 25, 2008, AS ''NATIONAL SAVE FOR RETIREMENT WEEK''

Mr. SMITH (for himself and Mr. CONRAD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES 601

Whereas Americans are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement, and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas many workers may not be aware of their options for saving for retirement or may not have focused on the importance of, and need for, saving for their own retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of them may not be taking advantage of employer-sponsored defined contribution plans at all or to the full extent allowed by the plans as prescribed by Federal law; and

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save adequate funds for retirement and the availability of preferred savings vehicles to assist them in saving for retirement: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 19 through October 25, 2008, as ''National Save for Retirement Week'';

(2) supports the goals and ideals of National Save for Retirement Week;

(3) supports the need to raise public awareness of efficiently utilizing substantial tax revenues that currently subsidize retirement savings, revenues in excess of $170,000,000,000 for the fiscal year 2007 budget;

(4) supports the need to raise public awareness of the importance of saving adequately for retirement and the availability of tax-preferred employer-sponsored retirement savings vehicles; and

(5) calls on States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe this week with appropriate programs and activities with the goal of increasing retirement savings for all the people of the United States.

SENATE RESOLUTION 602—A BILL SUPPORTING THE GOALS AND IDEALS OF ''NATIONAL LIFE INSURANCE AWARENESS MONTH''

Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, Mr. WHITEHOUSE, Mr. JOHNSON, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 602

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care; and

Whereas numerous groups supporting life insurance have designated September 2008 as ''National Life Insurance Awareness Month'' to encourage consumers to take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''National Life Insurance Awareness Month''; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5057. Mr. CRAIG (for himself, Mr. CRAPO, Mr. SMITH, Mr. DOMENICI, Mr. STEVENS, Ms. MURKOWSKI, Mr. BENNETT, and Mr. WYDEN) submitted an amendment intended to be proposed by him 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 ordered to lie on the table.

SA 5058. Mr. CARDIN submitted an amendment intended to be proposed by him to 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 ordered to lie on the table.

SA 5059. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 6304, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5057. Mr. CRAIG (for himself, Mr. CRAPO, Mr. SMITH, Mr. DOMENICI, Mr. STEVENS, Ms. MURKOWSKI, Mr. BENNETT, and Mr. WYDEN) submitted an amendment intended to be proposed by him 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 ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REAUTHORIZATION OF THE SECURE RURAL SCHOOLS PROGRAM.

The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended—

(1) in section 208—

(A) in the first sentence, by striking ''2007'' and inserting ''2008''; and

(B) in the second sentence, by striking ''2008'' and inserting ''2009''; and

(2) in section 303—

(A) in the first sentence, by striking ''2007'' and inserting ''2008''; and

(B) in the second sentence, by striking ''2008'' and inserting ''2009''.

SA 5058. Mr. CARDIN submitted an amendment intended to be proposed by him to 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 ordered to lie on the table; as follows:

On page 103, strike lines 19 through 24, and insert the following:

(1) IN GENERAL.—Except as provided in section 404, effective December 31, 2011, title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2011—

SA 5059. Mr. SPECTER submitted an amendment intended to be proposed by him to 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 ordered to lie on the table; as follows:

On page 90, strike lines 17 through 21 and insert the following:

''(1) REVIEW OF CERTIFICATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a certification under subsection (a) shall be given effect unless the court finds that such certification is not supported by substantial evidence provided to the court pursuant to this section.

''(B) COVERED CIVIL ACTIONS.—In a covered civil action relating to assistance alleged to have been provided in connection with an intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007, a certification under subsection (a) shall be given effect unless the court—

''(i) finds that such certification is not supported by substantial evidence provided to the court pursuant to this section; or

''(ii) determines that the assistance provided by the applicable electronic communication service provider was provided in connection with an intelligence activity that violated the Constitution of the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 25, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 25, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, June 25, 2008, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, June 25, 2008 at 10 a.m., in room 406 of the Dirksen Senate Office Building to conduct a hearing entitled ''Future Federal Role for Surface Transportation.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 25, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 25, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental

Affairs be authorized to meet during the session of the Senate on Wednesday, June 25, 2008, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Wednesday, June 25, 2008, beginning at 10 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Laptop Searches and Other Violations of Privacy Faced by Americans Returning from Overseas Travel'' on Wednesday, June 25, 2008, at 9 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be granted the privilege of the floor for the duration of the debate on the Housing and Economic Recovery Act of 2008: Bridget Mallon, Damian Kudelka, Jeremiah Langston, Mike Unden, Thea Murray, Matt Smith, Tom Louthan, and Mary Baker.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE WATER RESOURCES DEVELOPMENT ACT OF 2007

Mr. REID. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 6040.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6040) to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6040) was ordered to a third reading, was read the third time, and passed.

PROGRAM

Mr. REID. Mr. President, we are going to come in tomorrow and see what we can get accomplished. I believe we can get a few things done. I have already outlined what we need to do before we leave. With some cooperation we can get that done. If not—as I said here about a half hour ago, 45 minutes ago—if people want to play out this clock, people will have to be here Friday and Saturday. I hope that would be it, but we will have to wait and see. In that the Fourth of July doesn't occur until a week after we leave here anyway, people should keep in mind that there may be a need for us to work the next few days. I hope that is not necessary. We will have to see what happens. It is a shame.

I know we talked about the fact that we need to complete the housing bill, but we will complete that the first week we get back. By then Senators DODD and SHELBY maybe will have more things worked out with the House.

ORDERS FOR THURSDAY, JUNE 26, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Thursday, June 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to H.R. 6304, the FISA legislation, and the time during the adjournment count postcloture. I further ask that Senator MURKOWSKI, or designee, control the time from 1:30 to 2:15 p.m. tomorrow, and that the time count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:42 p.m., adjourned until Thursday, June 26, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

MICHAEL BRUCE DONLEY, OF VIRGINIA, TO BE SECRETARY OF THE AIR FORCE, VICE MICHAEL W. WYNNE, RESIGNED.

SOCIAL SECURITY ADMINISTRATION

JASON J. FICHTNER, OF VIRGINIA, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2013, VICE ANDREW G. BIGGS, RESIGNED.

GENERAL SERVICES ADMINISTRATION

JAMES A. WILLIAMS, OF VIRGINIA, TO BE ADMINISTRATOR OF GENERAL SERVICES, VICE LURITA ALEXIS DOAN, RESIGNED.

SMALL BUSINESS ADMINISTRATION

SANTANU K. BARUAH, OF OREGON, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE STEVEN C. PRESTON, RESIGNED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. MATTHEW L. KAMBIC

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHN D. MUTHER

EXTENSIONS OF REMARKS

TRIBUTE TO PATRICIA FROUNFELKER

HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Patricia Frounfelker, recently nominated for the 2008 Service to America Call to Service Medal. Ms. Frounfelker is being nominated for her studies of potential hazards and risks associated with U.S. combat vehicles. Ms. Frounfelker's research on these hazards has led to safety improvements that are minimizing risks for our Nation's soldiers on the front line.

In her three years of government service with the Army Research Laboratory at Aberdeen Proving Grounds in Maryland, Patricia Frounfelker has become a leading expert in analyzing and characterizing the survivability of U.S. Army soldiers to a wide variety of potential risks. Most recently, she examined the potential for reactive armor to cause collateral injuries to troops who are near a tactical vehicle that is under attack. Ms. Frounfelker developed a detailed test plan to characterize reactive armor tiles being sent to Iraq for use on the Abrams tank. She collected and analyzed the data following each test and determined the collateral injuries likely to be suffered by dismounted U.S. troops within proximity to the tank. Ms. Frounfelker conducted her analysis using a novel methodology that she had previously developed to characterize the collateral damage to dismounted troops within proximity of the Stryker and Bradley vehicles. Her results identified areas of concern regarding hazards from each version of reactive armor and have led the Army to change how dismounted troops operate around these vehicles.

During the same period, Ms. Frounfelker served as the lead assessor of crew casualties for 25 U.S. Army developmental systems, including 11 that were fielded in Iraq or Afghanistan. These systems included three variants of the Guided Multiple Launch Rocket System (GMLRS) and several tactical wheeled vehicles. She collected and analyzed fragment data for every live-fire test of these systems, and her assessments provided the data needed to assess the lethality of U.S. munitions and the survivability of combat vehicles.

Madam Speaker, I ask that you join with me today to honor Patricia Frounfelker in her nomination for the 2008 Service to America Call to Service Medal. Patricia Frounfelker's efforts in this time of war have directly benefited soldiers and Marines by identifying and assessing potential injuries they might suffer in or near U.S. combat vehicles. This has allowed the Army to modify the vehicles or the tactics, techniques and procedures before the vehicles are fielded to better protect U.S. military personnel. Her efforts have resulted in better equipped, better protected warfighters, who are better able to protect and defend our Nation. It is with great pride that I congratulate Patricia Frounfelker on her exemplary efforts to increase safety for our armed forces overseas.

TRIBUTE TO TECHNICAL SERGEANT MICHAEL CMELIK

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize a Nashua, Iowa native and TSgt Michael P. Cmelik as a recipient of a Bronze Star Medal for his heroic achievements during combat operations in support of Operation Iraqi Freedom. The Bronze Star, the Department of Defense's fourth highest award given, is awarded to individuals for bravery, heroism, and meritorious service.

Technical Sergeant Cmelik earned the Bronze Star as an elite member of the 15th Expeditionary Air Support Operations Squadron while operating in Kalsu, Iraq during his third tour of duty in Iraq. As stated by the military in a press release related to his award, ''Sgt. Cmelik's leadership and professionalism ensured his Brigade Commander's intent for airpower was always met, and more often than not, exceeded. His actions are in keeping with the finest traditions of military service and reflect distinct credit upon himself, this command, the United States Army and the United States Air Force.''

Technical Sergeant Cmelik's bravery goes above and beyond what we are asked of as citizens of this country, and his heroism and hard work illustrates the compassion and professionalism of America's troops. I commend TSgt Michael P. Cmelik's courageousness and service to our great Nation and consider it an honor to represent Sergeant Cmelik and his family in the United States Congress. I know my colleagues join me in wishing him the best in his future service to our country.

IN RECOGNITION OF THE NATIONAL ASSOCIATION OF CREDIT MANAGEMENT SOUTHWEST

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. SESSIONS. Madam Speaker, I rise today to congratulate the National Association of Credit Management Southwest (NACMSW) who will celebrate its 100th birthday on July 18, 2008.

Since its founding in 1908, NACMSW has served as a primary learning, knowledge, and information source for its members. They provide valuable education and research programs to address the ever changing and growing needs of its members. NACMSW remains a vocal advocate for business credit and financial management professionals and pushes for the highest ethical and professional standards. I know NACMSW will continue to be a valuable resource for the local community and remain on the forefront of the credit industry.

Madam Speaker, I ask my esteemed colleagues to join me in expressing our heartiest birthday wishes to the National Association of Credit Management Southwest.

JULY 4, 2008, NATURALIZATION CEREMONY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure and sincerity that I take this time to congratulate the individuals who will take their oath of citizenship on July 4, 2008. In true patriotic fashion, on the day of our great Nation's celebration of independence, a naturalization ceremony will take place, welcoming new citizens of the United States of America. This memorable occasion, coordinated by the Hammond Public Library and presided over by Magistrate Judge Paul R. Cherry, will be held at Harrison Park in Hammond, Indiana.

America is a country founded by immigrants. From its beginning, settlers have come from countries around the globe to the United States in search of better lives for their families. The upcoming oath ceremony will be a shining example of what is so great about the United States of America, that people from all over the world can come together and unite as members of a free, democratic nation. These individuals realize the great things America has to offer. They realize that nowhere else in the world is the opportunity for success and a better life available to them than here in America.

On July 4, 2008, the following people will take their oath of citizenship in Hammond, Indiana: Mindi Thi Bul, Lidia Quinonez, Claudia Rodriguez, Maria de la Luz Godinez, Venkat Santhosh Reddy Poddutur, Juanita Martinez, Chu-Mei Peng, Pantelis George Baramantas, Teresa Fernandez, Jose Cruz Alvarez Martinez, Iris Xiomara Sierra, Nada Jerkovic, Juan Tellez Rangel, Sarp Kocak, Juana Ramirez de Pantoja, Aurelio Jimenez, Michal Armatys, Rosy Oliva Arreaga, Stevanda Vukicevic, Tanuja Reddy Poddutur, Genoveva Atilano, Lelis Estella Lizama, Arel Cherry, Dejan Lukich, Silvia Vazquez, Monica Leticia Dominguez, Rodolfo Macias, Snezana Krkobabic, Mario Gonzalez Salgado, Victor Manuel Garcia Garcia, Maria Carmen Avina, Cristina Varzoaba, Filiberto Corona, Ma Melorie Villagracia Rodriguez, Hilda Gonzalez, Gregorio Martinez Sanchez, Maria de Jesus Alvarez, Orlando Jiminez Serna, Diana Lewis, Jose Antonio Saldana, Ivanja Corak, Farida

Begum, Elva Miriam Reyna, Fidelina Rodriguez, Beatriz Anaya Vargas, Efren Carranza, Arturo Cantero Paredes, Carlos Nicolas Perez Aranda, Maria Stoneburner, and Alma Della Rangel.

Though each individual has sought to become a citizen of the United States for his or her own reasons, be it for educational or occupational opportunities or for the opportunity to offer their families a better life, each is inspired by the fact that the United States of America is, as Abraham Lincoln described it, a country ". . . of the people, by the people, and for the people." They realize that the United States is truly a free nation, and by seeking American citizenship, they have made the decision that they want to live in a place where, as guaranteed by the First Amendment of the Bill of Rights, they can practice whatever religion they choose to practice, speak their minds without fear of punishment, and assemble in peaceful protest should they choose to do so.

On July 4, 2008, we will welcome these newly naturalized citizens to enjoy the same freedoms and liberties that all Americans take pride in and cherish. They, too, will be American citizens, and they, too, will be guaranteed the inalienable rights of Life, Liberty, and the pursuit of Happiness. These individuals, representing many nations throughout the world, will be called upon to declare their allegiance to the United States of America.

Madam Speaker, I ask you and my other distinguished colleagues to join me in congratulating these individuals, who will become citizens of the United States of America on July 4, 2008, the day of our Nation's independence. We, as a free and democratic nation, congratulate them and welcome them.

HONORING MR. BLACKSTONE DILWORTH

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. Blackstone Dilworth in recognition of his being named the 2008 Laredo Business Person of the Year by the Laredo Chamber of Commerce on June 26, 2008. This award recognizes his remarkable dedication to the city of Laredo as a business entrepreneur.

McMullen County is where it all began for Mr. Dilworth, where he was called upon to oversee his family's ranching, oil, and gas operations in the mid 1970s. He managed over 50,000 acres spread over four south Texas counties, and his land was often used for commercial hunting operations. In 1983, Mr. Dilworth went on to found Towers of Texas, a communication tower leasing company. He focused his communication business on the digital cell phone tower market in the late 1990s, enabling the construction of over 500 tower sites across Oklahoma, Texas, Kansas, Mississippi, Louisiana, and Arkansas.

Along with the expansion of his tower business, Mr. Dilworth planned and executed the development of a family ranch in north Laredo. The relatively new addition to Laredo has already created a solid reputation for itself, boasting of industrial, commercial, and residential development. From the beginning of Mr. Dilworth's ownership of the San Isidro ranch, he has tried to develop a quality place to live and work for Laredoans. Toward that end, he donated over 120 acres of land for Loop 20 as well as for the extension of McPherson Road to connect to the Loop. In the years following, the land for the United Day School was donated by the Dilworth family. The land for the fire station north of the Loop on McPherson was also donated to the city. Mr. Dilworth's newest venture in the business world is in the hospitality industry, with addition of the new Best Western Motel on the corner of Sandia Drive and Loop 20.

Madam Speaker, I am honored to have had this time to recognize the hard work and dedication of Mr. Blackstone Dilworth to the city of Laredo, to his wife, Frances, and to his family. He is a truly deserving recipient of the 2008 Laredo Business Person of the Year by the Laredo Chamber of Commerce.

HONORING DR. ALVIN R. LEONARD

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life of Dr. Alvin R. Leonard. We lost this kind spirit and community leader on April 20, 2008. A remarkable trailblazer and humanitarian, Dr. Leonard lived a full and vibrant 90 years, during which he transformed our community immeasurably. Although his presence will be sorely missed, there is no doubt that his legacy will continue far into the future.

Dr. Alvin R. Leonard was a respected physician and community activist who used his talents and intelligence to serve those most in need in our community. Nearly 40 years ago, he helped found the Berkeley Free Clinic in my congressional district. Dr. Leonard then dedicated the remainder of his life to making sure people were given the opportunity to achieve and maintain good health. For Dr. Leonard, this was especially important for those who faced economic hardships or strenuous life circumstances.

During the 1950s and 1960s, Dr. Leonard served as the director of public health for the City of Berkeley, California. Dr. Leonard truly fulfilled his role as a public servant, introducing initiatives which championed those most in need regardless of the opposition or skepticism he faced from contemporaries. An example of his foresight is the seat-belt campaign he launched to encourage people to buy the safety devices and install them in their cars—long before national legislation mandated that auto manufacturers build cars equipped with them.

One of his greatest characteristics, noted by his family and friends, was his sense of humor. Dr. Leonard clearly knew the importance of love, camaraderie, community building, and maintaining a youthful spirit in the pursuit of both health and social justice. During his tenure as public health director, Dr. Leonard succeeded in persuading department employees to run up and down the stairs for exercise, convinced many to quit smoking, and always urged people to take their health both seriously and personally by giving up bad habits and encouraging lifestyle changes.

Dr. Alvin Leonard was an exceptionally vibrant and creative person whose accomplishments spanned decades where he personally impacted the lives of those around him. He documented pesticide poisoning among farm workers in the 1940s, created statewide programs to control high-blood pressure among specific ethnic groups and examined the health effects of electromagnetic fields. Perhaps most notably, in 1969 Dr. Leonard helped to establish the Berkeley Free Clinic.

Dr. Leonard was a pioneer and champion of our most vulnerable community members. Although the Greater Bay Area is one of the most diverse and innovative regions in the Nation, it also faces many challenges including homelessness, poverty, and health inequities. Dr. Leonard's compassion for those less fortunate motivated him to create a "street medicine" clinic.

The Berkeley Free Clinic found a permanent home in the Berkeley community, one of the Nation's epicenters for social justice advocacy. The clinic services our neighbors who are in the most dire economic need by providing them with a right that should be universal—the right to health care. Essential to Dr. Leonard's personal convictions and vision are the compassion and personal care shown to residents of my district who seek assistance from the clinic.

In its 40-year tenure, the clinic has served thousands of people, and today it is a strong pillar of hope for many in my district.

Although Dr. Leonard formally retired in 1984, he continued public health consulting until his own health no longer permitted it during this past year.

Dr. Leonard's legacy will certainly live on through the lives of all who were fortunate enough to know him. His contributions to our society were so great that his positive influence will continue on even through those who were never able to meet him.

Today, California's Ninth Congressional District salutes and honors Dr. Alvin R. Leonard. We extend our deepest condolences to his family, especially his wife of 65 years, Pearl, and his daughters Barbara and Cathy. May his soul rest in peace.

A TRIBUTE TO THE LIFE OF RICHARD DARMANIAN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the life of Richard Darmanian of Fresno, California, who recently passed away at 81 years of age. He leaves behind his best friend and loving wife of 59 years, Armon, six children, and several grandchildren.

Mr. Darmanian was born on November 21, 1926, in Sacramento, California, but was raised in the Central Valley. As a youngster, he lived on a farm where his passion for farming came to life.

Upon graduation from Caruthers High School he attended Fresno State College and earned his B.A. degree in history and a master's degree in guidance and counseling.

Upon graduating from Fresno State in 1952, Mr. Darmanian began his teaching career at Roosevelt High School, where he taught mathematics, history and government. Mr.

Darmanian was also counselor and dean of the boys at Roosevelt High School. In 1959 he purchased a small farm in the Sunnyside area, where he built a home and raised a family for many years.

In 1969 he became the assistant principal at Edison High School and then moved on to become the principal in 1972. He was also the principal at Hoover High School, and he served as district administrator in the Instruction Division from 1984 until 1988, where he was responsible for all the Fresno Unified School District's high schools.

Mr. Darmanian not only had a passion for education but also for his Armenian community where he was both very active and an influential member. In 1950, he became a member of the Armenian Revolutionary Federation, ARF, in which he served several terms as a member of the Regional Executive Committee and the Central Executive Committee. From 1952 to 1970 he served as regional secretary of the American Committee for the Independence of Armenia, Armenian National Committee. Also, as one of the founding members of the Armenian Community School that opened its doors in 1976, he served as chairman of the board of education for 6 years.

His strong values and community ties led him to serve as a long-time member of the Holy Trinity Armenian Apostolic Church Board of Trustees, as well as a member of the Executive Council of the Western Prelacy of the Armenian Apostolic Church of North America, where he was appointed to the Education Council of the Armenian Schools under the jurisdiction of Western Prelacy during the period of 1990 and 1994. He was also a member of the California State University Fresno Armenian Studies Advisory Board.

Richard enjoyed the simple things in life and loved to be surrounded by his family, friends and colleagues from the Armenian community. He was especially proud to see the younger Armenian generation alongside with him engaged in activities that were dear to his heart. Those who were close to him are better people today thanks to his influence on their lives.

It goes without saying that Mr. Richard Darmanian was an honorable man with a commitment to family, friends and the Armenian community that will forever live in the lives of the people he so graciously touched. His passion for family, education, and the Armenian culture will be remembered by all who knew him. I am honored and humbled to join his family in celebrating the life of this amazing man who will never be forgotten.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. ABERCROMBIE. Madam Speaker, I regret that I was delayed in reaching the floor and missed rollcall vote No. 441. Had I been present, I would have voted "nay."

STATEMENT HONORING THE 100TH ANNIVERSARY OF THE MINDORO ''CUT''

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. KIND. Madam Speaker, I rise today in celebration of the centennial anniversary of the completion of the Mindoro "Cut" and its addition to the National Register of HIstoric Places.

The Mindoro Cut is a perfect example of the ingenuity of rural Wisconsin residents. When the need arose to market perishable dairy products from the countryside to the local creamery, neighbors and families came together and surveyed a route through the region's rugged terrain.

From 1907 and into 1908, workers dug and hacked through hard rock with little technology outside of wheelbarrows and hand tools and a good strong back. Digging 74 feet deep, 25 feet wide and 86 feet long, the Mindoro Cut is the deepest of its kind still remaining in America.

Eventually, about 14,000 cubic feet of rock would be removed. Although they initially assumed that the hilltop ridge was made of sandstone and dirt, cutters found hard rock just under the surface.

The Mindoro Cut is still in use today. From its creation in 1908, the "Cut" has more than served its original purpose. Today, tourists and visitors travel from across the country to marvel at the scenic views while they drive the winding highway through this man-made historical landmark.

Today I pay tribute to the workers who undertook this great endeavor and to the community of Mindoro for honoring their efforts. With its natural beauty and continued usefulness, the Mindoro Cut is a link to our region's history and people.

EXPRESSING THE SUPPORT OF THE TITLE IX

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. RANGEL. Madam Speaker, I rise today to express my support of the Title IX of the Education Amendments of 1972, introduced by Congresswoman Patsy T. Mink.

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any programs or activity receiving federal financial assistance," states the Title IX Law of 1972. Passed by Congress, the act prohibits discrimination against girls and women in federally funded education, including athletic programs. Many controversies arose trom the bill. It was protested that boy's sports would suffer if women's sports became equally funded. Despite all the difficulties, the newly enacted law created numerous opportunities for girls and women in many fields, such as science or math, health care, school bands, cheerleaders, clubs and athletics. Because of Title IX, many young women gained a chance to receive scholarships and opportunity for higher education.

The Title IX Law greatly improved the lives of females and will continue to affect women for years to come. Title IX has influenced many areas of education, giving the possibility for women to become lawyers, scientists, economists, politicians, doctors. Even at the present time gender equity is still an issue. By protecting and supporting Title IX, we can ensure full and equal educational opportunities for all people pursuing their education.

CONGRATULATING MEGHAN VITTRUP FOR HER APPOINTMENT AS UNIVERSITY OF NORTH TEXAS SYSTEM STUDENT REGENT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Meghan Vittrup, who will be sworn in today as the Student Regent for the University of North Texas System. Appointed by the governor of Texas, the student regent serves as a member of the University's Board of Regents, which governs the University of North Texas, the UNT Health Science Center at Fort Worth, and the UNT Dallas Campus. Meghan will hold a one-year term, and she is charged with representing the interests of students as well as the interests of the State of Texas and the university system. The student regent is a very important position within the UNT system, and I am honored to recognize such an outstanding individual.

At UNT, Meghan is pursuing a degree in journalism, with a double minor in political science and Spanish. Additionally, she has been director of internal operations for the Student Government Association, and vice president of Eagle Angels, an on-campus organization. This summer, Meghan is working at the Pentagon as an intern writer for American Foreign Press Services, (AFPS), in the Office of the Assistant Secretary of Defense. AFPS provides the news content for the official Department of Defense website.

As an alumnus of UNT, it makes me especially proud to see a leader from within the student body involved in such an important role as a Member of the Board of Regents. It is encouraging to see current students taking such an active role in governing the school. It is because of dedicated individuals like Meghan that the University of North Texas continues to shine as one of the leading universities of Texas.

Again, I commend Meghan for her outstanding accomplishment. Her appointment is well deserved, and I am confident that the UNT system will benefit from her involvement. I am proud to represent Meghan in the 26th District of Texas.

HONORING THE INCORPORATION OF THE CITY OF WILDOMAR, CA ON JULY 1, 2008

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. ISSA. Madam Speaker, I rise today to congratulate the citizens of the City of

Wildomar on their official incorporation as a city on July 1, 2008. Located in southwest Riverside County within the 49th Congressional District, Wildomar stands to be the 456th city in the great state of California. I commend the citizens of Wildomar for their decision to take the responsibility of self governance by utilizing the fundamental principles of democracy, a tradition that goes back to the founding days of our nation.

Established as a community in 1891, Wildomar has a long and rich history in California. The three founders constructed the name "Wildomar" from their first names, "Wil" from William Collier, "Do" from Donald Graham and "Mar" from Margaret Collier. Once a common stop for the Pony Express on the Butterfield Stage route, Wildomar provided a much needed break for the express riders. Thanks to the establishment of a rail line and stop at Wildomar, the village has continued to grow throughout the last century.

Today, the area of Wildomar consists of many custom built homes set on large ranches and communities along the hillsides with sweeping views of the valley. Wildomar remains a relaxing and naturally beautiful area of California. Wildomar is home to 27,000 people, many of them first time home buyers and long time residents.

On February 2, 2008, the citizens of Wildomar voted to incorporate the city, while at the same time electing the leaders that will set the standards for future growth and stability in a rich area of California. It is my honor to recognize the first city council of Wildomar: Council Members Ms. Sheryl Ade, Mr. Bob Cashman, Mr. Scott Farnam, Ms. Bridgette Moore, and Ms. Marsha Swanson. I look forward to working with the new council on issues important to their new and growing community.

As the Representative of the 49th Congressional District of California in the United States House of Representatives, I wish the new city of Wildomar great success as it begins the next chapter of Wildomar's storied history.

COMMENDING THE UNITED STATE'S LONGSTANDING RELATIONSHIP WITH SWAZILAND

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. BURTON of Indiana. Madam Speaker, as a proud co-chair of the Congressional Caucus on Swaziland, I rise today to educate my colleagues about the history of Swaziland and strong but unfortunately too often overlooked relationship between the United States and the Kingdom of Swaziland.

The Swazi nation has a long and rich history going back to the 16th century when, according to tradition, the Swazi people migrated south from what is now Mozambique. Following a series of conflicts with people living in the area around modern day Maputo, Mozambique, the Swazi people settled in northern Zululand—part of present day South Africa—in about 1750. Unable to resist the growing power of the Zulu nation in the region, the Swazis moved gradually northward in the 1800s and established themselves in the area of modern Swaziland. From 1894 to 1902 South Africa administered Swazi interests with the British assuming control of the country in 1902. On September 6, 1968, the Kingdom of Swaziland became officially independent from the British crown.

Today, Swaziland is a full fledged member of the United Nations, the African Union, Common Market for Eastern and Southern Africa (COMESA), and Southern African Development Community (SADC). Ten accredited ambassadors or honorary consuls are resident in the country and Swaziland maintains diplomatic missions in Brussels, Copenhagen, Kuala Lumpur, London, Maputo, Nairobi, Pretoria, Taipei, the United Nations, and Washington, D.C.

The United States has maintained good bilateral relations since the kingdom became independent in 1968 and these good ties have developed substantially over the years through talks of trade and assistance to fight the HIV/AIDS epidemic that plagues the Kingdom.

Approximately five years ago, the United States began negotiations to launch a Free Trade Agreement with the Southern African Customs Union (SACU) made up of Botswana, Lesotho, Namibia, South Africa and Swaziland. While the negotiations are currently on hold, the United States is still engaged in cooperative efforts to launch a program to intensify the trade and investment relationship in preparation for a Free Trade Agreement that would eventually eliminate tariffs, reduce non-tariff barriers, liberalize service trade, protect intellectual property rights, and provide technical assistance to help the five African nations, including Swaziland. To compound these future goals, the U.S. supports small enterprise development, education, military training, and development of institutions and human resources, and agricultural.

In addition to promoting economic reform and improved industrial relations, the United States has worked closely with many organizations within Swaziland, and through U.S. agencies, to develop HIV/AIDS initiatives and programs. The U.S. is also the largest bilateral donor to the Global Fund, Swaziland's principal HIV/AIDS funding source. Through this source, many Swaziland groups such as the Hope House, Anglican United Against HIV/AIDS, World Teach, Salvation Army etc, have received funds to help in the scourge against AIDS. As exhibited in this year's large reauthorization amount for Presidential Emergency Plan for AIDS Relief (PEPFAR), the United States is committed in the fight against AIDS, and will stand alongside any country willing to join us in this serious fight.

The Peace Corps has made substantial contributions to this common fight as well. In 2003, Peace Corps volunteers returned to Swaziland after a nine-year absence. The current Peace Corps program in Swaziland focuses on HIV/AIDS and provides assistance in the execution of two components of the HIV/AIDS national strategy—risk reduction and mitigation of the impact of the disease. Volunteers encourage youth to engage in appropriate behaviors that will reduce the spread of HIV; they work with children orphaned by the HIV/AIDS pandemic; and they assist in capacity building for nongovernmental organizations and community-based organizations.

I was also pleased to learn that the U.S. Government sends, on average, four Swazi professionals to the United States each year, from both the public and private sectors, primarily for master's degrees, and about five others for three- to four-week International Visitor programs. Such programs are vital to continuing substantial progress between our two countries' common goals. Given the great potential for progress and development between the United States and Swaziland as outlined above, I am excited to co-chair the Congressional Swaziland Caucus with my friend and colleague Representative EDOLPHUS TOWNS of New York. I urge my colleagues to learn more about the Kingdom of Swaziland and to consider joining the Congressional Swaziland Caucus to help us bolster the long standing ties of friendship between our two great countries.

IN REMEMBRANCE OF JUSTICE REVIUS ORTIQUE, JR.

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. JEFFERSON. Madam Speaker, the death of Justice Revius O. Ortique, Jr. this past Sunday marked the passing of a true public servant and a selfless leader. A man of historic firsts, most notably the first African-American member of the Civil District Court in Louisiana, and the first African-American member of Louisiana's Supreme Court, he blazed a trail for others to follow.

He was an outstanding lawyer, winning landmark civil rights cases, and serving as President of the National Bar Association. He served our community as a leader of our Urban League and chair of the New Orleans Aviation Board. He served our Nation, as an army officer and as an appointee to significant federal posts by five different Presidents.

Justice Ortique was a man of community, of faith and of family. He was a man who loved justice and pursued it for himself and others his entire life. Our Nation is better for his service, his leadership and his commitment to his country. We pray God's comfort for his wife of over 60 years, Miriam; his daughter, Rhesa; and her husband, Alden; and his grandchildren, Chip, Heidi, and Todd.

TRIBUTE TO NATIONAL INSTITUTES OF HEALTH

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to the National Institutes of Health, NIH, and call attention to one example of important NIH-supported research being conducted through the National Institute on Deafness and Other Communication Disorders, NIDCD.

Of the five standard senses—sight, hearing, taste, smell, and touch—hearing is the one that people are most likely to lose. Approximately 32 million American adults have some form of hearing loss, ranging from mild to profound. Loss of hearing can occur at any age. Between two to three out of every 1,000 infants in this country are born deaf or hard of hearing. This impairment can make it difficult

for a child to learn and adversely affect his or her social and emotional development. Older adults can experience social isolation and depression. Needed supportive care and services can be very costly. The Centers for Disease Control and Prevention estimates that the average lifetime costs for one individual with hearing loss is $417,000. These costs include direct medical costs such as doctor visits, direct nonmedical expenses such as special education, and indirect costs such as lost wages when a person cannot work due to hearing loss.

With NIH funding, scientists have made tremendous strides during the past decade in understanding the basic biology that underlies hearing loss. Research has already led to the development of the cochlear implant which helps people with certain types of hearing loss understand speech and other sounds. Researchers are also exploring the possibility of regenerating cochlear hair cells in humans; the destruction of these hair cells is the primary factor in most cases of hearing loss. Before, it was assumed that damaged cochlear hair cells could not regenerate in people and other mammals. However, in 2005, NIH-funded research has enabled scientists to identify a gene that may one day enable hair cells to regenerate in mammals.

These findings indicate exciting new possibilities for hearing loss treatments by regenerating the hair cells that transform and send sound waves as electrical signals to the brain, thus making it possible to hear better. In addition, there are new technologies on the horizon for diagnosing hearing loss in infants, thus enabling hearing-impaired children to receive early intervention that can help them develop language skills similar to that of their peers. For example, scientists and clinicians working collaboratively at the Boys Town National Research Hospital with the support of NIDCD developed an approach for testing the hearing mechanism of infants in a matter of minutes in the first days of life. This technology is now in widespread use in many birthing hospitals in the U.S. as part of their universal newborn hearing screening programs.

This is but a few examples of how the research funded with taxpayer dollars at the NIH is improving the health and well-being of all Americans.

CONGRATULATING JAKE MILLER, RECIPIENT OF THE 2008 HOUSE FELLOWS PROGRAM FROM THE 11TH CONGRESSIONAL DISTRICT OF PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to congratulate Jake Miller, on his acceptance of the 2008 House Fellows Program from the 11th Congressional District of Pennsylvania.

The House Fellows Program, an initiative created three years ago by the Office of the Historian, extends the opportunity for high school Social Studies teachers to visit Washington, D.C. in order to learn, first hand, the intricate structure and proceedings of the U.S. House of Representatives. The program brings together twelve teachers during this week-long workshop, from June 23–27, 2008, selected from Congressional Districts throughout the country.

The purpose of this program is to advance the knowledge of the history and practices of ''The People's Branch'' so that the selected teachers can bring back an enriched understanding of the legislative process. While the focus of the program is Congress, the Fellows will also participate in conferences at the National Archives, the Smithsonian Institution, and the Library of Congress. These teachers will then be able to take these details they learn back to their students.

Jake Miller is recipient of this honor from our 11th Congressional District of Pennsylvania. He is a resident of Summit Hill and is a teacher at Panther Valley High School located in Lansford. As a teacher at the high school, Jake instructs freshman in U.S government and seniors in economics. To help aid his professional development as a teacher, Jake tutored students in biology, algebra, and literature and co-founded an organization that assisted in registering and counseling individuals on the voting process. When he is not supporting students in the classroom, he is the faculty advisor for numerous student activities including student council and yearbook.

Additionally, Jake worked for Pennsylvania State Senator John Gordner where Jake coordinated various activities in Senator Gordner's office including issues pertaining to schools within the state. The knowledge gained by this professional experience undoubtedly has a positively impacted on the lessons he passes on to his students in the classroom.

Madam Speaker, please join me in congratulating Jake Miller on his acceptance to the competitive House Fellows Program. His commitment to education, the government and his community greatly benefits his own students and those throughout the Pennsylvania educational system.

A TRIBUTE TO MAURICE CALDERON, A TRUE CIVIC LEADER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LEWIS of California. Madam Speaker, I rise today to pay tribute to a beloved community leader in San Bernardino and Riverside counties, and one of the most caring individuals I have ever known, Maurice Calderon of Banning, California.

The son of a laborer, Maurice Calderon is a shining example of living the American dream to the fullest. He began with night classes at the local community college and an entry-level job as a teller at Redlands Savings and Loan. His long career led him to become the senior vice president for governmental affairs and community development with Arrowhead Credit Union, which he helped to become a community institution.

Even as he was beginning his career, Maurice became the first Hispanic elected official in the city when he won a seat on the Banning Unified School District board in 1967. He served for nine years, becoming a champion of educational opportunities for the large Hispanic community. He later was elected as a trustee of the Mt. San Jacinto Community College District, serving for another nine years.

His community involvement has been legendary. He has served on the foundation boards for the University of California, Riverside and California State University, San Bernardino. He was a leading member of the Inland Empire Hispanic Chamber of Commerce, the Inland Empire African American Chamber of Commerce and the Inland Empire Economic Partnership. He served as president of Sinfonia Mexicana and Chairman of the Inland Empire Hispanic Leadership Council.

The list of his commitments to his community is impressive, but it does not do justice to the depth of Maurice's involvement. When he takes an interest in an organization, he brings a warmth and dedication that quickly make Maurice one of the most valued members. He has been a civic-minded connection tying all these groups together and making them all more effective.

He has also helped Arrowhead Credit Union become a force for bringing the American dream to minority and working class neighborhoods throughout the Inland Empire. He led the drive to open the first banking office in the African-American and Hispanic neighborhoods in west San Bernardino. The credit union has been honored for its minority outreach programs.

For his efforts, Maurice has received accolades from numerous cities and the two counties. He has had Banning street named in honor of his family. In 2004, he received the Ohtli Award, the highest recognition granted by the Mexican Ministry of Foreign Affairs to members of the Mexican American Community. He is in the Southern California Native American and Latino Hall of Fame.

His devotion to his children and grandchildren has earned him honors as the Father of the Year. He and wife Dorothy—a community spirit in her own right—have spent 47 years together and in service to the Inland Empire.

Madam Speaker, Maurice Calderon is retiring from his position with the credit union, but wlll most certamly remam active in his many other roles. I ask you and my colleagues to please join me in thanking him for his decades as a community leader, and wish him and Dorothy well in all their future endeavors.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, June 24, 2008, I was unable to cast my votes on the Motion to Adjourn, the Motion to Adjourn, and H.R. 6331. Had I been present for rollcall No. 441 on the Motion to Adjourn, I would have voted ''aye.'' Had I been present for rollcall No. 442 on the Motion to Adjourn, I would have voted ''aye.'' Had I been present for rollcall No. 443 on suspending the rules and passing H.R. 6331, the Medicare Improvements for Patients and Providers Act, I would have voted ''aye.''

IN MEMORY OF LANCE CORPORAL ANDREW FRANCIS WHITACRE

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. PENCE. Madam Speaker, I rise today to honor a fallen hero who served his country bravely in Iraq and Afghanistan. I was deeply saddened to learn of the loss of Lance Corporal Andrew Whitacre of Bryant, Indiana, one of two Marines who perished while conducting combat operations in southwestern Afghanistan's Farah Province on Thursday, June 19, 2008.

Lance Cpl. Whitacre was assigned to 2nd Battalion, 7th Marines, 1st Marine Division, I Marine Expeditionary Force, based in Twentynine Palms, California. He was serving in support of Operation Enduring Freedom in Afghanistan, where his unit was helping to train the Afghan national police.

The three Marine Corps values are honor, courage and commitment. They make up the bedrock of the character of each individual Marine. These values, handed down from generation to generation, have made the U.S. Marine Corps the most respected and revered fighting force on earth. Lance Cpl. Whitacre personified these values and continued that proud tradition as a Marine who served his country bravely in combat.

An Infantry Assaultman, part of a gun team attached to his infantry unit, Lance Cpl. Whitacre's stock and trade was demolitions, breaching, and firing shoulder-launched assault weapons. As I'm sure his fellow 2/7 Marines who trusted their lives to his special explosives training would tell you, Lance Cpl. Whitacre was an asset to the Marine Corps, the United States and the American way of life. He will be sorely missed by all.

In addition to any posthumous commendations that he might receive because he died in the line of duty, Lance Cpl. Whitacre was the recipient of six awards since he left for Marine Corps boot camp in July 2005. He earned ribbons for combat action and overseas service, including campaign medals for Iraq and Afghanistan.

Madam Speaker, I extend my deepest condolences to the family and friends of Lance Cpl. Whitacre. And I wish to express my profound sadness to the community of Bryant, especially his father and stepmother, Ernie and Norma Whitacre; his mother and her fiancée, Susan Nunly and Michael Perry of Dunkirk; his fiancée, Casey McGuire of Parker, Arizona; two brothers, Ryan Murphy of Lancaster, Indiana and Justin Miller of Huntington; one sister, Ashley Williams of Lancaster, Indiana; four grandmothers, Mildred Whitacre of Berne, Caroline Huffman of Kendallville, Beulah Murphy of Bluffton and Mary Scott of Portland; and, many nieces and nephews.

We are all struggling to cope with the tragic loss of this young man, no less because his death follows hard on the heels of another fallen Marine from the Sixth District who was lost less than a week before. Just as Lance Cpl. Whitacre embodied the Marine motto—Semper Fidelis, "Always Faithful"—let us also be faithful to extend a helping hand to his family, friends and community, and remember them in our thoughts and prayers.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mrs. McCARTHY of New York. Madam Speaker, yesterday I missed one vote, and on Rollcall No. 447 on suspending the rules and passing H.R. 6327, the Federal Aviation Administration Extension Act of 2008, I would have voted "yea."

TRIBUTE TO SANDI WHITE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Sandi White, Secretary of the Greene County, Iowa Sheriff's Office, and to express my appreciation for her nearly 25 years of public service to her community.

In 1984, Sandi took a part time dispatcher position before taking over the full time graveyard shift in 1987. When the secretary's position opened, she jumped at the opportunity and has served in that position until her retirement in February. During her years at the Greene County Sheriff's office, Sandi's hard work has earned her the respect and appreciation of her community.

I commend Sandi White for her many years of loyalty and service to her fellow Iowans. It is an honor to represent Sandi in Congress, and I know my colleagues join me in wishing her a happy and healthy retirement.

EXPRESSING APPRECIATION FOR THE SERVICE OF MR. EUGENE BROWN AND THE NAVY ARMED GUARD DURING WORLD WAR II

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LAMBORN. Madam Speaker, I rise to pay tribute to more than 144,000 members of the Navy Armed Guard who served during World War II. Their service protecting merchant ships from enemy attack and ensuring needed supplies, ammunition, and troops made it across the world's oceans was an effort that helped lead America and her allies to victory. In 1998, Congress enacted Public Law 105–261, Section 534, stating Congress' "appreciation for service during World War I and World War II by members of the Navy assigned onboard merchant ships as the Naval Armed Guard Service." Today, I would also like to specifically mention one of my constituents, Mr. Eugene George Brown, and thank him for his service in the Navy Armed Guard. Following his entry into the Navy from Queens, New York, Mr. Brown served more than 3 years in the Navy Armed Guard, protecting the *SS ROBIN LOCKSLEY, SS FLOMAR*, and *SS MILL SPRING* in the American, Pacific, Asiatic, European, African, and Middle East theaters of World War II. But most importantly, then Seaman First Class George earned the Victory Medal, with its inscription on the obverse—Freedom From Fear and Want; Freedom of Religion and Speech. Mister Speaker, on behalf of the Congress, I wish to thank Mr. Brown and his more than 144,000 shipmates of the Navy Armed Guard during World War II, and pay tribute to the 1,810 who were killed in action. Their service and sacrifice is recognized and appreciated by a grateful Nation.

HONORING THE VETERANS OF HONOR FLIGHT CHICAGO

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. EMANUEL. Madam Speaker, I rise to pay tribute to the Chicago-area veterans of World War II who have arrived today on Honor Flight Chicago to visit the memorial that is dedicated to them, and to celebrate the country that they helped define.

These are the men who proudly wore the uniform of this country, endured the rigors of the war, and fought for our liberty and the freedom of future generations of Americans. While their wartime experiences are as varied as the paths they took following the war, they all remain united in defense of the values that shape our identity as a Nation: love of freedom and respect for human dignity.

Few members of the "greatest generation" spoke about their wartime experiences without evoking painful and emotional recollections of their experiences in World War II, and fewer still asked for recognition. I urge my colleagues to join me in welcoming these veterans to our Nation's Capital on this day. It is my privilege to honor each one.

Charles S. Affolter, Fredric S. Appelman, Francis Bailey, Edward Bednarczyk, Larry Black, Delmar Bond, Kenneth J. Chelmowski, John J., Sr. Cooney, Gilbert R. Dumdie, Bernard Edelman, Stanley Ewasiuk, Tom Flanagan, Henry W. Flora, Alfred Galvan, Robert E. Georgen, Melvin R. Gerberding, Lloyd Getz, Joseph Virgil Gray, Donald Harner.

Mark Hashimoto, Loyde A. Henry, Jesse Hidalgo, John Howard, Richard P. Hyland, Raymond Janus, Alvin S. Johnson, Phillip J. Joseph, Harold E. Kalbas, Merritt A. King, Kyrl (Carl) Kirk, Norman F. Kosman, Robert P. Krautstrunk, Joseph K. Kulinski, Keith F. Lawler, Sr., John S. Manasse, Dominic Martinucci, Elroy E. Meyer, Robert W. Mitchler, Samuel Mizra.

Nicholas Moorad, Amos Nicholson, Joseph A. Oruzco, Robert L. Palis, James W. Reilly, Melvin Rosenfeld, Gordon R. Schnulle, John I. Shumaker, James R. Taff, Lincoln S. Tamraz, Donald L. Thompson, Peter C. Urbane, Merrill S. Urbane, Sr., Raymond C. Wagner, Edward G. Wagner, John A. Weber, Ernest Westman, Stanley R. Williams, Jr., Armand E. Wormley, John H. Zeilstra.

EXPRESSING GRATITUDE FOR THE CONTRIBUTIONS OF THE AMERICAN GI FORUM ON ITS 60TH ANNIVERSARY

SPEECH OF

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. ORTIZ. Mr. Speaker, I rise today in support of H. Res. 1291, which celebrates the 60th anniversary of one of our country's most prominent veterans and civil rights organizations—the American GI Forum.

Originally founded to assist Hispanic World War II veterans fight discrimination from the VA, the American GI Forum now advocates for numerous additional causes, including voting rights, job training, and better access to education.

This bill is special to me because it also commends the American GI Forum's founder, Dr. Hector P. Garcia, who hails from my hometown of Corpus Christi, TX. Dr. Garcia, himself a distinguished veteran, was one of the early leaders of the Hispanic civil rights movement.

Dr. Garcia served as an alternate ambassador to the United Nations in 1967, was appointed to the United States Commission on Civil Rights in 1968, and was awarded the Presidential Medal of Freedom—the Nation's highest civilian honor—in 1984.

Dr. Garcia grew up in South Texas and hitchhiked 30 miles a day to go to school. He enrolled into the University of Texas Medical School which accepted only one Mexican-American student per year.

In addition to helping Hispanic veterans, Dr. Garcia also led the fight against ending discrimination against Hispanic students and brought attention to the poor conditions of migrant workers.

From working with Presidents on civil rights issues to providing medical services to those who couldn't pay, Dr. Garcia dedicated his life to bettering the lives of all. His legacy, through the American GI Forum, will always live on.

I congratulate the members of the American GI Forum for all their work as a beacon of hope for all veterans and citizens aspiring to improve the lives of those in their community.

SESQUICENTENNIAL OF THE CITY OF RIPON, WISCONSIN

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. PETRI. Madam Speaker, on March 20, 2008, the City of Ripon, Wisconsin, celebrated the 150th anniversary of its being granted a city charter by the State of Wisconsin in 1858. The sesquicentennial of Ripon's chartering will be officially observed this summer at an annual community celebration called ''Riponfest,'' which attracts thousands of visitors to the city to participate in a weekend of events recognizing everything that is best about this outstanding community in the heart of Wisconsin's 6th Congressional District.

Ripon, of course, is best known as ''the Birthplace of the Republican Party.'' According to the Wisconsin State Historical Society, ''the first mass meeting in this country that definitely and positively cut loose from old parties and advocated a new party under the name Republican'' took place on March 20, 1854, in the ''Little White School House'' in Ripon.

I am pleased that a number of my colleagues have had the opportunity over the years to visit the Little White School House in Ripon. This site, which is listed on the National Registry of Historic Places, was recently restored thanks to the generosity of the Jeffris Family Foundation of Janesville, Wisconsin, which provided a challenge grant matched by funds raised by the dedicated and hard-working citizens of Ripon. They recognize the historical significance of this important site and the value of maintaining it so that it may be visited and enjoyed by future generations.

Ripon always has maintained a heritage of active citizenship and has been the home of a number of nationally recognized leaders, including George Peck, nationally beloved author of the Peck's Bad Boy books and Governor of Wisconsin; Harry Selfridge, founder of Selfridge's Department Store in London and the man who revolutionized retail commerce through the creation of the modern department store; Carrie Chapman Catt, a leader of the women's suffrage movement who organized the passage of the 19th Amendment to the Constitution and founded the League of Women Voters; Winifred Edgerton, the first woman in the country to earn a PhD in mathematics; Ben Marcus, whose nationwide empire of cinema complexes, hotels, and restaurants began with the Campus Cinema in Ripon; and Mark Conrad who, when elected mayor of Ripon in 1972 while still attending college, became the youngest mayor in the Nation.

For one hundred and fifty-seven years, Ripon has been the home of Ripon College, a nationally recognized quality liberal arts institution. For over one hundred and fifty years, Ripon has also valued its citizens with entrepreneurial spirit and vision who have given rise to the many businesses that continue to thrive there.

Given its rich history and regional significance, Ripon has been a leader among Wisconsin communities in the preservation of the historic architecture, artifacts, and documentary records related to the city's character and development.

I hope you will all join me in congratulating Ripon, Wisconsin, on the 150th anniversary of its chartering as a city by the State of Wisconsin.

TRIBUTE TO JILL PRUETZ

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Iowa State University primatologist Jill Pruetz on winning a National Geographic Society Emerging Explorer Award for her research on primates in Senegal, Africa.

Jill, who is also an associate professor of anthropology at Iowa State University, received international recognition for performing a study which recorded habitual hunting by Savannah chimpanzees in Senegal, Africa. She found that apes made spears from twigs and caught prey with them. Jill is currently focused on the chimps' reactions to fire, use of water and general movements and behaviors. During her 7 years of researching in Senegal, Jill has suffered from malaria and avoided hazards such as poisonous snakes.

Jill's work and research is important to widening the scope of knowledge of different areas and species around the world. Without Jill's individual efforts, science would be left behind in understanding the environment's role in the adaptations of Earth's species.

I commend Jill Pruetz for all her hard work and contributions to scientific exploration. I consider it an honor to represent Jill in Congress, and I know my colleagues join me in wishing her future success and happiness as she continues her work in primatology.

COMMENDING THE WOOLUM FAMILY OF KNOX COUNTY, KENTUCKY, FOR ITS TRADITION OF SERVICE TO THE UNITED STATES OF AMERICA

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. ROGERS of Kentucky. Madam Speaker, during this time of conflict overseas, the United States has called on her brave men and women in uniform to serve and to sacrifice. And they have answered this call—with honor, with immeasurable courage and with distinction. I rise today to recognize the Woolum Family, hailing from my region of southern and eastern Kentucky, for their dedication and decorated service to our great Nation.

David and Ruby Woolum, of Artemus, Kentucky, devoted their lives to imparting in their 12 children love of God, love of family, and love of country. Today, I am incredibly honored to share with you that seven of their nine sons, and four of their grandchildren, have taken these valuable lessons to heart and in turn dedicated their lives to military service. Their representation of both Kentucky and the United States is exemplary.

David and Ruby's sons David and Robert served valiantly in the Marine Corps; in fact, David returned from his second tour in Vietnam a decorated veteran and a recipient of a Purple Heart. Their brothers—Charles, Richard and Keith—spent their military careers in the Air Force, while Joseph and Terry Woolum served bravely in the Army. Terry is currently in his 33rd year of military service, as a member of the National Guard. The support of their siblings Priscilla, Ellen, Eric, and James never wavered.

Even more impressive is that their collective spirit of patriotism has trickled down to a younger generation of Woolums, who continue to represent southeast Kentucky with pride: David and Ruby's grandchildren Joseph, Robert, Jason and Jolene are currently serving in the Marine Corps, Army, National Guard and Air Force, respectively.

Thankfully these 11 closely knit men and young woman have returned safely from their many overseas tours of duty, including multiple deployments to such destinations as Vietnam, Germany, France, and recently, Iraq. I

believe we have a special duty to honor these brave soldiers, airmen, marines and guardsmen for their outstanding service to our country and, in particular, to recognize the important role of David and Ruby Woolum in raising their children with a desire to serve our country and support one another in this noble endeavor.

When David Woolum passed away in November 2002, he and Ruby had been married for 64 years. I ask my colleagues to join me in celebrating and honoring the patriotism of this couple, which should serve as an example to American families for centuries to come.

FISA AMENDMENTS ACT OF 2008

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Ms. WOOLSEY. Madam Speaker, today Congress is yet again faced with the choice of approving the Bush administration's unconstitutional expansion of executive branch authority in the Foreign Intelligence Surveillance Act, FISA, or defending the Constitution and protecting the civil liberties of Americans. The choice could not be more clear and consequences more grave.

Passing this legislation today will be the enduring legacy of the Bush administration. It will provide the Congressional seal of approval for years of the White House's stonewalling on Congressional oversight, eroding Congress's authority, and violating the Constitution. A vote in favor of H.R. 6304, the FISA Amendments Act, is a vote for the Bush administration's expansive interpretation of executive power and against the Constitution. That's why I must oppose this legislation.

H.R. 6304 permits mass, untargeted surveillance of all phone and email conversations entering or leaving the U.S. without basic, let alone adequate, protections for Americans' civil liberties. Communications of millions of Americans will be swept up because of reduced reverse targeting protections and minimized court oversight. This bill enables the Government to walk through an enormous loophole by suspending prior court review of intelligence surveillance applications at their discretion. Additionally, there are no safeguards to protect Americans whose information is unintentionally obtained. H.R. 6304 dispenses with real oversight by the court, a requirement fundamental to upholding the Constitution.

Furthermore, this legislation provides nothing less than de facto immunity for telecommunications companies that broke the law. District courts will be forced to dismiss pending cases if they receive a certification from the Attorney General that telecommunication companies were asked to turn over their customers' records. There is no determination if the request was legal. No due process. No penalty. No accountability. Exactly what the Bush administration wanted all along.

We should never sacrifice commitment to the rule of law and our system of checks and balances for broad, unbridled power to suspend Americans' civil liberties at will. Unfortunately, this new FISA bill does just that. Elected officials have a solemn responsibility to defend our country, and, like my colleagues, I support a modernization of our intelligence laws. But being asked to support either our intelligence community or protecting civil liberties is a false and dangerous dichotomy. Benjamin Franklin once wrote that, ''those who would trade liberty for some temporary security, deserve neither liberty nor security.'' With this bill, I believe we have proven him right.

SENSE OF CONGRESS REGARDING A NATIONAL DYSPHAGIA AWARENESS MONTH

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 195, which would designate June 2008 as National Dysphagia Awareness Month.

Dysphagia is a condition that affects nearly 15 million Americans. According to the NIH, people with dysphagia have difficulty swallowing and may also experience pain while swallowing.

Some people may be completely unable to swallow or may have trouble swallowing liquids, foods, or saliva. Eating then becomes a challenge. Often, dysphagia makes it difficult to take in enough calories and fluids to nourish the body.

The CDC estimates that 1,000 people in the United States annually are diagnosed with dysphagia and 60,000 Americans die from complications from this condition every year.

However, many people have never heard of dysphagia and unfortunately most cases of dysphagia go unreported.

Designating June 2008 as National Dysphagia Awareness Month will help raise awareness and understanding of dysphagia.

I want to thank Mr. WAMP for sponsoring this legislation and urge my colleagues to support this resolution.

FEDERAL PRICE GOUGING PREVENTION ACT

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. RANGEL. Mr. Speaker, I rise today to express my full support for H.R. 6346, also know as the Federal Price-gouging Prevention Act. I join my other colleagues from both sides of the aisle and American consumers to address the issue of price gouging of gasoline and other fuels.

This bill has received widespread support for several reasons. First, the bill gives the Federal Trade Commission the ability to investigate and punish companies that falsely inflate energy prices. It is unacceptable for energy companies to artificially raise prices. This bill serves to address these crimes and protect the American people.

Second, this bill will allow for the Justice Department to collect criminal penalties and impose jail time during a state of national emergency on those who are found guilty of price-gouging. Most importantly, penalties collected from price-gouging companies will be forwarded to the Low-Income Home Energy Assistance Program, LIHEAP, to help families pay for their heating and air-conditioning bills.

At this time, 28 states have passed legislation against price-gouging. More laws are needed at both the state and local levels to ensure that those who are responsible for artificially raising energy prices are investigated and punished.

I urge other colleagues to support this bill. I applaud the work done by to protect the American people from energy price-gouging.

TRIBUTE TO NEW HAMPTON TRINITY LUTHERAN CHURCH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Trinity Lutheran Church of New Hampton, Iowa, on celebrating their 50th anniversary as a congregation.

On July 31, 1958, the German parishioners of St. Paul's Lutheran Church and the Norwegian parishioners of St. Olaf's Lutheran Church joined together as Trinity Lutheran Church. St. John Lutheran Church of Lawler, Iowa became the third church to join Trinity Lutheran in 1964. The St. John Lutheran Churches in Ionia and Boyd are also now a part of the Trinity family.

The original St. Paul church cost $19,000 to build. While growing as a congregation, the Trinity family has also faced adversity in dealing with damaging fires at the church in 1973 and 2001. Both times the congregation came together and built their faith community even stronger. Through new contemporary services, Trinity's methods of conducting their services have changed with society, but its message has remained steadfast.

Trinity Lutheran Church of New Hampton is dedicated to benefiting the lives of those in New Hampton and the surrounding rural areas, and for this I offer Trinity my utmost congratulations and thanks on a prosperous history. It is an honor to represent all the parishioners of Trinity Lutheran and the current pastor Reverend Kevin Frey in the United States Congress, and I wish them continued success, grace, peace and celebration as a community.

FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008

SPEECH OF

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. HARE. Mr. Speaker, I rise today in strong support of the Federal Employees Paid Parental Leave Act.

Currently, about 46 percent of private employers provide paid parental leave to their employees, but federal workers have no such guarantee. As a Member of the House Education and Labor Committee and a representative of many federal workers, this concerns

me. Federal workers, like those in the private sector, should also have the option of adopting or giving birth to their own child without having to go 12 weeks without a paycheck, which few families in our country can afford to do.

Study after study shows that enabling working mothers and fathers to care for and bond with newly-adopted children and newborns lays the foundation for healthy child development and a safer, brighter future for our Nation. Paid leave makes it possible for workers to take time off without having to worry about a paycheck.

Additionally, paid parental leave will help the federal government recruit and retain dedicated and talented workers. As the federal workforce ages, our government will be looking for new, younger workers. In order to attract and retain the best workers, federal benefits must be competitive.

This paid leave would also save the government money by reducing turnover and avoiding costs associated with replacing and training new workers, which is approximately 25 percent of one worker's salary, making turnover-related costs among the most significant employer expenses.

The Federal Employees Paid Parental Leave Act will provide federal workers who qualify for leave under the Family Medical Leave Act, FMLA, which guarantees 12 weeks of unpaid leave, with four weeks of full pay for the adoption or birth of a new child, allowing parents to care for their newborns while continuing to make ends meet.

This legislation takes a strong step toward creating a more family-friendly workplace in the United States. Hopefully, in my lifetime I will see federal paid sick and parental leave for every worker in every industry in the United States. I look forward to working with my colleagues to achieve this goal. As a father who spends every week away from his family serving here in the U.S. Congress, I understand how hard it is not to be with loved ones and to miss important events in their lives because of one's job.

I urge my colleagues to pass this legislation and show American workers that we are committed to helping them balance their work and home responsibilities.

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AUTHORIZATION

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Ms. WOOLSEY. Madam Speaker, ensuring that local law enforcement officials are provided with the resources they need to effectively protect our communities requires nothing less than our sustained commitment and dedication. That's why I am proud to support of H.R. 3546, the Byrne-Justice Assistance Grant, JAG, Reauthorization Act.

The Byrne-JAG program provides State and local governments with the tools necessary to prevent and control crime while strengthening our criminal justice system. These grants help fund law enforcement programs targeting school violence, hate crimes, and victims of violent crimes. Additionally, Byrne-JAG grants enable state, regional, and local agencies to confront and overcome the threats posed by drug trafficking through providing essential funding to improve drug enforcement and treatment programs. By using these grants to develop multi-jurisdictional drug task forces, law enforcement officials from around the country have been able to foster institutional collaboration built on their shared expertise and training.

Last year, the City of Santa Rosa and Sonoma County in my Congressional District were fortunate enough to receive Byrne-JAG grants, which went to support programs designed to assist in the prevention of drug use, treat non-violent offenders, and improve the effectiveness of our criminal justice system. That's why I'm a cosponsor of H.R. 3546, which would reauthorize the Byrne-JAG program until 2012. Despite the Bush Administration's efforts to eliminate funding for this important program, I commend the Democratic Leadership for demonstrating their commitment to full funding for Byrne-JAG by bringing this legislation to the Floor.

Local law enforcement officials depend on Byrne-JAG grants to invest in strategies that combat crime and drugs. Without these resources, State and local law enforcement cannot take the steps they need to protect our families and our country's most precious resources, our children and young adults, from violence and drug abuse. Madam Speaker, it's our responsibility to make certain these brave men and women have the support necessary to perform their jobs. It's the least we can do.

TRIBUTE TO IOWA CENTRAL COMMUNITY COLLEGE TRITONS WRESTLING TEAM

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LATHAM. Madam Speaker, I rise today to honor a great achievement by the Iowa Central Community College Tritons wrestling team. This year Iowa Central won their third straight National Junior College Athletic Association, NJCAA, national championship.

Iowa Central is only the third junior college to ever win three straight national titles. At 125 pounds, Terrance Young earned an individual national title. David Greenwald and Brad Lower were runner-ups in their respective weight classes. Matt Burns, Joe Johnson, Carrington Banks and Kevin Kelly placed third, fourth, eighth and eighth in their respective weight classes. Carrington Banks, Brian Drake, David Greenwald, Kevin Kelly, Joe Johnson and Terrance Young were all named academic All-Americans as well.

The example set by these young men and their coach, Luke Moffitt, demonstrates the rewards of hard work, dedication and determination. They scored victories on the mat as well as in the classroom. Their triumph in both arenas is an honor that we all can admire and be proud of.

I am honored to represent Iowa Central Community College and their students, staff, faculty, wrestling team and their coaches in the United States Congress. I know that all of my colleagues join me in congratulating the Tritons on their third straight national championship and wishing all the young men continued success in their future endeavors.

NATIONAL GUARD AND RESERVISTS DEBT RELIEF ACT OF 2008

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Ms. SCHAKOWSKY. Madam Speaker, I rise in strong support of H.R. 4044, the National Guard and Reservists Debt Relief Act of 2008, a bill I am proud to have authored. Since September 11, 2008, more than 460,000 Reservists and members of the National Guard have been called to active duty in Iraq and Afghanistan. These courageous men and women have selflessly left their families and their jobs to fight for our country on the battlefield, often with little or no notice and no time to prepare for the financial challenges that their deployments will present.

In April 2005, the Bankruptcy Abuse Prevention and Consumer Act made it harder for individuals to discharge their debts in bankruptcy. That legislation requires debtors who file for bankruptcy to submit to a means test that assesses their eligibility for bankruptcy protection. H.R. 4044 would exempt members of the National Guard and Reserves facing bankruptcy as a result of their service from that means test.

When the changes to bankruptcy law were made, Congress understood the importance of exempting disabled veterans whose debts were incurred while they were on active duty from means testing. However, the men and women of the National Guard and Reserves were left out; their sacrifice was disregarded. That is why I introduced this legislation with my friend and colleague Congressman DANA ROHRABACHER. Those heroes returning from active service in the Guard and Reserves deserve the same flexibility.

H.R. 4044 allows members of the National Guard and Reservists to file for Chapter 7 without the added paperwork burden and obstacles of the means test. The bill would apply to our citizen soldiers who have served in the armed forces for more than 90 days since 9/11 and would grant them an exemption from the test for up to a year and a half after they return home. It also requires a Government Accountability Office report which will help us quantify the hardships our veterans face when they return home by tracking how many apply for bankruptcy protection.

Many members of the Guard and Reserves leave for the war thinking they will only be deployed for 6 to 12 months and end up getting their tours involuntarily extended. One quarter of those soldiers have been deployed more than once. There is almost no way that they can anticipate or prepare for that extension of their service financially.

According to the National Guard, forty percent of Reservists and members of the National Guard lose money when they leave their civilian jobs for active duty. This is especially true for servicemembers who own and operate small businesses who put their businesses on hold while they serve thousands of miles away.

Now Reservists and National Guardsmen and women are coming home to a weak economy and record unemployment levels. Eighteen percent of recently separated servicemembers are currently unemployed. They are disproportionately feeling the pinch of record gas prices, housing foreclosures, and food costs.

We have all heard from constituent servicemembers who have returned home to find their families in financial disarray. Many reservists took a pay cut from their regular jobs to serve overseas; others find that when they are discharged, if they can find work, they are returning home to lower salaries—in many instances, lower than their combat pay. Twenty five percent of servicemembers retuning from Iraq or Afghanistan earn less than $25,000 a year. Some veterans are driven to homelessness—the VA estimates that there are 1,500 homeless veterans of the wars in Iraq and Afghanistan.

The means test has a particularly adverse impact on servicemembers. Most servicemembers receive higher compensation in the form of combat pay and have fewer expenses while serving abroad, but upon leaving service they face lower incomes and higher expenses. Because the means test factors in a person's income and expenses for the six-month period preceding the bankruptcy filing, a veteran's income is artificially inflated and expenses are inaccurately low. As a result, veterans risk having their chapter 7 case dismissed and being forced to file under the stricter chapter 13.

The men and women of the National Guard and Reserves have risked their lives to protect us. If servicemembers, through no fault of their own, end up in bankruptcy, they deserve protection from Congress. This bill brings us one step closer to providing them with financial relief when they come home from their service.

I would like to offer my heartfelt thanks to Chairman CONYERS and Subcommittee Chairwoman LINDA SÁNCHEZ for their commitment to and work on this bill and to the minority Committee Members for working with us to find a compromise and get this bill on the floor today. And again, I thank my colleague Congressman ROHRABACHER, whose passion and persistence on this issue have made him a wonderful ally.

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AUTHORIZATION

SPEECH OF

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. SOUDER. Madam Speaker, I rise today in strong support of H.R. 3546, a bill to authorize funding for the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels—$1.095 billion—through 2012. As a cosponsor of this legislation, I know the critical importance of Byrne-JAG funding to law enforcement, and especially drug task forces, throughout the United States. Many of us remain deeply disappointed that the program's FY 2008 appropriation was cut so drastically at the end of last year.

Byrne JAG provides needed funding to drug task forces throughout my district. For example, the Allen County Drug Task Force relies on this program's funding to continue its work with the FBI, DEA and ATF targeting drug traffickers. As does the Indiana Multi-Agency Group Enforcement (IMAGE), a drug-enforcement team combining select law enforcement from DeKalb, Noble, Steuben, and LaGrange counties. In 2006 alone, IMAGE worked on 101 drug and prostitution cases, and seized illegal drugs valued at nearly $3 million. These results speak for themselves, and they demonstrate how critical it is to the safety of Hoosiers in northeast Indiana, as well as Americans nationwide, that the Byrne JAG program is fully-funded.

I was very upset when Congress cut Byrne-JAG funding by 67 percent last December in the FY 2008 Omnibus Appropriations Bill. If the House doesn't act quickly to restore this key funding source, law enforcement programs throughout the Nation will certainly be reduced—or eliminated—likely reversing hard-won gains that have been made over the years at the local level.

We have an opportunity with the FY 2008 Supplemental Appropriations bill to correct that mistake, and I strongly urge the House to accept the Senate language restoring Byrne-JAG funding for the current fiscal year. This measure is necessary in order for local law enforcement agencies to continue their constant pursuit of criminals, especially drug dealers. We will be taking a major step backward if we don't accept the Senate's proposal. The long-term effects of such a move are dangerous.

As we enter the general appropriations season for next fiscal year, I also urge the Appropriations Committee, and the House in general, to fully fund this program in FY 2009. The Byrne JAG program is a proven success that strongly deserves reauthorization, and I urge passage today of H.R. 3546.

GOSPEL MUSIC HERITAGE MONTH

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Ms. LEE. Mr. Speaker, I rise today to express support for a resolution designating September as Gospel Music Heritage Month. This resolution recognizes the legacy of gospel music for its invaluable and longstanding contributions to the musical traditions of the United States.

Let me begin by thanking Representative JACKSON-LEE of Texas, the Recording Academy, and the Gospel Music Channel for all of their support to pay homage to this influential and inspirational genre of music. Gospel music is truly an American classic that's gone far too long without being recognized for the significant impact it's made on our culture.

Whether it's swaying with the choirs, tapping along with the quartets, or simply raising hands to the rhythm of soul-stirring crooners, gospel music is a cornerstone of the American musical tradition. Gospel music is more than the sounds that resonate in congregations on Sundays; it's the musical thread that has woven its influence throughout religious and secular musical genres including rock and roll, country, and rhythm and blues. From Ray Charles and Elvis Presley to Aretha Franklin and Dolly Parton, many of America's greatest recording artists emerged through the historical art form of gospel.

While gospel may have its roots based in the African-American traditions of Negro spirituals, its reach has spanned not only across the ages, but it has grown beyond its established audience to achieve popular culture and historic relevance across the globe. With its use of choral singing in unison and harmony, Gospel has emerged as a distinct category of popular song, with its own supporting publishing and recording firms, and performers appearing in sell-out concerts nationwide.

This resolution allows Members of Congress to celebrate gospel's rich heritage and honor musical pioneers from the likes of Mahalia Jackson and Sandi Patty, and the Hawkins Family, very own constituents: Tramaine, Edwin and Walter Hawkins. Additionally, it allows Members of Congress to pay tribute to this important American legacy and the role it plays in the lives of millions.

Since Thomas Dorsey first stretched the boundaries to create gospel music, choirs, quartets, and powerful vocalists have been singing this same song, albeit in different styles and places. Gospel is here to stay, and I urge all of my colleagues to join me in supporting this measure to honor the gospel community, and create a month designated to annually acknowledge the ''good news'' it represents.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of HR 6331. This important piece of legislation will delay the physician payment cut, which is scheduled to go into effect on July 1.

It has been over a decade since the physician fee schedule was put in place to help control increases in Medicare payments to physicians.

The Medicare program reimburses physicians who treat seniors using a complex formula that is based on a number of factors.

Unfortunately, payments for physician services matched the SGR and expenditure targets for only the first 5 years.

Since then, the actual expenditures have exceeded the target by so much that the system is no longer realistic.

As we have learned in recent years the formula reduces payments to physicians when the economy goes down—a time when doctors are least able to absorb the extra costs.

These payment reductions have caused many physicians to hold off on accepting new Medicare patients, withdraw from the program, or retire altogether.

In areas like mine that rely heavily on Medicare and Medicaid, we probably will not be in a situation where doctors stop taking Medicare.

Rather, we will see access problems created by attrition—where the gap created physician retirements is not filled by new crops of doctors willing to take Medicare patients.

If we reach that point, Medicare will have failed in its mission to provide equality in access to health care for our senior citizens.

Twice we have tried to pass legislation to address the physician payment cut and these bills were vetoed twice by the President.

H.R. 6331 will delay by 18 months the 10.6% physician pay-cut in Medicare reimbursement rates due to take effect July 1 and will give physicians a 1.1 % payment update for 2009.

This bill is not a long term solution to the physician payment and SGR problem, but it does give Congress time to revamp the program.

CREDIT UNION, BANK, AND THRIFT REGULATORY RELIEF ACT OF 2008

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Ms. WATERS. Mr. Speaker, I rise in strong support of H.R. 6312, The Credit Union, Bank, and Thrift Regulatory Relief Act of 2008. I am particularly pleased to speak in favor of this legislation because I have always been a strong supporter of credit unions. These institutions have been effective in pursuit of their mission to serve people of modest means and underserved communities, both of which characterize much of my district. Regulatory improvement in this industry is long overdue and I want to thank Mr. KANJORSKI and Mr. MOORE for their work on this bill.

Credit union regulatory relief is especially urgent in light of the nation's current financial crisis. We are either at the brink of a recession—or already in one—largely because of the crisis in the subprime mortgage market that has led to a wave of foreclosures unlike any since the Great Depression. In significant part, this crisis resulted from certain financial institutions, many of them largely unregulated, peddling dangerous mortgage loan products to borrowers who did not fully understand the risk they were taking on. Meanwhile, the lenders themselves whisked their own risk to the four corners of the earth via securitization and the secondary market. Much of the Financial Services Committee's work in the past year has involved working to enact legislation that prevents this from ever happening again.

Notably, credit unions did not help to create this mess. Indeed, analysis of 2006 home mortgage disclosure data reveals that credit unions were far less likely than other lenders to make subprime loans to low and moderate income households, especially minorities.

So credit unions were not part of the problem. But they can and must be part of the solution. If there is any lesson to be learned from this crisis, it is that low or moderate income households and residents of underserved communities don't just need access to any credit, but rather access to sound and appropriate financial products. Credit unions stand ready to provide such products to more people and more communities, but need Congressional action to do so. Specifically, H.R. 6312 would allow credit unions to extend their services to areas with high unemployment rates and below median incomes that are generally underserved by other depository institutions.

Critically, it would also allow some people who don't belong to a local credit union nonetheless to go to that credit union for short term loans, as an alternative to the exorbitant rates charged by payday lenders. This is progress in achieving the outcome policymakers must pursue in the financial services sector, namely, connecting households of modest means with the soundest financial products and institutions available to them.

I urge my colleagues to support this bill.

TRIBUTE TO CAPTAIN LEE VANDEWATER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize CPT Lee J. Vandewater of Winterset, Iowa who was honored by the Central Iowa Chapter of the American Red Cross for his heroic efforts serving in the Iowa National Guard overseas, earning him a Bronze Star.

Captain Vandewater served as the 1st Platoon Leader, Company B, 168th Infantry of the Iowa National Guard. While serving overseas, he commanded a nine-vehicle convoy carrying 30 soldiers along the Afghanistan and Pakistan borders. Insurgents ambushed the battalion and Captain Vandewater commanded his team to safety and returned with three other men to successfully rescue four stranded soldiers. For his efforts, Captain Vandewater was awarded the Bronze Star Medal with Valor and the Combat Infantryman's Badge. The Bronze Star is the fourth highest award that the Department of Defense gives for bravery, heroism, and meritorious service. For his service he earned a promotion to Captain and was assigned as Commander, Company A 1st Battalion, 168th Infantry of the Iowa National Guard.

The bravery and sacrifice displayed by Captain Vandewater goes above and beyond what we are asked of as citizens of this country. I commend CPT Lee J. Vandewater's courageousness and service to our great Nation. It is an honor to represent him in the United States Congress, and I know my colleagues join me in wishing Captain Vandewater safety and success in his future service.

STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. RANGEL. Madam Chairman, I rise today to express my support of the Stop Child Abuse in Residential Programs for Teens Act of 2008, introduced by Repesentative GEORGE MILLER.

The bill H.R. 5876 provides American teenagers with security and safety in residential programs. The passage of the bill is crucial for the American Education System and American society. Many times residential programs leave teenagers without necessary attention and care, which can lead to abuse, harm and even death of children. It is critical to address this problem now. Through various requirements and changes, The Stop Child Abuse in Residential Programs Act will significantly improve residential programs for children. This important legislation will better the lives of many young Americans by making them safer and healthier.

U.S. Government can not allow further abuse and neglect of teenagers in private or public residential programs. Members of Congress must understand how crucial Stop Child Abuse in Residential Programs for Teens Act is and must strongly support its enactment. In taking action to enact this proposed legislation today we will send a strong message that this abuse must stop.

HONORING THE LIFE OF ROBERT MONDAVI

SPEECH OF

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. RADANOVICH. Mr. Speaker, I rise to support H. Con. Res. 365, which my fellow co-chair of the Congressional Wine Caucus, MIKE THOMPSON and I introduced in remembrance of a friend and giant in the California and international wine community, Robert Mondavi, who passed away in May of this year.

Robert may most be remembered for his tremendous success in producing and promoting California wines to the international community. After graduating from Stanford, Robert joined his family in running the Charles Krug winery in Napa, and then went on to found the Robert Mondavi Winery in 1966.

His tireless efforts to introduce California wine to the world and compete against established European wines are much of the reason why winemaking in California is now an 18 billion dollar industry—the largest retail wine market in the world. In fact, the United States accounts for 61 percent of wine sold in the world. This would not be possible without the lifetime of hard work by Robert Mondavi.

He was also extremely involved in charitable causes across the country to promote wine, food and the arts.

Robert Mondavi was an inspiration to my own winemaking ventures as I'm sure he was to many boutique winemakers across the country. Such inspiration has led to wine being produced in all 50 States. His innovation, spirit and passion for winemaking will be sorely missed throughout our Nation and the world.

RECOGNIZING HIGH SCHOOL VALEDICTORIANS OF GRADUATING CLASS OF 2008

SPEECH OF

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. MEEKS of New York. Madam Speaker, I rise today to recognize and honor the achievements of America's high school valedictorians and the graduating class of 2008.

With House Resolution 1229, I know that I capture the sentiment of all Members of the 110th Congress in promoting the importance of intellectual growth and the academic excellence of America's graduating high school students. In my southeast Queens community, New York's Sixth Congressional District, I personally know that great achievements have taking place in the high schools servicing my young constituents. My district's graduating seniors have achieved a major milestone in their educational and social development. With this accomplishment, I now encourage these young adults to take their next major step towards becoming our Nation's future leaders and engaged citizens by entering higher education institutions or by beginning their young careers.

For this graduation celebration, I want to specifically recognize the stellar accomplishments of our Nation's high school Valedictorians. Each year, every high school recognizes an individual student who has risen above his or her fellow students through their consistency of intellectual inquiry, in their demonstration of academic discipline, and their utilization of teacher mentoring. Through their dedication and hard work, these students have attained the position of top academically ranked student within their graduating class and are honored as the ''Valedictorian'' at their graduation ceremony. Throughout their high school careers, Valedictorians have served as peer role models to fellow high school students by succeeding academically and contributing to community improvement. It is their example that shines clearly to their fellow students and community members, demonstrating the dedication and drive that it takes to become America's future civic, business, and political leaders, and maintaining our Nation's global leadership position through strengthening its economic competitiveness.

During this graduation season, let us not forget that no child achieves alone, but rather it takes an entire community to rear a socially and educationally mature child. Along with our Nation's valedictorians and graduating class, I want to recognize and honor the love, support, and contributions of the parents, community members, teachers, and school administrators, who have provided these students with the resources and guidance needed to achieve. It has been the selfless contributions of these individuals who have nurtured the intellectual growth and rewarded the academic achievements of our Nation's valedictorians and graduating seniors.

In closing, I make the call to all graduating seniors to further their intellectual interests and academic studies by enrolling in universities and postsecondary educational institutions and to continue their social engagement, utilizing their knowledge and skills for the betterment of their communities and the social, cultural, and economic advancement of our great Nation.

INTRODUCTION OF THE PUGET SOUND RECOVERY ACT OF 2008

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. DICKS. Madam Speaker, today I am introducing the Puget Sound Recovery Act of 2008.

With 2,500 miles of shoreline and 2,800 square miles of inland marine waters, Puget Sound is the Nation's second largest estuary. The Sound is a cornerstone of the Pacific Northwest's identity and at the heart of the region's prosperity, supporting a thriving marine and natural resource industry. And it is truly one of America's most spectacular bodies of water, home to more than 200 species of fish, 25 kinds of marine mammals, 100 species of sea birds as well as clams, oysters and shrimp.

But beneath the water's surface and despite its breathtaking natural beauty, Puget Sound is sick. Scientists have detected low levels of oxygen and increasing concentrations of toxic substances in aquatic animals that live in the Sound. Some of its most iconic resident species—including salmon and orcas—are on the brink of extinction. Up to 70 percent of all its original estuaries and wetlands have disappeared and about 8,700 acres at the bottom of the Sound are dangerously contaminated.

The declining health of Puget Sound threatens the economic and environmental vitality of the Pacific Northwest. Washington State's Governor Chris Gregoire has taken steps at the State Government level to combat this decline by setting up a Puget Sound Partnership. Now it is time for the U.S. Government to match these efforts, with the Environmental Protection Agency taking the lead to create, with the State of Washington, a comprehensive recovery package for Puget Sound.

Already, we have launched a cooperative effort involving all of the local government entities, as well as the State and Federal Governments, to curtail any harmful substances from being introduced into its waters, to change unwise industrial and agricultural practices and to continue our aggressive research into the causes of pollution in the Sound. The Fiscal Year 2008 Interior Appropriations bill included $20 million for the EPA geographic program to ramp up the Puget Sound work, and earlier this month the Interior Subcommittee which I chair passed a spending bill for fiscal year 2009 that includes an additional $20 million to implement the program.

The Puget Sound Recovery Act that I am joined by all of my colleagues from around the Puget Sound area in introducing today furthers these efforts by establishing an EPA Puget Sound Office in Washington State that will coordinate action among the many Federal agencies involved in the cleanup, including the Fish and Wildlife Service, the Park Service, the Forest Service and the Natural Resources Conservation Service within the Department of Agriculture, the United States Geological Survey, the Army Corps of Engineers, and the Departments of Commerce, Defense, Homeland Security and Transportation. In addition, this bill authorizes grants to study the causes of the Sound's declining water quality and ways to counter these threats, as well as grants for sewer and stormwater discharge projects.

Madam Speaker, the Federal Government must continue to play a leading role in restoring the health of Puget Sound, and I believe the Puget Sound Recovery Act is fundamental to this effort.

PUGET SOUND RECOVERY ACT OF 2008

SECTION-BY-SECTION

Sec. 1. Short Title.

Sec. 2. Findings. Congress finds that Puget Sound is important to the Pacific Northwest's regional identity and industry. Puget Sound's water quality is in decline, which threatens the region's economy. Washington State has taken steps to address the problem. The Environmental Protection Agency (EPA) should create a comprehensive recovery package for Puget Sound and should establish a ''Puget Sound Office'' in Washington State. Other federal agencies should be involved, including the Fish and Wildlife Service, the Park Service, the Forest Service and the Natural Resources Conservation Service within the Department of Agriculture, the United States Geological Survey, the Corps of Engineers, the Departments of Commerce, Homeland Security, Defense, and Transportation. The Puget Sound recovery efforts should be included in the President's annual budget. Canada should join in this enhanced effort.

Sec. 3. Puget Sound. This section amends Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) by adding at the end a new section (''Sec. 123. Puget Sound.''). The Puget Sound Recovery Act creates the following provisions within the new Sec. 123 of the Federal Water Pollution Control Act:

(a) Program Office.

(1) Establishes an EPA Puget Sound Program Office (''Office'').

(2) States that the Office is to be headed by a Director and located in the State of Washington.

(3) Provides the Office with additional staff as needed.

(b) Duties of Director.

(1) Directs the Director to assist the Puget Sound Partnership in carrying out its goals.

(2) Specifically, the Director should:

(A) Assist and support the implementation of the Comprehensive Conservation and Management Plan (''Comprehensive Plan'');

(B) Coordinate the major functions of the Federal government related to the implementation of the Comprehensive Plan;

(C) Conduct or commission studies and research necessary for implementation of the Puget Sound Water Quality Management Plan;

(D) Coordinate and manage environmental data;

(E) Coordinate Puget Sound grant, research, and planning programs;

(F) Coordinate efforts in Puget Sound and the Georgia Straits with Canada;

(G) Coordinate efforts, including activities under species recovery plans, with other Federal agencies with jurisdiction in the Puget Sound watershed;

(H) Collect and make available to the public information relating to the environmental quality of Puget Sound; and

(I) Biennially issue a report to Congress that—

(i) Summarizes the progress made;

(ii) Summarizes any modifications to the Puget Sound Water Quality Management Plan; and

(iii) Incorporates specific recommendations concerning the implementation of the Puget Sound Water Quality Management Plan.

(3) Specifies that the studies and research mandated under (2) (C) should include:

(A) Population growth and the adequacy of wastewater treatment facilities and on-site septic systems;

(B) The use of physical, chemical and biological methods for nutrient removal in sewage treatment plants;

(C) Contaminated sediments and dredging activities;

(D) Nonpoint source pollutant abatement;

(E) Wetland, riparian, and near shore protection and restoration;

(F) Flood abatement and floodplain restoration techniques;

(G) Impacts of forest and agricultural practices;

(H) Atmospheric deposition of pollutants;

(I) Water quality requirements to sustain fish, shellfish, and wildlife populations;

(J) State water quality programs;

(K) Options for long-term financing of wastewater treatment projects and water pollutant control programs;

(L) Water usage and efficiency;

(M) Toxic pollutants; and

(N) Such other areas as the Director considers appropriate.

(4) Grants the Director authority to enter into interagency agreements, make intergovernmental personnel appointments (IPAs), and utilize other methods to carry out the Director's duties.

(c) Grants to Implement Management Plan.

(1) Authorizes the EPA Administrator to award grants to eligible recipients for projects and studies to implement the Comprehensive Plan.

(2) Specifies that projects and studies eligible for grants include planning, research, modeling, construction, monitoring, implementation, citizen involvement and education.

(3) Specifies that the Federal share of the cost of the grant projects or studies should not exceed 50 percent.

(4) Defines ''eligible recipient'' for grants as a State, interstate, Tribal, regional, or local water pollution control agency or other public or nonprofit private agency, institution, or organization.

(d) Grants for Projects to Address Sewage and Stormwater Discharges.

(1) Authorizes the EPA Administrator to award grants to eligible recipients for projects to address sewage and storm water discharges.

(2) Specifies that projects eligible for grants include demonstration and research projects that provide treatment for, or that minimize, sewage or stormwater discharges.

(3) Regarding the awarding of sewage and storm water grants—

(A) Grants should be awarded on a competitive basis; and

(B) The EPA Administrator may give priority to a project located in a distressed community.

(4) Regarding the Federal share of the cost of a project receiving assistance—

(A) Specifies that the Federal share of the cost of the grant projects should not exceed 75 percent; and

(B) Specifies that, in distressed communities, the Federal share should not exceed 100 percent.

(5) Defines the following terms—

(A) Eligible Recipient: a State, interstate, Tribal, regional, or local water pollution control agency.

(B) Distressed Community: a community that meets affordability criteria established by the community's State.

(e) Annual Budget Plan.

(1) The President should include the Puget Sound Program in the annual budget of the U.S. Government, and related information, including:

(A) An interagency crosscut budget that displays for each Federal agency involved in Puget Sound activities—

(i) Amounts obligated in the preceding fiscal year;

(ii) The estimated budget for the current fiscal year;

(iii) The proposed budget; and

(B) A description of the Federal role in the Puget Sound Program and the specific role of each agency.

(2) The President should coordinate reporting, data collection, and planning activities with the Puget Sound Partnership.

(f) Authorizations.

Authorizes such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out the Puget Sound Program.

RECOGNIZING THE ACHIEVEMENT OF THE CAPITAL CAMPAIGN FOR HOWARD UNIVERSITY.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. RANGEL. Madam Speaker, I rise today to express my support and pride in the outstanding achievements of the historical $275 million Capital Campaign for Howard University.

The president of the Howard University Pat Swygert and his Howard University Trustee Team achieved remarkable results by raising $275 million in a 5 year fund-raising campaign. The plan broke several records, including the most amount of money raised by an African-American institution and a record for Howard. These results were unthinkable without strong support of the alumnae, trustees and the involvement of the Congress. This year Congress contributed $204.3 million to Howard University and $28.9 million to Howard University Hospital.

The money raised through the Capital Campaign greatly improved Howard University by establishing modern equipped computer labs, glass walled conference rooms, exhibition galleries and other necessary facilities for successful student education. Hundreds of scholarships helped many students to complete their education reducing the burden of student loans. Growing number of alumni donate to Howard, seeing the success and achievements of the University. President Pat Swygert and his campaign did the terrific work not only raising the impressive amount of money, but also improving Howard as well as raising the reputation and the respect of the school.

(By Kathryn Masterson)

WASHINGTON.—As a dental student 35 years ago, Leo E. Rouse and his Howard University classmates learned to fill cavities and cap teeth by crowding around one faculty member and angling for a clear view of the day's demonstration.

Today students at Howard's College of Dentistry, where Dr. Rouse is now the dean, get an unobstructed view of dental procedures from computer monitors mounted on 45 workstations in the school's new simulation laboratory. If they miss something, they can go back and review by watching DVDs in the lab or on their laptops.

The $1.3–million lab, which was built with money from the university's recently completed capital campaign, does more than enhance the students' experience, Dr. Rouse says. It has helped bring in donations from alumni and almost doubled the number of applications for the school's 85 seat class, from about 1,400 before the lab was built to 2,710 last year.

''Word gets around,'' Dr. Rouse said. ''A school that has new stuff is attractive. ''

After raising $275 million in its 5 year fund-raising campaign, the 11,000-student university has plenty of new stuff to show off. There's a simulated trading room in the School of Business, a van that travels around Washington to screen men for prostate cancer, an exhibition gallery in the architecture school, computer labs and glass-walled conference rooms in the health-science library, and almost 300 named scholarships.

The campaign broke a record for Howard, whose trustees and officers first considered a more modest $100 million goal that the university president, H. Patrick Swygert, thought was too small. The effort also broke a record for the amount of money raised by an African-American institution.

Thanks in part to those gifts, the university's endowment, which was $144 million when Mr. Swygert came in 1995, has swelled to $510 million, an amount that put Howard among the 136 wealthy institutions asked to tell the U.S. Senate Finance Committee how they spend their endowments.

William F.L. Moses, a senior program director at the Kresge Foundation, says the ''path-breaking, benchmark-setting'' Howard campaign sets new expectations for how much money historically black institutions can raise. Kresge has supported programs to strengthen fund raising at historically black colleges and universities, giving $18 million in grants over 5 years to five institutions (Howard was not among them) and $8 million to the institutional-advancement program at the United Negro College Fund.

''It sets the bar, that this kind of success is possible and HBCU's can compete with mainstream institutions,'' Mr. Moses said. ''HBCU's can compete with the best.''

ALUMNI MAKE A DIFFERENCE

Howard's success was especially notable for how the university involved its alumni.

Alumni giving has been a challenge for historically black colleges, said Elfred Anthony Pinkard, executive director for UNCF's Institute for Capacity Building, which helps member colleges with fund raising, enrollment, and other management challenges. (Howard is not a member of the UNCF.) The Institute for Capacity Building has given grants to historically black colleges to hire consultants and buy software programs to help advancement efforts.

Alumni-affairs offices at the smaller institutions often have just one or two employees and giving rates for the colleges who work with the institute range from 7 percent to as high as 38 percent, Mr. Pinkard said. The national average is 12 percent, according to the Council for Advancement and Support of Education's 2007 Voluntary Support of Education survey.

Ann E. Kaplan, director of the Council for Aid to Education's survey on giving, said historically black colleges tend to have less mature fund-raising operations that rely more on money from foundations and corporations than from alumni. When she spoke at a UNCF conference, Ms. Kaplan said, she heard from college leaders who were more focused on raising money for current operations than on long-term planning and faced challenges such as poorly kept alumni records or understaffed advancement offices.

Though tithing to churches and giving to religious organizations are strong traditions among many African-Americans, the 19 historically black colleges that responded to the council's survey (a number Ms. Kaplan said was too small to be representative) had an average alumni-giving rate of 6 percent, half the overall national average.

''There's no reason to think HBCU's can't be as successful in raising money from their alumni, but they need to ask,'' Ms. Kaplan said. ''Asking is the No. 1 reason why people give.''

Mr. Swygert knew Howard wouldn't make its $250 million goal without significant alumni participation, but he also knew that the university needed to do some work before it approached them for money. A previous capital campaign had been started in the 1980s with a goal of $100 million but was never completed. At the start of Mr. Swygert's presidency, annual giving by alumni was at about 4 percent.

As one of only two federally chartered universities, Howard receives direct appropriations from the federal government each year. Congress had noted the low alumni giving rate, and one of the first things lawmakers asked Mr. Swygert to do as university president was to increase it. A higher giving rate would provide evidence that Howard graduates valued the education they received and that Congress should continue to maintain its level of financial support for the institution. This year Congress gave Howard University $204.3 million and its hospital $28.9 million, according to the Department of Education.

During the campaign, Howard's annual alumni-giving rate went as high as 20 percent, and it is now at 17 percent.

The key to getting more alumni to give, Mr. Swygert said, was to re-engage them with Howard by showing them the university's key asset: its students. Howard ran ads in local and national newspapers featuring students and sent postcards to alumni introducing them to Howard's Rhodes, Marshall, and Fulbright scholars, as well as distinguished alumni.

''People give to students, they give to ideas, they give to memory,'' Mr. Swygert said. ''The idea of enabling a young person to go forth and do well is a very powerful notion.''

Howard hired Virgil E. Ecton, who raised more than $1.6 billion for UNCF in his 31–year career there, to run the campaign. As vice president for university advancement, Mr. Ecton oversaw upgrades to Howard's Web site, alumni magazine, and advancement office. Alumni records were improved, and the database of Howard graduates grew from 30,000 entries to more than 60,000.

BACKING A WINNER

Early on, trustees helped create momentum for the campaign with several large gifts. Frank Savage, an alumnus, chairman emeritus of the board, and chief executive of Savage Holdings LLC, an international financial-services company, announced he was giving $5 million to the campaign. Richard D. Parsons, a trustee who led the campaign and is chairman of Time Warner, gave more than $1 million. James E. Silcott, a Los Angeles architect, alumnus, and trustee, gave $3 million. Mr. Swygert, an alumnus, donated more than $2 million.

''That sent a clear signal to trustees, the giving community, and the community [at large] that we were serious about this campaign,'' Mr. Ecton said.

Mr. Ecton, Mr. Swygert, and trustees went on the road, appearing at a series of alumni events around the country. At the events, which drew up to 1,000 people in New York, Philadelphia, Chicago, Miami, Houston, and other cities, alumni would get up and pledge their support to the university, and the events began to take on a competitive spirit, Mr. Ecton said. One alumnus in Philadelphia pledged $1 million, the Miami event raised $8 million, and the New York event, held at the new headquarters of Time Warner, resulted in between $25 million and $30 million in pledges, he said.

''People like to be associated with a winner,'' Mr. Ecton said. ''It was clear we were winning.''

At the end of the campaign, 33 percent of the money raised was from Howard alumni. Nationally, in 2007, alumni giving was 27.8 percent of total private giving, according to the Voluntary Support of Education survey.

One student who benefited directly from the money raised was Raquel SK Thompson, who graduated from Howard in May with a degree in architecture and received a trustees' scholarship during her last two years. The scholarship, which was backed by money raised during the campaign, covered half her tuition.

The money was a great help, said Ms. Thompson, who is from Barbados and wanted to attend a historically black college. The financial pressures of tuition, an unfavorable exchange rate, the cost of materials for her architecture classes, and restrictions on working off the campus were difficult for her and her parents, Ms. Thompson said, and without assistance she may have had to cut back on classes and work more on the campus in order to save money.

''It helped me finish school,'' said Ms. Thompson, who is now looking for a job in Washington or New York. Without the money, ''I definitely think I would have been there another year,'' she said.

Both Mr. Swygert and Mr. Ecton say Howard should tap more alumni for larger donations in its next campaign. Fifty-one alumni gave more than $1 million, and both officials think there is potential there to raise more. Mr. Swygert, who is retiring at the end of June, believes Howard's next campaign should have a goal of at least $1 billion. The top institutions have campaigns that size, and Mr. Swygert says Howard should be in that group.

''I think it's a necessity,'' Mr. Swygert said. ''It's a stretch, but $250 million was a stretch.''

TRIBUTE TO DR. RENATE REIMSCHUESSEL

HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Dr. Renate Reimschuessel, recently nominated for the 2008 Service to America Homeland Security Medal. By honoring excellence in the Federal workforce, the Service to America Medal sends a compelling message to the American people about the importance of a strong civil service and inspires a new generation of Americans to public service.

The Homeland Security Medal recognizes a federal employee for a significant contribution to the nation in activities related to homeland security. Dr. Reimschuessel has been nominated for her scientific breakthrough that identified the cause of the largest pet food recall in history and is currently conducting critical research to guarantee the safety of imported foods.

In 2007, the FDA issued the largest pet food recall in history due to the significant number of pet fatalities. As a research biologist for the Food and Drug Administration's Center for Veterinary Medicine in Maryland, Dr. Reimschuessel was asked by the FDA to help investigate the cause of the hundreds of pet deaths and illnesses. Just weeks after she began her investigation, Dr. Reimschuessel discovered exactly why so many animals were getting sick, a discovery that is improving the safety of imported foods for both animals and humans.

Due to Dr. Reimschuessel's discovery, the United States has increased surveillance for melamine and related compounds in food ingredients. In an effort to identify potential risks to humans, she is continuing to test the effects of melamine in chickens, pigs, and fish. Dr. Reimschuessel's research helped improve the way our government preserves scientific specimens and identified the ability of nontoxic compounds to become toxic when combined. These discoveries helped resolve an immediate crisis, and her continued efforts are helping protect the U.S. food supply from tainted imports and toxic chemical combinations.

Madam Speaker, I ask that you join with me today to honor Dr. Renate Reimschuessel in her nomination for the 2008 Service to America Homeland Security Medal. Her tireless investigation into the cause of the mass illness of pets in 2007 not only resolved a nationwide crisis, but initiated a series of scientific improvements, both in the veterinary world and the in safety of our imported food supply. It is with great pride that I congratulate Dr. Reimschuessel on her exemplary efforts to help guard against ongoing threats to the safety of the U.S. food supply.

TRIBUTE TO FRED ZELLER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate West Marshall Iowa's girls' basketball head coach, Fred Zeller, for reaching the milestone of 500 career victories during this past 2008 season.

On January 22nd, the West Marshall Trojans defeated Woodward-Granger to give Coach Zeller his 500th career win during his 744th consecutive game coached. The road to this milestone began 37 years ago in Vinton, Iowa, where Coach Zeller began coaching junior high and freshman girls' basketball. He then moved on to coach LaPorte City for 14 years, Southeast Polk for two years, and in 1990 became head coach at West Marshall where he remains today.

Coach Zeller led four teams to the girls' state basketball tournament; LaPorte City in 1986 and West Marshall in 1998, 1999 and 2000. He was inducted into the Iowa Girls Coaches Association Hall of Fame in 2003. He also served as the West Marshall baseball coach until a couple of years ago.

I know that my colleagues in the United States Congress join me in congratulating Coach Fred Zeller on his coaching success and this milestone achievement. It is an honor to represent Coach Zeller in Congress, and I wish him the best as he continues to provide a positive impact as a role model and educator.

JELLYSTONE PARK 30TH ANNIVERSARY–

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before

you today to recognize the 30th Anniversary of Yogi Bear's Jellystone Park Camp-Resort in Portage, Indiana. To commemorate this special occasion, Yogi Bear's Jellystone Park will be holding an anniversary celebration on Saturday, July 5, 2008, at Jellystone Park in Portage, Indiana.

Jellystone Park was established in 1978 in order to provide camping and entertainment to vacationing families from across America. The Portage, Indiana, Jellystone Park is one of over 70 parks in the Yogi Bear's Jellystone Park Camp-Resort Franchise System. The Jellystone Park Board of Directors are: President Rochelle Carmichael, Vice President Don Butler, Secretary Connie Williams, Treasurer George Hill, Park Director Carolyn Julovich, and members: Marlene Jacobs, Tina Green, and Charles Taylor.

Every year, thousands of families vacation at the Portage Jellystone Park to share time together and enjoy its amenities. The Park offers a fulltime recreation program, a private lake, beaches, fishing, rentals, arcade room, and several pools.

In addition to the weekly activities, the 30th Anniversary will feature a special commemorative ceremony, followed by live music at the Yogi Bear Stage and a fireworks display over the lake at dusk.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring and congratulating Yogi Bear's Jellystone Camp-Resort on their 30th Anniversary. Their many great accomplishments and hard work throughout the years are worthy of commendation.

A PROCLAMATION HONORING BELMONT, OHIO FOR THE CELEBRATION OF THEIR BICENTENNIAL

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. SPACE. Madam Speaker:

Whereas, Belmont, Ohio was founded in August of 1808 by Joseph Wright; and

Whereas, the residents of Belmont, Ohio are active, dedicated members of their Ohio community; and

Whereas, all citizens of Belmont, both past and present, will be honored with a multiple day bicentennial celebration that will include a pig roast, barn dance, antique car show, and old-fashioned games for children; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend and thank Belmont, Ohio and its residents for their contributions to our community and country.

THE DAILY 45: ERIC KEITH WALTON

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. RUSH. Madam Speaker, every day, 45 people, on average, are fatally shot in the United States. My heart goes out to the family in Grand Rapids, Michigan who lost a dear loved one.

Thirty-eight-year-old Eric Keith Walton, slain in his home Monday, couldn't have put up much of a fight because he had been receiving dialysis treatments for kidney failure and was weakened, his family said.

Eric was apparently the victim of a home invasion. According to newspaper reports, Walton was shot twice, in the stomach and chest.

I was terribly impacted as I read this statement from a family member: "They really hurt us on this one. Everybody comes up and says, 'We love him to death.' He raised kids that weren't even his. I can't believe this."

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

IN HONOR OF JERRY PRIETO, RETIRING FRESNO COUNTY AGRICULTURAL COMMISSIONER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. COSTA. Madam Speaker, I rise today to pay special tribute to a man who has been a tireless voice for agriculture in my home district of Fresno County, California. On June 29, 2008, Jerry Prieto will be retiring as the Fresno County Agricultural Commissioner after over 35 years of dedicated service to Fresno County.

Agriculture continues to be California's number one industry with Fresno County ranking as the number one agricultural producing county in California and the nation. The fertile soils of Fresno County support over 300 different crops, valued at near $5 billion annually to the economy of California. Many things contribute to California's bountiful crops, but one significant underlying factor in Fresno County's agricultural success has been the presence of Jerry Prieto as its lead advocate.

Jerry has never been a stranger to agriculture. The son of a migrant farm worker, Jerry was raised on a small family farm near Corcoran, California. Jerry attended California State University, Fresno, where he earned a Bachelor of Science degree in Plant Science. In 1974, Jerry began working for the Fresno County Department of Agriculture advancing to the position of Deputy Agricultural Commissioner in 1980. In 1999, he was appointed to the position of Agricultural Commissioner/Sealer of Weights and Measures. In this position, Jerry has been responsible for promoting and regulating the Nation's number one agricultural producing county, and protecting the county's environment and the public's health, safety, and welfare.

Among Jerry's varied accomplishments is serving on then Governor Davis' State Committee on Terrorism. Jerry has also been active on many boards and for 4 years served as chairman of the Fresno County Department Heads Council. Mr. Prieto is a member of the Fresno County Farm Bureau, the Fresno County Council of Governments Farmland Conservation Steering Committee, chairman of the Fresno County Council of Governments Farmland Preservation Advisory Committee, and the Fresno County Land Conservation Committee. He is the immediate president of the California Agricultural Commissioners and Sealers Association and was the first Agricultural Commissioner to serve two terms as President.

Jerry Prieto recently was quoted as saying, "All I ever wanted to do was to be a farmer." Part of what Jerry will now be able to focus on more is the acreage he owns. He plans to spend time with wife Cindy, his two children and two grandchildren. He also hopes to catch up on a little fishing. Though only days away from retirement, Jerry is still found diligently carrying out his responsibilities. His prompt and earnest action concerning the drought now facing California, mobilized Fresno County resources to quickly produce valuable data necessary for the Governor's office to declare an official drought emergency. I know that Jerry will continue to energetically advocate for Fresno County's Agriculture needs, not only up to, but well beyond his retirement date. It is only fitting that I recognize Jerry Prieto today before this Chamber and the country for unflinching service to his community, State and Nation.

RECOGNIZING THE CONTRIBUTIONS OF GRIFOLS USA TO LOS ANGELES AND THE UNITED STATES.

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Ms. SOLIS. Madam Speaker, I rise today to recognize the contributions of Grifols USA to my community and other communities across the country.

This Friday will mark 5 years since Grifols USA began operating its facility in East Los Angeles. That is 5 years of over 600 jobs for residents of East Los Angeles and the surrounding area. Furthermore, Grifols' steady growth and expansion will continue to present additional opportunities to my constituents for years to come, and well into the future.

Grifols' prosperity has positively impacted many communities, not just my district. Currently, Grifols operates 78 plasma donor facilities, in 27 States across the country, which provide skilled and entry-level employment opportunities to over 3,000 Americans.

Perhaps more praiseworthy than Grifols' economic contributions though, is the company's mission. I would like to honor Grifols for its commitment to producing unique, life-saving medicines to treat small, chronically ill patient populations. The company's unwavering dedication to the development of safer, more effective plasma therapies, and progressing methods, has been a benefit to countless patients around the world who suffer from a number of disorders.

Madam Speaker, I ask my colleagues to join me in recognizing Grifols for the company's positive presence in many of our Nation's communities and tireless commitment to improve the lives of patients with chronic illnesses.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Ms. WOOLSEY. Madam Speaker, on June 24, 2008, I was unavoidably detained and was not able to record my vote for rollcall No. 442. Had I been present I would have voted: rollcall No. 442—"no"—On Motion to Adjourn.

FISA AMENDMENTS ACT OF 2008

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mrs. MALONEY of New York. Madam Speaker, I risk today in opposition to H.R. 6304, The FISA Amendments Act of 2008. As a representative from New York City, I know how important good intelligence is in ensuring that our Nation does not face another terrorist attack. However, we must ensure that we do not trample on civil liberties in the process. This administration has expanded the powers of the government to monitor the actions of American citizens with, unfortunately, too little oversight from Congress or the courts.

While I appreciate the efforts to reach a compromise on this legislation, H.R. 6304 does not go far enough to protect the rights of the American people. The legislation allows for retroactive immunity for telecommunication companies that participated in the Bush administration's warrantless wiretapping program. I also am concerned that most Members of Congress will not have access to important reports issued by the Attorney General and the Director of National Intelligence.

We should stand up for the Constitution and for the rights of our constituents by ensuring that their privacy is better protected.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. DAVIS of Illinois. Mr. Speaker, I wish to take a moment to express my enthusiastic support for H.R. 6331, the Medicare Improvements for Patients and Providers Act, which amends titles XVII and XIX of the Social Security Act and extends expiring provisions under the Medicare program. H.R. 6331 not only prevents the 10.6 percent pay cut to physicians scheduled to take effect July 1 while maintaining current payment levels for the rest of 2008, but it replaces the additional 5.4 percent cut scheduled on January 1, 2009 with a 1.1 percent increase in Medicare physician payments. By preventing these cuts, suppliers will be able to anticipate the costs that they will incur and will be less likely to withdraw from the program. H.R. 6331 also has a very positive outcome for beneficiaries as well. The provisions will improve choice and access to health care providers by changing the network requirements for the Medicare Advantage Private Fee for Service Plan. Further the bill will reduce cost-sharing for mental health services and increase coverage for preventive services.

These policy improvements will translate into significant relief for the national medical community, including the 21 hospitals in the Illinois Seventh Congressional District; a district which also has some of the most medically-underserved constituents of any in this nation. Many of these individuals are Medicare beneficiaries that seek hundreds of Chicago doctors to provide Medicare services. Therefore, it is in the best interest of my constituents as well as Medicare providers, suppliers, and recipients across this nation that Congress enacts H.R. 6331, The Medicare Improvement for Patients and Providers Act. As a testament to the importance of this issue to Chicago, I received over 50 calls within the last few days urging me to support this bill. I stand with these constituents and Chicago more broadly to support this bill.

I would like to thank Chairman RANGEL for spearheading this legislation. I have fought and will continue to advocate vigorously in Congress alongside my colleagues for the improvement of Medicare resources in support of Medicare providers, suppliers, and beneficiaries.

HONORING CONGRESSWOMAN MARY T. NORTON ON THE 70TH ANNIVERSARY OF THE FAIR LABOR STANDARDS ACT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to honor Congresswoman Mary T. Norton of New Jersey on the 70th anniversary of the Fair Labor Standards Act. Congresswoman Norton was instrumental in passing the Fair Labor Standards Act in 1938, legislation which has greatly impacted our labor history and our history as a Nation.

Growing up, I attended an all-girls Catholic school called Lauralton Hall in Connecticut. Last year, I spoke with Lauralton's current president Barbara Griffin and discussed her research for a master's dissertation she wrote 25 years ago about Mary Norton—the first Democratic woman to serve in Congress and the first woman to chair a major committee in the House. A few weeks later, the dissertation showed up in my mailbox and I sat down with it over the holidays. After reading Barbara's dissertation, I was thoroughly impressed by Mary Norton. Her work laid the foundation that we are building on here today. And she did it all with a skillful blend of strength and compassion.

Mary T. Norton led an extraordinary life. She began her social activism in Jersey City and quickly became the first woman member of the New Jersey Democratic State Committee. She was elected to the House of Representatives for the 12th Congressional District of New Jersey in 1924, where she was the only woman in the House at that time who was not filling her husband's unexpired term and one of the first women to be elected to and serve in Congress. Norton served in the House until 1951, for a total of 13 terms. During her time in Congress, Norton became the first woman to chair a major committee. In fact, she was head of three committees during her time in the House: Veterans' Affairs, District of Columbia, and Labor.

One of the Congresswoman's most accomplished moments came while she was chair of the Labor Committee in 1938 when the House passed the Fair Labor Standards Act. Despite much opposition to what was at the time a controversial bill and despite the first version of the legislation being rejected, the House passed the final version of the legislation by a vote of 314 to 97. The Fair Labor Standards Act was later signed into law by President Roosevelt on June 25, 1938.

The Fair Labor Standards Act plays a significant role in our labor history and our history as a Nation. It is the formative legislation for the labor rights that we today take for granted—minimum wage, overtime pay, and child labor laws—and greatly improved the quality of life for so many workers in our country. Congresswoman Norton was a champion for the American worker and played in integral role in passing this critical legislation that would shape our Nation for years to come.

I urge my colleagues to stand with me to celebrate and honor the life and work of Congresswoman Mary T. Norton on the 70th anniversary of the Fair Labor Standards Act.

PERSONAL EXPLANATION

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. WALZ of Minnesota. Madam Speaker, on rollcall No. 439, H. Con. Res. 372, Supporting the goals and ideals of Black Music Month and to honor the contributions to our Nation made by African American singers and musicians, I was unavoidably detained. Had I been present, I would have voted "yea."

INTRODUCTION OF EARNED INCOME TAX CREDIT INFORMATION ACT OF 2008

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. EMANUEL. Madam Speaker, today I am introducing the Earned Income Tax Credit Information Act of 2008, legislation that will make it easier for millions of Americans to receive the Earned Income Tax Credit, (EITC).

Every year I host tax clinics in my district in order to help my constituents get a fair deal when they file their taxes. Hundreds of my constituents come to these clinics and with the help of volunteers receive thousands of dollars in tax refunds.

But millions of Americans and thousands in my district still don't get the tax credits they deserve, like the EITC. The EITC is the single most important tool we have to encourage work and reduce poverty in our country.

Nationally, over 22 million working Americans benefit from this program and receive

$43 billion in Federal assistance. That's an average amount of over $1900 per taxpayer. At $4 a gallon, an average EITC check can now pay for 32 trips to the gas station to fill your tank.

In my district, over 38,000 taxpayers received $64 million through the EITC. But because one-quarter of those eligible to receive EITC don't claim it, there are also nearly 13,000 of my constituents who should receive EITC but don't and they're losing out on $25 million in benefits.

Nationally, there are 7 million Americans who are eligible to receive this benefit but don't. This amounts to a loss of $14 billion to eligible working Americans.

American families are struggling to get by. The cost of gas, food, education, and health care are skyrocketing. How can we stand by and let the American people leave $14 billion on the table?

A Republican Governor working with a Democratic legislature has given us a model for addressing this problem. Last year, Governor Arnold Schwarzenegger signed into law Assembly Bill 650, the Earned Income Tax Credit Information Act. The bill was simple and straightforward. The law requires that California employers notify employees of their potential eligibility for the EITC when they send employees their W–2 forms.

Employers are uniquely positioned to help because they are already providing their employees with their W–2 forms that tell them their earnings for this year. This law simply piggy-backs on that requirement to help employees understand that they may be eligible to receive the EITC.

Our legislation takes the California law and expands it to the rest of the country. Under our bill, employees throughout the country who earn enough to be eligible for the EITC will receive a notice from their employer with their W–2 form telling them about the program and how to learn more about it. Small businesses will not be affected by the bill and the proposal won't cost American taxpayers one single dime. It's a common sense way to ensure families who need it most get the benefits they deserve.

I am hopeful that this legislation will be unnecessary. Today, Sen. SCHUMER and I will send a letter asking the Administration to accomplish this goal by executive order. Secretary Paulson is a supporter of EITC and I'm hopeful that he will build on his role during the economic stimulus debate and embrace this common-sense, fiscally responsible approach to providing hardworking Americans with additional fiscal relief.

Finally, Wal-Mart, the Nation's largest employer, and the SEIU, one of the Nation's leading labor unions, are supporting the bill. They understand the importance of the EITC to their workers and members. In addition, the bill is supported by the Center on Budget and Policy Priorities, Citizens for Tax Justice, the Leadership Conference on Civil Rights, Corporate Voices for Working Families, the College and University Professional Association of Human Resources, TJ Maxx, Kindred Healthcare, and Cintas.

INTRODUCTION OF THE VETERANS REVENUE ENHANCEMENT ACT OF 2008, H.R. 6366

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. BUYER. Madam Speaker, I am introducing the Veterans Revenue Enhancement Act of 2008, which would direct the Secretary of Veterans Affairs to establish today not more than seven consolidated patient accounting centers.

The concept of the Consolidated Patient Accounting Center, also known as CPAC, was included as a demonstration project in the Conference Report, House Report 109–95 and Conference Report 109–305, in 2005 accompanying H.R. 2528, requiring the Department of Veterans Affairs, VA, to initiate a revenue improvement demonstration project within 60 days after enactment of the bill, Public Law 109–114. The VA followed the recommendations in the report, and created the Mid-Atlantic Consolidated Patient Accounting Center demonstration project located in Asheville, North Carolina.

A recent GAO report reiterates previous findings that third party billing and collection processes at the Department continue to be ineffective and limit the revenue received by VA from third party insurance companies. Hundreds of millions of dollars continue to go uncollected, dollars that could be used to further improve the quality and quantity of veterans' health care.

With the establishment by VA of the Mid-Atlantic Consolidated Patient Accounting Center in Asheville, North Carolina, the collection of third party revenues has improved significantly at the medical centers in VISN 6. By implementing best practices, a standardized revenue cycle for business processes and training of personnel, the majority of the GAO report recommendations on maximizing third party revenue collections have been met.

The demonstration project has proven to be very successful in enhancing the revenue of the department by more than $12.5 million in increased collections in FY 2007 and $6.5 million so far in FY 2008 to an overall $19 million total. Building on this success, my legislation would permit the VA to continue this successful venture at the Mid-Atlantic project in Asheville, North Carolina, and direct the Secretary to establish an additional six centers throughout the country in the next five years.

I urge my colleagues to support the Veterans Revenue Enhancement Act of 2008.

INTRODUCING THE HEALTHY TRANSITION ACT OF 2008

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. STARK. Madam Speaker, I rise to introduce legislation aimed at addressing the unique needs of young people with serious mental illness as they transition from adolescence into adulthood. Senator GORDON SMITH and Senator CHRIS DODD are introducing identical legislation in the Senate. We have an obligation to provide appropriate and effective mental health treatment and supports to young adults so that they can transition to healthy and successful adults.

Young adults suffering from mental illness fall through the cracks far too often. Senator SMITH and I requested that the Government Accountability Office, GAO, examine this issue. The GAO recently issued their report and the findings should disturb us all. At least 2.4 million young adults age 18–26 suffer from serious mental illness. Another 9.3 million have mild or moderate mental illness. Currently, there is no specific federal program aimed at these youth. Instead, we are left with a fragmented and ad hoc system that does not meet their unique needs. Not surprisingly, many of these youth are adrift without services, support, or guidance. They have lower education and employment rates than their peers and they are more likely to end up in jail or homeless. For youth who are aging out of foster care with no family supports the situation is particularly dire. One recent study found that these youth suffer from post traumatic stress disorder at rates similar to Iraq War veterans.

The GAO has clearly laid out the problem. But it is not enough to simply describe the current situation and become angry. Our outrage must lead to action. This legislation aims to change the tragic and unnecessary status quo and bring real support to millions of young people.

Some States are making strides to connect young adults with mental illness to systems that can assist them. The GAO documented 4 states—Maryland, Connecticut, Massachusetts, and Mississippi—that are doing good work in this area. My home State of California is using dedicated mental health funding to specifically target adolescents and young adults with mental illness. I am pleased that states are undertaking this important work, but the Federal Government should and must play a role. There needs to be improved coordination among the many Federal agencies that provide services to these youth. Most critically, there needs to be Federal support and assistance to states committed to doing the right thing and creating innovative approaches to serve these youth. The Healthy Transition Act will to do just that.

This bill builds on the successful Partnership for Youth in Transition Demonstration Program. It will provide grant funding to states to develop statewide coordination plans to assist adolescents and young adults with serious mental health disorders to acquire the skills and resources they need to make a healthy transition into adulthood. The state must specifically plan for youth who are in the juvenile justice system, the child welfare system, and those who have an education plan under the Individuals with Disabilities Education Act. The bill will also provide grant funding for states to successfully implement their plans and create sustainability and comprehensive systems of care. Finally, the legislation will create a Committee of Federal Partners. The Committee will include representatives from all agencies that serve young adults as well as representatives from consumer and family advocacy organizations. The Federal Partners will evaluate the programs, provide technical assistance, and report to Congress on the progress being made.

As a Nation, our children are our greatest and most precious resource. We should measure ourselves by how well we equip them to succeed and lead healthy and fulfilling lives. For young people with mental health disorders, we have an obligation to provide the supports and resources they need to make a healthy transition. This bill is a crucial step toward fulfilling that obligation.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008

SPEECH OF

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mrs. BACHMANN. Mr. Speaker, I must reluctantly rise in opposition to H.R. 6331, the Medicare Improvements for Patients and Providers Act. While I applaud the House for taking under consideration a bill to address the impending cut to Medicare physician reimbursement payments, H.R. 6331 contains provisions that would rob America's seniors of crucial health care access in the form of funding cuts to Medicare Advantage.

Indeed, H.R. 6331 contains a provision that would reverse the scheduled 10.6 percent payment cut set to take effect on July 1, 2008, a provision I have supported in the past. That being said, the bill also contains deep cuts to Medicare Advantage plans, which millions of seniors depend on to serve their broad health care needs. These cuts, totaling nearly $50 billion, would place the burden of leadership's failed Medicare reform policies directly on the backs of America's seniors.

To be sure, Medicare Advantage is popular choice for seniors across the Nation. With nearly 10 million Medicare beneficiaries currently enrolled in Medicare Advantage plans, up nearly 60 percent since 2004, it is clear that America's seniors are seeing the benefits of the competition-driven plans. These plans offer greater choice, lower out-of-pocket costs, and expanded service to America's seniors who seek value and quality in their health care coverage.

Specifically, H.R. 6331 would target those beneficiaries who have chosen Private Fee-for-Service, PFFS, plans through Medicare Advantage by requiring PFFS plans to establish costly provider networks if they wish to continue to operate in areas that already have two or more networked plans. This requirement would apply to 96 percent of all counties in the United States, and, according to the nonpartisan Congressional Budget Office, CBO, disrupt PFFS plans for more than 2 million seniors by 2013. In my State of Minnesota, each of the nearly 73,000 individual Medicare Advantage PFFS plans would be in jeopardy.

Furthermore, it is unfortunate that rather than considering a bill that will remedy the problem at hand, Democrat leadership chose to bring a bill to the floor that has been given a veto threat from the President. Both providers and patients deserve a bill that can be seriously considered for signature into law. This is not a topic on which we should play political games.

Mr. Speaker, America's physicians need Congress to prevent a devastating cut to their Medicare reimbursement payments. However, the burden of the solution should not be placed on the shoulders of America's seniors, gambling with access to the health coverage on which they rely.

A PROCLAMATION HONORING 190TH ANNIVERSARY OF THE SCROGGSFIELD UNITED PRESBYTERIAN CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of Scroggsfield United Presbyterian Church celebrate their 190th anniversary; and

Whereas, Scroggsfield United Presbyterian Church was founded in 1818 under the leadership of Rev. Elijah Newton Scroggs; and

Whereas, Scroggsfield United Presbyterian Church still opens its doors for weekly services today; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the congregation of Scroggsfield United Presbyterian Church for their unwavering commitment, dedication and contributions to their community.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. PAUL. Mr. Speaker, Congress is once again forsaking an opportunity to begin addressing Medicare's long-term fiscal problems. Instead, the legislation before us today, while not without its merits, exacerbates the problems facing Medicare by giving new authority to the Center for Medicare and Medicaid Services (CMS), even though CMS's excessive power is a major reason why so many physicians and patients are dissatisfied with the current Medicare system.

One clear indicator of the lack of seriousness with which this issue is being treated is the fact that this bill is coming before us on suspension, a procedure generally used for noncontroversial legislation, such as bills naming Post Offices. This significant Medicare legislation will receive only 40 minutes of debate, and members will have no opportunity to offer amendments.

I certainly recognize the need to make adjustments in physicians' payments. Many physicians are already losing money treating Medicare patients, thanks to CMS's low reimbursements and the cost of having to comply with CMS's numerous rules and regulations. Unless Congress acts, many physicians will simply refuse to see Medicare patients. I think we all agree that driving physicians out of the Medicare program is not the proper way to reform the system.

Therefore, if H.R. 6331 only contained the provisions dealing with the physicians' rate cut, I would vote for it. However, H.R. 6331 further endangers Medicare's fiscal situation by giving almost $20 billion in new funds to CMS, and giving CMS new regulatory authority.

Instead of simply pretending we can delay the day of reckoning by giving CMS more money and power, we should be looking for ways to shore up Medicare by making cuts in other, lower priority programs, using those savings to ensure the short-term fiscal stability of Federal entitlement programs while transitioning to a more stable means of providing health care for senior citizens. I have been outspoken on the areas I believe should be subject to deep cuts in order to finance serious entitlement reform that protects those relying on these programs. I will not go into detail on these cuts, although I will observe that today the House Committee on Financial Services is planning to authorize billions of new foreign aid spending, perhaps some of those billions might be better spent reforming the Medicare system.

Congress should also reform the Medicare system by providing Medicare patients more control over their health care than is available under either traditional Medicare or the Medicare Advantage program.

Mr. Speaker, H.R. 6331 may provide some short-term benefit to Medicare providers, however, it does so by further jeopardizing the long-term fiscal soundness of the Medicare program. Thus, passage of this bill will ultimately damage the very Medicare providers and patients the bill aims to help.

A TRIBUTE TO JAMES ARTHUR JOHNSON

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor a man who exemplified the ideal husband, father, and human being to all whose lives he touched. James Arthur Johnson was born and raised in Philadelphia, where he lived his entire life. He graduated from Bok Vocational High School and went on to the Marine Corps, where he honorably served our country.

After serving in the Marine Corps, Officer Johnson continued his life's work in public service with the United States Post Office, followed by an appointment to the All Philadelphia Police Department in September 1957. As a police officer, his detail included the Highway Patrol, 19th Police District, and Narcotics Unit. During his career in the Philadelphia Police Department, Officer Johnson earned the respect of all who knew him. His strong moral fiber, wise counsel, fatherly ways made him a pleasure to encounter.

In 1971, Officer Johnson suffered an injury in the line of duty. Yet, he continued to serve our city from within the Mayor's Office of Information and Complaints. With 23 years of service on the Police Force under his belt, Officer Johnson retired in 1980. He then went on to become the housing site manager for the Philadelphia Housing Authority until he retired in 1990. Even though Officer Johnson entered his second round of retirement, he never gave up his cherished role as a public servant. He

was a well-known member of the Cobbs Creek community, where he was a baseball coach for the Cobbs Creek Cubs, as well as a mentor, Scout leader and surrogate father to many of the community's youth.

Madam Speaker, Officer Johnson's light was extinguished on June 13th, but the light he has shared with others bums ever so brightly. His loving family, friends, and community will miss him very much. I ask my colleagues to join me in expressing the condolences of the House to his family. I hope that they find comfort in the knowledge that his time on Earth was well spent and that he left the world a better place than the one he found.

HONORING THE LIFE OF GENE OCHSENREITER

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. SHULER. Madam Speaker, I rise today to honor the life of Gene Ochsenreiter, a friend, athlete, and community leader. Mr. Ochsenreiter passed away in February of this year, and was honored at the 50th anniversary of the Western North Carolina Sports Hall of Fame Banquet recently.

Western North Carolina lost a sports giant in February. Mr. Ochsenreiter was the captain of the University of Maryland men's basketball team in 1941, and also ran with the University's track team. He was also the ½ mile champion in the Southern Conference and Junior National AAU Championships. In Asheville, he won numerous golf championships at the Country Club of Asheville. In 1988, he was inducted into the Western North Carolina Sports Hall of Fame.

Mr. Ochsenreiter was a leader on and off the court. In 1958, Mr. Ochsenreiter founded the Mountain Amateur Athletic Club in Western North Carolina. Twenty years later in 1978 Mr. Ochsenreiter helped to found the Western North Carolina Sports Hall of Fame to honor western North Carolina high school and college athletes and teams. During his tenure with the WNC Hall, Mr. Ochsenreiter expanded the scope of the Hall to include all sports, as well as the Special Olympics and academics. He was a firm believer that students should put their academics before their sports career, and this was reflected during his time with the WNC Hall of Fame.

Serving on the Asheville City Council and as a one-time mayor of Asheville, Mr. Ochsenreiter's contributions to Western North Carolina are endless.

As a member of the WNC Hall of Fame, I thank Mr. Ochsenreiter for his dedication and commitment to the Hall during his fifty years of service. He will be missed. I ask my colleagues to join me in honoring the life of Gene Ochsenreiter.

REMEMBERING THE KOREAN WAR AND THE U.S.-KOREA FREE TRADE AGREEMENT

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. FOSSELLA. Madam Speaker. Today marked the 58th anniversary of the outbreak of the Korean War. Five years after the Second World War ended in the Pacific, a new conflict erupted, the first major engagement of the forces of communism and the forces of freedom in the Cold War period.

By the time the armistice was signed almost 3 years later, millions of Koreans had been killed, wounded or displaced from their homes, whole towns and villages had been destroyed, and the entire peninsula was plunged into poverty. More than 36,000 American soldiers, sailors, Marines, and airmen who served in the Korean War lost their lives.

It has been my privilege to represent hundreds of Korean War veterans who live in my district in Brooklyn and Staten Island. I have come to know personally many of these brave and heroic constituents.

Although many of these Korean War veterans are reaching old age, they live vibrant lives, contributing to our community in countless ways. The sacrifices they made across an ocean helped form their characters, which guided them through college and careers, as they raised their families and built their businesses, indeed, as many of them became political and community leaders themselves.

In the years since the Korean War came to a close, South Korean soldiers have fought alongside Americans not only in Korea but in Vietnam, Afghanistan, and Iraq. In fact, South Korea sent the third-largest contingent of armed forces to Iraq among all the countries that have participated in that conflict.

Korea has often been described as an "economic miracle." Fifty years ago, South Korea was an impoverished, Third World country perceived as having few prospects for survival, much less potential for affluence. Today it has the world's 11th-largest economy, known for its high-technology industries. It is the 7th-largest trading partner of the United States.

It is no wonder, therefore, that almost exactly a year ago, on June 30, 2007, negotiators for the United States and the Republic of Korea concluded a Free Trade Agreement that now awaits approval by Congress and the South Korean National Assembly before it is fully implemented.

In a recent report, the U.S. International Trade Commission has forecast that the elimination of tariffs on U.S. goods under the U.S.-Korea Free Trade Agreement would increase the Gross Domestic Product (GDP) of the United States by over $10 billion annually. The agreement will also eliminate regulatory and other non-tariff barriers that have historically restricted access by American farmers, manufacturers, and service providers to the South Korean market.

In the past week, the United States and South Korea signed a protocol regarding the importation of U.S.-originating beef to Korean markets. As anyone who reads the newspaper knows, this issue has been politically volatile in South Korea. U.S. and South Korean trade negotiators deserve a great deal of credit for their delicate handling of this situation. It is my understanding that American beef exports to Korea will recommence within the next few days.

While the beef import issue seemed to be an obstacle to approval of the Free Trade Agreement, the overall advantages to both our countries that will ensue from the agreement have prevailed. And this is a good thing, a healthy thing for American workers and American consumers, and for Koreans, too.

With growing uncertainty about the health of our economy, it is critically important that we make every effort to spur U.S. economic growth and create new American jobs through securing access to markets in which U.S. farmers and businesses can compete and succeed. The proposed U.S.-Korea Free Trade Agreement stands to further increase U.S. exports to Korea and will generate new jobs for Americans.

Madam Speaker, it has been nearly six decades since the outbreak of the Korean War and we must "never forget" the sacrifices of our Korean War veterans. As we commemorate this somber occasion, let us look forward to the opportunities the future will bring as the U.S.-Korean friendship and economic partnership is broadened, deepened, and strengthened. The U.S.-Korea relationship deserves to be celebrated, and I ask my colleagues to join in offering their own expressions of support.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is June 25, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,937 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson

said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.'' The phrase in the 14th Amendment capsulizes our entire Constitution. It says, ''No State shall deprive any person of life, liberty or property without due process of law.'' Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them. 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 Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,937 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is June 25, 2008—12,937 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.

A PROCLAMATION HONORING JEFFERY A. SPENCER FOR HIS 14 YEARS SERVING AS EXECUTIVE DIRECTOR OF THE OHIO VALLEY REGIONAL DEVELOPMENT COMMISSION

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. SPACE. Madam Speaker:

Whereas, Jeffery A. Spencer has served as Executive Director of Ohio Valley Regional Development Commission for over 14 years; and

Whereas, Mr. Spencer has tirelessly assisted scores of communities in acquiring over $50 million in critically needed development projects; and

Whereas, he continues to support many regional initiatives that bring more development funds and assistance to Southern Ohio; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Jeffery A. Spencer for his contributions to his community and country.

HONORING THE VILLAGE OF MANITO, ILLINOIS ON THE OCCASION OF ITS 150TH ANNIVERSARY

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. LAHOOD. Madam Speaker, I rise today to honor the Village of Manito, Illinois on the occasion of its 150th Anniversary.

The Village of Manito, located in Mason County, Illinois, was first inhabited by William Herron and his sister in 1838. In 1858, with the news that the Illinois River Railroad was to develop through their land, James Cox, his son Robert Cox, and William Langston divided 110 acres of their land into streets, lots and alleys, establishing a new village, named Manito.

Manito is located in the heart of Illinois in an area known for its hardworking people, outstanding farmers and respected traditions. Manito always has been, and primarily remains, an agricultural community. The diverse soil in the area promotes the growth of a broad range of crops and farming methods. This area has been shown to effectively produce corn, soybeans, vegetables and other harvest. The citizens of Manito continue to add to the world agricultural community by being stewards of their land and setting the precedent for how a farming community should operate.

Today, Manito is a progressive village with a population of over 1700, and while Manito remains proud of its past, it looks willingly toward the future. The original ''Main Street'' continues to serve as the commercial center of Manito; however, the surrounding marketing areas continue to thrive and develop.

Madam Speaker, I am proud to represent the Village of Manito in the United States House of Representatives and I extend my best wishes to the village and its citizens for another 150 years of prosperity.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 26, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 9

10 a.m.

Rules and Administration

To hold hearings to examine administrative and management operations of the United States Capitol Police.

SR–301

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 2443 and H.R. 2246, bills to provide for the release of any revisionary interest of the United States in and to certain lands in Reno, Nevada, S. 2779, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects, S. 2875, to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation, S. 2898 and H.R. 816, bills to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada, S. 3088, to designate certain land in the State of Oregon as wilderness, S. 3089, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and S. 3157, to provide for the exchange and conveyance of certain National Forest System land and other land in southeast Arizona.

SD–366

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6097–S6171

Measures Introduced: Thirteen bills and three resolutions were introduced, as follows: S. 3187–3199, S.J. Res. 43, and S. Res. 601–602. **Page S6158**

Measures Reported:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2009". (S. Rept. No. 110–402)

S. 27, to authorize the implementation of the San Joaquin River Restoration Settlement, with an amendment in the nature of a substitute. (S. Rept. No. 110–400)

S. 1171, to amend the Colorado River Storage Project Act and Public Law 87–483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, with an amendment in the nature of a substitute. (S. Rept. No. 110–401)

H.R. 3721, to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building".

H.R. 4185, to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building".

H.R. 5168, to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the "Cody Grater Post Office Building".

H.R. 5395, to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay Post Office Building".

H.R. 5479, to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building".

H.R. 5517, to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veterans Post Office".

H.R. 5528, to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building".

S. 2622, to designate the facility of the United States Postal Service located at 11001 Dunklin Road in St. Louis, Missouri, as the "William 'Bill' Clay Post Office".

S. 3015, to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the "Dr. Bernard Daly Post Office Building".

S. 3082, to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the "Reverend Earl Abel Post Office Building". **Pages S6157–58**

Measures Passed:

Water Resources Development Act: Senate passed H.R. 6040, to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety, clearing the measure for the President. **Page S6171**

Measures Considered:

FISA Amendments Act: Senate resumed consideration of the motion to proceed to consideration of H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence. **Pages S6141–45**

During consideration of this measure today, Senate also took the following action:

By 80 yeas to 15 nays (Vote No. 158), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S6141**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 9:30 a.m., on Thursday, June 26, 2008, and that the time during the adjournment count post-cloture; provided further, that Senator Murkowski, or her designee, control the time from 1:30 p.m. until 2:15 p.m. on Thursday, June 26, 2008, and that the time count post-cloture. **Page S6171**

House Messages:

Foreclosure Prevention Act: By 79 yeas to 16 nays (Vote No. 157), Senate concurred in the amendment of the House of Representatives striking section 1 through Title V and inserting certain language to the Senate amendment to H.R. 3221, to provide needed housing reform, with Reid (for Dodd/Shelby) Amendment No. 4983, of a perfecting nature, and taking action on the following amendments proposed thereto: **Pages S6097–S6141**

Adopted:

Bond Modified Amendment No. 4987 (to Amendment No. 4983), to enhance mortgage loan disclosure requirements with additional safeguards for adjustable rate mortgages with an initial fixed rate and loans that contain prepayment penalty. **Pages S6097, S6138–40**

Sununu Modified Amendment No. 4999 (to Amendment No. 4983), to address small public housing agency paperwork reduction. **Pages S6097, S6138–40**

Kohl Modified Amendment No. 4988 (to Amendment No. 4983), to protect the property and security of homeowners who are subject to foreclosure proceedings. **Pages S6097, S6138–40**

Withdrawn:

Dole Amendment No. 4984 (to Amendment No. 4983), to improve the regulation of appraisal standards. **Pages S6097, S6140**

Nominations Received: Senate received the following nominations:

Michael Bruce Donley, of Virginia, to be Secretary of the Air Force.

Jason J. Fichtner, of Virginia, to be Deputy Commissioner of Social Security for the term expiring January 19, 2013.

James A. Williams, of Virginia, to be Administrator of General Services.

Santanu K. Baruah, of Oregon, to be Administrator of the Small Business Administration.

1 Army nomination in the rank of general.

A routine list in the Army. **Page S6171**

Messages from the House: **Page S6155**

Measures Referred: **Page S6155**

Measures Placed on the Calendar: **Page S6155**

Petitions and Memorials: **Pages S6155–57**

Executive Reports of Committees: **Page S6158**

Additional Cosponsors: **Pages S6159–60**

Statements on Introduced Bills/Resolutions: **Pages S6160–70**

Additional Statements: **Pages S6152–54**

Amendments Submitted: **Page S6170**

Authorities for Committees to Meet: **Pages S6170–71**

Privileges of the Floor: **Page S6171**

Record Votes: Two record votes were taken today. (Total—158) **Page S6141**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:42 p.m., until 9:30 a.m. on Thursday, June 26, 2008. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6171.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: EIA

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Energy Information Administration (EIA), focusing on forecasts for oil and gasoline prices, after receiving testimony from Guy Caruso, Administrator, Energy Information Administration, Department of Energy.

AFGHANISTAN

Committee on Armed Services: Committee concluded a closed hearing to examine the current situation in Afghanistan, after receiving testimony from General Dan K. McNeill, USA (Ret.), former Commander, North Atlantic Treaty Organization (NATO) International Security Assistance Force.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Neel T. Kashkari, of California, to be an Assistant Secretary of the Treasury, Christopher R. Wall, of Virginia, to be an Assistant Secretary of Commerce, Sheila McNamara Greenwood, of Louisiana, to be an Assistant Secretary of Housing and Urban Development, Susan D. Peppler, of California, to be an Assistant Secretary of Housing and Urban Development, Joseph J. Murin, of Pennsylvania, to be President, Government National Mortgage Association, Luis Aguilar, of Georgia, Troy A. Paredes, of Missouri, and Elisse Walter, of Maryland, all to

be Members of the Securities and Exchange Commission, Donald B. Marron, of Maryland, to be a Member of the Council of Economic Advisers, and Michael E. Fryzel, of Illinois, to be a Member of the National Credit Union Administration Board.

FUTURE ENERGY NEEDS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the increased global energy demand, focusing on the challenges for meeting future energy needs, while developing new technologies to address current and future global climate change, after receiving testimony from Raymond L. Orbach, Under Secretary of Energy for Science; Neil Hirst, International Energy Agency, Paris, France; Tom Wilson, Electric Power Research Institute Global Climate Change Research, Palo Alto, California; and Raymond J. Kopp, Resources for the Future, and Karan Bhatia, General Electric Company, both of Washington, D.C.

FEDERAL ROLE FOR SURFACE TRANSPORTATION

Committee on Environment and Public Works: Committee concluded a hearing to examine the future federal role for surface transportation, focusing on safety, maintenance, and expansion needs for the capacity and reliability of the highway freight system, after receiving testimony from Bruce E. Seely, Michigan Technological University, Houghton; Lance R. Grenzeback, Cambridge Systematics Inc., Cambridge, Massachusetts; Kathleen F. Marvaso, American Automobile Association (AAA), and Deron Lovaas, Natural Resources Defense Council, both of Washington, D.C.; Samuel R. Staley, Reason Foundation, Los Angeles, California; and Alan E. Pisarski, Falls Church, Virginia.

PAKISTAN

Committee on Foreign Relations: Committee concluded a hearing to examine a new strategy for an enhanced partnership with Pakistan, after receiving testimony from Richard A. Boucher, Assistant Secretary of State for South and Central Asian Affairs; Mitchell Shivers, Principal Deputy Assistant Secretary of Defense for Asian and Pacific Affairs; Mark S. Ward, Senior Deputy Assistant Administrator for Asia, U.S. Agency for International Development; General Anthony C. Zinni, USMC (Ret.), former Commander in Chief, United States Central Command, Falls Church, Virginia; and Wendy J. Chamberlain, Middle East Institute, Washington, D.C.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following:

S. 1924, to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty, with an amendment in the nature of a substitute;

H.R. 5683, to make certain reforms with respect to the Government Accountability Office, with amendments;

S. 3013, to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, with amendments;

S. 3175, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program, to make technical corrections to that Act, with amendments;

S. 2382, to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense, with an amendment in the nature of a substitute;

S. 2148, to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service, with an amendment in the nature of a substitute;

S. 2816, to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security;

S. 3015, to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the "Dr. Bernard Daly Post Office Building";

H.R. 5395 and S. 2622, bills to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay Post Office Building";

H.R. 5479, to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building";

H.R. 4185, to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building";

H.R. 5528, to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building";

H.R. 3721, to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building";

H.R. 5517, to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veterans Post Office";

H.R. 5168, to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the "Cody Grater Post Office Building";

S. 3082, to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the "Reverend Earl Abel Post Office Building"; and

The nomination of Elaine C. Duke, of Virginia, to be Under Secretary for Management, Department of Homeland Security.

OVERSEAS TRAVEL PRIVACY VIOLATIONS

Committee on the Judiciary: Subcommittee on the Constitution concluded a hearing to examine practices by the Department of Homeland Security at ports of entry of the United States, focusing on laptop searches and other violations of privacy faced by Americans returning from overseas travel, after receiving testimony from James Jay Carafano, Heritage Foundation, and Peter P. Swire, Ohio State University Moritz College of Law, on behalf of the Center for American Progress Action Fund, both of Washington, D.C.; Larry Cunningham, Bronx District Attorney Office, Bronx, New York; Susan K. Gurley, Association of Corporate Travel Executives, Alexandria, Virginia; Farhana Y. Khera, Muslim Advocates, and Lee Tien, Electronic Frontier Foundation, both of San Francisco, California; and Nathan A. Sales, George Mason University School of Law, Arlington, Virginia.

HOME HEATING OIL PRICES

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine solutions to address the rise in home heating oil prices, after receiving testimony from David F. Johnson, Deputy Assistant Secretary of Energy for Petroleum Reserves; Jennifer Brooks, Penquis, Bangor, Maine; Sandra Farrell, Northboro Oil Company, Northboro, Massachusetts; Michael J. Ferrante, Massachusetts Oilheat Council, Wellesley Hills, Massachusetts; and Michael D. Stoddard, Environment Northeast, Portland, Maine.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 14 public bills, H.R. 6362–6375; and 2 resolutions, H. Con. Res. 382 and H. Res. 1305, were introduced. **Pages H6088–89**

Additional Cosponsors: **Pages H6089–90**

Report Filed: A report was filed today as follows:

H. Res. 1304, providing for consideration of the bill (H.R. 6052) to promote increased public transportation use and to promote increased use of alternative fuels in providing public transportation (H. Rept. 110–734). **Page H6088**

Speaker: Read a letter from the Speaker wherein she appointed Representative Davis (AL) to act as Speaker pro tempore for today. **Page H6011**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Archie E. Barringer, Veterans Medical Clinic, Fayetteville, North Carolina. **Page H6011**

Alternative Minimum Tax Relief Act of 2008: The House passed H.R. 6275, to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, by a recorded vote of 233 ayes to 189 noes, Roll No. 455. **Pages H6031–44**

Rejected the McCrery motion to recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House promptly with amendments, by a yea-and-nay vote of 199 yeas to 222 nays, Roll No. 454. **Pages H6042–43**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. **Page H6035**

H. Res. 1297, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 224 yeas to 193 nays, Roll No. 452, after agreeing to order the previous question by a yea-and-nay vote of 225 yeas to 194 nays, Roll No. 451. **Pages H6022–25, H6029–30**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Monday, June 23rd:

Authorizing the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012: H.R. 3546, to authorize the Edward Byrne Memorial Justice Assistance Grant

Program at fiscal year 2006 levels through 2012, by a ⅔ yea-and-nay vote of 406 yeas to 11 nays, Roll No. 456. **Pages H6044–45**

Providing for and approving the settlement of certain land claims of the Bay Mills Indian Community: The House failed to pass H.R. 2176, to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, by a yea-and-nay vote of 121 yeas to 298 nays, Roll No. 458. **Pages H6045–57**

Agreed to table the appeal of the ruling of the chair on a point of order sustained against the Hensarling motion to recommit the bill to the Committee on Natural Resources with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 226 yeas to 189 nays, Roll No. 457. **Pages H6055–57**

Pursuant to the rule, the amendment in the nature of a substitute printed in H. Rept. 110–732 shall be considered as adopted, in lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. **Page H6045**

H. Res. 1298, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 207 yeas to 204 nays, Roll No. 450, after agreeing to order the previous question by a yea-and-nay vote of 226 yeas to 194 nays, Roll No. 449. **Pages H6016–22, H6028–29**

ADA Amendments Act of 2008: The House passed H.R. 3195, to restore the intent and protections of the Americans with Disabilities Act of 1990, by a yea-and-nay vote of 402 yeas to 17 nays, Roll No. 460. **Pages H6058–75, H6081–82**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted. **Page H6059**

H. Res. 1299, the rule providing for consideration of the bill, was agreed to by voice vote after agreeing to order the previous question by a yea-and-nay vote of 221 yeas to 194 nays, Roll No. 453. **Pages H6025–28, H6030–31**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Temporarily extending the programs under the Higher Education Act of 1965: S. 3180, to temporarily extend the programs under the Higher Education Act of 1965—clearing the measure for the President; **Page H6075**

Stop Child Abuse in Residential Programs for Teens Act of 2008: H.R. 6358, to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, by a ⅔ yea-and-nay vote of 318 yeas to 103 nays, Roll No. 459; and **Pages H6075–80, H6080–81**

Authorizing the use of the rotunda of the Capitol for a ceremony commemorating the 60th Anniversary of the beginning of the integration of the United States Armed Forces: H. Con. Res. 377, amended, to authorize the use of the rotunda of the Capitol for a ceremony commemorating the 60th Anniversary of the beginning of the integration of the United States Armed Forces. **Pages H6082–83**

CPSC Reform Act—Motion to Instruct Conferees: Agreed to the Kirk motion to instruct conferees on H.R. 4040, to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, by a yea-and-nay vote of 415 yeas with none voting "nay", Roll No. 461. Consideration of the motion began on Tuesday, June 24th. **Page H6082**

Senate Message: Message received from the Senate today appears on page H6016.

Senate Referrals: S. 3145, S. 2403, S. 2837, and S. 3009 were referred to the Committee on Transportation and Infrastructure. **Page H6088**

Quorum Calls—Votes: Twelve yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H6028, H6028–29, H6029–30, H6030, H6030–31, H6043, H6043–44, H6044–45, H6057, H6057–58, H6080–81, H6081–82, and H6082. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:58 p.m.

Committee Meetings

ENERGY AND WATER DEVELOPMENT; COMMERCE, JUSTICE, SCIENCE AND FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS FISCAL YEAR 2009

Committee on Appropriations: Ordered reported, as amended, the following Appropriations for Fiscal year 2009: Energy and Water Development, and Related Agencies; Commerce, Justice, Science, and Related Agencies; and Financial Services and General Government.

CHINA; RECENT SECURITY DEVELOPMENTS

Committee on Armed Services: Held a hearing on China: Recent Security Developments. Testimony was heard from the following officials of the Department of Defense: James J. Shinn, Assistant Secretary, Asian

and Pacific Security Affairs; and MG Philip M. Breedlove, USAF, Vice Director, Strategic Plans and Policy, the Joint Chiefs of Staff.

PRE–K ACT

Committee on Education and Labor: Began markup of H.R. 3289, PRE–K Act.

Will continue tomorrow.

HEALTH IT PROMOTION

Committee on Energy and Commerce: Subcommittee on Health approved for full Committee action H.R. 6357, Protecting Records, Optimizing Treatment, and Easing Communication through Healthcare Technology Act of 2008.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported the following bills: H.R. 3329, amended, Homes for Heroes Act; H.R. 6309, amended, Lead-Safe Housing for Kids Act of 2008; H.R. 4461, amended, to consider the following bills: H.R. 4049, amended, Money Service Business Act of 2007; H.R. 6306, amended, 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; H.R. 6216, amended, Asset Management Improvement Act of 2008; H.R. 1746, amended, Holocaust Insurance Accountability Act of 2007; and, H.R. 6184, America's Beautiful National Parks Quarter Dollar Coin Act of 2008.

The Committee did not agree to H.R. 5767, Payments System Protection Act.

U.S. FOREIGN ASSISTANCE REFORM

Committee on Foreign Affairs: Held a hearing on Foreign Assistance Reform: Rebuilding U.S. Civilian Development and Diplomatic Capacity in the 21st Century. Testimony was heard from the following former Administrators of the U.S. Agency for International Development M. Peter McPherson; and J. Brian Atwood.

U.S.-INDO RELATIONS OUTLOOK

Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia held a hearing on More Than Just the 123 Agreement: The Future of U.S.-Indo Relations. Testimony was heard from public witnesses.

GOODYEAR PLANT EXPLOSION CHEMICAL PLANT SECURITY

Committee on Homeland Security: Subcommittee on Transportation Security and Infrastructure Protection held a hearing on The Goodyear Explosion: Ensuring Our Nation is Secure by Developing a Risk Management Framework for Homeland Security. Testimony was heard from Robert D. Jamison, Under Secretary, National Protection and Programs Directorate, Department of Homeland Security; Norman J. Rabkin, Managing Director, Homeland Security and Justice, GAO; John P. Paczkowski, Director, Emergency and Security, Port Authority of New York and New Jersey; and public witnesses.

EXECUTIVE OFFICE FOR U.S. ATTORNEYS

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on the Executive Office for United States Attorneys. Testimony was heard from Kenneth E. Melson, Director, Executive Office for U.S. Attorneys, Department of Justice; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Agreed to a Committee resolution dealing with an emergency withdrawal of certain federal lands near Grand Canyon National Park.

The Committee also ordered reported the following bills: H.R. 415, amended, To amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers; H.R. 1286, amended, Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act; H.R. 1210, amended, Utah Recreational Land Exchange Act of 2007; H.R. 6041, To redesignate the Rio Grande American Canal in El Paso, Texas, as the "Travis C. Johnson Canal;" H.R. 1907, amended, Coastal and Estuarine Land Protection Act; and H.R. 3227, amended, To direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

WASTE, FRAUD, AND ABUSE AT K-TOWN: ONE YEAR LATER

Committee on Oversight and Government Reform: Held a hearing on Waste, Fraud, and Abuse at K-Town: One Year Later. Testimony was heard from the following officials of the GAO: Gregory D. Kutz, Managing Director, Forensic Audits and Special Investigations; Terrell G. Dorn, Director, Physical Infrastructure, and Bruce A. Causseaux, Senior Level Contract and Procurement Fraud Specialist, Forensic Audits and Special Investigations; and MAJ Mark Rogers, USAF, Vice Commander, U.S. Air Forces in Europe, Department of the Air Force; Judith Garber, Deputy Assistant Secretary, Bureau of European and

Eurasian Affairs, Department of State, and a public witness.

ID CARDS; REISSUING BORDER CROSSING CARDS

Committee on Oversight and Government Reform: Subcommittee on Government Management, Organization, and Procurement held a hearing on ID Cards: Reissuing Border Crossing Cards Testimony was heard from Tony Edson, Acting Principal Deputy Assistant Secretary, Department of State; Colleen M. Manaher, Director, Western Hemisphere Travel Initiative, Customs and Border Protection, Department of Homeland Security; Jess Ford, Director, International Affairs and Trade, GAO; and public witnesses.

SAVING ENERGY THROUGH PUBLIC TRANSPORTATION ACT OF 2008

Committee on Rules: Committee granted, by a record vote of 8 to 4, a structured rule providing for consideration of H.R. 6052, the ''Saving Energy Through Public Transportation Act of 2008.'' The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill.

The rule makes in order only those amendments printed in the Rules Committee report and waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The amendments made in order shall be considered as read, shall be debatable for the time specified in this report equally divided by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The rule provides one motion to recommit with or without instructions. Notwithstanding the operation of the previous question, the Chair may postpone further consideration until a time designated by the Speaker. Finally, the rule allows the Speaker to entertain motions to suspend the rules on the legislative day of Thursday, June 26, 2008, relating to (a) a measure concerning the Commodity Exchange Act and energy markets; or (b) a measure concerning the issuance of oil and gas leases on Federal lands or waters. Testimony was heard from Chairman Oberstar and Representative McGovern.

MISCELLANEOUS MEASURES

Committee on Science and Technology: Ordered reported, as amended, the following bills: H.R. 4174, Federal Ocean Acidification Research and Monitoring Act of 2007; and H.R. 5618, National Sea Grant College Program Amendments Act of 2008.

ONLINE ADVERTISING IMPACTS

Committee on Small Business: Subcommittee on Regulations, Health Care and Trade held a hearing entitled ''The Impact of Online Advertising on Small Firms.'' Testimony was heard from public witnesses.

PIPELINE INSPECTION, PROTECTION, AND ENFORCEMENT AND SAFETY ACT OF 2006 IMPLEMENTATION

Committee on Transportation and Infrastructure: Subcommittee on Railroads, Pipelines and Hazardous Materials held a hearing on Implementation of the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006. Testimony was heard from the following officials of the Department of Transportation: Carl T. Johnson, Administrator, and Stacey L. Gerard, Assistant Administrator, both with Pipeline and Hazardous Materials Safety Administration, and Calvin L Scovel III, Inspector General; and John Sammon, Assistant Administrator, Transportation Sector Network Management, Transportation Security Administration, Department of Homeland Security.

GLOBAL CLIMATE—NATIONAL SECURITY IMPLICATIONS OF GLOBAL CLIMATE

Select Committee on Energy Independence and Global Warming, and the Subcommittee on Intelligence Community Management of the Permanent Select Committee on Intelligence held a joint hearing on National Security Implications of Global Climate. Testimony was heard from Thomas Fingar, Deputy Director (Analysis), Office of the Director of National Intelligence; Rolf Mowatt-Larssen, Director, Office of Intelligence and Counterintelligence, Department of Energy; VADM Paul G. Gaffney II, USN (Ret.), former Commander, Navy Meteorology and Oceanography Command; Kent Hughes Butts, Professor of Political-Military Strategy, Center for Strategic Leadership, U.S. Army War College; and public witnesses.

Joint Meetings

SKYROCKETING OIL PRICES

Joint Economic Committee: Committee concluded a hearing to examine the rapid rise of crude oil prices, focusing on the impact energy prices will have on the American public and the United States economy,

after receiving testimony from Daniel Yergin, Cambridge Energy Research Associates, Frederick Joutz, George Washington University, and John A. Laitner, American Council for an Energy-Efficient Economy (ACEEE), all of Washington, D.C.

CONSUMER PRODUCT SAFETY MODERNIZATION ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 4040, to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, but did not complete action thereon, and recessed subject to the call.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 26, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up proposed budget estimates for fiscal year 2009 for Labor, Health and Human Services, Education, and related agencies, 2 p.m., SD–106.

Committee on Armed Services: to hold hearings to examine the nominations of Nelson M. Ford, of Virginia, to be Under Secretary of the Army, Joseph A. Benkert, of Virginia, to be an Assistant Secretary, Sean Joseph Stackley, of Virginia, to be an Assistant Secretary of the Navy, and Frederick S. Celec, of Virginia, to be Assistant to the Secretary for Nuclear and Chemical and Biological Defense Programs, all of the Department of Defense, 9:30 a.m., SD–106.

Committee on Finance: to hold hearings to examine the foundation of international tax reform, focusing on worldwide, territorial, and other related issues, 10 a.m., SD–215.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families, to hold hearings to examine reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA) (Public Law 93–247), focusing on protecting children and strengthening families, 2:30 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine nuclear terrorism, focusing on the federal response for providing medical care and meeting basic needs in the aftermath of an attack, 10 a.m., SD–342.

Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine addressing the nation's financial challenges, 2:30 p.m., SD–342.

Committee on Indian Affairs: to hold an oversight hearing to examine access to contract health services in Indian country, 10 a.m., SD–562.

Committee on the Judiciary: business meeting to consider S. 2979, to exempt the African National Congress from treatment as a terrorist organization, H.R. 5690, to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, S. 2892, to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force, S. 1211, to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors, S. 3155, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, S. 2746, to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, S. 3061, to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, S. Res. 594, designating September 2008 as "Tay-Sachs Awareness Month", and the nominations of Paul G. Gardephe, to be United States District Judge for the Southern District of New York, Kiyo A. Matsumoto, to be United States District Judge for the Eastern District of New York, Cathy Seibel, to be United States District Judge for the Southern District of New York, Glenn T. Suddaby, to be United States District Judge for the Northern District of New York, Kelly Harrison Rankin, to be United States Attorney for the District of Wyoming, and Clyde R. Cook, Jr., to be United States Marshal for the Eastern District of North Carolina, 10 a.m., SD–226.

Subcommittee on Crime and Drugs, to hold hearings to examine effective ways to catch fugitives in the 21st century, 2 p.m., SD–226.

Committee on Veterans' Affairs: business meeting to mark up S. 2969, to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical healthcare professionals, S. 2309, to amend title 38, United States Code, to clarify the service treatable as service engaged in combat with the enemy for utilization of nonofficial evidence for proof of service-connection in a combat-related disease or injury, S. 22, to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, S. 2617, to increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and an original bill to provide technical corrections to S. 22, the Post 9/11 Veterans Educational Assistance Act of 2007; to be immediately followed by a hearing to examine the nomination of Christine O. Hill, to be Assistant Secretary of Veterans Affairs for Congressional Affairs, 9:30 a.m., SR–418.

House

Committee on Agriculture, Subcommittee on Horticulture and Organic Agriculture, hearing to review the status of pollinator health including colony collapse disorder, 10 a.m., 1300 Longworth.

Committee on Appropriations, to mark up the following Appropriations for Fiscal Year 2009: Labor, Health and Human Services, Education, and Related Agencies; and the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, 10 a.m., 2359 Rayburn.

Committee on Education and Labor, to continue markup of H.R. 3289, PRE-K Act, 10:30 a.m., 2175 Rayburn.

Subcommittee on Health, Employment, Labor and Pensions, hearing on An Examination of Discrimination Against Transgender Americans in the Workplace, immediately following full Committee markup, 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing on Climate Change: Costs of Inaction, 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing on H.R. 6066, Extractive Industries Transparency Disclosure Act, 10 a.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''Problem Credit Care Practices Affecting Students,'' 2 p.m., 2128 Rayburn.

Committee on Homeland Security, to mark up the following bills: H.R. 263, Cybersecurity Education Enhancement Act of 2007; H.R. 2490, To require the Secretary of Homeland Security to conduct a pilot program for mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States; H.R. 3815, Homeland Security Open Source Information Enhancement Act of 2007; H.R. 4806, Reducing Over-Classification Act of 2007; H.R. 5170, Department of Homeland Security Component Privacy Officer Act of 2008; H.R. 5531, Next Generation Radiation Screening Act of 2008; H.R. 5743, Scientific Transformations through Advancing Research (STAR) Act; H.R. 5935, American Steel First Act of 2008; H.R. 5983, To amend the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security; H.R. 6098, Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act; and H.R. 6193, Improving Public Access to Documents Act of 2008, 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to consider a resolution authorizing the Chairman to issue a subpoena to Attorney General Michael Mukasey for certain documents previously requested, 1:30 p.m., 2141 Rayburn.

Subcommittee on the Constitution, Civil Rights, and Civil Liberties, hearing on From the Department of Justice to Guantanamo Bay: Administration Lawyers and Administration Interrogation Rules, Part III, 10 a.m., 2141 Rayburn.

Subcommittee on Courts, The Internet, and Intellectual Property, to mark up H.R. 4789, Performance Rights Act, 9:30 a.m., 2237 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on H.R. 1889, Private Prison Information Act of 2007, (Part II), 1 p.m., 2237 Rayburn.

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife and Oceans, hearing on H.R. 6311, Non-Native Wildlife Invasion Prevention Act, 10:30 a.m., 1334 Longworth.

Committee on Oversight and Government Reform, hearing on Governance and Financial Accountability of Rural Electric Cooperatives: the Pedernales Experience, 10 a.m., 2154 Rayburn.

Subcommittee on Federal Workforce, Postal Service and the District of Columbia, hearing on An Examination of Locality Pay, 2 p.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Energy and Environment, and the Subcommittee on Research and Science Education, joint hearing on The State of Hurricane Research and H.R. 2407, National Hurricane Research Initiative Act of 2007, 10 a.m., 2318 Rayburn.

Subcommittee on Investigation and Oversight, to meet to consider authorization of a subpoena for documents related to the Department of Energy's FutureGen project, 1 p.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''Grounded: How the Air Transportation Crisis Is Hurting Entrepreneurs and the Economy,'' 10 a.m., 1539 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on Protecting and Restoring America's Great Waters—Part 1: Coastal Estuaries, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, to mark up the following bills: H.R. 6225, Injunctive Relief for Veterans Act of 2008; H.R. 6224, Pilot College Work Study Programs for Veterans Act of 2008; H.R. 6221, Veterans-Owned Small Business Protection and Clarification Act of 2008; H.R. 6272, SMOCTA Reauthorization Act of 2008; H.R. 4255, United States Olympic Committee Paralympic Program Act of 2007; H.R. 6070, Military Spouses Residency Relief Act; H.R. 2910, Veterans Education Tuition Support Act of 2007; H.R. 3298, 21st Century Servicemembers Protection Act; and H.R. 2721, To amend title 10, United States Code, to require the Secretary of Veterans Affairs to develop, and the Secretary of Defense to distribute to members of the Armed Forces upon their discharge or release from active duty, information in a compact disk read-only memory format that lists and explains the health, education, and other benefits for which veterans are eligible under the laws administered by the Secretary of Veterans Affairs, 1 p.m., 334 Cannon.

Subcommittee on Health, hearing on health care proposals., 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Select Revenue Measures, hearing on the role of Individual Retirement Accounts (IRA's) in our retirement system, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on North Korea, 11 a.m., executive, briefing on Treasury Update, 2:30 p.m., and, executive, briefing on CIA Program, 3:30 p.m., H–405 Capitol.

Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on National Applications Office, 1 p.m., H–405 Capitol.

Select Committee on Energy Independence and Global Warming, hearing entitled ''$4 Gasoline and Fuel Economy: Auto Industry at a Crossroads,'' 1:30 p.m., 210 Cannon.

Next Meeting of the SENATE

9:30 a.m., Thursday, June 26

Senate Chamber

Program for Thursday: Senate will continue consideration of the motion to proceed to consideration of H.R. 6304, Foreign Intelligence Surveillance Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, June 26

House Chamber

Program for Thursday: Consideration of H.R. 6052—Saving Energy Through Public Transportation Act of 2008 (Subject to a Rule).

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