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No. 129—Part II

House of Representatives

EXTENDING ADVISORY COMMITTEE ON MINORITY VETERANS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 674.

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. FILNER) that the House suspend the rules and pass the bill, H.R. 674.

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

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CAMPUS SAFETY AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1288, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and agree to the resolution, H. Res. 1288, as amended.

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

A motion to reconsider was laid on the table.

CONGRATULATING THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM FOR WINNING THE 2008 NCAA BASKETBALL CHAMPIONSHIP

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and agreeing to the resolution, H. Res. 1151.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and agree to the resolution, H. Res. 1151.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF CONNECTING FOSTER YOUTH TO THE WORKFORCE THROUGH INTERNSHIP PROGRAMS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1332.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and agree to the resolution, H. Res. 1332.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1384 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 6599.

□ 1958

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes, with Mr. POMEROY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. EDWARDS) and the gentleman from Tennessee (Mr. WAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. EDWARDS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this funding bill sends a clear message to America's veterans, servicemembers, and their families that Congress recognizes and appreciates their service to this country and the sacrifices they have made on its behalf.

Those are not my words. Those are the words of the Veterans of Foreign Wars stated just 6 days ago.

The Disabled American Veterans said this bill "provides the means to serve and care for sick and disabled veterans, to provide housing facilities for military families, and to fund the activities of several other agencies that affect veterans, a most generous and necessary act."

The American Legion said this bill effectively addresses every aspect of the VA budget. H.R. 6599 addresses improvement and increased funding for medical care, mental health care, medical research, long-term care, rural health care options, both construction, major and minor, nonrecurring maintenance, and claims adjudication.

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

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



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Mr. Chairman, the words expressed by these respected veterans organizations, which represent millions of men and women who have honorably served our Nation in uniform, are more important than any words I could express on this floor tonight. I want to salute the members of these organizations and the many other veterans and military family groups for the key role they have played in shaping this bill. Even more importantly, I want to salute our servicemen and -women, our veterans and their families for having defended our Nation in time of war and in time of peace and for ensuring that our Nation never forgets the sacrifices of those who have served past, present and future.

This bill, Mr. Chairman, is about a lot more than just programs and budgets. It's about respect, respect for those who have answered our Nation's call to duty—everyday fathers and mothers, brothers and sisters, sons and daughters from every generation, from every race and from every religion. Because of their service and sacrifice, we live in a safer, better world.

This bill is about the moral responsibility of keeping our promises to those who have kept their promises to serve. It's about honoring the unsung heroes and heroines in our Nation's defense and the spouses and children of our servicemen and -women. These great Americans might not ever put on a military uniform, but they serve our Nation every day through their personal sacrifice. When one's loved one has been deployed overseas, there are no makeup days for missed births, birthdays and graduation ceremonies. No price tag could measure the value of missed baseball games, school events and the simple, everyday joys of a family's being together.

This bill is about the young father I met just 2 weeks ago at Walter Reed Army Medical Center. He lost both of his legs in combat in Iraq. As he sat there, talking to me with his young son in his lap, I could not help but be overwhelmed by the lifelong sacrifice this father had made to try to make the world a safer place for my two young sons and for all children. This bill is about seeing that that loving father does not have to give up the dreams he has for his child.

The humility of this bill, Mr. Chairman, is our knowing that we could never fully repay the debt of gratitude we owe this soldier and all who have served our Nation in uniform. Yet we know it is the right thing to do to honor these great Americans, not just with our words on Veterans' Day but with our deeds every day—with better health care, housing, education, and daycare. That is what this bill is all about. Let me be specific.

Overall, this bill totals \$72.7 billion in discretionary spending. That is \$3.4 billion more than the President's request and \$8.8 billion more than the last fiscal year in 2008. Especially given

our Nation is at war, I believe our troops, our veterans and their families have earned every single dime of this funding. I'm disappointed that the administration has said that its lower budget request is adequate. It is not.

Just today, the DAV, the AMVETS, the Paralyzed Veterans of America, and the VFW have said this: "We concluded the President's budget request for 2009 was about \$3 billion short of the actual and equitable needs of veterans. We are shocked to learn the administration is insisting that the VA has been given sufficient funding for next year in its original budget submission."

The bill provides \$47.7 billion in discretionary funding to the Department of Veterans Affairs. This is \$2.9 billion more than the President's request and \$4.6 billion more than fiscal year 2008.

What does this mean to millions of veterans who need the VA health care system?

First, based on a Bush administration policy adopted in 2003, veterans have been told in some parts of the country that making \$28,430 a year makes them too wealthy to qualify for VA health care. I think that policy is wrong and unfair to many veterans who cannot simply afford health insurance with an income level so far below the national average. That is why this bill raises the number priority 8 veterans eligible for VA care by 10 percent.

Second, with \$4 a gallon gasoline, we increase the mileage reimbursement rate for veterans driving long distances to VA hospitals and clinics from 28½ cents to 41½ cents. Until this Congress acted last year, that rate had been locked in at 11½ cents since 1979 when gasoline prices were less than \$1 a gallon.

Mr. Chairman, this increase in gas mileage reimbursement to our veterans may not seem like a big deal to some, but to many veterans, that is the difference between their being able to afford to drive to a VA hospital to get the care they desperately need or not being able to do so.

Third, for Iraq and Afghan war vets as well as for veterans from all past conflicts, this bill ensures that a minimum of \$3.8 billion, \$900 million more than last year, will be spent on mental health care services. The mental wounds of war often outlast the physical wounds of combat, and it is past time that we adequately fund mental health research and care so our veterans can rebuild their lives once they return home.

Fourth, to help veterans in rural areas and members of the Guard and Reserves living so far away from VA facilities, we provide \$200 million to increase access to local health care providers.

I thank our ranking member, Mr. WAMP, for his strong leadership on this important provision, among many others.

Fifth, no soldier, no veteran—not one—should ever again have to live in

the demeaning conditions that some saw at Walter Reed's annex 18 last year. They deserve better than that, and that is why we provide \$300 million to address the backlog and non-recurring maintenance at our VA hospitals. In addition, we fund \$1.9 billion for much needed construction at VA hospitals and clinics.

Sixth, none of us should rest until there is not one homeless veteran anywhere in our country. That is why we provide in this bill \$40 million more in order to help these homeless veterans receive the medical services and job training that they need. We want them to have not only the dignity of a roof over their heads, but we want them to have real hope for rebuilding their shattered lives.

Seventh, the bill provides the Veterans Benefits Administration with enough funding to hire an additional 2,100 claims processors. It's not right. It's simply not right for veterans to have to wait on average nearly 6 months to have their claims processed. For many veterans, including combat wounded veterans, that wait means that they don't get the benefits that they earned through their military service and, for many of them, the benefits they desperately need to pay their monthly bills.

There is much more in this bill for veterans, from better prosthetics for amputees to research for post-traumatic stress disorder.

Two things are not in this bill—the administration's ill-advised proposals to increase prescription drug copays for veterans by 88 percent and the idea to charge a \$250 VA health care enrollment fee for our vets. Making drugs less affordable would hurt veterans' health and would require many of them to seek more expensive hospital care. I believe, for one, that our veterans have already paid an enrollment fee for VA health care. They did it when they put on our Nation's uniform.

Mr. Chairman, in addition to keeping our promises to veterans, this bill supports important quality of life and training improvements for our servicemen and -women and their families. It provides \$24.8 billion for military construction, family housing and the Base Realignment and Closing program, known as BRAC. This is \$400 million above the President's request.

This will mean better housing and improved health care and modernized hospitals for our military families. For single moms and dads at home with their children while their spouses are in harm's way overseas, this bill will provide quality, affordable daycare for their children. For thousands of our single soldiers, sailors, airmen, and marines, it will mean the end of old, outdated barracks and a place they can be proud to call their home. We specifically added \$200 million to the administration's budget request so they can begin to replace woefully inadequate training barracks. This will send a clear message that our Nation respects

the decision of 18-, 19- and 20-year-old military recruits, their decision to sign up to serve our country.

Honoring our troops, our veterans and their families is a meaningful way that is not only the right thing to do; it is the smart thing to do. In an all-volunteer military force, the best in the world, we simply cannot expect to attract and to retain the best and brightest if we do not provide quality housing, health care and education for military troops and their families and if we do not keep the promises that we have made to our veterans.

The bottom line is this: This bill is about maintaining a strong national defense and military readiness and about respecting with word and deed those who defend us and our freedom.

Mr. Chairman, let me end by thanking those who made this bill possible. I would begin by thanking Speaker PELOSI, who has kept her promise that the new Congress would truly honor our veterans and our servicemen and -women in an historic way. Under her dedicated leadership, we have increased veterans' funding in less than 2 years by more than what Congress did in the previous 12 years, including a new 21st-century GI education bill that passed just a few weeks ago. In my 18 years in Congress, I've served with no Speaker of either party who has done as much for veterans as has Speaker PELOSI.

Her legacy will benefit millions of veterans for generations to come.

I want to thank Congressman DAVE OBEY, the chairman of the House Appropriations Committee, and Congressman JOHN SPRATT, the chairman of the House Budget Committee. It was their strong personal leadership combined with the work of Speaker PELOSI that made it possible for us to pass last year the largest increase in VA health care benefits in the 77-year history of the VA.

As a Democrat, I'm proud that the budget resolutions passed last year and this year made a commitment to unprecedented increases in veterans' health care and benefits. Those resolutions authorized the funding for our subcommittee's work.

Let me be very clear. The 2009 Military Construction and Veterans Affairs Appropriations bill is a bipartisan accomplishment.

I want to pay special tribute to our subcommittee ranking member, Mr. WAMP of Tennessee. Through 19 hearings, his deep and genuine commitment to our troops and to our veterans was evident to every one of us privileged to serve with him. His ideas and input and commitment to always putting the interests of our troops and veterans above partisanship made this bipartisan bill possible. His leadership made this bill a much better bill, and for that I salute him.

Let me also express my gratitude to all of the members of our subcommittee, Republicans and Democrats alike. Each one of them made valuable contributions to this bill. Veterans and our troops are the beneficiaries of their hard work.

A special thanks is owed to Mr. LEWIS of California and to Mr. YOUNG of Florida. They didn't just help shape this bill. Their dedicated, lifelong leadership on behalf of all of those who have served in uniform is what public service should be all about.

I thank you, sir.

Finally, I want to pay tribute to a staff that is second to none anywhere in the Congress—to the majority staff led by subcommittee clerk Carol Murphy, Tim Peterson, Mary Arnold, Walter Hearne, and Donna Shahbaz and John Conger on my staff, and the minority staff led by Martin Delgado, Liz Dawson and Kelly Shea, and Amanda Schoch from Mr. WAMP's staff. Also, a special thanks to Mr. Rob Nabors, the clerk of the full Appropriations Committee.

I thank you all for the professionals you are, for the hard work you do and for reminding all of us that, when it comes to supporting our troops and veterans, we can and we must work on a bipartisan basis.

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2008 (H.R. 6599)
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE					
Military construction, Army.....	3,936,583	4,615,920	4,801,536	+864,953	+185,616
Rescission.....	-8,690	---	-51,320	-42,630	-51,320
Total.....	3,927,893	4,615,920	4,750,216	+822,323	+134,296
Military construction, Navy and Marine Corps.....	2,198,394	3,096,399	3,280,809	+1,082,415	+184,410
Rescission.....	-10,557	---	---	+10,557	---
Total.....	2,187,837	3,096,399	3,280,809	+1,092,972	+184,410
Military construction, Air Force.....	1,159,747	934,892	976,524	-183,223	+41,632
Rescission.....	-10,470	---	-17,681	-7,211	-17,681
Total.....	1,149,277	934,892	958,843	-190,434	+23,951
Military construction, Defense-Wide.....	1,609,596	1,783,998	1,614,450	+4,854	-169,548
Rescission.....	-10,192	---	-3,589	+6,603	-3,589
Total.....	1,599,404	1,783,998	1,610,861	+11,457	-173,137
===== Total, Active components..... =====					
	8,864,411	10,431,209	10,600,729	+1,736,318	+169,520
Military construction, Army National Guard.....	536,656	539,296	628,668	+92,012	+89,372
Military construction, Air National Guard.....	287,537	34,374	142,809	-144,728	+108,435
Military construction, Army Reserve.....	148,133	281,687	282,607	+134,474	+920
Military construction, Navy Reserve.....	64,430	57,045	57,045	-7,385	---
Military construction, Air Force Reserve.....	28,359	19,265	30,018	+1,659	+10,753
Rescission.....	-3,069	---	---	+3,069	---
Total.....	25,290	19,265	30,018	+4,728	+10,753
===== Total, Reserve components..... =====					
	1,062,046	931,667	1,141,147	+79,101	+209,480
===== Total, Military construction..... =====					
	9,926,457	11,362,876	11,741,876	+1,815,419	+379,000
Appropriations.....	(9,969,435)	(11,362,876)	(11,814,466)	(+1,845,031)	(+451,590)
Rescissions.....	(-42,978)	---	(-72,590)	(-29,612)	(-72,590)
North Atlantic Treaty Organization Security Investment Program.....	201,400	240,867	218,867	+17,467	-22,000
Family housing construction, Army.....	424,400	678,580	646,580	+222,180	-32,000
Rescission.....	-4,559	---	---	+4,559	---
Total.....	419,841	678,580	646,580	+226,739	-32,000
Family housing operation and maintenance, Army.....	731,920	716,110	716,110	-15,810	---
Family housing construction, Navy and Marine Corps....	293,129	382,778	382,778	+89,649	---
Family housing operation and maintenance, Navy and Marine Corps.....	371,404	376,062	376,062	+4,658	---
Family housing construction, Air Force.....	327,747	395,879	395,879	+68,132	---
Rescission.....	-15,000	---	---	+15,000	---
Total.....	312,747	395,879	395,879	+83,132	---
Family housing operation and maintenance, Air Force... Family housing operation and maintenance, Defense-Wide Department of Defense Family Housing Improvement Fund.....	688,335 48,848 500	599,465 49,231 850	594,465 49,231 850	-93,870 +383 +350	-5,000 --- ---
Homeowners assistance fund.....	---	4,500	4,500	+4,500	---
===== Total, Family housing..... =====					
	2,866,724	3,203,455	3,166,455	+299,731	-37,000
Appropriations.....	(2,886,283)	(3,203,455)	(3,166,455)	(+280,172)	(-37,000)

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2008 (H.R. 6599)
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rescissions.....	(-19,559)	---	---	(+19,559)	---
Chemical demilitarization construction, Defense-Wide..	104,176	134,278	134,278	+30,102	---
Base realignment and closure:					
Base-realignment and closure account, 1990.....	295,689	393,377	473,377	+177,688	+80,000
Base realignment and closure account, 2005.....	7,235,591	9,065,386	9,065,386	+1,829,795	---
	=====	=====	=====	=====	=====
Total, Base realignment and closure.....	7,531,280	9,458,763	9,538,763	+2,007,483	+80,000
	=====	=====	=====	=====	=====
Total, title I.....	20,630,037	24,400,239	24,800,239	+4,170,202	+400,000
Appropriations.....	(20,692,574)	(24,400,239)	(24,872,829)	(+4,180,255)	(+472,590)
Rescissions.....	(-62,537)	---	(-72,590)	(-10,053)	(-72,590)
	=====	=====	=====	=====	=====
TITLE II - DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions.....	41,236,322	43,111,681	43,111,681	+1,875,359	---
Readjustment benefits.....	3,300,289	3,086,944	3,086,944	-213,345	---
Veterans insurance and indemnities.....	41,250	42,300	42,300	+1,050	---
Veterans housing benefit program fund program account (indefinite).....	17,389	2,000	2,000	-15,389	---
(Limitation on direct loans).....	(500)	(500)	(500)	---	---
Credit subsidy.....	-108,000	-246,000	-246,000	-138,000	---
Administrative expenses.....	154,562	157,210	157,210	+2,648	---
Vocational rehabilitation loans program account.....	71	61	61	-10	---
(Limitation on direct loans).....	(3,287)	(3,180)	(3,180)	(-107)	---
Administrative expenses.....	311	320	320	+9	---
Native American veteran housing loan program account..	628	646	646	+18	---
	-----	-----	-----	-----	-----
Total, Veterans Benefits Administration.....	44,642,822	46,155,162	46,155,162	+1,512,340	---
	-----	-----	-----	-----	-----
Veterans Health Administration					
Medical services /1.....	27,167,671	34,075,503	30,854,270	+3,686,599	-3,221,233
Contingent emergency (P.L. 110-161).....	1,936,549	---	---	-1,936,549	---
	-----	-----	-----	-----	-----
Subtotal.....	29,104,220	34,075,503	30,854,270	+1,750,050	-3,221,233
Medical support and compliance /1.....	3,442,000	---	4,400,000	+958,000	+4,400,000
Contingent emergency (P.L. 110-161).....	75,000	---	---	-75,000	---
	-----	-----	-----	-----	-----
Subtotal.....	3,517,000	---	4,400,000	+883,000	+4,400,000
Medical facilities.....	3,592,000	4,661,000	5,029,000	+1,437,000	+368,000
Contingent emergency (P.L. 110-161).....	508,000	---	---	-508,000	---
	-----	-----	-----	-----	-----
Subtotal.....	4,100,000	4,661,000	5,029,000	+929,000	+368,000
Medical and prosthetic research.....	411,000	442,000	500,000	+89,000	+58,000
Contingent emergency (P.L. 110-161).....	69,000	---	---	-69,000	---
	-----	-----	-----	-----	-----
Subtotal.....	480,000	442,000	500,000	+20,000	+58,000

1/ The budget request proposes to combine funding for medical services and medical administration

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2008 (H.R. 6599)
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Medical care cost recovery collections:					
Offsetting collections.....	-2,414,000	-1,879,000	-2,544,000	-130,000	-665,000
Appropriations (indefinite).....	2,414,000	1,879,000	2,544,000	+130,000	+665,000
Total, Veterans Health Administration.....	37,201,220	39,178,503	40,783,270	+3,582,050	+1,604,767
Appropriations.....	(34,612,671)	(39,178,503)	(40,783,270)	(+6,170,599)	(+1,604,767)
Emergency appropriations.....	(2,588,549)	---	---	(-2,588,549)	---
National Cemetery Administration					
National Cemetery Administration.....	166,809	180,959	240,000	+73,191	+59,041
Contingent emergency (P.L. 110-161).....	28,191	---	---	-28,191	---
Total, National Cemetery Administration.....	195,000	180,959	240,000	+45,000	+59,041
Departmental Administration					
General operating expenses.....	1,471,837	1,699,867	1,801,867	+330,030	+102,000
Contingent emergency (P.L. 110-161).....	133,163	---	---	-133,163	---
Subtotal.....	1,605,000	1,699,867	1,801,867	+196,867	+102,000
Information technology systems.....	1,859,217	2,442,066	2,492,066	+632,849	+50,000
Contingent emergency (P.L. 110-161).....	107,248	---	---	-107,248	---
Subtotal.....	1,966,465	2,442,066	2,492,066	+525,601	+50,000
Office of Inspector General.....	72,599	76,500	87,818	+15,219	+11,318
Contingent emergency (P.L. 110-161).....	7,901	---	---	-7,901	---
Subtotal.....	80,500	76,500	87,818	+7,318	+11,318
Construction, major projects.....	727,400	581,582	923,382	+195,982	+341,800
Contingent emergency (P.L. 110-161).....	341,700	---	---	-341,700	---
Subtotal.....	1,069,100	581,582	923,382	-145,718	+341,800
Construction, minor projects.....	233,396	329,418	991,492	+758,096	+662,074
Contingent emergency (P.L. 110-161).....	397,139	---	---	-397,139	---
Subtotal.....	630,535	329,418	991,492	+360,957	+662,074
Grants for construction of State extended care facilities.....	85,000	85,000	165,000	+80,000	+80,000
Contingent emergency (P.L. 110-161).....	80,000	---	---	-80,000	---
Subtotal.....	165,000	85,000	165,000	---	+80,000
Grants for the construction of State veterans cemeteries.....	32,000	32,000	45,000	+13,000	+13,000
Contingent emergency (P.L. 110-161).....	7,500	---	---	-7,500	---
Subtotal.....	39,500	32,000	45,000	+5,500	+13,000
Total, Departmental Administration.....	5,556,100	5,246,433	6,506,625	+950,525	+1,260,192
Appropriations.....	(4,481,449)	(5,246,433)	(6,506,625)	(+2,025,176)	(+1,260,192)
Emergency appropriations.....	(1,074,651)	---	---	(-1,074,651)	---
Administrative Provisions					
Sec. 230 VA Medical Services (P.L. 110-28).....	-66,000	---	---	+66,000	---
Sec. 230 Construction Major Projects (P.L. 110-28).....	66,000	---	---	-66,000	---
Sec. 234 VA General Operating Expenses.....	-6,000	---	---	+6,000	---
Sec. 234 State Approving Agencies.....	6,000	---	---	-6,000	---
Total, title II.....	87,595,142	90,761,057	93,685,057	+6,089,915	+2,924,000
Appropriations.....	(83,903,751)	(90,761,057)	(93,685,057)	(+9,781,306)	(+2,924,000)
Emergency appropriations.....	(3,757,391)	---	---	(-3,757,391)	---
Rescissions (emergency appropriations).....	(-66,000)	---	---	(+66,000)	---

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2008 (H.R. 6599)
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
(Limitation on direct loans).....	(3,787)	(3,680)	(3,680)	(-107)	---
Discretionary.....	(43,107,892)	(44,764,132)	(47,688,132)	(+4,580,240)	(+2,924,000)
Mandatory.....	(44,487,250)	(45,996,925)	(45,996,925)	(+1,509,675)	---
=====					
TITLE III - RELATED AGENCIES					
American Battle Monuments Commission					
Salaries and expenses.....	44,600	64,570	55,470	+10,870	-9,100
Foreign currency fluctuations account.....	11,000	---	17,100	+6,100	+17,100
Total, American Battle Monuments Commission.....	55,600	64,570	72,570	+16,970	+8,000
U.S. Court of Appeals for Veterans Claims					
Salaries and expenses.....	22,717	23,975	73,975	+51,258	+50,000
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses.....	31,230	31,230	31,230	---	---
Armed Forces Retirement Home					
Operation and maintenance.....	55,724	63,010	63,010	+7,286	---
General fund appropriation.....	800	---	---	-800	---
Total, Armed Forces Retirement Home.....	56,524	63,010	63,010	+6,486	---
Total, title III.....	166,071	182,785	240,785	+74,714	+58,000
=====					
Grand total.....	108,391,250	115,344,081	118,726,081	+10,334,831	+3,382,000
Appropriations.....	(104,762,396)	(115,344,081)	(118,798,671)	(+14,036,275)	(+3,454,590)
Rescissions.....	(-62,537)	---	(-72,590)	(-10,053)	(-72,590)
Emergency appropriations.....	(66,000)	---	---	(-66,000)	---
Contingent emergency appropriations.....	(3,691,391)	---	---	(-3,691,391)	---
Rescissions (emergency appropriations).....	(-66,000)	---	---	(+66,000)	---

Mr. EDWARDS of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BISHOP of Georgia) having assumed the chair, Mr. POMEROY, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM AUGUST 1, 2008, THROUGH SEPTEMBER 4, 2008

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110-816) on the resolution (H. Res. 1399) providing for proceedings during the period from August 1, 2008, through September 4, 2008, which was referred to the House Calendar and ordered to be printed.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1384 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 6599.

□ 2016

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes, with Mr. POMEROY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the gentleman from Texas (Mr. EDWARDS) had 14½ minutes remaining and the gentleman from Tennessee (Mr. WAMP) had 30 minutes remaining.

The Chair recognizes the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, oftentimes in life it's more important what you do with your second chances than what you do the first time around. Neither Chairman EDWARDS, who spoke so eloquently in a comprehensive way about this bill and his commitment to our veterans, our men and women in harm's way and their families—neither he nor I took

advantage in our younger years of serving in the uniform of our Armed Forces. However, fate has it that we would have a second opportunity to serve by serving those who are serving us, past and present, through this bill; making sure that those great American patriots, past and present, have what they need—and are entitled to and deserve because of their commitment to this great Nation.

It is the highest compliment of my professional life to serve as the ranking member of this subcommittee. I want to thank Chairman LEWIS—former Chairman LEWIS, now Ranking Member LEWIS—for this privilege because without him and his support I wouldn't be here. I want to thank Mr. WICKER, who was the ranking member of this subcommittee last year, and I want to thank whoever helped him become a Senator to open up this subcommittee opportunity for me, and for Chairman EDWARDS, who, as you just saw on the House floor, is a class act, with a true commitment to the men and women in uniform and a determination to do whatever is necessary to honor their commitment.

And I can report today, as I did at the full committee, that when I go home and people ask me in 2008, in my new position, are we honoring our Nation's veterans and the men and women in uniform serving in an asymmetrical war on two fronts in Iraq and Afghanistan, with head trauma and IED injuries and amputations—double, triple, extraordinary injuries—stress from unfair deployments, unsustainable deployments, stress on the family, are we honoring our commitment to them? And I don't think a few years ago, regardless of party, that the answer to that question was yes. We had problems at Fort Stewart, we had problems across the board.

We still have many challenges. The deployment ratios have got to continue to improve. But I can tell you in this bill there is a bipartisan commitment to honor their commitment. And I believe we are making great progress at ensuring our men and women in uniform and their families have what they need and deserve, and when they come home as veterans, that we take adequate care of them—not adequate, but responsible care of them. And I think we're making great progress.

I want to thank the majority for doing something that people in the hinterland wouldn't even understand, but they put the Military Construction bill back in with the Veterans bill where it belongs. When I served on the subcommittee 10 years ago, this was not the case.

But when the Military Construction bill funds quality of life needs and child care centers and polytrauma centers and housing needs, the veterans piece being in with it in the same bill allows the continuum of care to come together so that we can look at the whole picture from today's men and

women in harm's way and what their quality of life needs are—which is number one for us—all the way through the end of their life as a veteran with our VA system. It needs to all be together.

That was an amazing success, bringing Military Construction and Veteran's Care back together—my hat's off to the Speaker for doing that, first and foremost, for Chairman EDWARDS for his leadership, and for Chairman OBEY for his commitment.

I do agree that over the 100 hearing hours Chairman EDWARDS and I had a hands-on with these amazing Americans, we produced a work product, this bill—at roughly \$48 billion for the VA and \$25 billion for the military construction needs around the world—that is very strong, and an encouragement to all those in harm's way today and those that have been in harm's way in the past.

I will say that the President's budget request for veterans was a record level. Now, the chairman said that it wasn't enough, and I agree with that. And we did increase it by \$3 billion, but it was at a record level. So today there is an encouraging bipartisan proliferation to see who can do more for our Nation's veterans. And that's a good thing for our Nation's veterans, that we're in competition to see who can do more for the men and women coming home from Iraq and Afghanistan and those that have served in the past.

But I was blown away over the last few months with the quality of the servicemembers and veterans. First, we hear from the chiefs of the respective services, the top enlisted personnel, the commanders from around the world, like the Commander of CENTCOM, who is now General Petraeus, with two wars under his command in Iraq and Afghanistan, we hear from all these leaders about the needs on the ground and what investments they need the Congress to make for them to do their job successfully. And then from the military families, that talk about the stress felt when we had a 15-month in, 1 year out deployment, now it's back to 1-1, it's going to 2-1. We need to get to 3-1 to make it sustainable, meaning 1 year in theater fighting, 3 years back in a noncombat station. This is so important that we work towards these objectives and that we honor this commitment.

Now, on the subcommittee, we've got extraordinary support. Former chairman of the full committee, who will speak in a minute, BILL YOUNG from Florida, sits with us every hearing, hands on, fully engaged. ANDER CRENSHAW from Jacksonville, Florida, who will also speak, JOHN CARTER, from Texas, KAY GRANGER from Texas on the Republican side. I want to compliment not just Chairman EDWARDS, but SAM FARR, the vice chairman; who was really engaged, and a man who understands the world; he does an outstanding job.

You mentioned all the staff, I won't repeat their names, but both sides of

the aisle, just outstanding work. Members of the subcommittee—Mr. MOLLOHAN, Mr. BOYD, Mr. KENNEDY, Mr. BISHOP—everyone's engaged on your side; and contributed to great bipartisan cooperation. And the quality of these people that are serving in uniform and their families is just extraordinary.

What we heard this year is that the value of the dollar is really hurting us around the world. Our money that we're investing won't buy what it used to buy all over the world, and that's a big problem. And we've known that it was getting worse, but it's really causing a budget pinch for our military construction around the world.

We heard, as we've continued to hear—which has held up the appropriation process—that energy costs are unsustainable. That's a huge burden on this budget. We're trying to help with those needs.

Most importantly, though, we heard about the stress of the deployments from the families, that they're unsustainable, that they put a huge burden on the servicemembers and families. That's why these child care centers and these housing issues are so important and we have prioritized in this bill.

I want to say one word of caution, because whether it's a \$3 billion increase in VA or \$13 billion increase in VA, the Veterans Administration is a long-standing bureaucracy. It is very large. And I have traveled, I've been to the sites, I've worked with the VA for a number of years, and they're not as efficient as they can be or must be. Money is not the only issue. I'm grateful that we came together to give them more money, but I want to make sure, and so does Chairman EDWARDS, that each and every year we hold them more accountable, and the subcommittee takes a greater hands-on role at looking for efficiencies. We worked with Ranking Member BUYER this year on the Authorization Committee on ways for the VA to recapture more third-party payments that they're entitled to to help with their bottom line; things like that we must do because the VA has to be more efficient and more accountable because they are a government bureaucracy. So it's not just money, it's oversight. And I believe we share that commitment.

I think Secretary Peake is doing a very good job as the Secretary. Sometimes these positions are political; I don't think he is, I think he's hands on. He understands the VA system from a health care perspective, which is possibly the most important piece of it. I just want to thank everyone. Again, the staff has really produced a great bill.

Member projects in this bill mirror those included in the House Armed Services Committee's bill. The projects all are authorized. We married them up, so there's no Member-advanced initiatives here that don't meet all the tests of authorization. That's important. So that makes this bill special.

It is special, too; we're the only Appropriations bill that's going to move off the House floor before we go home. I wish they all would have. But we're closing on a positive note because this bill is positive for our men and women in uniform. And they're out there facing the threats that are out there. And it's like never before. It's asymmetrical.

I don't know what's next, but I hope and pray we can bring them all home very soon. But as long as they're in harm's way and as long as they're willing to volunteer to serve, Chairman EDWARDS, you and I are going to work together, in this second chance of ours, to serve those who serve us. And we're going to honor their commitment fully. That's what this bill is about.

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

Mr. EDWARDS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY), who has been a powerful voice on our subcommittee on behalf of our veterans, our troops and their families.

Mr. KENNEDY. I want to thank Chairman CHET EDWARDS and Ranking Member ZACH WAMP for their incredible leadership on this legislation. And I'd like to take a moment, Mr. Chairman, to particularly say what an honor it is to serve under Chairman EDWARDS. And his particular leadership is due a great deal of appreciation, especially for what he does to champion the cause of veterans in this country. And I want to say what an honor it is to serve under his leadership in this committee.

I want to say, as Mr. WAMP did, that it is an honor, for those of us who never served in uniform, to be here and serving in a different uniform, in coat and tie, to be there to serve those who did go out there and put their lives on the line to serve our country, in a sense that we owe it to them and can have an opportunity to serve those veterans who have served our country so proudly. I take great pride in that.

I feel that this is an historic place in the Congress of the United States. I mean, this floor of the House is where Franklin Roosevelt announced that we would be declaring war, World War II. And we all read about the history of this country, when the country came together to fight wars on two sides of the world. And we read about those times in American history when all of America was joined together and sacrificing.

And the only difference between those times and now is that there seems to be a battle that's being fought by our men and women in uniform, but the sacrifice seems to be borne principally by those who are wearing the uniform, but not by the rest of America. It seems as though there is a bubble going on here where the rest of America is supposed to go on with their lives and the military is supposed to do the job, and yet the two should never meet. And I don't think that's the way America is supposed to work.

I think, as a country, we're supposed to be there every step of the way with our troops.

And what I think this bill does is it begins to acknowledge that the rest of America needs to step up to the plate and make sure when our troops come home, that we know that they aren't forgotten, and that we're going to remember them long after they've come home and make sure that they get the homecoming that they deserve.

Mr. Chairman, I rise in enthusiastic support of the Military Construction-Veterans Affairs Appropriation Bill. It has been my great privilege to serve under the leadership of Chairman CHET EDWARDS and Ranking Member ZACK WAMP as we have worked in a bipartisan way to support our military and honor America's commitment to our veterans.

I would like to take a moment, Mr. Chairman to honor the great service of the Chairman of the Military Construction Veterans Affairs Appropriations Subcommittee, CHET EDWARDS. There is no better champion for the veterans of our country and no better advocate for the needs of our service members than CHET EDWARDS. I applaud the Chairman for his earnest stewardship of our subcommittee.

Mr. Chairman, over the past year, I had the opportunity to travel the country to see with my own eyes the capabilities of our VA Hospitals, Medical Centers, Polytrauma Centers and Inpatient facilities and get a better perspective of the needs of patients, doctors, nurses, and hospital administrators. I met with many of our brave veterans who have made those enormous sacrifices for our nation. Needless to say, I was inspired by the courage of our wounded warriors.

The high degree of professionalism with which the Hospital staff conducted patient care was quite impressive and I have great confidence in the doctors and nurses who are doing their part in taking care of America's veterans.

Unfortunately, many of these great public servants are performing their jobs in antiquated facilities with substandard staffing requirements that make life difficult for doctors, but more importantly, diminish care for patients!

It was crystal clear to me that our VA Facilities need to do more to adapt to a new generation of American veterans who have come home from Iraq and Afghanistan. Specifically, the needs of our female veterans need immediate attention.

During my visit, I observed that our Veterans' Hospitals, many of which were built in the 1950s and 60s, were not built to accommodate the large number of female vets expected to enter the system. They lack the most rudimentary amenities like adequate female restrooms and hospital rooms to meet privacy needs.

Sadly, the VA is always playing a big game of "catchup" with respect to female vets. Instead of implementing a long term strategy designed to meet the needs of these service members, the VA would rather wait for another Walter Reed before changing the status quo.

In mental health services, I was alarmed by the lack of full-time mental health professional at VA Hospitals.

For example, my visit to the Hines VA in Chicago last fall revealed that all of its psychiatrists were part-time employees. Frankly, I find that unacceptable.

In this subcommittee, we have taken steps to bolster funding for mental health services in the VA and built upon our great success in last year's MILCON/VA appropriations bill which saw the greatest increase in veterans health funding in the 77-year history of the VA.

We have also dedicated \$24.8 billion for Military Construction to fully fund BRAC and increase the size of the Army and Marine Corps.

In Military Construction, this bill also includes:

—\$336 million, which was not in the President's request, will go towards quality of life initiatives.

—\$200 million for the Army and Marine Corps to improve their barracks so that our service members have decent places to call home.

The Veterans Health Administration estimates that in 2009 more than 5.8 million patients, including 333,275 veterans of the Iraq and Afghanistan wars. This is why we have funded the VHA at \$40.8 billion, \$1.6 billion over the request of President Bush and a 9 percent increase over 2008 levels.

According to a study by the Rand Corporation, more than 1 in 5 service men and women coming home from Iraq and Afghanistan suffer from a stress related mental illness. Post Traumatic Stress Disorder is the signature wound of this war and I applaud my colleagues on this subcommittee for recognizing the seriousness of this issue and for their willingness to devote significant funding towards mental health care and research.

\$3.8 billion in this bill is dedicated to specialty mental health services and \$584 million to substance abuse programs in this bill.

In a time of great need for our veterans, this subcommittee came together to write a bipartisan bill. We solicited views from the other side of the aisle to put together a responsible, non-partisan bill that has only one objective: to most effectively meet the needs of our veterans and military families.

This is why I was appalled yesterday when I heard that President Bush announced that he would veto this legislation. The administration says we must spare no expense for our soldiers and Marines in the field, but when those servicemembers come home, this same President tells them that \$3 billion for health care, family housing and medical research is too much.

To shortchange our veterans and military families, in a time of war, is morally wrong. We have no right to put fiscal responsibility on the backs of our Nation's veterans.

I would hope that we can quickly pass the Military Construction Veterans Affairs Appropriations Bill so that the veterans I met across America can rest assured knowing the help is on the way.

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Mr. WAMP. Mr. Chairman, I yield 2 minutes to the ranking member of the Defense Appropriations Subcommittee, the gentleman from Florida, who has a tremendous record with our Nation's veterans.

Mr. YOUNG of Florida. I thank the gentleman for yielding the time.

Mr. Chairman, as a member of the subcommittee presenting this appropriations bill tonight, I rise to strongly support the bill and to compliment and

pay a special tribute to Chairman EDWARDS and Ranking Member ZACH WAMP, who have done such a great job in leading this good subcommittee to present this exceptional bill.

I am particularly pleased that the Department of Veterans Affairs Hospital at Bay Pines, which is in my district that serves the veterans of Florida, will be able to expand the type and quality of care that it can provide through this bill. Work will begin next year on a major \$17.4 million expansion of the Bay Pines Hospital that will provide enhanced mental health and posttraumatic stress syndrome services with funds included in this bill. The new facility responds to an urgent need for additional space and resources to provide mental health and posttraumatic stress counseling and services which are so badly needed.

So, Mr. Chairman, I do rise in support of this bill. There are so many other parts of the bill that have already been discussed and that will be reported in the written legislation, but I just want to say that I believe that it meets the needs of today's military, the members of our military. It meets many of the needs of yesterday's military, and it meets many of the needs of tomorrow's military. It's a good bill. I hope we can expedite its passage and get it to the President, get this bill signed so that the money can start to flow to care for our veterans and to provide necessary facilities for the members of today's military.

Mr. Chairman, this is a good bill and it is needed now. While conducting a foreign war, our military continues to realign to meet current requirements around the globe and continues to aggressively work the base realignment and closure plan. I am glad that it has finally been brought to the floor of the House.

In total, this bill authorizes a total appropriation of \$24.8 billion for needed military construction efforts around the world. This total is \$400 million over the President's requested budget.

In addition, the bill appropriates a total of \$3.2 billion for military and family housing projects for the families of our service members who are bearing the bulk of the sacrifices of this Nation's ongoing military actions around the world. This is an increase of \$300 million over the fiscal year 2008 level.

The bill authorizes \$336 million to continue a quality of life initiative that was begun in the 2008 Supplemental. This sum includes \$200 million for new trainee and recruit housing, and \$136 million for medical military construction and upgrades to certain medical treatment facilities. The President did not request this funding in his budget.

Equally as important are the funds supplied in this bill for our continually increasing veterans population. This bill includes a total funding level of \$47.7 billion for the Department of Veterans Affairs. This total is \$2.9 billion over the President's request. We owe our past, our present and our future veterans the finest care possible.

BAY PINES

I am particularly pleased that the Department of Veterans Affairs Hospital at Bay Pines which serves veterans in Florida will be able

to expand the type and quality of care that it can provide through this bill.

Work will begin next year on a major \$17.4 million expansion of the Bay Pines hospital that will provide enhanced mental health and Post Traumatic Syndrome Disorder, PTSD, services with funds included in this bill. This new facility responds to an urgent need for additional space and resources to provide mental health and post traumatic stress counseling and services.

The three story, 156,00 square foot addition to the main hospital building will include an Outpatient Mental Health Center of Excellence and a Post Traumatic Center of Excellence on the main level and replacement Inpatient Psychiatric and Geriatric Psychiatric bed wings on the 2nd and 3rd levels.

The addition of new space will allow for the renovation of 189,000 square feet of existing patient care space in out years, which will be used for medical and surgical nursing wards and a modern psychiatric domiciliary.

The bill also includes \$4.5 million for the hiring of an additional 20 inspectors for the VA Office of Inspector General, 10 of which will go to the newly established Inspector General facility at Bay Pines. Each dollar spent on the IG will be returned many times over as fraud, waste and abuse are uncovered.

It was through an initiative that I sponsored that the VA opened a major new VA IG office at Bay Pines in May 2007 to expand oversight and investigation operations in Florida to ensure that veterans receive the finest in care and the best use of limited tax dollars. Three years ago I learned that the VA Inspector General had only five personnel to monitor VA operations throughout the entire state of Florida. Soon thereafter I provided funding to enable the Inspector General to expand its operations in Florida to more than 50 investigators, auditors and agents to ferret out waste, fraud and abuse within the VA system, monitor the quality of care veterans receive, and apprehend those who seek to violate the public trust by stealing federal funds or abusing the trust of veterans. The Inspector General has said that the operation at Bay Pines is a flagship for the entire VA system.

TAMPA

The legislation also includes \$21 million for a new headquarters for the special operations element of United States Central Command at MacDill Air Force Base. The new 66,000 square foot building will provide a secure facility for command and control, to train an increasing number of personnel, and store operational equipment. The unit currently operates out of a Cold War era alert bombing facility that is too small to accommodate existing and future manpower requirements and equipment storage.

Another \$10.5 million is included in the bill for construction of a headquarters for the United States Special Operations Command's Global Network Control Center. The unit is currently scattered about MacDill in trailers and temporary facilities. Construction of this 32,000 square foot building would begin in February 2009 with completion in May 2010.

These two projects are part of a major base-wide construction program at MacDill that I have championed since 2006.

Our men and women who serve in uniform deserve the finest possible facilities to train and prepare for missions throughout the world. It is time that we move these special operations units out of trailers and 50-year-old

make-shift facilities and into state-of-the-art buildings.

Mr. EDWARDS of Texas. Mr. Chairman, now it's my privilege to yield for 2 minutes to the gentleman from Florida (Mr. BOYD), a decorated Vietnam veteran and a valued member of this subcommittee.

Mr. BOYD of Florida. Let me thank my chairman, Mr. EDWARDS, for yielding.

Ladies and gentlemen, when our men and women are committed into combat, that has very long and costly consequences. Sometimes I think people in this town don't recognize this. But I can tell you there are some people in this Chamber, particularly Chairman CHET EDWARDS, Ranking Member ZACH WAMP, who do understand that commitment into combat has very long and costly consequences.

Mr. Chairman, I see a lot of "Support Our Troops" slogans around. I see a lot of yellow bumper stickers and those great things. I see people going to churches and preparing care boxes to send overseas.

But that's not enough. That's not enough. We must make a commitment to take care of the families of those who put on the uniform when those in uniform are deployed. We must make a solemn commitment to provide for the health care and education benefits for those who come home after wearing the uniform. Many of them come home injured.

Mr. Chairman, there are some folks in this Chamber that understand that. Congressman DAVE OBEY clearly understands that. Congressman BILL YOUNG, whom you just heard from. I saw Congressman STEVE BUYER earlier, BOB FILNER from California. Those are the folks who were involved in the writing of this legislation which provides the benefits and the commitment that we have made to our men and women.

We have got a whole new generation of veterans who need our support. Those are veterans of the war in Iraq and Afghanistan. And, obviously, it's our moral duty to provide them with the care and benefits that they need.

You've heard in detail about the details of what's in this bill. Mr. WAMP and Mr. EDWARDS have explained that. But it's important that we do this, ladies and gentlemen. This is a promise we've made, and it's simply the right thing to do.

If not for those who answered the call of duty, we would not be the great Nation we are today. For their service and sacrifice, we as Americans are eternally grateful, and I encourage this Congress to honor them by supporting this bill.

And, again, I want to thank the bipartisan work of Chairman CHET EDWARDS and Ranking Member ZACH WAMP, our committee leaders, for what they have done.

Mr. WAMP. Mr. Chairman, I recognize for 2 minutes the gentleman from Jacksonville, Florida, an extremely active member of the subcommittee, ANDER CRENSHAW.

Mr. CRENSHAW. Thank you, Mr. WAMP, for yielding the time and thank you for your leadership on the subcommittee. And I certainly want to commend Chairman EDWARDS for all the hard work that he puts in.

Mr. Chairman, I have served on this subcommittee for as long as I have been on the Appropriations Committee, and I can tell you that there is never a time that I am more proud than when I am working with the young men and women in uniform.

I think we ought to note tonight that this is the first appropriations bill that we're taking up, and I think that speaks volumes about the priority and the commitment that we have in this Chamber to the men and women that wear the uniform. And this bill touches literally everyone, whether they are active duty today, as we provide money for new barracks, new training facilities, new hangars and airfields, and we improve our port facilities for the ships and the planes. It touches those that have served us in the past as veterans, building new facilities, veterans clinics, hospitals, even providing a suicide prevention line to help those troubled veterans as they come back and save, literally save, their lives.

And it also touches the people that are no longer with us because we have money in this bill to maintain and construct national cemeteries to give a final resting place for those who have served us, provide money for the monuments around the world to pay tribute to our fallen heroes.

But it also touches the lives of the family members of our men and women in uniform, day care centers we have talked about, quality of life issues.

So I would say this is a very important bill. It's a good bill. It serves those who serve us the most, and it deserves our support. So I urge my colleagues to join us in passing this legislation.

Mr. EDWARDS of Texas. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. BISHOP), who has been a strong member not only of this committee but the Defense appropriations committee.

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

Mr. Chairman, I am very pleased to rise in full support of the fiscal year 2009 Military Construction and Veterans Affairs and related agencies appropriations bill. I am extremely proud of the work of the subcommittee, on both sides of the aisle, as we have crafted a bill that truly supports America's servicemen and -women as well as their families.

Today I am especially pleased that we are ensuring better housing, health care, and day care facilities for our servicemen and -women by providing \$24.8 billion for military construction, family housing, and fully funding BRAC.

Military facilities such as Fort Benning, located in my district, need this funding as they experience signifi-

cant numbers of new personnel as a result of BRAC and the global repositioning of our forces around the world. In the Columbus area, we still have concerns with respect to the impact that BRAC may have on our local school system. But I'm encouraged by the interest and support shown by my colleagues on the subcommittee, in particular Mr. EDWARDS, our chairman; and our ranking member, Mr. WAMP.

But that's not all. Our bill includes nearly \$200 million in additional housing for Army and Marine Corps trainees, an additional \$136 million for medical facilities, \$1.6 billion for Veterans Health Administration, and \$3.8 billion for specialty mental health services, and \$584 million for substance abuse programs.

But I don't think listing figures does justice to saying how important this bill is because with those resources, we are filling some gaping holes in veterans services and upgrading military facilities that are currently underfunded and overextended.

We are fully meeting and addressing the very same kinds of needs that arose at the barracks at Fort Bragg and the hospital at Walter Reed. We're keeping our commitment to veterans and giving the VA the funds they need to hire caseworkers to process the current backlog of claims. We are making sure that our veterans traveling long distances for medical care don't have to empty their wallets in order to get there. And we are upping funding for medical technology and giving our veterans access to a new generation of prosthetics so they may live as normal a life as possible.

Mr. Chairman, in short, this is a good bill.

The Acting CHAIRMAN (Mr. LYNCH). The time of the gentleman has expired.

Mr. EDWARDS of Texas. Mr. Chairman, I yield an additional 15 seconds to the gentleman.

Mr. BISHOP of Georgia. Thank you.

I would like to recognize and thank the staff of the subcommittee: Carol Murphy, Mary Arnold, Walter Hearne, Tim Bishop, and Donna Shabaz of the majority staff; and Martin Delgado and Liz Dawson of the minority staff; and, of course, Michael Reed and Ed Larkin of my staff.

Mr. WAMP. Mr. Chairman, I yield 5 minutes to the ranking member of the Legislative Branch appropriations subcommittee, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank Mr. WAMP for the time.

Mr. Chairman, I rise today to voice my support for this important measure, and I want to commend Chairman EDWARDS and Ranking Member WAMP for their good work on this most important bill. I urge the Members to support the bill. It is so important to all of our veterans of this country.

I only talk about this to express real frustration that I have. I want to note that in my hand I have an amendment which I had hoped to offer today, but

because of the nature of the rule, I can't. And I wanted to offer this amendment in the interest of people from Iowa and throughout the Midwest who are struggling to put their lives together in the wake of the 500-year Midwest floods.

This amendment would have provided emergency money for economic development assistance for restoration of infrastructure, Army Corps of Engineers money to repair levees, SBA disaster loan assistance, Community Planning and Development funds for infrastructure, and additional FEMA disaster relief moneys. Unfortunately, we can't, and I don't want to delay this process. But this bill should be passed before we leave for break.

Mr. Chairman, last week I wrote a letter to the Speaker of the House and asked that we finally address, after 7 weeks, the flood disaster throughout the Midwest. I have not heard a response; so obviously we're being ignored.

I asked some folks at home to tell me some of their stories, and they have e-mailed me and sent me their messages, and I would like to read a couple of those.

The first one actually is a copy I received of an e-mail to Speaker PELOSI, and it reads:

"I cannot believe that you will not bring flood relief legislation to a vote. Now you are going on vacation. Twenty-five thousand homes were lost in the June floods in Iowa alone, and Congress votes to recognize the National Day of the Cowboy instead of passing legislation to help Iowans.

"After Hurricanes Katrina and Rita, Congress passed emergency supplemental bills nearly immediately, and here we are 7 weeks after the Iowa floods and no additional help! It is no wonder Congress's approval rating is at an all-time low.

"While you're on vacation, please remember the thousands of Iowans who have no homes."

An e-mail received from a resident of Cedar Rapids. She said:

"My husband volunteers on the weekends and 1 day a week (bless his employer for letting him work 4 10-hour days so he can do flood relief) as a flood site coordinator, which means he moves around from team to team and are sent by our church to help the residents 'muck' out their basements, and tear out the walls, insulation, trim, carpet, and get rid of the furnaces and water heaters (and, unfortunately, throw out their life with every personal item that goes on the curbs)

"What are the elected officials in Washington going to do to help? I must be the most naive U.S. citizen who can hardly believe that it takes an act of Congress to have a National Cowboy Day but can go on a recess with clear consciences before coming up with some plan of action for this area and the people . . .

"The Red Cross has moved on and the Salvation Army has come off the

streets. FEMA sent trailers, people settled into them, and then they were displaced again when mold was found in the trailers . . .

"These people are not asking for more than what they had, just help putting their lives, families, and homes back together. They need help and support from those they have put their trust in."

And another e-mail from a lady in Mason City. It says:

"Please continue your fight to have Congress address the disaster needs of the Midwest! The rest of the world seems to have forgotten about our disaster. However, for those of us still fighting it, it's as painful today as it was the day our houses were filled with water.

"My family is just one of many here in Mason City who are homeless . . .

"Our house is significantly damaged; so we can't move back into it. We thought we could, and then 2 weeks ago we discovered the amount of damage was too much.

□ 2045

"We have to elevate it, move it, or destroy it. Our house is a trilevel house where the floors are not on top of each other. The cost of elevating or moving would be more than the value of our home. The only option is to destroy it.

"The house we are currently renting is a house for sale. On any given day, we are 30 to 45 days away from being homeless again. The house has been shown to prospective buyers at least six times since the flood. We are trying to find a house we can rent for a year. It's almost impossible to find something we can afford that's in a safe area and somewhat decent."

I would hope that the House tomorrow, since we are going to be in session, will finally pass disaster relief for people who are really hurting.

Mr. EDWARDS of Texas. Mr. Chairman, may I first inquire as to how much time we have remaining on our side.

The Acting CHAIRMAN. The gentleman from Texas has 7¼ minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I now yield 3 minutes to the chairman of the full House Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I had not intended to speak in general debate on this bill, but in light of some of the comments made by the previous speaker, I feel obligated to.

The gentleman said that it was the nature of the rule under which this bill is being considered that prevented him from offering an amendment. The fact is that the only thing this rule did was to require that people publish their amendments 1 day ahead of time so that we were not legislating by ambush. The rules of the House always provide for germaneness. And, as the gentleman knows, his amendment is not germane to this bill.

Secondly, I would point out that we put \$2.65 billion in the supplemental for

Midwest disaster funding and for other disasters around the country. And I would point out that we did that even though the White House never sent to this Congress an official budget request to deal with the disasters not just in Iowa, but Wisconsin as well, my own State.

Thirdly, I would point out that the Speaker met today with a number of Members from the Iowa delegation and we made clear that as soon as we get official numbers from the administration that are at all coherent, we will act, and that this Congress will not adjourn for the year without providing needed disaster relief.

I just want to make clear there was nothing done in the rule.

Mr. LATHAM. Would the gentleman yield?

Mr. OBEY. Yes. I'd be happy to.

Mr. LATHAM. I appreciate the chairman's work. I sincerely do. We all know that it would not be germane in this bill. That is not the issue.

I would ask, would the gentleman entertain a unanimous consent to have this amendment considered today?

Mr. OBEY. As the gentleman knows, we have been criticized up and down the river by your own leadership for trying to add what they described as nongermane or unrelated items to these bills. As you well know, this bill is probably not going to become law before any supplemental that is passed in September, as the gentleman knows. So there is no rational reason for me to accede to that request.

We have dealt with the gentleman above the table, honorably, and fairly. You offered an amendment in the full committee to the energy and water bill, adding money for disaster funding. We accepted the amendment. I would suggest that the gentleman owes the Speaker of the House an apology.

Mr. LATHAM. Would the gentleman yield?

Mr. OBEY. Not further at this time.

Mr. WAMP. Mr. Chairman, I will reserve the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, at this time I'd like to yield 2 minutes to a member of the Armed Services Committee who has worked day and night for the troops and veterans in her district and this country, the gentlelady from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Thank you very much to my good friend from Texas, Mr. CHET EDWARDS, for yielding. We have worked quite diligently on many of the issues going on right in Kansas at the military bases, Fort Leavenworth and Fort Riley, that I have the honor to represent.

I would just like to say that as a new Member of Congress, when I came, I had heard many, many promises made to veterans, and I had to wonder if they were going to be met. Many people said, Yes. Trust us. They will be met. And you can imagine as a new Member of Congress, and as a freshman, to have those promises to our veterans actually met meant so much to me, for

somebody who came to Washington to try to make a difference and, in fact, for the second year in a row we are really righting some of the real problems that we have seen with our Veterans Administration and we are proposing record funding for the second year in a row, and I am deeply proud and honored to be part of this Congress.

I understand that this is a bipartisan bill, and for that I am very grateful. We have plenty of floods in Kansas as well. There's a right time and a wrong time to bring that up. I believe that the Members on this side of the aisle have been very, very diligent to make sure that that is taken care of. I would like to see this committee particularly keep that same bipartisan air that has served this country so well.

Some of the things that are highlighting that are so important to the good people of Kansas and our veterans across the United States, an initial \$4 billion for mental health, for TBI, for PTSD, for the drug abuse that we see way too often, for the suicides that are hitting our soldiers. That \$4 billion of extra funding will make a huge difference in these soldiers' lives.

Mileage reimbursement. I come from the State of Kansas. It's a huge issue. The 41.5 cents a mile is a significant increase. I still would love to see it come up to be the full standard, but this is a significant increase that will mean a great deal to veterans from Kansas who have to travel a great deal.

Thank you, and congratulations on this wonderful and bipartisan bill.

Mr. WAMP. Mr. Chairman, I yield 3 minutes to a great patriot, the gentleman from the State of Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentlemen very much for yielding.

Mr. Chairman, I will vote "yes" on this bill, but I am really astonished that the Democrats have gutted the European Missile Defense site. We don't seem to understand that the coincidence of jihadist terrorism and nuclear proliferation represents the greatest existential threat to human peace in the world today. Unfortunately, they seem to think that if they kill it for this year and put it in the next administration, somehow it will be of some political benefit to them. BARACK OBAMA has said that he will cut missile defense spending, and he simply does not understand the gravity of a nuclear Iran, Mr. Chairman.

Every day we are in this body, Iran enriches more uranium. They come closer and closer to having a nuclear capability. When they gain that, Mr. Chairman, it won't be long before al Qaeda will have that capability as well.

It may not be long that Iran will be able to actually field a weapon that could create an electromagnetic pulse across this country that would be the ultimate asymmetric weapon for terrorists in the world today. And I find it astonishing that when our first purpose in this body is to protect the lives and

constitutional rights of the American people, that for some ridiculous political motivation that we would strip the ability for us to be able to intercept missiles coming from Iran that would either hit our allies in Europe or our forward-deployed troops or people here at home, that somehow we think that we have done our job.

I would remind us all that Osama bin Laden said these words. He said, It is our religious duty to gain nuclear weapons.

Mr. Chairman, if they succeed, if Iran succeeds, al Qaeda will succeed in gaining those nuclear weapons. If that happens, we will revisit this subject on a day in the future and we will have to explain to our children why we let such a profound threat to human peace exist when it was in our power to change it.

Mr. EDWARDS of Texas. Mr. Chairman, may I ask how much time I have remaining.

The Acting CHAIRMAN. The gentleman has 2¼ minutes.

Mr. EDWARDS of Texas. Let me first yield myself 15 seconds, if I could respond.

Mr. Chairman, the last speaker was simply wrong. He suggested this bill kills the European Missile Defense plan. It does not do that. He suggested there were political motivations. That is not correct. I hate to see that partisanship injected in a bill that has been put together on a bipartisan basis. We fund \$140 million for that project. The project hasn't even been authorized by the parliaments in the Czech Republic or Poland. We allow the program to continue despite that fact.

With that, I would like to yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the gentleman. I could not be more proud of this bill that we are debating here today and that we are going to pass tonight.

Last year, we provided \$12 billion in increased funding for the VA health care system, the largest single year increase in the 77-year history of the VA. Today, we follow up with a \$4.6 billion funding increase, representing an 11 percent increase over that high bar that we set last year.

We are proving once again tonight in this Congress no group will stand ahead of our Nation's veterans when it comes time to make funding decisions.

The increased funding allows for enrollment of Priority 8 veterans. Priority 8 veterans have not been enrolled since 2003, as part of the Bush administration's cost-cutting efforts, and approximately 50 percent of all uninsured veterans today are Priority 8 veterans.

This bill will allow us to hire over 2,000 more claims processors to decrease that backlog that we have, which is now almost 400,000 cases, with 2,000 new claims processors.

In western Pennsylvania, where I'm from, there's a 6,000-case backlog. Those claims remain unanswered. So we are going to clear that up with this funding today.

In February, I testified before the House Budget Committee about the importance of increasing funding for our veterans' programs. I was pleased to vote on the floor of this House this year and last in favor of a budget resolution that met and exceeded the commitment that we have made to our Nation's veterans.

I urge all of my colleagues to support this bill. I congratulate Chairman EDWARDS on his work on this. It's a bipartisan bill. We are all on this together.

Mr. WAMP. Mr. Chairman, I yield myself such time as I may consume for the purpose to close briefly by saying that Chairman OBEY said something at the full committee that I want to paraphrase and restate in the context that we all know that those who do not learn from history, are destined to repeat it.

One of the lessons of Vietnam is that regardless of how you feel, especially as a policymaker, but even as a citizen, about the war in Iraq or the war in Afghanistan, or any war, it's so important to appreciate fully the men and women who are engaged in that war on our behalf. Regardless of how you feel about the mission, it is so important for our Nation to appreciate and support and fund and resource the needs of our men and women in uniform and our veterans.

I want to say tonight I grew up a Democrat. I am a Republican today. But we should, and are, meeting at the water's edge on this issue of resourcing the men and women in harm's way and supporting the veterans when they come home for the balance of their life.

This is a lesson of history, of modern history. We saw it and we are making that right. So even though many of them do not support what we are doing in Iraq, or maybe even Afghanistan, this bill supports those who are fighting, and their families. And that is important.

In closing, I do want to recognize by name again the extraordinary staff. They call these people the front office staff. Rob Nabors and Jeff Shockey at the highest level. This committee staff is bipartisan. There happens to be a majority staff, Carol Murphy, Donna Shahbaz, Walter Hearne; the minority staff, Martin Delgado, Liz Dawson, and Kelly Shea. Mr. EDWARDS has John Conger, I have Amanda Schoch. They have done a remarkable job day in day out to bring us to this today because this is a great work product. Not all bills that come to this floor are, but this is. And it's right. I urge its passage.

I thank you for the time on the general debate. We have got 37 amendments. The hour is getting late. Let's get on with it.

I yield back the balance of our time.

Mr. VAN HOLLEN. Mr. Chairman, I rise in support of H.R. 6599, a bill to fund U.S. military construction and maintenance and the operations of the Department of Veterans Affairs.

The Military Construction and Veterans Affairs bill appropriates a total of \$118.7 billion

for military construction and veterans' programs, \$10.3 billion more than the current level and \$3.4 billion more than the President's request. This funding will provide compensation payments to millions of veterans and their survivors, pension payments and financial assistance to their widows and children, and is the primary support for their military related medical care.

The Veterans Department oversees the largest Federal medical care delivery system in the country, with 153 hospitals, 50 residential rehabilitation treatment centers, 135 nursing homes, and 1,089 outpatient clinics. The almost \$94 billion set aside in this bill is a significant increase over the Administration's request and will help fund medical administration, operations and maintenance of medical facilities such as Walter Reed, and important medical, trauma and mental health research. This bill also provides the funding for the BRAC.

We all know there is a massive military base closure and realignment underway in this country. The potential for increased traffic congestion at these new military facilities, such as the one being constructed in my district in Bethesda, MD, can be disruptive for the citizens who currently live in these communities. I want to thank the Committee for working with me to insert language in this bill directing the Department of Defense to aggressively plan and budget for the Defense Access Roads programs that should help alleviate some of the pressure on the communities that are dealing with BRAC.

This nation has 23,500,000 veterans and 35,900,000 family members of living veterans and survivors of deceased veterans. That means close to 20 percent of this country's total population are potential recipients of veterans benefits. We have a responsibility to support the past and present servicemembers and their families who have served and sacrificed for us. Providing quality healthcare and decent living conditions for them and their families is the least we can do for these brave men and women. I hope my colleagues will join me in supporting this important piece of legislation.

Mr. SOUDER. Mr. Chairman, pursuant to the Republican Leadership standards on earmarks, I, MARK SOUDER, am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 6599—The Military Construction and Veterans Affairs FY09 Appropriations bill.

Included in H.R. 6599 is a \$5,600,000 earmark that I submitted for the construction of Aircraft Ready Shelters and Fuel Fill Stands for the 122nd Fighter Wing located at 3005 Ferguson Road, Fort Wayne International Airport, IN 46809.

The funding will be used to construct a two aircraft bay parking shelter addition to the existing two aircraft bay parking shelter providing a total of four parking spots under shelter as required for a base A/C Readiness Shelter. Project consists of the following: Construct reinforced concrete foundation and painted floor slab with grounding points; masonry and metal siding walls; steel frame; and standing seam metal roof; include a high expansion fire suppression system and overhead infrared heating; provide hangar style doors for drive through capability; remove existing asphalt and provide new concrete taxiway entry and

exit; provide asphalt transition to the south apron area; construct stainless steel underground piping, reinforced concrete for curbed access pavement, and refueler fill stands. The base requires adequately sized, appropriately configured, and functional aircraft readiness shelters with supporting taxiway system to support four-ship F-16 aircraft mission requirements. Due to previous funding restraints the current shelter facility was constructed with two parking spots with a plan to add two more at a later date. Readiness shelters are necessary for mission support, operations safety, and protection of aircraft and flightline personnel from inclement weather. The project will also provide a refueler vehicle fill stand on the operational side of the railroad tracks to support the flying mission.

Mrs. BLACKBURN. Mr. Chairman, Fort Campbell, one of the Army's largest posts and home to the 101st Airborne Division, is in the seventh district of Tennessee, which I am honored to represent.

Currently, over 700 Tennessee National Guardsmen and the bulk of the 101st Airborne are deployed to Iraq or Afghanistan.

With this in mind, I'm particularly gratified that this House is finally discussing an appropriations bill today. Funding for Military Construction and Veterans Affairs certainly warrants our attention.

The brave members of our military, and the families that support them at home, are fulfilling the commitment they made to our Nation by fighting and serving to help protect it.

The federal government must in turn fulfill its commitment to provide top-quality equipment, facilities, and training for these heroes, and the best possible care upon their return.

On behalf of the men and women in uniform, veterans, and military families in Tennessee's 7th district, I urge my colleagues to support today's measure for MILCON-VA appropriations.

□ 2100

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment to the bill may be offered except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated July 30, 2008, or earlier, and pro forma amendments for the purpose of debate. Each amendment may be offered only by the Member who caused it to be printed, or his designee, and shall be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 6599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent

public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$4,801,536,000, to remain available until September 30, 2013: *Provided*, That of this amount, not to exceed \$175,823,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings "Army" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill: *Provided further*, That of the funds appropriated for "Military Construction, Army" under Public Law 110-5, \$34,720,000 are hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Army" under Public Law 110-161, \$16,600,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$3,280,809,000, to remain available until September 30, 2013: *Provided*, That of this amount, not to exceed \$247,128,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings "Navy" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

Mr. THOMPSON of California. Mr. Chairman, I move to strike the last word and engage in a colloquy with Chairman EDWARDS, Congressman REHBERG and myself.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of California. Mr. Chairman, I would like to yield to the gentleman from Montana.

Mr. REHBERG. Thank you, and I would like to thank the gentleman from Texas for all his hard work in drafting this important piece of legislation.

Beginning in 1962, the Department of Defense commenced a number of chemical and biological tests involving nearly 6,000 American military personnel. These tests, known as Project 112 and Project SHAD, exposed servicemembers to toxic agents such as Vx nerve gas, sarin nerve gas and E. Coli.

Not surprising, many of the veterans unknowingly exposed to deadly agents are suffering from serious medical conditions. Yet for over 40 years the Department of Defense denied the existence of these tests. All the while, these veterans continued to suffer. Finally, in 2001, DOD admitted to conducting Project 112 and Project SHAD, but they still refused to take responsibility for their care.

Enough is enough. As we approach the end of this Congress, we can do our part to care for these veterans by extending an expiring provision which allows for Project 112 and Project SHAD veterans to receive care at VA facilities without proving service connection.

My constituent, John Olson, a veteran of Project SHAD, spent all day Tuesday undergoing tests for a possible aneurysm. This is the latest in a long line of medical problems since leaving the service. Yet, as my friend from California will state, the VA is approving claims at an embarrassingly low rate. We can and should do everything we can to care for these veterans.

I want to thank Mr. THOMPSON of California for keeping this issue in front of the press, keeping this issue in front of the Congress, and keeping this issue in front of the American people.

Mr. THOMPSON of California. Thank you, Mr. Chairman, for all your work on this bill and all that you have done over the years for both veterans and those currently serving in the military. I value greatly all the work that you have done. But as Mr. REHBERG said, 45 years ago, the Department of Defense began more than 50 chemical and biological weapons tests on U.S. servicemen without their knowledge. The government called these top secret tests Project SHAD. For the next 40 years, the Department of Defense denied Project SHAD even took place.

Ten years ago, I was able to prove that in fact they did take place, and the DOD said they only used simulants and at no time were these veterans exposed to anything harmful. Finally, after 3 more years of work, the DOD admitted they used live and extremely dangerous agents, such as Vx nerve gas and sarin.

More alarming than the lies and the coverup, we are not giving these veterans the care they need and deserve today. A recent Associated Press article revealed that only 6 percent of claims made by Project SHAD veterans and other veterans involved in these secret government tests have been accepted by the VA. That is only 39 out of 641 claims. These brave men served our country and they served it with distinction, and in return they were unknowingly used as human guinea pigs by their own government. Now they are denied care.

The extension of treatment authority would go a long way towards increasing the VA's dismal record in helping our veterans exposed to these harmful agents, a record that the veterans serv-

ice associations in this country have called shocking, disgraceful and disappointing.

I hope that the chairman can assure me that he will work together with us to find the appropriate vehicle to extend this important provision.

Mr. EDWARDS of Texas. Let me thank Mr. REHBERG of Montana and Mr. THOMPSON, a distinguished Vietnam veteran, for raising this important issue. I am glad the House has taken action on this issue in another measure. I am disappointed the other body has not. Given that fact, we could not add this provision to this bill under the rules of the House, but I will make a good faith effort to work with both of the gentleman to address what is a serious problem.

These great Americans should be honored by our actions. I hope at the end of the day we can look them in the eye and say we have served them, just as they have served our country so honorably.

Mr. REHBERG. We thank the gentleman from Texas.

Mr. THOMPSON of California. I thank the gentleman, Mr. EDWARDS. I would just remind everybody that these veterans are sick today, they are dying, they need the medical care that they deserve and the medical care that they earned. I appreciate your willingness to work with us on this.

I yield back the remainder of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I rise to engage the gentleman from Texas, my good friend Chairman EDWARDS, in a colloquy, and I would like to thank the chairman for agreeing to engage in this. I also want to thank Mr. STUPAK for his continued support and dedication on the issue of steel safety, and look forward to working with both gentlemen on requiring that all iron and steel purchased by the Federal Government be made in the United States. This will keep Americans safe and help our country prosper.

Mr. Chairman, I understand that there is a provision in this measure that requires American steel producers, fabricators and manufacturers to have the opportunity to compete for steel funded through the Department of Defense under this act. While I am encouraged and grateful for this provision and believe that it is a critically important aspect for all government procurements, frankly, I do not believe it is enough.

China disobeys international trading rules, for example, and the playing field is not level. Therefore, it is not possible for our steel producers to compete fairly.

This last April, the Congressional Steel Caucus held a hearing on substandard steel from China. We learned from U.S. Customs and Border Protec-

tion about how our government does not have an established process to monitor the safety of steel imports. We also heard from representatives of the domestic steel industry about how some Chinese steel companies do not adhere to international standards and guidelines when they manufacture steel, and that the steel may be used in our military barracks, veterans hospitals, and other vital infrastructure.

I also would mention that this last October it was reported that substandard Chinese steel was used in the construction of a gymnasium at San Pedro High School in California, prompting the California Department of General Services to post an alert on defective Chinese steel tubing fabricated for school construction projects.

Last year, China had a major earthquake and we saw pictures of how their schools and hospitals survived. We cannot wait to take action on this issue until a hospital or school collapses in the United States. Does it cost too much to require the use of American steel if it saves lives? The government that we fund must set an example and make sure that the buildings we build use American steel that can stand the test of time.

When considering the construction of facilities that hospitalize, house and take care of our veterans, we owe them every possibility to ensure their health and safety. We owe them the requirement that safe American steel is used, and that is why Representative STUPAK and I have raised this issue.

Again, I thank the chairman for engaging in this colloquy and for his good work on this bill.

Mr. EDWARDS of Texas. I would like to thank Chairman VISCLOSKY for his leadership on this issue and Mr. STUPAK as well. We all know that a healthy steel industry in the United States is not only terribly important for our economy, but it is critical to our Nation's defense. It is an industry we must have.

So I look forward to working with the gentleman in good faith to see if we can take the language in this bill that already is supportive of the use of U.S. steel and see if we can't improve that language as we go forward.

Mr. VISCLOSKY. I thank the gentleman very much, and would yield back my time.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. FILLNER) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4040) entitled "An Act to establish consumer product

safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4137) entitled "An Act to amend and extend the Higher Education Act of 1965, and for other purposes."

The SPEAKER pro tempore. The committee will resume its sitting.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

The committee resumed its sitting.

Mr. MCCARTHY of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MCCARTHY of California. I rise today to enter into a colloquy with my colleagues, the chairman of the Military Construction Subcommittee, Mr. EDWARDS, and Ranking Member WAMP, about an issue of significant importance to my constituents in Ridgecrest, California.

China Lake, the large naval installation in Ridgecrest, was slated to become the Navy's Center of Excellence for weapons development as part of the 2005 round of Base Realignment and Closure. This news confirmed what those of us familiar with China Lake have always known; China Lake's location, access to airspace, 350 days of flying a year and exceptional personnel make it an excellent place for the military to develop the tools for the men and women serving on the front line.

Unfortunately, since the recommendation was made, I have had concerns that it is not being implemented as consistently with the original recommendation as it should be. I am concerned that the number of jobs slated to move and overall construction plan has decreased more than would be expected.

For these reasons, I come to the floor today to ask the chairman that he work with me to ensure that Congress continues its oversight of the BRAC implementation process.

I would yield to the subcommittee chairman.

Mr. EDWARDS of Texas. I want to thank Mr. MCCARTHY for mentioning this issue. I was one of those several years ago who raised serious questions about whether BRAC was adequately funded or not. We were told it was. It turns out construction costs have skyrocketed in fact above original estimates.

I would look forward to working with the gentleman to see that our subcommittee, working with Mr. WAMP in good faith, exercises the oversight that we have a responsibility to carry out to see that BRAC dollars are spent, spent wisely, spent efficiently, and that we

do everything humanly possible to keep the BRAC process on time.

Mr. WAMP. If the gentleman will yield, I thank the gentleman from California for raising this issue before the House tonight. As the gentleman has seen firsthand, dealing with this multiyear, multibillion-dollar BRAC process, some of the business plans that were initially adopted have changed. He is doing everything he can to make sure that the Department of Defense sticks as close as possible to those plans. I join Chairman EDWARDS and commit to working to ensure that we conduct proper oversight of the BRAC process.

I want to thank the chairman for this commitment to fully fund the BRAC process, which was a major point of discussion throughout our 100 hours and 19 hearings this year, to make sure BRAC is fully funded on time.

I am grateful the gentleman from California has taken this initiative tonight.

Mr. MCCARTHY of California. I want to thank Chairman EDWARDS and Ranking Member WAMP for their leadership on this issue, and I yield back the balance of my time.

AMENDMENT NO. 24 OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Chairman, I would ask unanimous consent to offer the amendment of Mr. BOEHNER, the minority leader, at this point in the reading.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Utah?

Mr. OBEY. Reserving the right to object, Mr. Chairman, it is 9:15 at night. We don't know how long it is going to take us to complete this bill tonight. And what we are being asked to do, as I understand it, is to give unanimous consent so that the gentleman may be able to offer an amendment which he otherwise would not be able to offer because we have already moved past that point in the bill. That is my understanding.

Mr. BISHOP of Utah. Would the gentleman yield to a question?

Mr. OBEY. Go ahead.

Mr. BISHOP of Utah. It was our understanding as I was waiting for the proper time to offer this amendment that the body would take the two colloquies first, and then we would have the opportunity of presenting this in this form. So I think actually going through this form in the long run was probably more timesaving than doing other kinds of actions if this was not allowed.

Mr. OBEY. Mr. Chairman, continuing under my reservation, I am not interested in the reason why the gentleman's request is tardy. I simply want to repeat, it is my understanding that what the gentleman is asking us to do is to allow him to offer an amendment which we have already passed in the reading of the bill.

I will not object to that request, provided we have certain understandings

about how long we are going to drone on on these issues. Since this is already a non-germane amendment, I want to make sure I understand what the full request is going to be.

My understanding is that Mr. BURGESS also has an amendment which he wants to offer which has also been passed in the reading; is that correct?

□ 2115

Mr. BISHOP of Utah. I don't know that one.

The Acting CHAIRMAN. I believe the gentleman is correct.

Mr. OBEY. If that is the correct understanding, then I simply want to make certain that if we grant this request, that there will be only one speaker on that side on the subject of the amendment that the gentleman from Utah wants to offer and one speaker on that side of the aisle on the amendment that Mr. BURGESS desires to offer.

Mr. BISHOP of Utah. If the gentleman will yield on that issue? That was always our intent. I think I am enough.

Mr. OBEY. But is that the understanding?

Mr. BISHOP of Utah. That is my understanding.

Mr. WAMP. If the chairman would yield.

Mr. OBEY. I will be happy to yield.

Mr. WAMP. I just want to say, in all fairness, Mr. Chairman, the Chair allowed the reader to read past this point with people on their feet for the colloquy, with an understanding on both sides that the colloquy would go first and then we would start this point in the bill.

The reading was an accidental reading, not that someone wasn't here ready to offer the amendments. Mr. BURGESS was sitting right here. And points of order are going to be raised against both. So, with all due respect, Mr. Chairman, if we can get on with it, we will dispose of it quickly.

Mr. OBEY. If I can take back the time. I know Mr. BURGESS was here. I saw him sitting here for a considerable length of time, and I am not trying to pin a tail on anybody. My point is simply that this has not been a day noted for its courtesy across the aisle. And I am perfectly willing to grant courtesy, provided that we have a clear understanding that the House is not going to be abused, in terms of its time, in the process.

With that, Mr. Chairman, I withdraw my reservation.

The Acting CHAIRMAN. Without objection, the gentleman from Utah is the designee of the gentleman from Ohio and may offer his amendment at this time.

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. BISHOP of Utah:

Before title I, insert the following:

DIVISION A

At the end of the bill, before the short title, insert the following:

DIVISION B

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This division may be cited as the “American Energy Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—AMERICAN ENERGY

Subtitle A—OCS

- Sec. 101. Short title.
- Sec. 102. Policy.
- Sec. 103. Definitions under the Submerged Lands Act.
- Sec. 104. Seaward boundaries of States.
- Sec. 105. Exceptions from confirmation and establishment of States’ title, power, and rights.
- Sec. 106. Definitions under the Outer Continental Shelf Lands Act.
- Sec. 107. Determination of adjacent zones and planning areas.
- Sec. 108. Administration of leasing.
- Sec. 109. Grant of leases by Secretary.
- Sec. 110. Disposition of receipts.
- Sec. 111. Reservation of lands and rights.
- Sec. 112. Outer Continental Shelf leasing program.
- Sec. 113. Coordination with adjacent States.
- Sec. 114. Environmental studies.
- Sec. 115. Termination of effect of laws prohibiting the spending of appropriated funds for certain purposes.
- Sec. 116. Outer Continental Shelf incompatible use.
- Sec. 117. Repurchase of certain leases.
- Sec. 118. Offsite environmental mitigation.
- Sec. 119. OCS regional headquarters.
- Sec. 120. Leases for areas located within 100 miles of California or Florida.
- Sec. 121. Coastal impact assistance.
- Sec. 122. Repeal of the Gulf of Mexico Energy Security Act of 2006.

Subtitle B—ANWR

- Sec. 141. Short title.
- Sec. 142. Definitions.
- Sec. 143. Leasing program for lands within the Coastal Plain.
- Sec. 144. Lease sales.
- Sec. 145. Grant of leases by the Secretary.
- Sec. 146. Lease terms and conditions.
- Sec. 147. Coastal Plain environmental protection.
- Sec. 148. Expedited judicial review.
- Sec. 149. Federal and State distribution of revenues.
- Sec. 150. Rights-of-way across the Coastal Plain.
- Sec. 151. Conveyance.
- Sec. 152. Local government impact aid and community service assistance.

Subtitle C—Oil Shale

- Sec. 161. Repeal.
- TITLE II—CONSERVATION AND EFFICIENCY**
- Subtitle A—Tax Incentives for Fuel Efficiency**
- Sec. 201. Credit for new qualified plug-in electric drive motor vehicles.
 - Sec. 202. Extension of credit for alternative fuel vehicles.
 - Sec. 203. Extension of alternative fuel vehicle refueling property credit.

Subtitle B—Tapping America’s Ingenuity and Creativity

- Sec. 211. Definitions.
- Sec. 212. Statement of policy.
- Sec. 213. Prize authority.
- Sec. 214. Eligibility.
- Sec. 215. Intellectual property.

- Sec. 216. Waiver of liability.
- Sec. 217. Authorization of appropriations.
- Sec. 218. Next generation automobile prize program.
- Sec. 219. Advanced battery manufacturing incentive program.

Subtitle C—Home and Business Tax Incentives

- Sec. 221. Extension of credit for energy efficient appliances.
- Sec. 222. Extension of credit for nonbusiness energy property.
- Sec. 223. Extension of credit for residential energy efficient property.
- Sec. 224. Extension of new energy efficient home credit.
- Sec. 225. Extension of energy efficient commercial buildings deduction.
- Sec. 226. Extension of special rule to implement FERC and State electric restructuring policy.
- Sec. 227. Home energy audits.
- Sec. 228. Accelerated recovery period for depreciation of smart meters.

Subtitle D—Refinery Permit Process Schedule

- Sec. 231. Short title.
- Sec. 232. Definitions.
- Sec. 233. State assistance.
- Sec. 234. Refinery process coordination and procedures.
- Sec. 235. Designation of closed military bases.
- Sec. 236. Savings clause.
- Sec. 237. Refinery revitalization repeal.

TITLE III—NEW AND EXPANDING TECHNOLOGIES

Subtitle A—Alternative Fuels

- Sec. 301. Repeal.
- Sec. 302. Government auction of long term put option contracts on coal-to-liquid fuel produced by qualified coal-to-liquid facilities.
- Sec. 303. Standby loans for qualifying coal-to-liquids projects.

Subtitle B—Tax Provisions

- Sec. 311. Extension of renewable electricity, refined coal, and Indian coal production credit.
- Sec. 312. Extension of energy credit.
- Sec. 313. Extension and modification of credit for clean renewable energy bonds.
- Sec. 314. Extension of credits for biodiesel and renewable diesel.

Subtitle C—Nuclear

- Sec. 321. Use of funds for recycling.
- Sec. 322. Rulemaking for licensing of spent nuclear fuel recycling facilities.
- Sec. 323. Nuclear waste fund budget status.
- Sec. 324. Waste Confidence.
- Sec. 325. ASME Nuclear Certification credit.

Subtitle D—American Renewable and Alternative Energy Trust Fund

- Sec. 331. American Renewable and Alternative Energy Trust Fund.

TITLE I—AMERICAN ENERGY

Subtitle A—OCS

SEC. 101. SHORT TITLE.

This subtitle may be cited as the “Deep Ocean Energy Resources Act of 2008”.

SEC. 102. POLICY.

It is the policy of the United States that—

(1) the United States is blessed with abundant energy resources on the outer Continental Shelf and has developed a comprehensive framework of environmental laws and regulations and fostered the development of state-of-the-art technology that allows for the responsible development of these resources for the benefit of its citizenry;

(2) adjacent States are required by the circumstances to commit significant resources

in support of exploration, development, and production activities for mineral resources on the outer Continental Shelf, and it is fair and proper for a portion of the receipts from such activities to be shared with adjacent States and their local coastal governments;

(3) the existing laws governing the leasing and production of the mineral resources of the outer Continental Shelf have reduced the production of mineral resources, have preempted adjacent States from being sufficiently involved in the decisions regarding the allowance of mineral resource development, and have been harmful to the national interest;

(4) the national interest is served by granting the adjacent States more options related to whether or not mineral leasing should occur in the outer Continental Shelf within their adjacent zones;

(5) it is not reasonably foreseeable that exploration of a leased tract located more than 25 miles seaward of the coastline, development and production of a natural gas discovery located more than 25 miles seaward of the coastline, or development and production of an oil discovery located more than 50 miles seaward of the coastline will adversely affect resources near the coastline;

(6) transportation of oil from a leased tract might reasonably be foreseen, under limited circumstances, to have the potential to adversely affect resources near the coastline if the oil is within 50 miles of the coastline, but such potential to adversely affect such resources is likely no greater, and probably less, than the potential impacts from tanker transportation because tanker spills usually involve large releases of oil over a brief period of time; and

(7) among other bodies of inland waters, the Great Lakes, Long Island Sound, Delaware Bay, Chesapeake Bay, Albemarle Sound, San Francisco Bay, and Puget Sound are not part of the outer Continental Shelf, and are not subject to leasing by the Federal Government for the exploration, development, and production of any mineral resources that might lie beneath them.

SEC. 103. DEFINITIONS UNDER THE SUBMERGED LANDS ACT.

Section 2 of the Submerged Lands Act (43 U.S.C. 1301) is amended—

(1) in subparagraph (2) of paragraph (a) by striking all after “seaward to a line” and inserting “twelve nautical miles distant from the coast line of such State;”;

(2) by striking out paragraph (b) and redesignating the subsequent paragraphs in order as paragraphs (b) through (g);

(3) by striking the period at the end of paragraph (g) (as so redesignated) and inserting “; and”;

(4) by adding the following: “(i) The term ‘Secretary’ means the Secretary of the Interior.”; and

(5) by defining “State” as it is defined in section 2(r) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(r)).

SEC. 104. SEAWARD BOUNDARIES OF STATES.

Section 4 of the Submerged Lands Act (43 U.S.C. 1312) is amended—

(1) in the first sentence by striking “original”, and in the same sentence by striking “three geographical” and inserting “twelve nautical”; and

(2) by striking all after the first sentence and inserting the following: “Extension and delineation of lateral offshore State boundaries under the provisions of this Act shall follow the lines used to determine the adjacent zones of coastal States under the Outer Continental Shelf Lands Act to the extent such lines extend twelve nautical miles for the nearest coastline.”

SEC. 105. EXCEPTIONS FROM CONFIRMATION AND ESTABLISHMENT OF STATES' TITLE, POWER, AND RIGHTS.

Section 5 of the Submerged Lands Act (43 U.S.C. 1313) is amended—

(1) by redesignating paragraphs (a) through (c) in order as paragraphs (1) through (3);

(2) by inserting “(a)” before “There is excepted”; and

(3) by inserting at the end the following:

“(b) EXCEPTION OF OIL AND GAS MINERAL RIGHTS.—There is excepted from the operation of sections 3 and 4 all of the oil and gas mineral rights for lands beneath the navigable waters that are located within the expanded offshore State seaward boundaries established under this Act. These oil and gas mineral rights shall remain Federal property and shall be considered to be part of the Federal outer Continental Shelf for purposes of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and subject to leasing under the authority of that Act and to laws applicable to the leasing of the oil and gas resources of the Federal outer Continental Shelf. All existing Federal oil and gas leases within the expanded offshore State seaward boundaries shall continue unchanged by the provisions of this Act, except as otherwise provided herein. However, a State may exercise all of its sovereign powers of taxation within the entire extent of its expanded offshore State boundaries.”.

SEC. 106. DEFINITIONS UNDER THE OUTER CONTINENTAL SHELF LANDS ACT.

Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—

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

“(f) The term ‘affected State’ means the ‘Adjacent State’.”;

(2) by striking the semicolon at the end of each of paragraphs (a) through (o) and inserting a period;

(3) by striking “; and” at the end of paragraph (p) and inserting a period;

(4) by adding at the end the following:

“(r) The term ‘Adjacent State’ means, with respect to any program, plan, lease sale, leased tract or other activity, proposed, conducted, or approved pursuant to the provisions of this Act, any State the laws of which are declared, pursuant to section 4(a)(2), to be the law of the United States for the portion of the outer Continental Shelf on which such program, plan, lease sale, leased tract or activity appertains or is, or is proposed to be, conducted. For purposes of this paragraph, the term ‘State’ includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, and the other Territories of the United States.

“(s) The term ‘Adjacent Zone’ means, with respect to any program, plan, lease sale, leased tract, or other activity, proposed, conducted, or approved pursuant to the provisions of this Act, the portion of the outer Continental Shelf for which the laws of a particular Adjacent State are declared, pursuant to section 4(a)(2), to be the law of the United States.

“(t) The term ‘miles’ means statute miles.

“(u) The term ‘coastline’ has the same meaning as the term ‘coast line’ as defined in section 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

“(v) The term ‘Neighboring State’ means a coastal State having a common boundary at the coastline with the Adjacent State.”; and

(5) in paragraph (a), by inserting after “control” the following: “or lying within the United States exclusive economic zone adjacent to the Territories of the United States”.

SEC. 107. DETERMINATION OF ADJACENT ZONES AND PLANNING AREAS.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is

amended in the first sentence by striking “, and the President” and all that follows through the end of the sentence and inserting the following: “. The lines extending seaward and defining each State’s Adjacent Zone, and each OCS Planning Area, are as indicated on the maps for each outer Continental Shelf region entitled ‘Alaska OCS Region State Adjacent Zone and OCS Planning Areas’, ‘Pacific OCS Region State Adjacent Zones and OCS Planning Areas’, ‘Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas’, and ‘Atlantic OCS Region State Adjacent Zones and OCS Planning Areas’, all of which are dated September 2005 and on file in the Office of the Director, Minerals Management Service.”.

SEC. 108. ADMINISTRATION OF LEASING.

Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following:

“(k) VOLUNTARY PARTIAL RELINQUISHMENT OF A LEASE.—Any lessee of a producing lease may relinquish to the Secretary any portion of a lease that the lessee has no interest in producing and that the Secretary finds is geologically prospective. In return for any such relinquishment, the Secretary shall provide to the lessee a royalty incentive for the portion of the lease retained by the lessee, in accordance with regulations promulgated by the Secretary to carry out this subsection. The Secretary shall publish final regulations implementing this subsection within 365 days after the date of the enactment of the Deep Ocean Energy Resources Act of 2008.

“(1) NATURAL GAS LEASE REGULATIONS.—Not later than July 1, 2010, the Secretary shall publish a final regulation that shall—

“(1) establish procedures for entering into natural gas leases;

“(2) ensure that natural gas leases are only available for tracts on the outer Continental Shelf that are wholly within 100 miles of the coastline within an area withdrawn from disposition by leasing on the day after the date of enactment of the Deep Ocean Energy Resources Act of 2008;

“(3) provide that natural gas leases shall contain the same rights and obligations established for oil and gas leases, except as otherwise provided in the Deep Ocean Energy Resources Act of 2008;

“(4) provide that, in reviewing the adequacy of bids for natural gas leases, the value of any crude oil estimated to be contained within any tract shall be excluded;

“(5) provide that any crude oil produced from a well and reinjected into the leased tract shall not be subject to payment of royalty, and that the Secretary shall consider, in setting the royalty rates for a natural gas lease, the additional cost to the lessee of not producing any crude oil; and

“(6) provide that any Federal law that applies to an oil and gas lease on the outer Continental Shelf shall apply to a natural gas lease unless otherwise clearly inapplicable.”.

SEC. 109. GRANT OF LEASES BY SECRETARY.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended—

(1) in subsection (a)(1) by inserting after the first sentence the following: “Further, the Secretary may grant natural gas leases in a manner similar to the granting of oil and gas leases and under the various bidding systems available for oil and gas leases.”;

(2) by adding at the end of subsection (b) the following:

“The Secretary may issue more than one lease for a given tract if each lease applies to a separate and distinct range of vertical depths, horizontal surface area, or a combination of the two. The Secretary may issue regulations that the Secretary determines

are necessary to manage such leases consistent with the purposes of this Act.”;

(3) by amending subsection (p)(2)(B) to read as follows:

“(B) The Secretary shall provide for the payment to coastal States, and their local coastal governments, of 75 percent of Federal receipts from projects authorized under this section located partially or completely within the area extending seaward of State submerged lands out to 4 marine leagues from the coastline, and the payment to coastal States of 50 percent of the receipts from projects completely located in the area more than 4 marine leagues from the coastline. Payments shall be based on a formula established by the Secretary by rulemaking no later than 180 days after the date of the enactment of the Deep Ocean Energy Resources Act of 2008 that provides for equitable distribution, based on proximity to the project, among coastal States that have coastline that is located within 200 miles of the geographic center of the project.”.

(4) by adding at the end the following:

“(q) NATURAL GAS LEASES.—

“(1) RIGHT TO PRODUCE NATURAL GAS.—A lessee of a natural gas lease shall have the right to produce the natural gas from a field on a natural gas leased tract if the Secretary estimates that the discovered field has at least 40 percent of the economically recoverable Btu content of the field contained within natural gas and such natural gas is economical to produce.

“(2) CRUDE OIL.—A lessee of a natural gas lease may not produce crude oil from the lease unless the Governor of the Adjacent State agrees to such production.

“(3) ESTIMATES OF BTU CONTENT.—The Secretary shall make estimates of the natural gas Btu content of discovered fields on a natural gas lease only after the completion of at least one exploration well, the data from which has been tied to the results of a three-dimensional seismic survey of the field. The Secretary may not require the lessee to further delineate any discovered field prior to making such estimates.

“(4) DEFINITION OF NATURAL GAS.—For purposes of a natural gas lease, natural gas means natural gas and all substances produced in association with gas, including, but not limited to, hydrocarbon liquids (other than crude oil) that are obtained by the condensation of hydrocarbon vapors and separate out in liquid form from the produced gas stream.

“(r) REMOVAL OF RESTRICTIONS ON JOINT BIDDING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—Restrictions on joint bidders shall no longer apply to tracts located in the Alaska OCS Region. Such restrictions shall not apply to tracts in other OCS regions determined to be ‘frontier tracts’ or otherwise ‘high cost tracts’ under final regulations that shall be published by the Secretary by not later than 365 days after the date of the enactment of the Deep Ocean Energy Resources Act of 2008.

“(s) ROYALTY SUSPENSION PROVISIONS.—After the date of the enactment of the Deep Ocean Energy Resources Act of 2008, price thresholds shall apply to any royalty suspension volumes granted by the Secretary. Unless otherwise set by Secretary by regulation or for a particular lease sale, the price thresholds shall be \$40.50 for oil (January 1, 2006 dollars) and \$6.75 for natural gas (January 1, 2006 dollars).

“(t) CONSERVATION OF RESOURCES FEES.—Not later than one year after the date of the

enactment of the Deep Ocean Energy Resources Act of 2008, the Secretary by regulation shall establish a conservation of resources fee for nonproducing leases that will apply to new and existing leases which shall be set at \$3.75 per acre per year. This fee shall apply from and after October 1, 2008, and shall be treated as offsetting receipts.”;

(5) by striking subsection (a)(3)(A) and redesignating the subsequent subparagraphs as subparagraphs (A) and (B), respectively;

(6) in subsection (a)(3)(A) (as so redesignated) by striking “In the Western” and all that follows through “the Secretary” the first place it appears and inserting “The Secretary”;

(7) effective October 1, 2008, in subsection (g)—

(A) by striking all after “(g)”, except paragraph (3);

(B) by striking the last sentence of paragraph (3); and

(C) by striking “(3)”.

SEC. 110. DISPOSITION OF RECEIPTS.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended—

(1) by designating the existing text as subsection (a);

(2) in subsection (a) (as so designated) by inserting “, if not paid as otherwise provided in this title” after “receipts”; and

(3) by adding the following:

“(b) TREATMENT OF OCS RECEIPTS FROM TRACTS COMPLETELY WITHIN 100 MILES OF THE COASTLINE.—

“(1) DEPOSIT.—The Secretary shall deposit into a separate account in the Treasury the portion of OCS Receipts for each fiscal year that will be shared under paragraphs (2), (3), and (4).

“(2) PHASED-IN RECEIPTS SHARING.—

“(A) Beginning October 1, 2008, the Secretary shall share OCS Receipts derived from the following areas:

“(i) Lease tracts located on portions of the Gulf of Mexico OCS Region completely beyond 4 marine leagues from any coastline and completely within 100 miles of any coastline that were available for leasing under the 2002–2007 5-Year OCS Oil and Gas Leasing Program.

“(ii) Lease tracts in production prior to October 1, 2008, completely beyond 4 marine leagues from any coastline and completely within 100 miles of any coastline located on portions of the OCS that were not available for leasing under the 2002–2007 5-Year OCS Oil and Gas Leasing Program.

“(iii) Lease tracts for which leases are issued prior to October 1, 2008, located in the Alaska OCS Region completely beyond 4 marine leagues from any coastline and completely within 100 miles of the coastline.

“(B) The Secretary shall share the following percentages of OCS Receipts from the leases described in subparagraph (A) derived during the fiscal year indicated:

“(i) For fiscal year 2009, 5 percent.

“(ii) For fiscal year 2010, 8 percent.

“(iii) For fiscal year 2011, 11 percent.

“(iv) For fiscal year 2012, 14 percent.

“(v) For fiscal year 2013, 17 percent.

“(vi) For fiscal year 2014, 20 percent.

“(vii) For fiscal year 2015, 23 percent.

“(viii) For fiscal year 2016, 26 percent.

“(ix) For fiscal year 2017, 29 percent.

“(x) For fiscal year 2018, 32 percent.

“(xi) For fiscal year 2019, 35 percent.

“(xii) For fiscal year 2020 and each subsequent fiscal year, 37.5 percent.

“(C) The provisions of this paragraph shall not apply to leases that could not have been issued but for section 5(k) of this Act or section 6(2) of the Deep Ocean Energy Resources Act of 2008.

“(3) IMMEDIATE RECEIPTS SHARING.—Beginning October 1, 2008, the Secretary shall

share 37.50 percent of OCS Receipts derived from all leases located completely beyond 4 marine leagues from any coastline and completely within 100 miles of any coastline not included within the provisions of paragraph (2), and 90 percent of the balance of such OCS Receipts shall be deposited into the American Renewable and Alternative Energy Trust Fund established by section 331 of the American Energy Act.

“(4) RECEIPTS SHARING FROM TRACTS WITHIN 4 MARINE LEAGUES OF ANY COASTLINE.—

“(A) AREAS DESCRIBED IN PARAGRAPH (2).—Beginning October 1, 2008, and continuing through September 30, 2010, the Secretary shall share 25 percent of OCS Receipts derived from all leases located within 4 marine leagues from any coastline within areas described in paragraph (2). For each fiscal year after September 30, 2010, the Secretary shall increase the percent shared in 5 percent increments each fiscal year until the sharing rate for all leases located within 4 marine leagues from any coastline within areas described in paragraph (2) becomes 75 percent.

“(B) AREAS NOT DESCRIBED IN PARAGRAPH (2).—Beginning October 1, 2008, the Secretary shall share 75 percent of OCS receipts derived from all leases located completely or partially within 4 marine leagues from any coastline within areas not described paragraph (2).

“(5) ALLOCATIONS.—The Secretary shall allocate the OCS Receipts deposited into the separate account established by paragraph (1) that are shared under paragraphs (2), (3), and (4) as follows:

“(A) BONUS BIDS.—Deposits derived from bonus bids from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year to the Adjacent State.

“(B) ROYALTIES.—Deposits derived from royalties from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year to the Adjacent State and any other producing State or States with a leased tract within its Adjacent Zone within 100 miles of its coastline that generated royalties during the fiscal year, if the other producing or States have a coastline point within 300 miles of any portion of the leased tract, in which case the amount allocated for the leased tract shall be—

“(i) one-third to the Adjacent State; and

“(ii) two-thirds to each producing State, including the Adjacent State, inversely proportional to the distance between the nearest point on the coastline of the producing State and the geographic center of the leased tract.

“(C) TREATMENT OF OCS RECEIPTS FROM TRACTS PARTIALLY OR COMPLETELY BEYOND 100 MILES OF THE COASTLINE.—

“(1) DEPOSIT.—The Secretary shall deposit into a separate account in the Treasury the portion of OCS Receipts for each fiscal year that will be shared under paragraphs (2) and (3).

“(2) PHASED-IN RECEIPTS SHARING.—

“(A) Beginning October 1, 2008, the Secretary shall share OCS Receipts derived from the following areas:

“(i) Lease tracts located on portions of the Gulf of Mexico OCS Region partially or completely beyond 100 miles of any coastline that were available for leasing under the 2002–2007 5-Year OCS Oil and Gas Leasing Program.

“(ii) Lease tracts in production prior to October 1, 2008, partially or completely beyond 100 miles of any coastline located on portions of the OCS that were not available for leasing under the 2002–2007 5-Year OCS Oil and Gas Leasing Program.

“(iii) Lease tracts for which leases are issued prior to October 1, 2008, located in the Alaska OCS Region partially or completely beyond 100 miles of the coastline.

“(B) The Secretary shall share the following percentages of OCS Receipts from the leases described in subparagraph (A) derived during the fiscal year indicated:

“(i) For fiscal year 2009, 5 percent.

“(ii) For fiscal year 2010, 8 percent.

“(iii) For fiscal year 2011, 11 percent.

“(iv) For fiscal year 2012, 14 percent.

“(v) For fiscal year 2013, 17 percent.

“(vi) For fiscal year 2014, 20 percent.

“(vii) For fiscal year 2015, 23 percent.

“(viii) For fiscal year 2016, 26 percent.

“(ix) For fiscal year 2017, 29 percent.

“(x) For fiscal year 2018, 32 percent.

“(xi) For fiscal year 2019, 35 percent.

“(xii) For fiscal year 2020 and each subsequent fiscal year, 37.5 percent.

“(C) The provisions of this paragraph shall not apply to leases that could not have been issued but for section 5(k) of this Act or section 106(2) of the Deep Ocean Energy Resources Act of 2008.

“(3) IMMEDIATE RECEIPTS SHARING.—Beginning October 1, 2008, the Secretary shall share 37.5 percent of OCS Receipts derived on and after October 1, 2008, from all leases located partially or completely beyond 100 miles of any coastline not included within the provisions of paragraph (2), except that the Secretary shall only share 25 percent of such OCS Receipts derived from all such leases within a State’s Adjacent Zone if no leasing is allowed within any portion of that State’s Adjacent Zone located completely within 100 miles of any coastline.

“(4) ALLOCATIONS.—The Secretary shall allocate the OCS Receipts deposited into the separate account established by paragraph (1) that are shared under paragraphs (2) and (3) as follows:

“(A) BONUS BIDS.—Deposits derived from bonus bids from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year to the Adjacent State.

“(B) ROYALTIES.—Deposits derived from royalties from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year to the Adjacent State and any other producing State or States with a leased tract within its Adjacent Zone partially or completely beyond 100 miles of its coastline that generated royalties during the fiscal year, if the other producing State or States have a coastline point within 300 miles of any portion of the leased tract, in which case the amount allocated for the leased tract shall be—

“(i) one-third to the Adjacent State; and

“(ii) two-thirds to each producing State, including the Adjacent State, inversely proportional to the distance between the nearest point on the coastline of the producing State and the geographic center of the leased tract.

“(d) TRANSMISSION OF ALLOCATIONS.—

“(1) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Secretary shall transmit—

“(A) to each State 60 percent of such State’s allocations under subsections (b)(5)(A), (b)(5)(B), (c)(4)(A), and (c)(4)(B) for the immediate prior fiscal year;

“(B) to each coastal county-equivalent and municipal political subdivisions of such State a total of 40 percent of such State’s allocations under subsections (b)(5)(A), (b)(5)(B), (c)(4)(A), and (c)(4)(B), together with all accrued interest thereon; and

“(C) the remaining allocations under subsections (b)(5) and (c)(4), together with all accrued interest thereon.

“(2) ALLOCATIONS TO COASTAL COUNTY-EQUIVALENT POLITICAL SUBDIVISIONS.—The Secretary shall make an initial allocation of the OCS Receipts to be shared under paragraph (1)(B) as follows:

“(A) 25 percent shall be allocated to coastal county-equivalent political subdivisions that are completely more than 25 miles landward of the coastline and at least a part of which lies not more than 75 miles landward from the coastline, with the allocation among such coastal county-equivalent political subdivisions based on population.

“(B) 75 percent shall be allocated to coastal county-equivalent political subdivisions that are completely or partially less than 25 miles landward of the coastline, with the allocation among such coastal county-equivalent political subdivisions to be further allocated as follows:

“(i) 25 percent shall be allocated based on the ratio of such coastal county-equivalent political subdivision’s population to the coastal population of all coastal county-equivalent political subdivisions in the State.

“(ii) 25 percent shall be allocated based on the ratio of such coastal county-equivalent political subdivision’s coastline miles to the coastline miles of all coastal county-equivalent political subdivisions in the State as calculated by the Secretary. In such calculations, coastal county-equivalent political subdivisions without a coastline shall be considered to have 50 percent of the average coastline miles of the coastal county-equivalent political subdivisions that do have coastlines.

“(iii) 25 percent shall be allocated to all coastal county-equivalent political subdivisions having a coastline point within 300 miles of the leased tract for which OCS Receipts are being shared based on a formula that allocates the funds based on such coastal county-equivalent political subdivision’s relative distance from the leased tract.

“(iv) 25 percent shall be allocated to all coastal county-equivalent political subdivisions having a coastline point within 300 miles of the leased tract for which OCS Receipts are being shared based on the relative level of outer Continental Shelf oil and gas activities in a coastal political subdivision compared to the level of outer Continental Shelf activities in all coastal political subdivisions in the State. The Secretary shall define the term ‘outer Continental Shelf oil and gas activities’ for purposes of this subparagraph to include, but not be limited to, construction of vessels, drillships, and platforms involved in exploration, production, and development on the outer Continental Shelf; support and supply bases, ports, and related activities; offices of geologists, geophysicists, engineers, and other professionals involved in support of exploration, production, and development of oil and gas on the outer Continental Shelf; pipelines and other means of transporting oil and gas production from the outer Continental Shelf; and processing and refining of oil and gas production from the outer Continental Shelf. For purposes of this subparagraph, if a coastal county-equivalent political subdivision does not have a coastline, its coastal point shall be the point on the coastline closest to it.

“(3) ALLOCATIONS TO COASTAL MUNICIPAL POLITICAL SUBDIVISIONS.—The initial allocation to each coastal county-equivalent political subdivision under paragraph (2) shall be further allocated to the coastal county-equivalent political subdivision and any coastal municipal political subdivisions located partially or wholly within the boundaries of the coastal county-equivalent political subdivision as follows:

“(A) One-third shall be allocated to the coastal county-equivalent political subdivision.

“(B) Two-thirds shall be allocated on a per capita basis to the municipal political subdivisions and the county-equivalent political subdivision, with the allocation to the latter

based upon its population not included within the boundaries of a municipal political subdivision.

“(e) INVESTMENT OF DEPOSITS.—Amounts deposited under this section shall be invested by the Secretary of the Treasury in securities backed by the full faith and credit of the United States having maturities suitable to the needs of the account in which they are deposited and yielding the highest reasonably available interest rates as determined by the Secretary of the Treasury.

“(f) USE OF FUNDS.—A recipient of funds under this section may use the funds for one or more of the following:

“(1) To reduce in-State college tuition at public institutions of higher learning and otherwise support public education, including career technical education.

“(2) To make transportation infrastructure improvements.

“(3) To reduce taxes.

“(4) To promote, fund, and provide for—

“(A) coastal or environmental restoration;

“(B) fish, wildlife, and marine life habitat enhancement;

“(C) waterways construction and maintenance;

“(D) levee construction and maintenance and shore protection; and

“(E) marine and oceanographic education and research.

“(5) To promote, fund, and provide for—

“(A) infrastructure associated with energy production activities conducted on the outer Continental Shelf;

“(B) energy demonstration projects;

“(C) supporting infrastructure for shore-based energy projects;

“(D) State geologic programs, including geologic mapping and data storage programs, and State geophysical data acquisition;

“(E) State seismic monitoring programs, including operation of monitoring stations;

“(F) development of oil and gas resources through enhanced recovery techniques;

“(G) alternative energy development, including bio fuels, coal-to-liquids, oil shale, tar sands, geothermal, geopressure, wind, waves, currents, hydro, and other renewable energy;

“(H) energy efficiency and conservation programs; and

“(I) front-end engineering and design for facilities that produce liquid fuels from hydrocarbons and other biological matter.

“(6) To promote, fund, and provide for—

“(A) historic preservation programs and projects;

“(B) natural disaster planning and response; and

“(C) hurricane and natural disaster insurance programs.

“(7) For any other purpose as determined by State law.

“(g) NO ACCOUNTING REQUIRED.—No recipient of funds under this section shall be required to account to the Federal Government for the expenditure of such funds, except as otherwise may be required by law. However, States may enact legislation providing for accounting for and auditing of such expenditures. Further, funds allocated under this section to States and political subdivisions may be used as matching funds for other Federal programs.

“(h) EFFECT OF FUTURE LAWS.—Enactment of any future Federal statute that has the effect, as determined by the Secretary, of restricting any Federal agency from spending appropriated funds, or otherwise preventing it from fulfilling its pre-existing responsibilities as of the date of enactment of the statute, unless such responsibilities have been reassigned to another Federal agency by the statute with no prevention of performance, to issue any permit or other approval impacting on the OCS oil and gas leasing pro-

gram, or any lease issued thereunder, or to implement any provision of this Act shall automatically prohibit any sharing of OCS Receipts under this section directly with the States, and their coastal political subdivisions, for the duration of the restriction. The Secretary shall make the determination of the existence of such restricting effects within 30 days of a petition by any outer Continental Shelf lessee or producing State.

“(i) DEFINITIONS.—In this section:

“(1) COASTAL COUNTY-EQUIVALENT POLITICAL SUBDIVISION.—The term ‘coastal county-equivalent political subdivision’ means a political jurisdiction immediately below the level of State government, including a county, parish, borough in Alaska, independent municipality not part of a county, parish, or borough in Alaska, or other equivalent subdivision of a coastal State, that lies within the coastal zone.

“(2) COASTAL MUNICIPAL POLITICAL SUBDIVISION.—The term ‘coastal municipal political subdivision’ means a municipality located within and part of a county, parish, borough in Alaska, or other equivalent subdivision of a State, all or part of which coastal municipal political subdivision lies within the coastal zone.

“(3) COASTAL POPULATION.—The term ‘coastal population’ means the population of all coastal county-equivalent political subdivisions, as determined by the most recent official data of the Census Bureau.

“(4) COASTAL ZONE.—The term ‘coastal zone’ means that portion of a coastal State, including the entire territory of any coastal county-equivalent political subdivision at least a part of which lies, within 75 miles landward from the coastline, or a greater distance as determined by State law enacted to implement this section.

“(5) BONUS BIDS.—The term ‘bonus bids’ means all funds received by the Secretary to issue an outer Continental Shelf minerals lease.

“(6) ROYALTIES.—The term ‘royalties’ means all funds received by the Secretary from production of oil or natural gas, or the sale of production taken in-kind, from an outer Continental Shelf minerals lease.

“(7) PRODUCING STATE.—The term ‘producing State’ means an Adjacent State having an Adjacent Zone containing leased tracts from which OCS Receipts were derived.

“(8) OCS RECEIPTS.—The term ‘OCS Receipts’ means bonus bids, royalties, and conservation of resources fees.”

SEC. 111. RESERVATION OF LANDS AND RIGHTS.

Section 12 of the Outer Continental Shelf Lands Act (43 U.S.C. 1341) is amended—

(1) in subsection (a) by adding at the end the following: “The President may partially or completely revise or revoke any prior withdrawal made by the President under the authority of this section. The President may not revise or revoke a withdrawal that is extended by a State under subsection (h), nor may the President withdraw from leasing any area for which a State failed to prohibit, or petition to prohibit, leasing under subsection (g). Further, in the area of the outer Continental Shelf more than 100 miles from any coastline, not more than 25 percent of the acreage of any OCS Planning Area may be withdrawn from leasing under this section at any point in time. A withdrawal by the President may be for a term not to exceed 10 years. When considering potential uses of the outer Continental Shelf, to the maximum extent possible, the President shall accommodate competing interests and potential uses.”;

(2) by adding at the end the following:

“(g) AVAILABILITY FOR LEASING WITHIN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—

“(1) PROHIBITION AGAINST LEASING.—

“(A) UNAVAILABLE FOR LEASING WITHOUT STATE REQUEST.—Except as otherwise provided in this subsection, from and after enactment of the Deep Ocean Energy Resources Act of 2008, the Secretary shall not offer for leasing for oil and gas, or natural gas, any area within 50 miles of the coastline that was withdrawn from disposition by leasing in the Atlantic OCS Region or the Pacific OCS Region, or the Gulf of Mexico OCS Region Eastern Planning Area, as depicted on the maps referred to in this subparagraph, under the ‘Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition’, 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998, or any area within 50 miles of the coastline not withdrawn under that Memorandum that is included within the Gulf of Mexico OCS Region Eastern Planning Area as indicated on the map entitled ‘Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas’ or the Florida Straits Planning Area as indicated on the map entitled ‘Atlantic OCS Region State Adjacent Zones and OCS Planning Areas’, both of which are dated September 2005 and on file in the Office of the Director, Minerals Management Service.

“(B) AREAS BETWEEN 50 AND 100 MILES FROM THE COASTLINE.—Unless an Adjacent State petitions under subsection (h) within one year after the date of the enactment of the Deep Ocean Energy Resources Act of 2008 for natural gas leasing or by June 30, 2010, for oil and gas leasing, the Secretary shall offer for leasing any area more than 50 miles but less than 100 miles from the coastline that was withdrawn from disposition by leasing in the Atlantic OCS Region, the Pacific OCS Region, or the Gulf of Mexico OCS Region Eastern Planning Area, as depicted on the maps referred to in this subparagraph, under the ‘Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition’, 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998, or any area more than 50 miles but less than 100 miles of the coastline not withdrawn under that Memorandum that is included within the Gulf of Mexico OCS Region Eastern Planning Area as indicated on the map entitled ‘Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas’ or within the Florida Straits Planning Area as indicated on the map entitled ‘Atlantic OCS Region State Adjacent Zones and OCS Planning Areas’, both of which are dated September 2005 and on file in the Office of the Director, Minerals Management Service.

“(2) PETITION FOR LEASING.—

“(A) IN GENERAL.—The Governor of the State, upon concurrence of its legislature, may submit to the Secretary a petition requesting that the Secretary make available any area that is within the State’s Adjacent Zone, included within the provisions of paragraph (1), and that (i) is greater than 25 miles from any point on the coastline of a Neighboring State for the conduct of offshore leasing, pre-leasing, and related activities with respect to natural gas leasing; or (ii) is greater than 50 miles from any point on the coastline of a Neighboring State for the conduct of offshore leasing, pre-leasing, and related activities with respect to oil and gas leasing. The Adjacent State may also petition for leasing any other area within its Adjacent Zone if leasing is allowed in the similar area of the Adjacent Zone of the applicable Neighboring State, or if not allowed, if the Neighboring State, acting through its Governor, expresses its concurrence with the

petition. The Secretary shall only consider such a petition upon making a finding that leasing is allowed in the similar area of the Adjacent Zone of the applicable Neighboring State or upon receipt of the concurrence of the Neighboring State. The date of receipt by the Secretary of such concurrence by the Neighboring State shall constitute the date of receipt of the petition for that area for which the concurrence applies.

“(B) LIMITATIONS ON LEASING.—In its petition, a State with an Adjacent Zone that contains leased tracts may condition new leasing for oil and gas, or natural gas for tracts within 25 miles of the coastline by—

“(i) requiring a net reduction in the number of production platforms;

“(ii) requiring a net increase in the average distance of production platforms from the coastline;

“(iii) limiting permanent surface occupancy on new leases to areas that are more than 10 miles from the coastline;

“(iv) limiting some tracts to being produced from shore or from platforms located on other tracts; or

“(v) other conditions that the Adjacent State may deem appropriate as long as the Secretary does not determine that production is made economically or technically impracticable or otherwise impossible.

“(C) ACTION BY SECRETARY.—Not later than 90 days after receipt of a petition under subparagraph (A), the Secretary shall approve the petition, unless the Secretary determines that leasing the area would probably cause serious harm or damage to the marine resources of the State’s Adjacent Zone. Prior to approving the petition, the Secretary shall complete an environmental assessment that documents the anticipated environmental effects of leasing in the area included within the scope of the petition.

“(D) FAILURE TO ACT.—If the Secretary fails to approve or deny a petition in accordance with subparagraph (C) the petition shall be considered to be approved 90 days after receipt of the petition.

“(E) AMENDMENT OF THE 5-YEAR LEASING PROGRAM.—Notwithstanding section 18, within 180 days of the approval of a petition under subparagraph (C) or (D), after the expiration of the time limits in paragraph (1)(B), the Secretary shall amend the current 5-Year Outer Continental Shelf Oil and Gas Leasing Program to include a lease sale or sales for at least 75 percent of the associated areas, unless there are, from the date of approval, expiration of such time limits, as applicable, fewer than 12 months remaining in the current 5-Year Leasing Program in which case the Secretary shall include the associated areas within lease sales under the next 5-Year Leasing Program. For purposes of amending the 5-Year Program in accordance with this section, further consultations with States shall not be required. For purposes of this section, an environmental assessment performed under the provisions of the National Environmental Policy Act of 1969 to assess the effects of approving the petition shall be sufficient to amend the 5-Year Leasing Program.

“(h) OPTION TO EXTEND WITHDRAWAL FROM LEASING WITHIN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—A State, through its Governor and upon the concurrence of its legislature, may extend for a period of time of up to 5 years for each extension the withdrawal from leasing for all or part of any area within the State’s Adjacent Zone located more than 50 miles, but less than 100 miles, from the coastline that is subject to subsection (g)(1)(B). A State may extend multiple times for any particular area but not more than once per calendar year for any particular area. A State must prepare separate extensions, with separate

votes by its legislature, for oil and gas leasing and for natural gas leasing. An extension by a State may affect some areas to be withdrawn from all leasing and some areas to be withdrawn only from one type of leasing.

“(i) EFFECT OF OTHER LAWS.—Adoption by any Adjacent State of any constitutional provision, or enactment of any State statute, that has the effect, as determined by the Secretary, of restricting either the Governor or the Legislature, or both, from exercising full discretion related to subsection (g) or (h), or both, shall automatically (1) prohibit any sharing of OCS Receipts under this Act with the Adjacent State, and its coastal political subdivisions, and (2) prohibit the Adjacent State from exercising any authority under subsection (h), for the duration of the restriction. The Secretary shall make the determination of the existence of such restricting constitutional provision or State statute within 30 days of a petition by any outer Continental Shelf lessee or coastal State.

“(j) PROHIBITION ON LEASING EAST OF THE MILITARY MISSION LINE.—

“(1) Notwithstanding any other provision of law, from and after the enactment of the Deep Ocean Energy Resources Act of 2008, prior to January 1, 2022, no area of the outer Continental Shelf located in the Gulf of Mexico east of the military mission line may be offered for leasing for oil and gas or natural gas unless a waiver is issued by the Secretary of Defense. If such a waiver is granted, 62.5 percent of the OCS Receipts from a lease within such area issued because of such waiver shall be paid annually to the National Guards of all States having a point within 1000 miles of such a lease, allocated among the States on a per capita basis using the entire population of such States.

“(2) In this subsection, the term ‘military mission line’ means a line located at 86 degrees, 41 minutes West Longitude, and extending south from the coast of Florida to the outer boundary of United States territorial waters in the Gulf of Mexico.”.

SEC. 112. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a), by adding at the end of paragraph (3) the following: “The Secretary shall, in each 5-Year Program, include lease sales that when viewed as a whole propose to offer for oil and gas or natural gas leasing at least 75 percent of the available unleased acreage within each OCS Planning Area. Available unleased acreage is that portion of the outer Continental Shelf that is not under lease at the time of the proposed lease sale, and has not otherwise been made unavailable for leasing by law.”;

(2) in subsection (c), by striking so much as precedes paragraph (3) and inserting the following:

“(c)(1) During the preparation of any proposed leasing program under this section, the Secretary shall consider and analyze leasing throughout the entire outer Continental Shelf without regard to any other law affecting such leasing. During this preparation the Secretary shall invite and consider suggestions from any interested Federal agency, including the Attorney General, in consultation with the Federal Trade Commission, and from the Governor of any coastal State. The Secretary may also invite or consider any suggestions from the executive of any local government in a coastal State that have been previously submitted to the Governor of such State, and from any other person. Further, the Secretary shall consult with the Secretary of Defense regarding military operational needs in the outer Continental Shelf. The Secretary shall work with the Secretary of Defense to resolve any conflicts that might arise regarding offering

any area of the outer Continental Shelf for oil and gas or natural gas leasing. If the Secretaries are not able to resolve all such conflicts, any unresolved issues shall be elevated to the President for resolution.

“(2) After the consideration and analysis required by paragraph (1), including the consideration of the suggestions received from any interested Federal agency, the Federal Trade Commission, the Governor of any coastal State, any local government of a coastal State, and any other person, the Secretary shall publish in the Federal Register a proposed leasing program accompanied by a draft environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. After the publishing of the proposed leasing program and during the comment period provided for on the draft environmental impact statement, the Secretary shall submit a copy of the proposed program to the Governor of each affected State for review and comment. The Governor may solicit comments from those executives of local governments in the Governor’s State that the Governor, in the discretion of the Governor, determines will be affected by the proposed program. If any comment by such Governor is received by the Secretary at least 15 days prior to submission to the Congress pursuant to paragraph (3) and includes a request for any modification of such proposed program, the Secretary shall reply in writing, granting or denying such request in whole or in part, or granting such request in such modified form as the Secretary considers appropriate, and stating the Secretary’s reasons therefor. All such correspondence between the Secretary and the Governor of any affected State, together with any additional information and data relating thereto, shall accompany such proposed program when it is submitted to the Congress.”; and

(3) by adding at the end the following:

“(1) **PROJECTION OF STATE ADJACENT ZONE RESOURCES AND STATE AND LOCAL GOVERNMENT SHARES OF OCS RECEIPTS.**—Concurrent with the publication of the scoping notice at the beginning of the development of each 5-Year Outer Continental Shelf Oil and Gas Leasing Program, or as soon thereafter as possible, the Secretary shall—

“(1) provide to each Adjacent State a current estimate of proven and potential oil and gas resources located within the State’s Adjacent Zone; and

“(2) provide to each Adjacent State, and coastal political subdivisions thereof, a best-efforts projection of the OCS Receipts that the Secretary expects will be shared with each Adjacent State, and its coastal political subdivisions, using the assumption that the unleased tracts within the State’s Adjacent Zone are fully made available for leasing, including long-term projected OCS Receipts. In addition, the Secretary shall include a macroeconomic estimate of the impact of such leasing on the national economy and each State’s economy, including investment, jobs, revenues, personal income, and other categories.”.

SEC. 113. COORDINATION WITH ADJACENT STATES.

Section 19 of the Outer Continental Shelf Lands Act (43 U.S.C. 1345) is amended—

(1) in subsection (a) in the first sentence by inserting “, for any tract located within the Adjacent State’s Adjacent Zone,” after “government”;

(2) by adding the following:

“(f)(1) No Federal agency may permit or otherwise approve, without the concurrence of the Adjacent State, the construction of a crude oil or petroleum products (or both) pipeline within the part of the Adjacent State’s Adjacent Zone that is withdrawn from oil and gas or natural gas leasing, ex-

cept that such a pipeline may be approved, without such Adjacent State’s concurrence, to pass through such Adjacent Zone if at least 50 percent of the production projected to be carried by the pipeline within its first 10 years of operation is from areas of the Adjacent State’s Adjacent Zone.

“(2) No State may prohibit the construction within its Adjacent Zone or its State waters of a natural gas pipeline that will transport natural gas produced from the outer Continental Shelf. However, an Adjacent State may prevent a proposed natural gas pipeline landing location if it proposes two alternate landing locations in the Adjacent State, acceptable to the Adjacent State, located within 50 miles on either side of the proposed landing location.”.

SEC. 114. ENVIRONMENTAL STUDIES.

Section 20(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended—

(1) by inserting “(1)” after “(d)”;

(2) by adding at the end the following:

“(2) For all programs, lease sales, leases, and actions under this Act, the following shall apply regarding the application of the National Environmental Policy Act of 1969:

“(A) Granting or directing lease suspensions and the conduct of all preliminary activities on outer Continental Shelf tracts, including seismic activities, are categorically excluded from the need to prepare either an environmental assessment or an environmental impact statement, and the Secretary shall not be required to analyze whether any exceptions to a categorical exclusion apply for activities conducted under the authority of this Act.

“(B) The environmental impact statement developed in support of each 5-Year Oil and Gas Leasing Program provides the environmental analysis for all lease sales to be conducted under the program and such sales shall not be subject to further environmental analysis.

“(C) Exploration plans shall not be subject to any requirement to prepare an environmental impact statement, and the Secretary may find that exploration plans are eligible for categorical exclusion due to the impacts already being considered within an environmental impact statement or due to mitigation measures included within the plan.

“(D) Within each OCS Planning Area, after the preparation of the first development and production plan environmental impact statement for a leased tract within the Area, future development and production plans for leased tracts within the Area shall only require the preparation of an environmental assessment unless the most recent development and production plan environmental impact statement within the Area was finalized more than 10 years prior to the date of the approval of the plan, in which case an environmental impact statement shall be required.”.

SEC. 115. TERMINATION OF EFFECT OF LAWS PROHIBITING THE SPENDING OF APPROPRIATED FUNDS FOR CERTAIN PURPOSES.

All provisions of existing Federal law prohibiting the spending of appropriated funds to conduct oil and natural gas leasing and preleasing activities, or to issue a lease to any person, for any area of the outer Continental Shelf shall have no force or effect.

SEC. 116. OUTER CONTINENTAL SHELF INCOMPATIBLE USE.

(a) **IN GENERAL.**—No Federal agency may permit construction or operation (or both) of any facility, or designate or maintain a restricted transportation corridor or operating area on the Federal outer Continental Shelf or in State waters, that will be incompatible with, as determined by the Secretary of the Interior, oil and gas or natural gas leasing

and substantially full exploration and production of tracts that are geologically prospective for oil or natural gas (or both).

(b) **EXCEPTIONS.**—Subsection (a) shall not apply to any facility, transportation corridor, or operating area the construction, operation, designation, or maintenance of which is or will be—

(1) located in an area of the outer Continental Shelf that is unavailable for oil and gas or natural gas leasing by operation of law;

(2) used for a military readiness activity (as defined in section 315(f) of Public Law 107-314; 16 U.S.C. 703 note); or

(3) required in the national interest, as determined by the President.

SEC. 117. REPURCHASE OF CERTAIN LEASES.

(a) **AUTHORITY TO REPURCHASE AND CANCEL CERTAIN LEASES.**—The Secretary of the Interior shall repurchase and cancel any Federal oil and gas, geothermal, coal, oil shale, tar sands, or other mineral lease, whether onshore or offshore, but not including any outer Continental Shelf oil and gas leases that were subject to litigation in the Court of Federal Claims on January 1, 2006, if the Secretary finds that such lease qualifies for repurchase and cancellation under the regulations authorized by this section.

(b) **REGULATIONS.**—Not later than 365 days after the date of the enactment of this Act, the Secretary shall publish a final regulation stating the conditions under which a lease referred to in subsection (a) would qualify for repurchase and cancellation, and the process to be followed regarding repurchase and cancellation. Such regulation shall include, but not be limited to, the following:

(1) The Secretary shall repurchase and cancel a lease after written request by the lessee upon a finding by the Secretary that—

(A) a request by the lessee for a required permit or other approval complied with applicable law, except the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), and terms of the lease and such permit or other approval was denied;

(B) a Federal agency failed to act on a request by the lessee for a required permit, other approval, or administrative appeal within a regulatory or statutory time-frame associated with the requested action, whether advisory or mandatory, or if none, within 180 days; or

(C) a Federal agency attached a condition of approval, without agreement by the lessee, to a required permit or other approval if such condition of approval was not mandated by Federal statute or regulation in effect on the date of lease issuance, or was not specifically allowed under the terms of the lease.

(2) A lessee shall not be required to exhaust administrative remedies regarding a permit request, administrative appeal, or other required request for approval for the purposes of this section.

(3) The Secretary shall make a final agency decision on a request by a lessee under this section within 180 days of request.

(4) Compensation to a lessee to repurchase and cancel a lease under this section shall be the amount that a lessee would receive in a restitution case for a material breach of contract.

(5) Compensation shall be in the form of a check or electronic transfer from the Department of the Treasury from funds deposited into miscellaneous receipts under the authority of the same Act that authorized the issuance of the lease being repurchased.

(6) Failure of the Secretary to make a final agency decision on a request by a lessee under this section within 180 days of request shall result in a 10 percent increase in the compensation due to the lessee if the lease is ultimately repurchased.

(c) NO PREJUDICE.—This section shall not be interpreted to prejudice any other rights that the lessee would have in the absence of this section.

SEC. 118. OFFSITE ENVIRONMENTAL MITIGATION.

Notwithstanding any other provision of law, any person conducting activities under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Geothermal Steam Act (30 U.S.C. 1001 et seq.), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), the Weeks Act (16 U.S.C. 552 et seq.), the General Mining Act of 1872 (30 U.S.C. 22 et seq.), the Materials Act of 1947 (30 U.S.C. 601 et seq.), or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), may in satisfying any mitigation requirements associated with such activities propose mitigation measures on a site away from the area impacted and the Secretary of the Interior shall accept these proposed measures if the Secretary finds that they generally achieve the purposes for which mitigation measures are required.

SEC. 119. OCS REGIONAL HEADQUARTERS.

Not later than July 1, 2010, the Secretary of the Interior shall establish the headquarters for the Atlantic OCS Region, the headquarters for the Gulf of Mexico OCS Region, and the headquarters for the Pacific OCS Region within a State bordering the Atlantic OCS Region, a State bordering the Gulf of Mexico OCS Region, and a State bordering the Pacific OCS Region, respectively, from among the States bordering those Regions, that petitions by no later than January 1, 2010, for leasing, for oil and gas or natural gas, covering at least 40 percent of the area of its Adjacent Zone within 100 miles of the coastline. Such Atlantic and Pacific OCS Regions headquarters shall be located within 25 miles of the coastline and each MMS OCS regional headquarters shall be the permanent duty station for all Minerals Management Service personnel that on a daily basis spend on average 60 percent or more of their time in performance of duties in support of the activities of the respective Region, except that the Minerals Management Service may house regional inspection staff in other locations. Each OCS Region shall each be led by a Regional Director who shall be an employee within the Senior Executive Service.

SEC. 120. LEASES FOR AREAS LOCATED WITHIN 100 MILES OF CALIFORNIA OR FLORIDA.

(a) AUTHORIZATION TO CANCEL AND EXCHANGE CERTAIN EXISTING OIL AND GAS LEASES; PROHIBITION ON SUBMITTAL OF EXPLORATION PLANS FOR CERTAIN LEASES PRIOR TO JUNE 30, 2012.—

(1) AUTHORITY.—Within 2 years after the date of enactment of this Act, the lessee of an existing oil and gas lease for an area located completely within 100 miles of the coastline within the California or Florida Adjacent Zones shall have the option, without compensation, of exchanging such lease for a new oil and gas lease having a primary term of 5 years. For the area subject to the new lease, the lessee may select any unleased tract on the outer Continental Shelf that is in an area available for leasing. Further, with the permission of the relevant Governor, such a lessee may convert its existing oil and gas lease into a natural gas lease having a primary term of 5 years and covering the same area as the existing lease or another area within the same State's Adjacent Zone within 100 miles of the coastline.

(2) ADMINISTRATIVE PROCESS.—The Secretary of the Interior shall establish a reasonable administrative process to implement paragraph (1). Exchanges and conversions under subsection (a), including the issuance of new leases, shall not be considered to be

major Federal actions for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Further, such actions conducted in accordance with this section are deemed to be in compliance all provisions of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) OPERATING RESTRICTIONS.—A new lease issued in exchange for an existing lease under this section shall be subject to such national defense operating stipulations on the OCS tract covered by the new lease as may be applicable upon issuance.

(4) PRIORITY.—The Secretary shall give priority in the lease exchange process based on the amount of the original bonus bid paid for the issuance of each lease to be exchanged. The Secretary shall allow leases covering partial tracts to be exchanged for leases covering full tracts conditioned upon payment of additional bonus bids on a per-acre basis as determined by the average per acre of the original bonus bid per acre for the partial tract being exchanged.

(5) EXPLORATION PLANS.—Any exploration plan submitted to the Secretary of the Interior after the date of the enactment of this Act and before July 1, 2012, for an oil and gas lease for an area wholly within 100 miles of the coastline within the California Adjacent Zone or Florida Adjacent Zone shall not be treated as received by the Secretary until the earlier of July 1, 2012, or the date on which a petition by the Adjacent State for oil and gas leasing covering the area within which is located the area subject to the oil and gas lease was approved.

(b) FURTHER LEASE CANCELLATION AND EXCHANGE PROVISIONS.—

(1) CANCELLATION OF LEASE.—As part of the lease exchange process under this section, the Secretary shall cancel a lease that is exchanged under this section.

(2) CONSENT OF LESSEES.—All lessees holding an interest in a lease must consent to cancellation of their leasehold interests in order for the lease to be cancelled and exchanged under this section.

(3) WAIVER OF RIGHTS.—As a prerequisite to the exchange of a lease under this section, the lessee must waive any rights to bring any litigation against the United States related to the transaction.

(4) PLUGGING AND ABANDONMENT.—The plugging and abandonment requirements for any wells located on any lease to be cancelled and exchanged under this section must be complied with by the lessees prior to the cancellation and exchange.

(c) AREA PARTIALLY WITHIN 100 MILES OF FLORIDA.—An existing oil and gas lease for an area located partially within 100 miles of the coastline within the Florida Adjacent Zone may only be developed and produced using wells drilled from well-head locations at least 100 miles from the coastline to any bottom-hole location on the area of the lease. This subsection shall not apply if Florida has petitioned for leasing closer to the coastline than 100 miles.

(d) EXISTING OIL AND GAS LEASE DEFINED.—In this section the term “existing oil and gas lease” means an oil and gas lease in effect on the date of the enactment of this Act.

SEC. 121. COASTAL IMPACT ASSISTANCE.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is repealed.

SEC. 122. REPEAL OF THE GULF OF MEXICO ENERGY SECURITY ACT OF 2006.

The Gulf of Mexico Energy Security Act of 2006 is repealed effective October 1, 2008.

Subtitle B—ANWR

SEC. 141. SHORT TITLE.

This subtitle may be cited as the “American Energy Independence and Price Reduction Act”.

SEC. 142. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term “Coastal Plain” means that area described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) SECRETARY.—The term “Secretary”, except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 143. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this subtitle and acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The “Final Legislative Environmental Impact Statement” (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this subtitle that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of

action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this subtitle shall be completed within 18 months after the date of enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) **RELATIONSHIP TO STATE AND LOCAL AUTHORITY.**—Nothing in this subtitle shall be considered to expand or limit State and local regulatory authority.

(e) **SPECIAL AREAS.**—

(1) **IN GENERAL.**—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) **MANAGEMENT.**—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) **EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.**—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) **DIRECTIONAL DRILLING.**—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the Special Area.

(f) **LIMITATION ON CLOSED AREAS.**—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this subtitle.

(g) **REGULATIONS.**—

(1) **IN GENERAL.**—The Secretary shall prescribe such regulations as may be necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of enactment of this Act.

(2) **REVISION OF REGULATIONS.**—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

SEC. 144. LEASE SALES.

(a) **IN GENERAL.**—Lands may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) **PROCEDURES.**—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal

Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) **LEASE SALE BIDS.**—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) **ACREAGE MINIMUM IN FIRST SALE.**—In the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) **TIMING OF LEASE SALES.**—The Secretary shall—

(1) conduct the first lease sale under this subtitle within 22 months after the date of the enactment of this Act;

(2) evaluate the bids in such sale and issue leases resulting from such sale, within 90 days after the date of the completion of such sale; and

(3) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 145. GRANT OF LEASES BY THE SECRETARY.

(a) **IN GENERAL.**—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 144 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) **SUBSEQUENT TRANSFERS.**—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 146. LEASE TERMS AND CONDITIONS.

(a) **IN GENERAL.**—An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this subtitle shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, subsistence resources, and the environ-

ment as required pursuant to section 143(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this subtitle and the regulations issued under this subtitle.

(b) **PROJECT LABOR AGREEMENTS.**—The Secretary, as a term and condition of each lease under this subtitle and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 147. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) **NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.**—The Secretary shall, consistent with the requirements of section 143, administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) **SITE-SPECIFIC ASSESSMENT AND MITIGATION.**—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, subsistence resources, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) **REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.**—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the

Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) **COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.**—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require compliance with all applicable provisions of Federal and State environmental law, and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on general public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this subtitle, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or minimization of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with ap-

plicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) **CONSIDERATIONS.**—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC-ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) **FACILITY CONSOLIDATION PLANNING.**—

(1) **IN GENERAL.**—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) **OBJECTIVES.**—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) **ACCESS TO PUBLIC LANDS.**—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

SEC. 148. EXPEDITED JUDICIAL REVIEW.

(a) **FILING OF COMPLAINT.**—

(1) **DEADLINE.**—Subject to paragraph (2), any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) **VENUE.**—Any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle may be filed only in the United States Court of Appeals for the District of Columbia.

(3) **LIMITATION ON SCOPE OF CERTAIN REVIEW.**—Judicial review of a Secretarial decision to conduct a lease sale under this subtitle, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this subtitle and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this subtitle shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) **LIMITATION ON OTHER REVIEW.**—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 149. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this subtitle—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 152(d), 90 percent of the balance shall be deposited into the American Renewable and Alternative Energy Trust Fund established by section 331.

(b) **PAYMENTS TO ALASKA.**—Payments to the State of Alaska under this section shall be made semiannually.

SEC. 150. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) **IN GENERAL.**—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170 and 3171).

(b) **TERMS AND CONDITIONS.**—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) **REGULATIONS.**—The Secretary shall include in regulations under section 143(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 151. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in

paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 152. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this subtitle.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, the City of Kaktovik, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, as determined by the Secretary, shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects;

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including fire-fighting, police, water, waste treatment, medivac, and medical services; and

(4) establishment of a coordination office, by the North Slope Borough, in the City of Kaktovik, which shall—

(A) coordinate with and advise developers on local conditions, impact, and history of the areas utilized for development; and

(B) provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report on the status of coordination between developers and the communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties from Federal leases and lease sales authorized under this subtitle.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed \$11,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund \$5,000,000 for each fiscal year.

Subtitle C—Oil Shale

SEC. 161. REPEAL.

Section 433 of the Consolidated Appropriations Act, 2008 is repealed.

TITLE II—CONSERVATION AND EFFICIENCY

Subtitle A—Tax Incentives for Fuel Efficiency

SEC. 201. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

“(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

“(b) PER VEHICLE DOLLAR LIMITATION.—

“(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

“(2) BASE AMOUNT.—The amount determined under this paragraph is \$3,000.

“(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is \$200, plus \$200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed \$2,000.

“(c) APPLICATION WITH OTHER CREDITS.—

“(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

“(2) PERSONAL CREDIT.—

“(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

“(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

“(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

“(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

“(1) IN GENERAL.—The term ‘new qualified plug-in electric drive motor vehicle’ means a motor vehicle (as defined in section 30(c)(2))—

“(A) the original use of which commences with the taxpayer,

“(B) which is acquired for use or lease by the taxpayer and not for resale,

“(C) which is made by a manufacturer,

“(D) which has a gross vehicle weight rating of less than 14,000 pounds,

“(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

“(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

“(i) has a capacity of not less than 4 kilowatt hours, and

“(ii) is capable of being recharged from an external source of electricity.

“(2) EXCEPTION.—The term ‘new qualified plug-in electric drive motor vehicle’ shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

“(3) OTHER TERMS.—The terms ‘passenger automobile’, ‘light truck’, and ‘manufacturer’ have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(4) BATTERY CAPACITY.—The term ‘capacity’ means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

“(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

“(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

“(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

“(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

“(A) 50 percent for the first 2 calendar quarters of the phaseout period,

“(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

“(C) 0 percent for each calendar quarter thereafter.

“(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

“(f) SPECIAL RULES.—

“(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

“(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

“(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

“(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

“(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.”.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) of such Code is amended by adding at the end the following new subparagraph:

“(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.”.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code is amended—

(1) by striking “and” each place it appears at the end of any paragraph,

(2) by striking “plus” each place it appears at the end of any paragraph,

(3) by striking the period at the end of paragraph (31) and inserting “, plus”, and

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

“(32) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(c)(1) applies.”.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B) of such Code is amended by striking “and 25D” and inserting “25D, and 30D”.

(B) Section 25(e)(1)(C)(ii) of such Code is amended by inserting “30D,” after “25D.”.

(C) Section 25B(g)(2) of such Code is amended by striking “and 25D” and inserting “, 25D, and 30D”.

(D) Section 26(a)(1) of such Code is amended by striking “and 25D” and inserting “25D, and 30D”.

(E) Section 1400C(d)(2) of such Code is amended by striking “and 25D” and inserting “25D, and 30D”.

(2) Section 1016(a) of such Code is amended by striking “and” at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting “, and”, and by adding at the end the following new paragraph:

“(37) to the extent provided in section 30D(f)(1).”.

(3) Section 6501(m) of such Code is amended by inserting “30D(f)(4),” after “30C(e)(5).”.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 30D. New qualified plug-in electric drive motor vehicles.”.

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) of such Code is amended to read as follows:

“(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) of such Code is amended by striking “sections 27, 30, and 30B” and inserting “sections 27 and 30”.

(B) Paragraph (3) of section 55(c) of such Code is amended by striking “30B(g)(2).”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 202. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLES.

Paragraph (4) of section 30B(j) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2010” and inserting “December 31, 2014”.

SEC. 203. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

Paragraph (1) of section 30C(g) of the Internal Revenue Code of 1986 is amended by striking “hydrogen,” inserting “hydrogen or alternative fuels (as defined in section 30B(e)(4)(B)).”.

Subtitle B—Tapping America’s Ingenuity and Creativity

SEC. 211. DEFINITIONS.

In this subtitle:

(1) ADMINISTERING ENTITY.—The term “administering entity” means the entity with which the Secretary enters into an agreement under section 214(c).

(2) DEPARTMENT.—The term “Department” means the Department of Energy.

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

SEC. 212. STATEMENT OF POLICY.

It is the policy of the United States to provide incentives to encourage the development and implementation of innovative energy technologies and new energy sources that will reduce our reliance on foreign energy.

SEC. 213. PRIZE AUTHORITY.

(a) IN GENERAL.—The Secretary shall carry out a program to competitively award cash prizes in conformity with this subtitle to advance the research, development, demonstration, and commercial application of innovative energy technologies and new energy sources.

(b) ADVERTISING AND SOLICITATION OF COMPETITORS.—

(1) ADVERTISING.—The Secretary shall widely advertise prize competitions to encourage broad participation in the program carried out under subsection (a), including individuals, universities, communities, and large and small businesses.

(2) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Secretary shall announce each prize competition by publishing a notice in the Federal Register. This notice shall include essential elements of the competition such as the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants

to register for the competition, the amount of the prize, and the criteria for awarding the prize.

(c) ADMINISTERING THE COMPETITION.—The Secretary may enter into an agreement with a private, nonprofit entity to administer the prize competitions, subject to the provisions of this subtitle. The administering entity shall perform the following functions:

(1) Advertise the competition and its results.

(2) Raise funds from private entities and individuals to pay for administrative costs and cash prizes.

(3) Develop, in consultation with and subject to the final approval of the Secretary, criteria to select winners based upon the goal of safely and adequately storing nuclear used fuel.

(4) Determine, in consultation with and subject to the final approval of the Secretary, the appropriate amount of the awards.

(5) Protect against the administering entity’s unauthorized use or disclosure of a registered participant’s intellectual property, trade secrets, and confidential business information. Any information properly identified as trade secrets or confidential business information that is submitted by a participant as part of a competitive program under this subtitle may be withheld from public disclosure.

(6) Develop and promulgate sufficient rules to define the parameters of designing and proposing innovative energy technologies and new energy sources with input from industry, citizens, and corporations familiar with such activities.

(d) FUNDING SOURCES.—Prizes under this subtitle may consist of Federal appropriated funds, funds provided by the administering entity, or funds raised through grants or donations. The Secretary may accept funds from other Federal agencies for such cash prizes and, notwithstanding section 3302(b) of title 31, United States Code, may use such funds for the cash prize program. Other than publication of the names of prize sponsors, the Secretary may not give any special consideration to any private sector entity or individual in return for a donation to the Secretary or administering entity.

(e) ANNOUNCEMENT OF PRIZES.—The Secretary may not publish a notice required by subsection (b)(2) until all the funds needed to pay out the announced amount of the prize have been appropriated to the Department or the Department has received from the administering entity a written commitment to provide all necessary funds.

SEC. 214. ELIGIBILITY.

To be eligible to win a prize under this subtitle, an individual or entity—

(1) shall notify the administering entity of intent to submit ideas and intent to collect the prize upon selection;

(2) shall comply with all the requirements stated in the Federal Register notice required under section 213(b)(2);

(3) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen of the United States;

(4) shall not be a Federal entity, a Federal employee acting within the scope of his or her employment, or an employee of a national laboratory acting within the scope of employment;

(5) shall not use Federal funding or other Federal resources to compete for the prize; and

(6) shall not be an entity acting on behalf of any foreign government or agent.

SEC. 215. INTELLECTUAL PROPERTY.

The Federal Government shall not, by virtue of offering or awarding a prize under this subtitle, be entitled to any intellectual property rights derived as a consequence of, or in direct relation to, the participation by a registered participant in a competition authorized by this subtitle. This section shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this subtitle. The Federal Government may seek assurances that technologies for which prizes are awarded under this subtitle are offered for commercialization in the event an award recipient does not take, or is not expected to take within a reasonable time, effective steps to achieve practical application of the technology.

SEC. 216. WAIVER OF LIABILITY.

The Secretary may require registered participants to waive claims against the Federal Government and the administering entity (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the registered participants' participation in a competition under this subtitle. The Secretary shall give notice of any waiver required under this section in the notice required by section 213(b)(2). The Secretary may not require a registered participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the administering entity of the registered participant's intellectual property, trade secrets, or confidential business information.

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

(a) AWARDS.—40 percent of amounts in the American Energy Trust Fund shall be available without further appropriation to carry out specified provisions of this section.

(b) TREATMENT OF AWARDS.—Amounts received pursuant to an award under this subtitle may not be taxed by any Federal, State, or local authority.

(c) ADMINISTRATION.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary for each of fiscal years 2009 through 2020 \$2,000,000 for the administrative costs of carrying out this subtitle.

(d) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this subtitle shall remain available until expended and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 11 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this subtitle permits obligation or payment of funds in violation of section 1341 of title 31, United States Code.

SEC. 218. NEXT GENERATION AUTOMOBILE PRIZE PROGRAM.

The Secretary of Energy shall establish a program to award a prize in the amount of \$500,000,000 to the first automobile manufacturer incorporated in the United States to manufacture and sell in the United States 50,000 midsized sedan automobiles which operate on gasoline and can travel 100 miles per gallon.

SEC. 219. ADVANCED BATTERY MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term “advanced battery” means an electrical storage device suitable for vehicle applications.

(2) ENGINEERING INTEGRATION COSTS.—The term “engineering integration costs” includes the cost of engineering tasks relating to—

(A) incorporation of qualifying components into the design of advanced batteries; and

(B) design of tooling and equipment and developing manufacturing processes and mate-

rial suppliers for production facilities that produce qualifying components or advanced batteries.

(b) ADVANCED BATTERY MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to advanced battery manufacturers to pay not more than 30 percent of the cost of reequipping, expanding, or establishing a manufacturing facility in the United States to produce advanced batteries.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2020; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(d) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, and subject to the availability of appropriated funds, the Secretary shall carry out a program to provide a total of not more than \$100,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for the costs of activities described in subsection (b).

(2) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in which, as determined by the Secretary, the award recipient—

(A) is financially viable without the receipt of additional Federal funding associated with the proposed project;

(B) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(C) has met such other criteria as may be established and published by the Secretary.

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

(ii) 25 years;

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

(D) shall be made by the Federal Financing Bank.

(e) FEES.—The cost of administering a loan made under this section shall not exceed \$100,000.

(f) SET ASIDE FOR SMALL MANUFACTURERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term “covered firm” means a firm that—

(A) employs fewer than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds used to provide awards for each fiscal year under subsection (b), the Secretary shall use not less than 10 percent to provide awards to covered firms or consortia led by a covered firm.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the American Energy Trust Fund such sums as are necessary to carry out this section for each of fiscal years 2009 through 2013.

Subtitle C—Home and Business Tax Incentives**SEC. 221. EXTENSION OF CREDIT FOR ENERGY EFFICIENT APPLIANCES.**

(a) IN GENERAL.—Subsection (b) of section 45M of the Internal Revenue Code of 1986 (relating to applicable amount) is amended by striking “calendar year 2006 or 2007” each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting “calendar year 2006, 2007, 2008, 2009, 2010, 2011, 2012, or 2013”.

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) of such Code (relating to aggregate credit amount allowed) is amended by inserting “beginning after December 31, 2007” after “for all prior taxable years”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 222. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 223. EXTENSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Section 25D(g) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2013”.

SEC. 224. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L of the Internal Revenue Code of 1986 (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2013”.

SEC. 225. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2013”.

SEC. 226. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) IN GENERAL.—Paragraph (3) of section 451(i) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2008” and inserting “January 1, 2014”.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) of such Code is amended by striking “December 31, 2007” and inserting “the date which is 4 years after the close of the taxable year in which the transaction occurs”.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

SEC. 227. HOME ENERGY AUDITS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

“SEC. 25E. HOME ENERGY AUDITS.

“(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the amount of qualified energy audit paid or incurred by the taxpayer during the taxable year.

“(b) LIMITATIONS.—

“(1) DOLLAR LIMITATION.—The amount allowed as a credit under subsection (a) with

respect to a residence of the taxpayer for a taxable year shall not exceed \$400.

“(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of any taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

“(c) QUALIFIED ENERGY AUDIT.—For purposes of this section, the term ‘qualified energy audit’ means an energy audit of the principal residence of the taxpayer performed by a qualified energy auditor through a comprehensive site visit. Such audit may include a blower door test, an infra-red camera test, and a furnace combustion efficiency test. In addition, such audit shall include such substitute tests for the tests specified in the preceding sentence, and such additional tests, as the Secretary may by regulation require. A principal residence shall not be taken into consideration under this subparagraph unless such residence is located in the United States.

“(d) PRINCIPAL RESIDENCE.—For purposes of this section, the term ‘principal residence’ has the same meaning as when used in section 121.

“(e) QUALIFIED ENERGY AUDITOR.—

“(1) IN GENERAL.—The Secretary shall specify by regulations the qualifications required to be a qualified energy auditor for purposes of this section. Such regulations shall include rules prohibiting conflicts-of-interest, including the disallowance of commissions or other payments based on goods or non-audit services purchased by the taxpayer from the auditor.

“(2) CERTIFICATION.—The Secretary shall prescribe the procedures and methods for certifying that an auditor is a qualified energy auditor. To the maximum extent practicable, such procedures and methods shall provide for a variety of sources to obtain certifications.”

(b) CONFORMING AMENDMENTS.—

(1) Section 23(b)(4)(B) of the Internal Revenue Code of 1986 is amended by inserting “and section 25E” after “this section”.

(2) Section 23(c)(1) of such Code is amended by inserting “, 25E,” after “25D”.

(3) Section 24(b)(3)(B) of such Code is amended by striking “and 25B” and inserting “, 25B, and 25E”.

(4) Clauses (i) and (ii) of section 25(e)(1)(C) of such Code are each amended by inserting “25E,” after “25D”.

(5) Section 25B(g)(2) of such Code is amended by striking “section 23” and inserting “sections 23 and 25E”.

(6) Section 25D(c)(1) of such Code is amended by inserting “and section 25E” after “this section”.

(7) Section 25D(c)(2) of such Code is amended by striking “and 25B” and inserting “25B, and 25E”.

(8) The table of sections for subpart A of part IV of subchapter A chapter 1 of such Code is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Home energy audits.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by paragraphs (1) and (3) of subsection (b) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as

the provisions of such Act to which such amendments relate.

SEC. 228. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS.

(a) IN GENERAL.—Section 168(e)(3)(B) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (v), by striking the period at the end of clause (vi) and inserting “, and”, and by inserting after clause (vi) the following new clause:

“(vii) any qualified smart electric meter.”

(b) DEFINITION.—Section 168(i) of such Code is amended by inserting at the end the following new paragraph:

“(18) QUALIFIED SMART ELECTRIC METERS.—

“(A) IN GENERAL.—The term ‘qualified smart electric meter’ means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

“(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term ‘smart electric meter’ means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

“(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

“(ii) provides for the exchange of information between supplier or provider and the customer’s electric meter in support of time-based rates or other forms of demand response,

“(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

“(iv) provides net metering.”

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) of such Code is amended by striking “or” at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

“(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter, or”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

Subtitle D—Refinery Permit Process Schedule

SEC. 231. SHORT TITLE.

This subtitle may be cited as the “Refinery Permit Process Schedule Act”.

SEC. 232. DEFINITIONS.

For purposes of this subtitle—

(1) the term “Administrator” means the Administrator of the Environmental Protection Agency;

(2) the term “applicant” means a person who (with the approval of the governor of the State, or in the case of Native American tribes or tribal territories the designated leader of the tribe or tribal community, where the proposed refinery would be located) is seeking a Federal refinery authorization;

(3) the term “biomass” has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005;

(4) the term “Federal refinery authorization” —

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, licenses, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery;

(5) the term “refinery” means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or distillate;

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline or diesel as its primary output; or

(C) a facility designed and operated to receive, load, unload, store, transport, process (including biochemical, photochemical, and biotechnology processes), and refine biomass in order to produce biofuel; and

(6) the term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 233. STATE ASSISTANCE.

(a) STATE ASSISTANCE.—At the request of a governor of a State, or in the case of Native American tribes or tribal territories the designated leader of the tribe or tribal community, the Administrator is authorized to provide financial assistance to that State or tribe or tribal community to facilitate the hiring of additional personnel to assist the State or tribe or tribal community with expertise in fields relevant to consideration of Federal refinery authorizations.

(b) OTHER ASSISTANCE.—At the request of a governor of a State, or in the case of Native American tribes or tribal territories the designated leader of the tribe or tribal community, a Federal agency responsible for a Federal refinery authorization shall provide technical, legal, or other nonfinancial assistance to that State or tribe or tribal community to facilitate its consideration of Federal refinery authorizations.

SEC. 234. REFINERY PROCESS COORDINATION AND PROCEDURES.

(a) APPOINTMENT OF FEDERAL COORDINATOR.—

(1) IN GENERAL.—The President shall appoint a Federal coordinator to perform the responsibilities assigned to the Federal coordinator under this subtitle.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Federal coordinator.

(b) FEDERAL REFINERY AUTHORIZATIONS.—

(1) MEETING PARTICIPANTS.—Not later than 30 days after receiving a notification from an applicant that the applicant is seeking a Federal refinery authorization pursuant to Federal law, the Federal coordinator appointed under subsection (a) shall convene a meeting of representatives from all Federal and State agencies responsible for a Federal refinery authorization with respect to the refinery. The governor of a State shall identify each agency of that State that is responsible for a Federal refinery authorization with respect to that refinery.

(2) MEMORANDUM OF AGREEMENT.—(A) Not later than 90 days after receipt of a notification described in paragraph (1), the Federal coordinator and the other participants at a meeting convened under paragraph (1) shall establish a memorandum of agreement setting forth the most expeditious coordinated schedule possible for completion of all Federal refinery authorizations with respect to the refinery, consistent with the full substantive and procedural review required by

Federal law. If a Federal or State agency responsible for a Federal refinery authorization with respect to the refinery is not represented at such meeting, the Federal coordinator shall ensure that the schedule accommodates those Federal refinery authorizations, consistent with Federal law. In the event of conflict among Federal refinery authorization scheduling requirements, the requirements of the Environmental Protection Agency shall be given priority.

(B) Not later than 15 days after completing the memorandum of agreement, the Federal coordinator shall publish the memorandum of agreement in the Federal Register.

(C) The Federal coordinator shall ensure that all parties to the memorandum of agreement are working in good faith to carry out the memorandum of agreement, and shall facilitate the maintenance of the schedule established therein.

(c) CONSOLIDATED RECORD.—The Federal coordinator shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Federal coordinator or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (d) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Federal coordinator for further development of the consolidated record.

(d) REMEDIES.—

(1) IN GENERAL.—The United States District Court for the district in which the proposed refinery is located shall have exclusive jurisdiction over any civil action for the review of the failure of an agency or official to act on a Federal refinery authorization in accordance with the schedule established pursuant to the memorandum of agreement.

(2) STANDING.—If an applicant or a party to a memorandum of agreement alleges that a failure to act described in paragraph (1) has occurred and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, such applicant or other party may bring a cause of action under this subsection.

(3) COURT ACTION.—If an action is brought under paragraph (2), the Court shall review whether the parties to the memorandum of agreement have been acting in good faith, whether the applicant has been cooperating fully with the agencies that are responsible for issuing a Federal refinery authorization, and any other relevant materials in the consolidated record. Taking into consideration those factors, if the Court finds that a failure to act described in paragraph (1) has occurred, and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, the Court shall establish a new schedule that is the most expeditious coordinated schedule possible for completion of proceedings, consistent with the full substantive and procedural review required by Federal law. The court may issue orders to enforce any schedule it establishes under this paragraph.

(4) FEDERAL COORDINATOR'S ACTION.—When any civil action is brought under this subsection, the Federal coordinator shall immediately file with the Court the consolidated record compiled by the Federal coordinator pursuant to subsection (c).

(5) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

SEC. 235. DESIGNATION OF CLOSED MILITARY BASES.

(a) DESIGNATION REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate no less than 3 closed military installations, or portions thereof, as potentially suitable for the construction of a refinery. At least 1 such site shall be designated as potentially suitable for construction of a refinery to refine biomass in order to produce biofuel.

(b) REDEVELOPMENT AUTHORITY.—The redevelopment authority for each installation designated under subsection (a), in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation.

(c) MANAGEMENT AND DISPOSAL OF REAL PROPERTY.—The Secretary of Defense, in managing and disposing of real property at an installation designated under subsection (a) pursuant to the base closure law applicable to the installation, shall give substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation. The management and disposal of real property at a closed military installation or portion thereof found to be suitable for the siting of a refinery under subsection (a) shall be carried out in the manner provided by the base closure law applicable to the installation.

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

(1) the term “base closure law” means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note); and

(2) the term “closed military installation” means a military installation closed or approved for closure pursuant to a base closure law.

SEC. 236. SAVINGS CLAUSE.

Nothing in this subtitle shall be construed to affect the application of any environmental or other law, or to prevent any party from bringing a cause of action under any environmental or other law, including citizen suits.

SEC. 237. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

TITLE III—NEW AND EXPANDING TECHNOLOGIES

Subtitle A—Alternative Fuels

SEC. 301. REPEAL.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

SEC. 302. GOVERNMENT AUCTION OF LONG TERM PUT OPTION CONTRACTS ON COAL-TO-LIQUID FUEL PRODUCED BY QUALIFIED COAL-TO-LIQUID FACILITIES.

(a) IN GENERAL.—The Secretary shall, from time to time, auction to the public coal-to-liquid fuel put option contracts having expiration dates of 5 years, 10 years, 15 years, or 20 years.

(b) CONSULTATION WITH SECRETARY OF ENERGY.—The Secretary shall consult with the Secretary of Energy regarding—

(1) the frequency of the auctions;

(2) the strike prices specified in the contracts;

(3) the number of contracts to be auctioned with a given strike price and expiration date; and

(4) the capacity of existing or planned facilities to produce coal-to-liquid fuel.

(c) DEFINITIONS.—In this section:

(1) COAL-TO-LIQUID FUEL.—The term “coal-to-liquid fuel” means any transportation-grade liquid fuel derived primarily from coal (including peat) and produced at a qualified coal-to-liquid facility.

(2) COAL-TO-LIQUID PUT OPTION CONTRACT.—The term “coal-to-liquid put option contract” means a contract, written by the Secretary, which—

(A) gives the holder the right (but not the obligation) to sell to the Government of the United States a certain quantity of a specific type of coal-to-liquid fuel produced by a qualified coal-to-liquid facility specified in the contract, at a strike price specified in the contract, on or before an expiration date specified in the contract; and

(B) is transferable by the holder to any other entity.

(3) QUALIFIED COAL-TO-LIQUID FACILITY.—The term “qualified coal-to-liquid facility” means a manufacturing facility that has the capacity to produce at least 10,000 barrels per day of transportation grade liquid fuels from a feedstock that is primarily domestic coal (including peat and any property which allows for the capture, transportation, or sequestration of by-products resulting from such process, including carbon emissions).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(5) STRIKE PRICE.—The term “strike price” means, with respect to a put option contract, the price at which the holder of the contract has the right to sell the fuel which is the subject of the contract.

(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this section.

(e) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.

SEC. 303. STANDBY LOANS FOR QUALIFYING COAL-TO-LIQUIDS PROJECTS.

Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following new subsection:

“(k) STANDBY LOANS FOR QUALIFYING CTL PROJECTS.—

“(1) DEFINITIONS.—For purposes of this subsection:

“(A) CAP PRICE.—The term ‘cap price’ means a market price specified in the standby loan agreement above which the project is required to make payments to the United States.

“(B) FULL TERM.—The term ‘full term’ means the full term of a standby loan agreement, as specified in the agreement, which shall not exceed the lesser of 30 years or 90 percent of the projected useful life of the project (as determined by the Secretary).

“(C) MARKET PRICE.—The term ‘market price’ means the average quarterly price of a petroleum price index specified in the standby loan agreement.

“(D) MINIMUM PRICE.—The term ‘minimum price’ means a market price specified in the standby loan agreement below which the United States is obligated to make disbursements to the project.

“(E) OUTPUT.—The term ‘output’ means some or all of the liquid or gaseous transportation fuels produced from the project, as specified in the loan agreement.

“(F) PRIMARY TERM.—The term ‘primary term’ means the initial term of a standby loan agreement, as specified in the agreement, which shall not exceed the lesser of 20 years or 75 percent of the projected useful life of the project (as determined by the Secretary).

“(G) QUALIFYING CTL PROJECT.—The term ‘qualifying CTL project’ means—

“(i) a commercial-scale project that converts coal to one or more liquid or gaseous transportation fuels; or

“(ii) more than one project at a facility that converts petroleum refinery waste products, including petroleum coke, into one or more liquids or gaseous transportation fuels,

that demonstrates the capture, and sequestration or disposal or use of, the carbon dioxide produced in the conversion process, and that, on the basis of a carbon dioxide sequestration plan prepared by the applicant, is certified by the Administrator of the Environmental Protection Agency, in consultation with the Secretary, as producing fuel with life cycle carbon dioxide emissions at or below the average life cycle carbon dioxide emissions for the same type of fuel produced at traditional petroleum based facilities with similar annual capacities.

“(H) STANDBY LOAN AGREEMENT.—The term ‘standby loan agreement’ means a loan agreement entered into under paragraph (2).

“(2) STANDBY LOANS.—

“(A) LOAN AUTHORITY.—The Secretary may enter into standby loan agreements with not more than six qualifying CTL projects, at least one of which shall be a project jointly or in part owned by two or more small coal producers. Such an agreement—

“(i) shall provide that the Secretary will make a direct loan (within the meaning of section 502(1) of the Federal Credit Reform Act of 1990) to the qualifying CTL project; and

“(ii) shall set a cap price and a minimum price for the primary term of the agreement.

“(B) LOAN DISBURSEMENTS.—Such a loan shall be disbursed during the primary term of such agreement whenever the market price falls below the minimum price. The amount of such disbursements in any calendar quarter shall be equal to the excess of the minimum price over the market price, times the output of the project (but not more than a total level of disbursements specified in the agreement).

“(C) LOAN REPAYMENTS.—The Secretary shall establish terms and conditions, including interest rates and amortization schedules, for the repayment of such loan within the full term of the agreement, subject to the following limitations:

“(i) If in any calendar quarter during the primary term of the agreement the market price is less than the cap price, the project may elect to defer some or all of its repayment obligations due in that quarter. Any unpaid obligations will continue to accrue interest.

“(ii) If in any calendar quarter during the primary term of the agreement the market price is greater than the cap price, the project shall meet its scheduled repayment obligation plus deferred repayment obligations, but shall not be required to pay in that quarter an amount that is more than the excess of the market price over the cap price, times the output of the project.

“(iii) At the end of the primary term of the agreement, the cumulative amount of any deferred repayment obligations, together with accrued interest, shall be amortized (with interest) over the remainder of the full term of the agreement.

“(3) PROFIT-SHARING.—The Secretary is authorized to enter into a profit-sharing agreement with the project at the time the standby loan agreement is executed. Under such an agreement, if the market price exceeds the cap price in a calendar quarter, a profit-sharing payment shall be made for that quarter, in an amount equal to—

“(A) the excess of the market price over the cap price, times the output of the project; less

“(B) any loan repayments made for the calendar quarter.

“(4) COMPLIANCE WITH FEDERAL CREDIT REFORM ACT.—

“(A) UPFRONT PAYMENT OF COST OF LOAN.—No standby loan agreement may be entered into under this subsection unless the project makes a payment to the United States that the Office of Management and Budget determines is equal to the cost of such loan (determined under 502(5)(B) of the Federal Credit Reform Act of 1990). Such payment shall be made at the time the standby loan agreement is executed.

“(B) MINIMIZATION OF RISK TO THE GOVERNMENT.—In making the determination of the cost of the loan for purposes of setting the payment for a standby loan under subparagraph (A), the Secretary and the Office of Management and Budget shall take into consideration the extent to which the minimum price and the cap price reflect historical patterns of volatility in actual oil prices relative to projections of future oil prices, based upon publicly available data from the Energy Information Administration, and employing statistical methods and analyses that are appropriate for the analysis of volatility in energy prices.

“(C) TREATMENT OF PAYMENTS.—The value to the United States of a payment under subparagraph (A) and any profit-sharing payments under paragraph (3) shall be taken into account for purposes of section 502(5)(B)(iii) of the Federal Credit Reform Act of 1990 in determining the cost to the Federal Government of a standby loan made under this subsection. If a standby loan has no cost to the Federal Government, the requirements of section 504(b) of such Act shall be deemed to be satisfied.

“(5) OTHER PROVISIONS.—

“(A) NO DOUBLE BENEFIT.—A project receiving a loan under this subsection may not, during the primary term of the loan agreement, receive a Federal loan guarantee under subsection (a) of this section, or under other laws.

“(B) SUBROGATION, ETC.—Subsections (g)(2) (relating to subrogation), (h) (relating to fees), and (j) (relating to full faith and credit) shall apply to standby loans under this subsection to the same extent they apply to loan guarantees.”

Subtitle B—Tax Provisions

SEC. 311. EXTENSION OF RENEWABLE ELECTRICITY, REFINED COAL, AND INDIAN COAL PRODUCTION CREDIT.

(a) CREDIT MADE PERMANENT.—

(1) IN GENERAL.—Subsection (d) of section 45 of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended—

(A) by striking “and before January 1, 2009” each place it occurs,

(B) by striking “, and before January 1, 2009” in paragraphs (1) and (2)(A)(i), and

(C) by striking “before January 1, 2009” in paragraph (10).

(2) OPEN-LOOP BIOMASS FACILITIES.—Subparagraph (A) of section 45(d)(3) of such Code is amended to read as follows:

“(A) IN GENERAL.—In the case of a facility using open-loop biomass to produce electricity, the term ‘qualified facility’ means any facility owned by the taxpayer which is originally placed in service after October 22, 2004.”

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to electricity produced and sold after December 31, 2008, in taxable years ending after such date.

(b) SALES OF NET ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Paragraph (4) of

section 45(e) of such Code is amended by adding at the end the following new sentence: “The net amount of electricity sold by any taxpayer to a regulated public utility (as defined in section 7701(a)(33)) shall be treated as sold to an unrelated person.”

(c) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Clause (ii) of section 38(c)(4)(B) of such Code (relating to specified credits) is amended by striking “produced—” and all that follows and inserting “produced at a facility which is originally placed in service after the date of the enactment of this paragraph.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 312. EXTENSION OF ENERGY CREDIT.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) of the Internal Revenue Code of 1986 (relating to energy credit) are each amended by striking “but only with respect to periods ending before January 1, 2009”.

(b) FUEL CELL PROPERTY.—Section 48(c)(1) of such Code (relating to qualified fuel cell property) is amended by striking subparagraph (E).

(c) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) of the Internal Revenue Code of 1986 (relating to qualified microturbine property) is amended by striking “December 31, 2008” and inserting “December 31, 2013”.

(d) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (B) of section 38(c)(4) of such Code (relating to specified credits) is amended by striking “and” at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

“(iv) the credit determined under section 48, and”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 313. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2013”.

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) of such Code (relating to limitation on amount of bonds designated) is amended—

(1) by striking “\$1,200,000,000” in paragraph (1) and inserting “\$1,600,000,000”, and

(2) by striking “\$750,000,000” in paragraph (2) and inserting “\$1,000,000,000”.

(c) MODIFICATION OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—

(1) IN GENERAL.—Paragraph (5) of section 54(l) of such Code is amended to read as follows:

“(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).”

(2) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) of such Code is amended by striking “subsection (1)(6)” and inserting “subsection (1)(5)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 314. EXTENSION OF CREDITS FOR BIO-DIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) of the Internal Revenue Code of 1986 are each amended by striking “December 31, 2008” and inserting “December 31, 2013”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

Subtitle C—Nuclear**SEC. 321. USE OF FUNDS FOR RECYCLING.**

Section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) is amended—

(1) in subsection (d), by striking “The Secretary may” and inserting “Except as provided in subsection (f), the Secretary may”; and

(2) by adding at the end the following new subsection:

“(f) RECYCLING.—

“(1) IN GENERAL.—Amounts in the Waste Fund may be used by the Secretary of Energy to make grants to or enter into long-term contracts with private sector entities for the recycling of spent nuclear fuel.

“(2) COMPETITIVE SELECTION.—Grants and contracts authorized under paragraph (1) shall be awarded on the basis of a competitive bidding process that—

“(A) maximizes the competitive efficiency of the projects funded;

“(B) best serves the goal of reducing the amount of waste requiring disposal under this Act; and

“(C) ensures adequate protection against the proliferation of nuclear materials that could be used in the manufacture of nuclear weapons.”.

SEC. 322. RULEMAKING FOR LICENSING OF SPENT NUCLEAR FUEL RECYCLING FACILITIES.

(a) REQUIREMENT.—The Nuclear Regulatory Commission shall, as expeditiously as possible, but in no event later than 2 years after the date of enactment of this Act, complete a rulemaking establishing a process for the licensing by the Nuclear Regulatory Commission, under the Atomic Energy Act of 1954, of facilities for the recycling of spent nuclear fuel.

(b) FUNDING.—Amounts in the Nuclear Waste Fund established under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) shall be made available to the Nuclear Regulatory Commission to cover the costs of carrying out subsection (a) of this section.

SEC. 323. NUCLEAR WASTE FUND BUDGET STATUS.

Section 302(e) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)) is amended by adding at the end the following new paragraph:

“(7) The receipts and disbursements of the Waste Fund shall not be counted as new budget authority, outlays, receipts, or deficits or surplus for purposes of—

“(A) the budget of the United States Government as submitted by the President;

“(B) the congressional budget; or

“(C) the Balanced Budget and Emergency Deficit Control Act of 1985.”.

SEC. 324. WASTE CONFIDENCE.

The Nuclear Regulatory Commission may not deny an application for a license, permit, or other authorization under the Atomic Energy Act of 1954 on the grounds that sufficient capacity does not exist, or will not become available on a timely basis, for disposal of spent nuclear fuel or high-level radioactive waste from the facility for which the license, permit, or other authorization is sought.

SEC. 325. ASME NUCLEAR CERTIFICATION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to busi-

ness related credits) is amended by adding at the end the following new section:

“SEC. 450. ASME NUCLEAR CERTIFICATION CREDIT.

“(a) IN GENERAL.—For purposes of section 38, the ASME Nuclear Certification credit determined under this section for any taxable year is an amount equal to 15 percent of the qualified nuclear expenditures paid or incurred by the taxpayer.

“(b) QUALIFIED NUCLEAR EXPENDITURES.—For purposes of this section, the term ‘qualified nuclear expenditures’ means any expenditure related to—

“(1) obtaining a certification under the American Society of Mechanical Engineers Nuclear Component Certification program, or

“(2) increasing the taxpayer’s capacity to construct, fabricate, assemble, or install components—

“(A) for any facility which uses nuclear energy to produce electricity, and

“(B) with respect to the construction, fabrication, assembly, or installation of which the taxpayer is certified under such program.

“(c) TIMING OF CREDIT.—The credit allowed under subsection (a) for any expenditures shall be allowed—

“(1) in the case of a qualified nuclear expenditure described in subsection (b)(1), for the taxable year of such certification, and

“(2) in the case of any other qualified nuclear expenditure, for the taxable year in which such expenditure is paid or incurred.

“(d) SPECIAL RULES.—

“(1) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for an expenditure, the increase in basis which would result (but for this subsection) for such expenditure shall be reduced by the amount of the credit allowed under this section.

“(2) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any amount taken into account in determining the credit under this section.

“(e) TERMINATION.—This section shall not apply to any expenditures paid or incurred in taxable years beginning after December 31, 2019.”.

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of section 38 is amended by striking “plus” at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting “, plus”, and by adding at the end the following new paragraph:

“(32) the ASME Nuclear Certification credit determined under section 450(a).”.

(2) Subsection (a) of section 1016 (relating to adjustments to basis) is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 450(e)(1).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2007.

Subtitle D—American Renewable and Alternative Energy Trust Fund**SEC. 331. AMERICAN RENEWABLE AND ALTERNATIVE ENERGY TRUST FUND.**

(a) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the “American Renewable and Alternative Energy Trust Fund”, consisting of such amounts as may be transferred to the American Renewable and Alternative Energy Trust Fund as provided in section 149 and the amendments made by section 110 of this Act.

(b) EXPENDITURES FROM AMERICAN RENEWABLE AND ALTERNATIVE ENERGY TRUST FUND.—

(1) IN GENERAL.—Amounts in the American Renewable and Alternative Energy Trust Fund shall be available without further appropriation to carry out specified provisions of the Energy Policy Act of 2005 (Public Law 109–58; in this section referred to as “EPAct2005”) and the Energy Independence and Security Act of 2007 (Public Law 110–140; in this section referred to as “EISAct2007”), as follows:

(A) Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and other commercial purposes, section 210 of EPAct2005, 3 percent

(B) Hydroelectric production incentives, section 242 of EPAct2005, 2 percent.

(C) Oil shale, tar sands, and other strategic unconventional fuels, section 369 of EPAct2005, 3 percent.

(D) Clean Coal Power Initiative, section 401 of EPAct2005, 7 percent.

(E) Solar and wind technologies, section 812 of EPAct2005, 7 percent.

(F) Renewable Energy, section 931 of EPAct2005, 20 percent.

(G) Production incentives for cellulosic biofuels, section 942 of EPAct2005, 2.5 percent.

(H) Coal and related technologies program, section 962 of EPAct2005, 4 percent.

(I) Methane hydrate research, section 968 of EPAct2005, 2.5 percent.

(J) Incentives for Innovative Technologies, section 1704 of EPAct2005, 7 percent.

(K) Grants for production of advanced biofuels, section 207 of EISAct2007, 16 percent.

(L) Photovoltaic demonstration program, section 607 EISAct2007, 2.5 percent.

(M) Geothermal Energy, title VI, subtitle B of EISAct2007, 4 percent.

(N) Marine and Hydrokinetic Renewable Energy Technologies, title VI, subtitle C of EISAct2007, 2.5 percent.

(O) Energy storage competitiveness, section 641 of EISAct2007, 10 percent.

(P) Smart grid technology research, development, and demonstration, section 1304 of EISAct2007, 7 percent.

(2) APPORTIONMENT OF EXCESS AMOUNT.—Notwithstanding paragraph (1), any amounts allocated under paragraph (1) that are in excess of the amounts authorized in the applicable cited section or subtitle of EPAct2005 and EISAct2007 shall be reallocated to the remaining sections and subtitles cited in paragraph (1), up to the amounts otherwise authorized by law to carry out such sections and subtitles, in proportion to the amounts authorized by law to be appropriated for such other sections and subtitles.

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order on the gentleman’s amendment.

The Acting CHAIRMAN. A point of order is reserved.

The gentleman from Utah is recognized for 5 minutes.

Mr. BISHOP of Utah. Thank you, Mr. Chairman. I appreciate the courtesies, real or unreal, that have been granted to this point so far.

If you go back to the movie *The Natural*, there is a wonderful scene where this mythical team, the New York Knights, are on a losing tradition, so they bring a sports psychologist down to try and talk to the team. And as the sports psychologist is droning on to them, he says, “You know, men, the mind is a strange thing. What is losing? Losing is a disease as contagious as the bubonic plague, attacking one

but infecting all. And consider yourself, if you are on a ship at sea gently rocking, gently rocking."

And at that point, Roy Hobbs can't take it anymore, so he bolts out of there because he realizes that if you are in a losing situation, talking about it doesn't help, only action on the field of play will help.

And when given the chance to go on the field and play, he pounded the ball and led them to victory after victory after victory.

And what we are talking about simply here tonight is what Americans want, which is for us to do something here on this playing field on the issue of energy and energy security.

We are fighting for the people of my district who will be faced with a 30 percent increase in heating costs this winter. We are fighting for the 1,100 people who lost their jobs with an airline because 100 planes were not able to be provided the fuel to fly. We are flying for an Ethiopian-born cab driver here in Washington, D.C. who, for the first time in his life since coming here, he cannot meet his kids at home because he has to drive two extra hours every night just to make up what he loses in these fees. We are fighting for a father in Virginia who can no longer go to his father-and-son outings because he can't afford the gasoline to drive there. We are talking about the Clark County School District which had an unexpected 62 percent of its budget all related to energy costs, and that all comes out of future salaries of the teachers of those poor areas.

If you are rich, this problem is simply an annoyance. Only 11 cents out of \$1 goes to energy. But if you are on the poverty line, 50 cents of every dollar goes to energy. And that 50 cents that comes out of the pocket of a poor person or somebody on a fixed income is money that cannot be spent on luxuries like tuna casseroles or Hamburger Helper.

We are a country that has the technology and the ability to solve this problem. We are a country with a proud history of solving our problems with technology. Since 1784 when we invented the bifocals, to 1867 when we changed the world by inventing the typewriter and changed the West by inventing barbed wire and changed our lives by inventing toilet paper in the same year, to 1945 with the microwave, to even soft contacts today. We have had the technology to be able to solve this energy problem. And before us is an amendment which will reward Americans for their efforts of conservation in a way that we have not done in a long time. It will increase production of our energy sources by recognizing that not only do we have to have the fossil fuels increased, but all the royalties that we will now make by increased production in oil and gas and oil shale and coal will be used to fund the improvements and the innovations and the research for alternative energy so that we can look forward to the future.

We recognize that we have to do something with our infrastructure. We do not have the refinery capacity that we need. We recognize that Washington is not the seat of all wisdom, that bringing an expert into a room here is not going to solve our problems; but what we need to do is unlock the brilliance within Americans and within what they have to offer to the American people. By offering prizes, we can find solutions that have been plaguing and missing us for years.

In 1714, the British didn't have a way of mapping their waters in the navigation, so they offered a \$20,000 prize and a clock maker came up with the system of longitude and latitude that we still use today.

In 1810, Napoleon needed a way to feed his troops. He gave a 12,000 franc prize to find somebody to use the vacuum-packed processes we still use today.

Lindbergh flew across the ocean to get a prize from a newspaper, and it spawned a \$32 billion industry.

We have that capability today. We have the Roy Hobbs who realizes that the only way you solve the problem is get on the playing field and do it.

We have the ability to solve our problem today if we just come to this playing field and do it, and to require a vote on this amendment so that we can fulfill the words of Daniel Webster that are looking at us every day we come here to inspire us, to tell us to take our resources and to build from that, and to do something that is worthy to be remembered.

This amendment would be worthy to be remembered, and I urge that we accept this amendment and I urge that we have a vote on this amendment. This may be the only chance we actually have to have an up or down vote on this particular amendment, which impacts the lives of everybody but especially the most vulnerable in our society.

Mr. Chairman, may I ask how much time remains?

The Acting CHAIRMAN. The gentleman has 15 seconds.

Mr. BISHOP of Utah. Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, this is a bill to provide health care and benefits for America's veterans and their families, America's service men and women and their families. This is not an energy bill. The speaker that just spoke knows it, I know it, and the veterans of America know it.

Let me read to you from the VFW Action Alert from 3 days ago.

"Some Members of Congress may try to attach unrelated items to the bill which would hold up or even defeat final passage. We ask you to contact your representatives today and urge them to pass a clean VA-MilCon Appro-

priations bill. Tell them that further delay hurts our veterans and our troops on the ground. Let them know that we expect them to reaffirm their priorities by doing the right thing and passing the funding bill quickly."

Mr. BISHOP of Utah. Mr. Chairman, I apologize for interrupting; I just want to be clear. Is the gentleman speaking to a point of order, or is he speaking to the amendment itself? I would make the point of order the gentleman is not speaking—

Mr. EDWARDS of Texas. I am speaking in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized on the amendment.

The gentleman will continue.

Mr. EDWARDS of Texas. Mr. Chairman, let me say to this body what the Disabled American Veterans said about amendments such as this. "It is our strongest recommendation that this bill be unfettered with nongermane amendments. We observe in media accounts that some Members of the body may wish to offer such amendments, and we fear that if these amendments are ruled in order for floor debate, they may bring down the bill. Accordingly, we ask that you work with the majority leader and minority leader to ensure this key bill, one that impacts one in every four Americans and is a vital priority for DAV and our membership, is passed in the most orderly manner without the distractions attendant to the political season or party differences on unrelated national priorities."

Mr. Chairman, let me tell you what the Veterans of Foreign Wars have said about this type of amendment, and I quote from their newsletter from 6 days ago. "We believe attaching them (nongermane amendments) to this critical veterans' bill could jeopardize its passage by unnecessarily delaying it or even grinding debate completely to a halt. This is unacceptable."

Mr. Chairman, I have to make a choice on this amendment to stand with the gentleman and Mr. BOEHNER, or stand with millions of America's veterans. For me, that is an easy choice. I will stand with our veterans, fight for a clean VA military construction bill that was put in good faith together on a bipartisan basis. The energy debate should be left for another day. Let's take care of our veterans. Let's honor our veterans, our troops, and their families. They deserve no less.

The Acting CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. EDWARDS of Texas. Yes, I do.

Mr. OBEY. Mr. Chairman. I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, one month ago when we were trying to add funding to provide the largest expansion of the GI bill in the history of the bill

since it was first approved in 1945, the House Minority Leader issued the following statement. He said, "House Republicans believe that loading up the troop funding bill with billions upon billions of unrelated Washington spending is reckless and dangerous."

Now, it was difficult for me at the time to understand how adding education benefits for our troops was unrelated to funding the troops, but today we are now being asked to consider a nongermane amendment which would bring a divisive energy debate into legislation which is trying to provide for the needs of our military families around the country and which is trying to provide the needs in the health care area for our veterans.

If I were to debate energy in the middle of this bill, I would point out that one of the reasons that we have \$4 gas today is that we have an administration which has pursued fiscal policies that have borrowed almost \$2 trillion to finance tax cuts and to finance the war in Iraq, and that has contributed to driving down the value of the dollar, which has in turn raised the cost of purchasing a gallon of gasoline by 30 percent.

If I were to debate energy on this bill, I would point out that, since Jimmy Carter left office, we have had a succession of administrations running from Reagan to Bush that systemically presided over the gutting of energy research done by the government on alternative energy sources.

I would also point out that over the last 8 years we have had an energy policy run by an administration dominated by two oil men in the President and the Vice President.

I would point out that their national security advisor, Secretary Rice, served on Chevron's board of directors for 10 years and even had an oil tanker named after her; that Interior Secretary Gale Norton started her career at a think tank funded by energy companies; commerce Secretary Don Evans was former president and CEO of a Texas oil company; Deputy Interior Secretary Griles was a former lobbyist for the oil, chemical, and mining industry, et cetera, et cetera, et cetera,

I would also point out that we on this side of the aisle have worked to pass increased fuel economy standards for automobiles; we have voted to eliminate \$14 billion in special tax breaks for oil and gas companies; we voted to crack down on speculation which has driven up the cost of oil and gas at the expense of the American people. I would have pointed out that we have voted to get more oil from the National Petroleum Reserve in Alaska. And, I would be pointing out that we have also asked the President to release oil from the Strategic Petroleum Reserve.

□ 2130

I would also point out that we support drilling on the 68 million acres of public lands that are already leased and not being developed. That is what

I would point out if I were in a debate on energy. But, in fact, this is supposed to be a discussion about the needs of our military families for housing, for education, and the needs of our veterans for health care. And I think we would best serve the country in this Chamber tonight if we would focus our remarks on that issue. And that is what I will continue to do.

POINT OF ORDER

Mr. EDWARDS of Texas. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states, in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment changes the application of existing law.

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does anyone wish to be heard on the point of order?

Mr. BISHOP of Utah. Mr. Chairman, I do.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, I appreciate the fact that the gentleman from Wisconsin chose not to extend our time by debating energy here tonight.

I wish to speak specifically to this point of order. The issue on a point of order is the nexus between the amendment to the underlying bill, and it would be my contention there are multiple in which one can look. This particular bill on MILCON has at least eight references to runways and roads which are to be produced, all of which will be made by asphalt, which is a petroleum-based substance. With costs increasing, it would be a difficult price to try and do that.

We will have people coming in here talking about VA benefits to people, falling all over themselves stumbling to be good about it. That is great. But if, indeed, those VA hospitals are going to have a 30 percent increase in heating costs which have to be paid first, many of the benefits that we are looking at in this bill will be unable to be provided. It is almost like taking medicine off their trays when we require people to get those benefits to pay 4 and \$5 a gallon to get there.

The couple in West Virginia that drove 80 miles every week and were reimbursed 11 cents a mile. For 8 bucks they could not fund their ability to get those benefits.

We will increase our benefits and, at the same time, tell veterans they are going to have to pay at a higher price out of their pocket to get those benefits. What we give with one hand will be taken back simply with another because of our inaction.

There is precedent for what I am attempting to do. In 1999, there was an amendment that was made in order even though it was in violation of the

germaneness rule by Spence and Ortiz. In 2000 there were two more that were part of the Department of Transportation bill, bipartisan amendment.

There was another one that was made in 1990, and those are the original ones we were able to look at, let alone the concept of all sorts of legislation that we routinely put into appropriations types of measures. There is precedent for what I am trying to talk about.

Mr. Chairman, this is one of those situations where a ruling by the Chair will make a decision on whether we deny discussion on energy in this body or not. A ruling by the Chair will decide whether we talk about conservation and production and infrastructure needs; will deny or not a vote by the representatives of the people on an issue the people are asking for us to take a vote.

Benjamin Franklin, when talking about the Revolution once said that "revolutions come into this world like illegitimate children." He didn't use the word illegitimate, but illegitimate children, "half improvised and half compromised."

We have provided the improvisation for this issue. We are looking to the gentleman at the Chair to provide the compromise; to simply say that we can go forward with the debate that is significant, it is timely, it is important and does have significant nexus to this particular piece of legislation for, indeed, what we are appropriating cannot be accomplished if the energy prices continue to soar and make it an impossibility to do that.

This is a chance, Mr. Chairman, that the fate of the American economy and maybe our military intelligence will rest in the hands of your decision. It is my hope that you will decide in the favor of people on this particular point of order.

Mr. OBEY. Mr. Chairman, on the point of order, I would simply observe that the ruling of the Chair will do one thing and one thing only: it will determine what the rules of the House are and whether this amendment is in compliance with those rules. And I would ask for a ruling.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule. The amendment offered by the gentleman from Utah proposes directly to amend existing law. As such, it constitutes legislation in violation of clause 2(c) of rule XXI. Therefore, the point of order is sustained and the amendment is not in order.

AMENDMENT NO. 35 OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I ask unanimous consent that I be permitted to offer my amendment at this point in the reading.

The Acting CHAIRMAN. Is there objection to consideration of the amendment at this point?

Mr. OBEY. Reserving the right to object, Mr. Chairman, so long as the understanding that was expressed earlier

stands and that there will be only one speaker on that side of the aisle on this nongermane amendment, I would not have an objection.

Mr. BURGESS. Will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. BURGESS. Other than myself, the gentleman from Texas and the gentleman from Wisconsin, I see no other speakers to speak on my amendment.

Mr. OBEY. Well, the gentleman from Wisconsin does not intend to participate on this one, so it will just be two of you.

Mr. BURGESS. Thank you, Mr. Chairman.

Mr. OBEY. I withdraw my reservation.

The Acting CHAIRMAN. Without objection, the gentleman may offer his amendment at this point.

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. BURGESS: Page 2, line 14, insert after the dollar amount "(increased by \$100,000,000)".

Page 3, line 8, insert before the period the following: "Provided further, That of the amount appropriated in this paragraph, \$100,000,000 shall be available for the design and construction of one petroleum refinery for the Army".

Page 3, line 16, insert after the dollar amount "(increased by \$200,000,000)".

Page 4, line 4, insert before the period the following: "Provided further, That of the amount appropriated in this paragraph, \$200,000,000 shall be available for the design and construction of one petroleum refinery each for the Navy and Marine Corps".

Page 4, line 10, insert after the dollar amount "(increased by \$100,000,000)".

Page 5, line 7, insert before the period the following: "Provided further, That of the amount appropriated in this paragraph, \$100,000,000 shall be available for the design and construction of one petroleum refinery for the Air Force".

Page 15, line 17, insert after the dollar amount "(reduced by \$400,000,000)".

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. Mr. Chairman, the amendment I am offering tonight provides \$400 million towards new construction projects. This money will be used to put American workers, pipe fitters, engineers, construction workers to work and build refineries that produce the specialized types and grades of fuel used by each branch of the service for their equipment. The refineries will be located on existing or former bases under the purview of the Department of Defense, and will represent the first refineries built in the United States since 1976. And the time to do it is now.

The Air Force isn't going to have a fleet of plug-in hybrid fighter jets, and the Navy isn't going to have a solar

battleship in the near future. They need fuel, plain and simple.

Investing in critical infrastructure and protecting the Nation are our top responsibilities in the Federal Government. Today I am offering an amendment that provides Federal funds for the construction and design of one refinery for each branch of the military to produce the petroleum products required by that branch, combining these two critical roles for the public good.

Prices are high. So is demand. Let's address both sides of the energy equation, and let's put our Americans back to work to help the military protect the Nation.

We have heard a lot about exploring and drilling for American sources of energy. Hands down, Americans agree on this point. It is an 80 percent issue across the country and, indeed, it is even higher in my district and other districts of north and central Texas. Polls show the vast majority of Americans favor drilling offshore in the ANWR.

The United States Department of Defense is straining under record high prices. In 2007, with operations in Iraq and Afghanistan, the United States armed service consumed 16 gallons of fuel per soldier per day, or about \$3 million worth of fuel every day. That is a lot of fuel, and that is a lot of opportunity for American energy and American jobs.

But this is not regular gasoline. All military planes, vehicles, generators and heavy equipment in areas of foreign operation use jet petroleum to avoid transporting and carrying different fuel grades and accidentally putting the wrong type of fuel in their equipment.

Right now global refineries are operating at a very tight capacity. This, in turn, limits the quantity of gasoline and other products that they can produce. This squeeze impacts the consumers, domestic refiners and the military as the cost of refining comprises between 10 and 20 percent of the price at the pump. It means the taxpayers are getting hit with higher costs twice, and it also leaves military fuel supplies vulnerable to disruptions from terrorist attacks and natural disasters.

And then there's the question of importing refined products. We already heard under the colloquy about how important it is to use an American product, American-made steel. Well, how about we use American-made gasoline? Use the gasoline that is produced here in America.

Domestic refinery production has declined as industry operates with tight profit margins and lower inventories of crude oil to cut gasoline costs, and these constraints mean a greater proportion of gasoline demand has to be met with imported products. We know what that means. We buy it from people who don't like us. We are funding both sides in the war on terror.

Four of five of the top suppliers of military fuel are foreign companies or

foreign state-owned entities. This poses a serious threat to our national and our economic security and must be addressed.

Let me stress that this is a win/win for America. These military specific refineries could produce and protect specialized military fuels from capacity limitations that squeeze supply and increase prices for everyone; would free up commercial refining capacity and ensure that we are not forced to outsource a significant portion of our defense when we buy from foreign refineries.

Military commanders say you can't kick behind without tanker gas, or something like that. The Air Force isn't going to have a fleet of plug-in hybrids, as I already said. Our national defense and our national economic security are too important to risk on shortages of refinery capacities when we are faced with natural disasters.

We have a Strategic Petroleum Reserve. What good is it if there is no strategic way to refine it?

And this amendment would provide the beginning of that strategic way to put the refineries in areas that are already cleared environmentally, already have the security in place, and it makes sense.

We have also heard tonight that we need to pass a clean bill. It is important to get this bill done because our veterans and our military need the monies that will be appropriated in this bill, and I agree with that very much. It is my understanding this bill has been ready to go for 4 or 5 weeks.

I don't know why we have not seen fit to bring it up before tonight. I don't know why we had to bring it up under a modified closed rule. But those are the rules the majority has set. Those are the rules under which we will play.

So I thank the chairman for hearing this amendment. I think it is an important concept that needs to be furthered.

I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I rise in opposition.

The Acting CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. EDWARDS of Texas. Yes, I do.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I won't repeat the statements by the Veterans of Foreign Wars, the Disabled American Veterans, and the American Legion and others who have spoken out against non-germane amendments on this bill whose purpose is to support our veterans, their families, our troops, and their families.

I know the gentleman from Texas. He is a friend of mine. I think he is genuine in his efforts to accomplish what he would like to accomplish, but this is not the bill. This is not the time. This is not the place in which to do it.

Furthermore, despite the gentleman's good intentions, there is a serious flaw in this amendment for which I

would strongly oppose it, and that is, it would take \$400 million out of the President's budget request for the Base Realignment and Closing process. That would be a terrible mistake because its result would be that thousands of America's veterans returning home from their second and even third tours of duty in Iraq and Afghanistan would come home to find that the barracks that were supposed to have been built with that BRAC money were not built.

They would come home, and then those troops, as they began to train to go back to Iraq and Afghanistan, would find the training ranges that they needed that were to have been built with this \$400 million in BRAC funding were not built; the very training ranges that are a vital part of not only allowing those troops to carry out their mission in our Nation's behalf, but help them come home safely to their families.

So, for those reasons, as well as a number of others, Mr. Chairman, I would like to make a point of order against the amendment because it provides an appropriation for an unauthorized program and, therefore, violates clause 2 of rule XXI. Clause 2 of rule XXI states, in pertinent part, "An appropriation may not be in order as an amendment for an expenditure not previously authorized by law."

Mr. Chairman, the amendment proposes to appropriate funds that are not authorized. The amendment therefore violates clause 2 of rule XXI.

I ask for a ruling from the Chair.

Mr. BURGESS. Mr. Chairman, I will not dispute the point of order. I believe that the amendment is germane because it is a military construction bill. But I understand the concept of authorizing. I would point out Congressional Budget Office does score this as a savings, so as the old saying goes, it doesn't cost, it pays. And I was willing to offer this money in the spirit of bipartisanship. But also in the spirit of bipartisanship I will, at this time, ask unanimous consent to withdraw the amendment.

Mr. EDWARDS. I thank the gentleman.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Ms. BERKLEY. I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Nevada is recognized for 5 minutes.

Ms. BERKLEY. Mr. Chairman, I rise tonight in support of this bill. I want to thank Chairman EDWARDS and Ranking Member WAMP for their extraordinary efforts on behalf of this Nation's veterans, and for including report language on veterans burial benefits.

□ 2145

I'm deeply concerned about the eroding value of plot allowance and burial benefits provided to our Nation's veterans. Because the benefits are not in-

cluded to inflation, their value continues to diminish each year. As a result, families and State veteran cemeteries have been left to cover the increasing costs of burying their loved ones. The VA simply must assess the need to increase the plot allowance of burial benefits to cover the same percentage of burial benefit costs that were covered in 1973 when these benefits were first initiated.

I appreciate the fact that the chairman has included the report language in the report the need for increasing burial benefits for our veterans.

I'm also pleased that the committee recognizes the importance of veterans' mental health and substance abuse services. This is an issue of great importance to me. I had a constituent by the name of Justin Bailey. He volunteered to serve this Nation, he was sent to Iraq, he served with honor and distinction. And when he returned, he developed a substance abuse problem. At the suggestion of his parents, he checked himself into a VA facility, and even though he was suffering from a substance abuse problem due to PTSD and other mental health issues, he was given more medication while he was in the VA facility. And he ultimately ended up overdosing while he was in the care of the VA.

Unfortunately, Justin is not an isolated incident. There are thousands of young men and women returning from service overseas that come back with a mental health problem or substance abuse problem or PTSD. I'm very delighted that this committee and Chairman EDWARDS have recognized that this is a crisis and this bill increases funding for mental health and substance abuse services for our veterans.

Again, I want to thank Chairman EDWARDS and Ranking Member WAMP for recognizing the importance of these issues, and I would like to urge my colleagues to support this legislation without reservation and without continuing to add on things that do not belong in this bill and are not germane.

Let's stand up for our veterans, and let's stand up for them this evening.

I yield back.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, AIR FORCE
(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$976,524,000, to remain available until September 30, 2013: *Provided*, That of this amount, not to exceed \$77,314,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings "Air Force" in the table

entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 109-114, \$1,359,000 are hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 110-5, \$3,581,000 are hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 110-161, \$12,741,000 are hereby rescinded.

Mr. PERLMUTTER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Colorado is recognized for 5 minutes.

Mr. PERLMUTTER. Mr. Chairman, I would like to inquire whether the gentleman from Texas would be willing to engage in a colloquy with me.

Mr. EDWARDS of Texas. I would be honored to do so.

Mr. PERLMUTTER. I thank the gentleman.

Simply put, dirt needs to be turned on the replacement Veterans Medical Center in Aurora, Colorado. This facility is the centerpiece of the VA's capital construction plan under the Capital Asset Realignment for Enhanced Services, the CARES project, which began in 1999.

Eight years are gone, millions of dollars in additional costs have been incurred, and three VA secretaries later, it is safe to say the time for action for Colorado and the Rocky Mountain veterans is now. They've waited far too long, and our taxpayers will pay far more the longer this project is dragged out. We have to get this project done.

It is for these reasons I understand and identify with the frustration many in our veterans' community feel in being shut out of the design process as they continue to see the construction of this important undertaking pushed back year after year.

Achieving consensus and moving forward with the construction of this facility has and will continue to be one of my top priorities in Congress. Simply put, it is not fair or right to punish our veterans by the repeated delays resulting each time a new Secretary of Veterans Affairs is appointed.

I believe our veterans deserve better than they've been treated through this process, and to quote the Denver Post, "Changing plans midstream without bringing in the people who would use the facility or those who put their political capital to work to get money for the project is an affront." And the editorial concludes with, "We hope the VA reconsiders its decision and honors the commitment made to veterans in the Colorado region. The long-anticipated standalone facility is sorely needed and further delay is unacceptable." And I couldn't agree more.

That is why I feel it is vital to provide the funding necessary for the Veterans Administration to move forward with the construction of the central utility substation, the parking garage,

and the surface parking lots of the proposed facility. These are all projects for which money has already been appropriated and is in the bank, and they're ready to go. In all likelihood, this is going to take more than the \$20 million that the administration is currently calling for.

But with that, I would like to yield to the gentleman to ask if he's willing to continue to work with me to secure the funding required to build a facility our veterans can be proud of as soon as possible.

Mr. EDWARDS of Texas. The answer to the gentleman's question is absolutely yes, and I want to salute the gentleman from Colorado for his tireless devotion for seeing that the veterans in the Denver area in Colorado have a VA medical center that is worthy of their service to our country.

It is simply not right that this process has been like a ping pong game going back and forth. The veterans of Colorado are told one year one thing's going to happen, the next year another thing is going to happen. The gentleman is right in saying that if plans are changing, there should be input from the veterans in the local communities.

So I look forward to working with the gentleman not only in this House but in meetings with the VA officials so that we see we move this important project forward expeditiously.

Mr. PERLMUTTER. I thank the gentleman, and I look forward to his visit to Aurora, Colorado, at the end of August.

I yield back.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, DEFENSE-WIDE
(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$1,614,450,000, to remain available until September 30, 2013: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$211,606,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings "Defense-Wide" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of

Representatives to accompany this bill: *Provided further*, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 108-324, \$3,589,000 are hereby rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$628,668,000, to remain available until September 30, 2013: *Provided*, That of the amount appropriated, not to exceed \$50,563,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings "Army National Guard" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$142,809,000, to remain available until September 30, 2013: *Provided*, That of the amount appropriated, not to exceed \$10,209,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings "Air National Guard" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

Ms. SHEA-PORTER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Hampshire is recognized for 5 minutes.

Ms. SHEA-PORTER. Mr. Chairman, I rise for the purpose of engaging in a colloquy with the chairman.

Mr. Chairman, I would like to thank you for your leadership in supporting our veterans and particularly on this bill. The 110th Congress has made great strides in fulfilling the promises made to our veterans.

Mr. Chairman, there are more than 130,000 veterans in New Hampshire. Those veterans have gone without a full service VA hospital for the past 7 years. Last year, over 700 veterans who visited our VA facility in Manchester for acute care were transported to Boston VA facilities or to the White River Junction in Vermont. For some of our more rural northern residents, this can

be an arduous ordeal. Hours can be spent in a car or bus traveling for medical care.

To address this inequity, I introduced legislation this week that would require the VA to either provide full-service hospital care or comparable services to veterans in every State.

Mr. Chairman, the legislation before us also includes an increase of \$200 million in fee-based care funding, care that our veterans can receive in local non-VA medical facilities. This program can provide much-needed assistance to veterans in New Hampshire, and I wanted to receive your assurances that we would continue to work together to ensure that New Hampshire veterans have adequate access to in-State health care.

At this time, I would like to yield to my friend and colleague from the Second District of New Hampshire.

Mr. HODES. I thank the gentleman for yielding.

I want to thank the chairman for his extraordinary leadership on this important issue and for standing up for veterans around the country.

I rise today to echo the concern of my colleague, Congresswoman CAROL SHEA-PORTER. New Hampshire remains the only State in the Nation without a full service VA hospital, forcing many veterans to drive long distances to get the care and treatment they desperately need and that they've earned. With record high gas prices, New Hampshire veterans are simply paying more to get critical medical care, and that's plain wrong.

I would like to echo the concerns of my colleague and also ask the chairman to clarify that the increases in fee-based care contained in the underlying bill are meant to address issues like those we have in New Hampshire.

And I look forward to continuing to work with the chairman and members of his committee on this important issue for Granite State veterans.

Mr. EDWARDS of Texas. I would like to answer the gentleman's question by saying that the answer is "yes."

And I want to thank Mr. HODES and Ms. SHEA-PORTER for fighting on behalf of improved medical care for the veterans of New Hampshire. You have not only done that by your election to Congress, you have been key players in making it possible for us to pass the largest increase in VA health care funding in the VA 77-year history. It wouldn't have happened without your election to Congress and your leadership.

I look forward to working with both of you in our subcommittee to see that we can ensure that the veterans of New Hampshire who have served our country receive the medical care that they deserve.

Ms. SHEA-PORTER. Thank you. I yield back.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities

for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$282,607,000, to remain available until September 30, 2013: *Provided*, That of the amount appropriated, not to exceed \$14,883,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings "Army Reserve" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$57,045,000, to remain available until September 30, 2013: *Provided*, That of the amount appropriated, not to exceed \$2,045,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings "Navy Reserve" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$30,018,000, to remain available until September 30, 2013: *Provided*, That of the amount appropriated, not to exceed \$5,675,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings "Air Force Reserve" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$218,867,000, to remain available until expended.

Mr. EDWARDS of Texas. Mr. Chairman, I ask unanimous consent that the remainder of the bill through title II, page 35, line 18, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of that portion of the bill is as follows:

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$646,580,000, to remain available until September 30, 2013: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Family Housing Construction, Army" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$716,110,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$382,778,000, to remain available until September 30, 2013: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Family Housing Construction, Navy and Marine Corps" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$376,062,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$395,879,000, to remain available until September 30, 2013: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Family Housing Construction, Air Force" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$594,465,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$49,231,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$850,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), \$4,500,000, to remain available until expended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$134,278,000, to remain available until September 30, 2013: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified in the table entitled "Chemical Demilitarization Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$473,377,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$9,065,386,000, to remain available until expended: *Provided*, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or \$2,000,000, whichever is less: *Provided further*, That the previous proviso shall not apply to projects costing less than \$5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under 10 U.S.C. 2805.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign

contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. (a) The Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress, by February 15 of each year, an annual report, in unclassified and, if necessary classified form, on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization

(NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term “host country” means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883, of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in “Family Housing” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in “Military Construction” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the

accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: *Provided*, That the Secretary of Defense shall notify

the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 126. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 127. None of the funds appropriated or otherwise made available in this title may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION
COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, \$43,111,681,000, to remain available until expended: *Provided*, That not to exceed \$26,798,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses", "Medical support and compliance", and "Information technology systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, \$3,086,944,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indem-

nities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, \$42,300,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND
PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2009, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$157,210,000.

VOCATIONAL REHABILITATION LOANS PROGRAM
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$61,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$3,180,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$320,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN
PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$646,000.

GUARANTEED TRANSITIONAL HOUSING LOANS
FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 20 of title 38, United States Code, not to exceed \$750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical support and compliance" may be expended.

VETERANS HEALTH ADMINISTRATION
MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; \$30,854,270,000, plus reimbursements, of which not less than \$3,800,000,000 shall be expended for specialty mental health care: *Provided*, That of the funds made available under this heading, not to exceed \$1,350,000,000 shall be available until September 30, 2010: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income,

or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of \$15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$4,400,000,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2010.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, \$5,029,000,000, plus reimbursements, of which \$350,000,000 shall be available until September 30, 2010: *Provided*, That \$300,000,000 for non-recurring maintenance provided under this heading shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$500,000,000, plus reimbursements, to remain available until September 30, 2010.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the Department, \$240,000,000, of which not to exceed \$20,000,000 shall be available until September 30, 2010.

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. PERLMUTER) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

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

H. Con. Res. 398. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The SPEAKER pro tempore. The Committee will resume its sitting.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

The Committee resumed its sitting.

□ 2200

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$1,801,867,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than \$1,473,753,000: *Provided further*, That of the funds made available under this heading, not to exceed \$75,000,000 shall be available for obligation until September 30, 2010: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; including pay and associated cost; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, \$2,492,066,000, plus reimbursements, to be available until September 30, 2010: *Provided*, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such

Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: *Provided further*, That within 30 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

AMENDMENT NO. 11 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. Is there objection to returning to that point in the reading?

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. GARRETT of New Jersey:

Page 36, line 5, after the dollar amount, insert "(reduced by \$18,018,000)".

Page 41, line 22, after the dollar amount, insert "(increased by \$18,018,000)".

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, I often come to the floor, and I often preface my remarks when I have an amendment, saying that I come to the floor tonight with a commonsense amendment. Quite candidly, I think that is more than apropos when I speak about what I'm here to speak about tonight.

My amendment simply does this: It seeks to increase the funds for State veterans homes, and it does so in the amount of \$18 million. From where does it get the money? Well, it does so by reducing the administrative expenses by a mere less than 1 percent, and that's a critical number, less than 1 percent. We believe that within that over billion dollar line that there is more than enough aptitude for going in and for finding less than 1 percent of additional funds that we could take out and put to a worthy cause such as toward our State veterans homes.

Today, there are 126 State extended care facilities. They're extended across all 50 States and in Puerto Rico as well. These veterans homes care for nearly 30,000 of our Nation's heroes. The number of veterans requiring care will continue to increase as servicemembers return from Iraq and Afghanistan.

Currently, there is a backlog, a huge, extensive backlog of projects waiting for funds. Now, many of these projects on this waiting list are critical for providing veterans with a healthy and secure environment. In fact, of the almost 200 projects waiting for Federal funds, nearly half of them are classified as priority 1.

I believe it is our duty to see that these facilities are able to provide the highest quality of care for the lives of those who have made the sacrifices for our Nation. After all, you can't really just call these things "institutions" anymore. These really are the homes where our veterans will spend out the days of their lives.

The staffs of these homes work hard to honor our veterans and to ensure that their last years are spent in comfort. I've had the pleasure now of working with folks back at the Paramus Veterans Home in my district in Bergen County, New Jersey. I've frequently visited with them and with their relatives who would come and visit, and local veterans organizations around the area would also come in, and they would work with them. These service organizations have worked hard to raise matching funds for these types of essential projects at these facilities. Likewise, they do across the Nation and, I'm sure, in each of your districts as well.

I would also like to make one other point. That is, in the Senate bill, in the Senate MilCon-VA Appropriations bill, they designate \$1.779 billion for general operating expenses while the House version designates \$1.801 billion. So we appropriate a little bit more than the Senate does. So that 1 percent cut from the appropriations line for the general operating expenses would still leave more money in the final version of the bill than the Senate version currently has. We know we have different numbers here so that, when it gets to conference, those numbers have to come into an equilibrium of some sense. We're up here. The Senate is over here. This will bring us closer to that equilibrium.

In addition, our colleagues over on the Senate Appropriations Committee have approved \$250 million for the State veterans homes while the House budget only puts in \$165 million. So my amendment would simply reduce this discrepancy by increasing the funding for State veterans homes by \$18 million. In other words, we're in the House at \$165 million. The Senate is at \$250 million. We're just trying to bring the House number up a little bit closer to where the Senate is, which probably will happen once it gets into conference committee, because those numbers have to work together.

So I'm just suggesting that a tiny, less than 1 percent cut in the administrative operations would allow us to provide our country's heroes with a better quality of life, and I think that's what we owe all of them. I hope that we can find a way to work together across the aisle to honor our vets and to make sure that they receive excellent care in all of their facilities.

I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Let me begin by saying to my colleague from New Jersey (Mr. GARRETT) that I salute his focus on the importance of increasing the funding for State extended care facilities, long-term care for America's veterans. That is exactly why, as the chairman of this subcommittee, I have worked on a bipartisan basis with our other subcommittee members and with Mr. WAMP, the ranking member, to increase by 94 percent above President Bush's request of funding for this program, 94 percent above the President's request. So I have no problem with the intent of what he is trying to accomplish, because we've been working on this very issue for months this year, and the bill product is proof of the success of that effort.

The reason I strongly oppose the gentleman's amendment is that it would take funding out of the very account that is needed to address one of our veterans' and veterans service organizations' highest priorities in the entire VA budget, and that is to reduce the unconscionable backlog of veterans who are waiting to have their claims processed, including a backlog for combat wounded veterans to have their benefit cases considered.

Right now, there are nearly 400,000 veterans waiting to get their claims processed. What this amendment would do is take enough money out of that budget that would require the VA to cut 250 claims processors. Maybe that sounds like a rounding error to some, but to America's veterans, to 390,000 of them to be exact who are waiting for the processing of their benefits they earned by service and even by their sacrifice to our country, that's a significant cut, and it would do great harm to one of the highest priorities of our veterans service organizations.

Mr. GARRETT of New Jersey. Would the gentleman yield at this point?

Mr. EDWARDS of Texas. I'd like to finish first.

So I wish the gentleman would withdraw the amendment and that we would continue to work in good faith as we already have this year, and that's evidenced by the 94 percent increase above the President's request for these.

I cannot go along with cutting funding that could lead to the loss of 250 claims processors that would link them to an already 6-month delay. For 6 months our veterans are having to wait to get their claims considered.

Our servicemen and -women, Mr. Chairman, didn't delay when Uncle Sam sent them to combat. They went to all parts of the Earth and into harm's way when our country asked them to do so. They didn't ask for a 6-month delay. For the National Guardsmen, the 500 I met last Sunday afternoon in my hometown of Waco, many of whom are going back to Iraq for their second and third tours of duty, they didn't wait 6 months when their country called on them to duty, and I don't think it's right to ask 390,000 veterans to wait 6 months.

We desperately need to get that waiting time down, and I think, though well intended and for a good cause—and it is well intended and it is a good cause—that this amendment that I have strongly supported could do harm to 390,000 veterans. That's why I rise in strong opposition to this amendment.

If I have some time remaining, I'd be glad to yield to the gentleman.

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

It appears that we're on the same page on this, but let me just make this one suggestion:

While the 250 positions are out there and while there's a waiting list out there for that group, there's also, as I've suggested, around 200-some-odd projects or more, actually, over half of which are on a critical category 1 list. So we have two important lists that have long waiting lists that have to be addressed.

My suggestion is that, if this were to pass and if we were to reduce the funds by \$18 million, there's nothing in the amendment that says to the administration take the \$18 million out of this over \$1.4 billion line and take it from the 250. You and I would have to agree that they must be able to find some other area to take it from than these 250.

Mr. EDWARDS of Texas. I would point out, Mr. Chairman, the gentleman never identified where he would cut the money from specifically, and this is the account that funds our claims processors that are desperately needed. I'd be happy to continue to work with the gentleman in a good faith, bipartisan effort to look for every dollar we can find for extended care facilities, but let's not take that out of the hide of nearly 400,000 veterans who have been waiting 6 months to get their benefits started.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$87,818,000, of which \$5,000,000 shall be available until September 30, 2010.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans

Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$923,382,000, to remain available until expended, of which \$10,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2009, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2009; and (2) by the awarding of a construction contract by September 30, 2010: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That none of the funds appropriated in this or any other Act may be used to reduce the mission, services, or infrastructure, including land, of the 18 facilities on the Capital Asset Realignment for Enhanced Services (CARES) list requiring further study, as specified by the Secretary of Veterans Affairs, without prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That of the amount appropriated in this paragraph, \$798,852,000 shall be for the site specific projects, and in the amounts, specified under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of

title 38, United States Code, \$991,492,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds in this account shall be available for: (1) repairs to any of the non-medical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

AMENDMENT NO. 28 OFFERED BY MR. BUYER

Mr. BUYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. BUYER:

Page 41, line 14, before the period insert "*Provided further*: That \$7,000,000 of the amount appropriated in this paragraph shall be for the installation of alternative fueling stations at 35 medical facility campuses".

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. BUYER. Mr. Chairman, I have an amendment that would provide \$7 million of the amount appropriated in the Department of Veterans Affairs' VA Minor Construction account. These moneys shall be used for the VA to install alternative fueling stations at 35 of its medical facility campuses across the country. This is one of many measures that can be taken to address the impact of the rising energy prices and to alleviate our Nation's dependence on foreign oil.

We have an energy crisis in this country, and unfortunately, some are not taking action before we leave on this August break. The House will recess, and we'll go 5 weeks, and we'll not be taking up meaningful energy legislation, but we have an opportunity tonight.

It was in 2007 that President Bush issued executive order 13423, "strengthening Federal environment, energy and transportation management," mandating a reduction of the amount of petroleum consumption for Federal transportation.

In compliance with the President's order, the VA has taken steps to install E-85, ethanol fueling stations, at six VA medical centers—in Altoona, Pennsylvania, in Augusta, Georgia, in Cleveland, Ohio, in Danville, Illinois, in Little Rock, Arkansas, and most recently in San Francisco, California.

I would think that Speaker PELOSI would want other VA facilities in other States and members' districts to have the very same fueling stations that are available at the San Francisco VA medical center in her own congressional district.

According to the VA, it has nearly 11,000 vehicles that collectively travel more than 100 million miles a year. The VA acquired over 1,000 Alternative Fuel Vehicles in FY 2007, and 99 per-

cent of these are flexible fuel vehicles that can use E-85. The installation of alternative fuel stations at more VA sites would have a huge impact on the reduction of greenhouse gases and in the amount of petroleum consumed. Based on recent discussions with the Department, I am confident that, if funding is provided, the VA could install alternative fueling stations at the 35 additional sites.

Mr. EDWARDS knows full well that he is about \$662 million above the President's request and nearly \$361 million more than in FY 2008.

So, again, in facing the tremendous energy challenge in this Nation, we must act collectively in a bipartisan fashion to reduce our dependence on bad actors around the world that control our energy supplies. There are more than a dozen alternative and advanced fuels in production and that used today, one of which is E-85, an 85 percent ethanol mixture, which in the United States is based primarily on corn. Investing in the use of alternative transportation fuel services is one way to help increase the supply of American-made fuel.

I think Mr. EDWARDS and I would agree we're anxious to get to nonedible fiber—cellulosic ethanol.

This use of renewable domestic energy sources will contribute to an enhancement of energy security, and it will reduce the reliance on foreign oil. The installation of alternative fueling stations on VA campuses will reduce greenhouse emissions and the VA's gasoline costs, and it will provide funds for direct health care services for the men and women who have taken the oath to defend the freedoms and our way of life.

I urge my colleagues to support the amendment.

I yield to the gentleman.

Mr. EDWARDS of Texas. Let me just commend Mr. BUYER for not only his leadership on veterans affairs over the years but for this amendment. I think this is a reasonable, responsible amendment, and I'll be glad to support it.

Mr. BUYER. I thank the gentleman.

I yield back the balance of my time.

□ 2215

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER).

The amendment was agreed to.

Mr. WAMP. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Tennessee is recognized for 5 minutes.

Mr. WAMP. I do want to point out, in follow-up support to the gentleman's amendment, about how important it is for us to advance alternative sources just across the board throughout the military. The Military Construction bill is kind of a small piece, frankly, of the energy utilization across the entire Department of Defense, but it is something that we clearly should come together on.

The military is a tremendous user of energy, we all know that. There is no question that we can do better there. And this was an excellent amendment offered by a gentleman who's got just tremendous history here with the Veterans Committee and a great patriot. So I think we want to encourage all of those type uses as we move forward.

We're coming together here on the bill tonight, I think we're making great progress. Over the next 2 to 3 hours I think we can get through the rest of the sections of this bill. Certain Members are working out agreements as I speak right now, and so we're trying to draft this language. And I'm kind of keeping the ball rolling now, as you can tell, so that we can get this language drafted. I think we're making the progress that we need tonight.

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

Mr. BUYER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. BUYER. I would like to thank Chairman CHET EDWARDS. I would like to thank ZACH WAMP. And to my good friend from Texas that I've worked with for many years, we have a challenge in front of us with regard to an amendment. And the challenge is that I've prepared an amendment that \$150 million, Mr. Chairman, would be dedicated under the minor construction account—for which there's a lot of dollars here—for the installation of appropriate solar electric energy roof applications.

Now, we had several meetings, Chairman EDWARDS, with a lot of lawyers, and the lawyers were looking at the applications of the rules and the processes. The interesting thing is, when we drafted the amendment—we're having the conversation that you said we didn't have time to do in private, so we're having to do it in public. So I have to do it now before we actually get into the details of the amendment.

So when I did the amendment, we put it at the end, on page 41 here, line 14. Now, when I put it there on the applications of solar, my assumption is that when you then look at all the general authorities, section 316, that's about colocation authority; section 2404, that's administration; 2406 is acquisition; 8102 is also acquisition—one is acquisition of land, 2406; 8102 is acquisition of medical facilities; 8103, that's minor construction. All these other sections have nothing to do with solar.

So my assumption, Mr. Chairman, when I put this in here, I did not put at the end of the amendment "at VA medical facilities." My assumption is that, well, we're not going to put it on tombstones, we're not going to put it in a parking lot, and it doesn't apply anywhere else.

But when I talked with the lawyers, they're like, you know, STEVE, you just can't do it like that. And you need to actually have at the end the words "at

VA medical facilities." So now I've got myself in a bit of a jam.

Now, Mr. EDWARDS, we can do this several ways: I could offer the amendment. I could then present all the arguments of solar and what the VA is presently doing in the 16 sites that they're proceeding with. And if you say, well, but I don't like the amount, I could do a UC, we could agree to a particular amount, we could add the language. We go to conference. If you say, nope, we're not going to have anything, okay. Well, what could I do? I could look at your language—which is general language—and say, well, that's fine; whatever you do at conference, that's fine with me. I'll just go down and I'll work with the Secretary. I'll negotiate with the Secretary and I'll take whatever those monies are and we'll do it that way.

But what I want to do with you, Chairman EDWARDS, is that you and I have worked together a lot over the years. And you and I are in agreement when it comes to alternative sources of energy. So let's be practical. If you want to say to me, STEVE, don't do \$150 million; lower the amount, add the language, we'll work this out in conference and we'll work with the Secretary, that's how we work these things out.

I yield to the gentleman from Tennessee.

Mr. WAMP. Well, I was prepared to perfect your amendment, if it's ruled in order, with the words "at VA medical facilities" to make sure that it complied with the letter of the law. But I think it's an outstanding amendment. And I would like to see it see the light of day, but I understand there may be a point of order reserved.

Mr. BUYER. I would like to reclaim my time and now have a conversation with the chairman. You said you wanted to have one.

I'm going to give great deference here, which way do you want me to go?

Mr. EDWARDS of Texas. Well, the gentleman talked a few minutes ago about how we've worked together; and I think 10 minutes ago was an example of that where I accepted the gentleman's \$7 million amendment.

On this one, I think the gentleman's explanation about all the problems that have occurred are the perfect reason why I have real concerns about an amendment that already has technical problems in it, an amendment that could deal with up to \$150 million coming out of minor construction projects, which are so important for our VA hospitals and clinics, I think this just isn't the right way to handle an amendment of that magnitude.

I think the gentleman knows me well; and I will work with him and Mr. WAMP in all good faith and see, as we go to conference, if there are places we can find reasonable funding sources for solar applications. But taking \$150 million, for example, would be 15 percent of the VA's minor construction project. And the very intent of that funding is

to prevent in the VA system what Americans were outraged at in the Army hospital system at Walter Reed.

Mr. BUYER. Reclaiming my time, when I make the UC to add "at VA medical facilities," what amount do you feel is reasonable?

The Acting CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. BUYER was allowed to proceed for 1 additional minute.)

Mr. BUYER. I yield to the chairman. Mr. EDWARDS of Texas. And the gentleman's question is what amount is reasonable?

Mr. BUYER. What amount do you think is reasonable?

Mr. EDWARDS of Texas. Well, what's not reasonable, I would say to the gentleman, is trying to decide at 10:25 at night an amendment that has already had technical difficulties, an amendment we haven't had a hearing on in our subcommittee—we had 20 hearings over 100 hours, this issue never came up.

So my intention is to object to the unanimous consent request, but in good faith, just as I showed a few minutes ago on the \$7 million amendment, let's continue to work together and see if we can find a way. I think having solar panels at VA facilities is something that can be an excellent idea, but this isn't the way to bring about that policy.

Mr. BUYER. I reclaim my time. I will offer the amendment, we'll go through the procedures, we'll talk about solar, and we'll work with you as we go to conference. If it's not there, I'll just go right down Pennsylvania Avenue and I'll work with the administration and we'll get the number necessary to fund the 16 sites. That's how the town works.

The Acting CHAIRMAN. The time of the gentleman has expired.

AMENDMENT NO. 29 OFFERED BY MR. BUYER

Mr. BUYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. BUYER:

Page 41, line 14, before the period insert "":
Provided further: That \$150,000,000 of the amount appropriated in this paragraph shall be for the installation of appropriate solar electric energy roof applications".

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

The gentleman from Indiana is recognized for 5 minutes.

Mr. BUYER. Mr. Chairman, my amendment would provide \$150 million of the amount appropriated in the Department of Veterans Affairs minor construction account for the installation of solar electronic roof applications.

Qualified solar technologies to be considered included, but not limited to,

distributed thin-film solar, amorphous crystalline, nano photovoltaic, and technology systems. What we're trying to do is harness the energy of the sun.

Alternative and renewable sources, such as solar power—whether it's wind, geothermal, hydrogen, biomass—all of these are extremely important. They play an important role in addressing rising energy prices and alleviate our Nation's dependence on foreign oil.

We have an energy crisis in this country. Peak oil is approaching year 2037. We need to rebalance the Nation's portfolio. And in order to do that, we increase our Nation's energy supply to bridge ourselves beyond the alternative energy future in which we seek. We must begin to act and to take decisive measures to address the impact of high energy costs on the Department of Veterans Affairs.

VA medical centers consume large amounts of energy, especially for advanced technologies such as CAT scans, MRIs, that are necessary to provide state-of-the-art medical technologies.

Between 2005 and 2007, VA's energy costs increased by 20 percent. Last year, the VA identified 16 potential sites for solar projects. It's in Calverton, New York; Gustine, California; Phoenix, Arizona; Fresno, California; West Los Angeles, California; Loma Linda, California; Long Beach, California; Dallas, Texas; Palo Alto, California; Sheridan, Wyoming; Reno, Nevada; Tucson, Arizona; Syracuse, New York; Buffalo, New York; West Haven, Connecticut; and Albany, New York. Yes, I am on the floor asking that we fund 11 Democrat districts and five Republican.

Last year, when they identified these, they did feasibility studies with regard to these 16 sites. This summer, the VA plans to move forward to install rooftop solar systems at two sites, Loma Linda and Dallas.

Solar technologies, they diversify our energy supply, they reduce our dependence on imported fuels, improve our air quality, and offset greenhouse gases.

And I'm also interested that, as we move toward American-made energy solutions, that we buy solar systems that are made in America, not ones that are made in China or in Germany or in other places. We should do it here.

At this point, I would like to clarify the amendment. I ask unanimous consent that at the end of my amendment, after the word "applications," insert the following: "At VA medical facilities."

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. EDWARDS of Texas. Mr. Chairman, I object.

The Acting CHAIRMAN. Objection is heard.

Mr. BUYER. Mr. Chairman, I ask unanimous consent to strike the amount of \$150 million and insert the amount of \$75 million.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. EDWARDS of Texas. Yes, I object.

The Acting CHAIRMAN. Objection is heard.

Mr. BUYER. Mr. Chairman, it is important that we continue to invest now to reduce the energy costs into the future. The opportunity to employ this technology at the VA, the second largest department within the Federal Government, is now.

Now, I had hoped that we could have done this tonight. I'll continue to work with you, Mr. Chairman.

To the country, this isn't a good message to send. I will speak with the Secretary in the morning. I will work with him. I will let him know that you're sending down \$662 million above the President's request, \$361 million more than FY08. And because he has, right now, these 16 projects, I believe there's more than sufficient funds here to move on solar applications.

I would have hoped that we could have done this in a bipartisan fashion; that is really unfortunate. And I will work with the Secretary to ensure that alternative sources of energy are used in the VA.

With that, I yield back my time.

□ 2230

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. EDWARDS of Texas. Yes, I do.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I think anyone who has listened to this debate over the last few minutes at 10:30 at night understands this isn't about partisanship at all. But I think what the American people would object to is going from \$150 million to \$75 million to whatever other number that we might pull out of our hat this late in the evening on a measure that wasn't considered for 1 minute in the 19 hearings we held covering over 100 hours.

I salute the gentleman, my friend and colleague. I salute the gentleman for his goal of trying to encourage the VA, and I want to encourage the Department of Defense as well, to use solar energy, to lessen our energy costs and our dependence upon foreign energy supplies. That is a worthwhile goal.

But, Mr. Chairman, appropriation bills are about setting priorities. And let me tell you my priority, and I'm proud to defend this priority. My priority is that I never want one American veteran to ever have to live in the unconscionable conditions that Army soldiers had to live in at Walter Reed Annex 18 last year. The American people were deeply offended by what they saw.

So our committee has worked on a bipartisan basis in good faith to see that we plus-up the minor construction accounts in the VA to provide the kind

of renovation so that we don't see that kind of nightmare occurring in the VA system that occurred in the Army medical system. And despite the worthiness of the gentleman's goals, even though it's so late at night and talking about sums such as \$150 million, the fact is that loss of money for minor construction could cause the VA to have to cancel 25 to 30 significant construction projects to help provide better care, more modernized facilities for our veterans. So that is why I object to this amendment.

And I do look forward to working with the gentleman. If he wants to work in good faith, that will be my commitment to him. But it ought to be on a carefully thought-out process, weighing not only the pluses of his laudable goals but the minuses of where he would take that money from. That's the right way to handle the American taxpayers' dollars.

Mr. WAMP. Will the chairman yield?

Mr. EDWARDS of Texas. I yield.

Mr. WAMP. Thank you, Mr. Chairman. I want to compliment you on your statement. And, again, we are bipartisan partners here. But I would point out that had we not had the preprinting requirement that was talked about earlier that we're living under, the fluidity of modifying amendments or amounts on the floor is part of the way that the appropriations process works.

We do have a great bill. But the neat thing about appropriations is when you bring a great bill to the floor, the Members of the House, all of them, do have the ability to make changes or make improvements or make suggestions, and, frankly, that is what the gentleman is trying to do. So I want to make that point, and to say that it's not late. We can start talking about how late it is, but this bill has been ready for the floor for 35 days. So as far as I'm concerned, we are not late tonight. We have got plenty of time to debate these things. So I don't want to—especially these gentlemen, the chairman and ranking member from the Veterans Affairs Committee who want to bring these ideas to the floor on an appropriation bill, that's kind of the nature of an appropriations process. It is an open process. We do have a great bill. I don't think it's a perfect bill not subject to amendment by the Members of the House.

Mr. EDWARDS of Texas. Mr. Chairman, let me just point out that the Rules Committee allowed any Member to offer any amendment to this bill with the only request that it be preprinted in the CONGRESSIONAL RECORD so the public and veterans organizations could see what those amendments would be. And this kind of confusion at this time of night is probably a good example of why that was a smart rule to require that kind of preprinting.

With that, I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman. Let me simply say I would never apologize for having a rule which requires all Members of the House to be aware ahead of time what amendments they will be asked to consider. It seems to me that the proper time to raise the questions raised by the gentleman who seeks to offer the amendment is before the bill ever hits the floor. It seems to me that if the authorizing committee or any member thereof has some ideas that they would like to see included in the appropriation bill that the best way to work in the legislative body is to talk to people ahead of time about it so that we don't have to make these horseback, half-baked judgments at 10:30 in the evening.

Mr. BUYER. Will the gentleman yield?

Mr. EDWARDS of Texas. Surely.

The Acting CHAIRMAN. The time of the gentleman has expired.

POINT OF ORDER

Mr. EDWARDS of Texas. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI.

Clause 2 of rule XXI states in pertinent part:

"An appropriation may not be in order as an amendment for an expenditure not previously authorized by law."

Mr. Chairman, the amendment proposes to appropriate funds for a program that is not authorized. The amendment therefore violates clause 2 of rule XXI, and I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does anyone wish to be heard on the point of order?

Mr. BUYER. I would like to speak on the point of order.

The Acting CHAIRMAN. The gentleman is recognized.

Mr. BUYER. First, it's very unfortunate that solar would be kicked out on an attempt of a technicality. Let me go right to the point of order.

The amendment refers to title 38, U.S. Code, Section 8103. It provides VA the authority to "construct" and "alter." So you can see that in the very first line; so 8103(a)(1) "may construct or alter any medical facility." Now, it's any medical facility as the Secretary considers necessary for use of the site. Section 8101 of title 38, United States Code, defines the term "alter" with respect to medical facility means to repair, remodel, improve, or extend. So this section 8103 is general authority. Specific authority would come under—and this is minor construction. So under general authority, the Secretary has great discretion. With regard to specific authority, it would come under Section 8104. That would be designations of CBOCs, anything above \$10 million comes under Section 8104.

What I refer to, and this is what the Parliamentarians make sure everybody has, it's the House Practice guide, the Guide to the Rules, Precedents, and

Procedures of the House. So when I go to page 84, the authorization from specific statutes in this paragraph, Mr. Chairman, so this was page 84, and it's entitled under Authorization From Specific Statutes Or General Existing Law; so what I have done is refer to the general law, not the specific. This is the general law. "Authorization for a program may be derived from a specific law providing authority for that particular program or from a more general existing law," which means organic law, or "authorizing appropriations for such programs."

So what's happened over the years, it's not like the Armed Services Committee, Chairman EDWARDS.

Mr. Chairman, we don't bring that annual VA authorization bill. So what has happened over the decades, Mr. Chairman, is that we have always relied on the 8103 as the general authority provision.

Now, if you say, well, STEVE, when you look at this amendment, when you look at the amendment, because you don't put "VA facility" at the end, well, then we might interpret that as applications to all other sections. Mr. Chairman, that's why I said the mistake that was made was, was that all of these other sections don't even apply to solar. There's only one of these sections that would apply to solar, and that is the medical facilities section, and that is the 8103.

So my appeal to you is that by putting this solar amendment here at the end of the paragraph, there is only one section here in which it applies to, and that's section 8103.

So when the chairman said you don't have the authorization, I would appeal to the Chair that general authority exists within the minor construction statute for us to do this, and that would be my argument on the point of order.

The Acting CHAIRMAN. Does any other Member wish to be heard?

Mr. EDWARDS of Texas. Mr. Chairman, I would just say briefly I think the Chair has received plenty of advice on this point of order, and now I would like to ask for a ruling from the Chair.

The Acting CHAIRMAN. The Chair is prepared to rule.

The proponent of an item of appropriation carries the burden of persuasion on the question of whether it is supported by an authorization in law.

Having reviewed the amendment and entertained argument from both parties on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law. Specifically, the amendment is not confined to medical facilities.

The Chair is therefore constrained to sustain the point of order raised by the gentleman from Texas under clause 2(a) of rule XXI.

Mr. BUYER. I move to appeal the ruling of the Chair.

Mr. Chairman, I will withdraw my motion to appeal the ruling.

The Acting CHAIRMAN. The appeal is withdrawn.

The Clerk will read.

The Clerk read as follows:

GRANTS FOR CONSTRUCTION OF STATE
EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$165,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE
VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS
(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2009 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for fiscal year 2009, in this Act or any other Act, under the "Medical services", "Medical support and compliance", and "Medical facilities" accounts may be transferred among the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2008.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and pensions".

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2009, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" and "Information technology systems" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2009 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2009 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed \$34,158,000 for the Office of Resolution Management and \$3,278,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to "General operating expenses" and "Information technology systems" for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of

section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of that account.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans who are eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used to replace the current system by which the Veterans Integrated Services Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 219. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 220. The Secretary of Veterans Affairs shall submit to the Committees on Appro-

priations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available under the "Medical services", "Medical support and compliance", "Medical facilities", "General operating expenses", and "National Cemetery Administration" accounts for fiscal year 2009, may be transferred to or from the "Information technology systems" account: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 222. Amounts made available for the "Information technology systems" account may be transferred between projects: *Provided*, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Any balances in prior year accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors shall be transferred to and merged with amounts available under the "Compensation and pensions" account, and, hereinafter, receipts that would otherwise be credited to the accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors program shall be credited to amounts available under the "Compensation and pensions" account.

SEC. 224. Section 1710(f)(2)(B) of title 38, United States Code, is amended by striking "September 30, 2008," and inserting "September 30, 2009,".

SEC. 225. Section 1729(a)(2)(E) of title 38, United States Code, is amended by striking "October 1, 2008," and inserting "October 1, 2009,".

Mr. EDWARDS of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WAMP. Mr. Chairman, point of parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his point of inquiry.

Mr. WAMP. Will you restate how far you've read?

The Acting CHAIRMAN. Page 51, line 11.

Mr. WAMP. No objection.

The Acting CHAIRMAN. Are there any amendments?

AMENDMENT NO. 9 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. JACKSON-LEE of Texas:

At the end of title II (page 51, after line 11), insert the following new section:

SEC. 226. (a) The Secretary of Veterans Affairs shall increase the number of medical centers specializing in post-traumatic stress disorder in underserved urban areas, which shall include using the services of existing health care entities, pursuant to the authority in section 1703 of title 38, United States Code.

(b) At least one of the existing health care institutions used by the Secretary pursuant to subsection (a) shall be—

(1) located in an area defined as a HUBzone (as that term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)) on the basis of one or more qualified census tracts;

(2) located within a State that has sustained more than five percent of the total casualties suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom; and

(3) have at least 7 years experience and significant expertise in providing treatment and counseling services with respect to substance abuse, alcohol addiction, and psychiatric or stress-related disorders to populations with special needs, including veterans and members of the Armed Forces serving on active duty.

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to offer and withdraw an amendment on this particular bill.

The amendment has to do with the Secretary of Veterans Affairs, calling upon them to increase the number of medical centers specializing in posttraumatic stress disorder in underserved urban areas, which shall include using the services of existing health care entities pursuant to the authority in section 1703.

This particular amendment has to do with ensuring the cooperation with existing health care institutions used by the Secretary pursuant to subsection (a).

I would like to see these facilities located in an area defined as a HUBZone and as well in an area that covers rural areas. I would like to see, according to my amendment, that these facilities would be located within a State that has sustained more than 5 percent of the total casualties suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom.

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I am very pleased that, under the leadership of Chairman EDWARDS, longstanding leadership, that the legislation that we have before us includes more dollars for mental health and substance abuse, and as well some \$3.8 billion, and also it includes \$200 million to address the question of fee-based services in the Veterans' Affairs medical system. It also has additional money, \$5 billion, for medical facilities and \$165 million for extended care.

My amendment was to recognize the plain facts of combat, as we have seen

more and more soldiers coming back from Iraq and Afghanistan wounded not only physically but mentally. Most of these soldiers have seen—94 percent of the soldiers in Iraq have reported receiving small arms fire, 86 percent of soldiers in Iraq reported knowing someone who was seriously injured. Some similar numbers we are finding in Afghanistan because we have seen an increased amount of combat in Afghanistan.

And so, Mr. Chairman, my concern is to ensure that we have the right kind of facilities for our soldiers that are returning. So I offer this amendment because I thought it was very important to include hospitals like Riverside General Hospital, the only historically black hospital I believe remaining in the United States, founded and organized by a World War II veteran, or family of a World War II soldier.

I would hope that as we move toward the conference, since this amendment is now being withdrawn as I conclude my remarks, I am hoping that we will be able to work with the committee and ensure that we have the opportunity to make this work.

I'd like to yield to the chairman, if I could. I'd like to yield to the gentleman about the amendment that I have that has to do with providing post-traumatic stress disorder facilities in collaboration with existing facilities.

I think this is a good amendment. I am offering and withdrawing it in cooperation with the committee. I won't go down to 1600 Pennsylvania and work with the White House, but I would like to work with this committee and this chairman, and thank him for his leadership, as well as Chairman FILNER, who has been more than powerful, if you will, on the issues of veterans.

This has to do with putting these facilities in historically underserved areas and, as I indicated to you, Riverside Hospital has an initial grant. We are having some difficulty in making sure they get their moneys from the last time. But I think we need more of these facilities.

I yield to the gentleman.

Mr. EDWARDS of Texas. I want to thank the gentlewoman from Texas, my colleague. She has been a champion for fighting for more funding in the VA for mental health care services for our veterans. Because of that, and the support of others in this House, which she has been a real leader in this effort, we will have added \$900 million above the last year funding level for specialty mental health care services for our veterans.

The VA will have a great deal of discretion in how to spend that money. I would imagine the importance of the VA health care center in Houston and the number of veterans there, that it should be one of the beneficiaries of this funding.

I know because of this being an appropriation bill, there were technical reasons why there was a point of order

that potentially lodged against this amendment. But that point of order will not keep us from working closely together to fulfill your goal of seeing that we have first-class quality mental health care services for veterans in underserved areas and urban areas across our country.

Ms. JACKSON-LEE of Texas. If I could reclaim my time and say that the underpinnings of this amendment has to do with existing satellite facilities such as Riverside Hospital that could be in collaboration. I would be very grateful if I could work with the chairman and full committee, and I want to acknowledge the chairman of the full committee in looking at that as we go into conference, as to whether or not we can at least ensure that those facilities will be looked at.

Mr. EDWARDS of Texas. We look forward to that.

Ms. JACKSON-LEE of Texas. Thank you very much.

Mr. Chairman, I rise to speak in support of the bill and in favor of my amendment. I also rise to express my sincere appreciation to Mr. EDWARDS, the chairman of the Appropriations Subcommittee on Veterans Affairs and Military Construction, and the Chairman of the Veterans Affairs Committee, Mr. FILNER, for all they have done and continue to do to make real President Lincoln's admonition that "we care for him who has borne the battle, and for his widow and orphan."

In particular, I wish to commend Chairman EDWARDS, for the leadership, commitment, and foresight he has demonstrated on the issue of PTSD and the overall mental health of our nation's veterans. Like Mr. EDWARDS and Mr. FILNER, I am committed to improving the lives of thousands of veterans who have risked their lives for our nation, and I believe my amendment plays a crucial role in ensuring that veterans suffering from PTSD receive the medical treatment they desperately need.

Mr. Chairman, thank you for this opportunity to explain my amendment to H.R. 6599, the "Veterans Affairs and Military Construction Appropriations Act for Fiscal Year of 2009." As a Member of Congress from Texas, a state which has sustained more casualties in the ongoing conflicts in Afghanistan and Iraq than all but one other, I am pleased to offer this amendment. This amendment is intended to address the urgent need for more post-traumatic stress disorder (PTSD) treatment and counseling facilities servicing veterans living in some of the more distressed areas of our country.

Mr. Chairman, according to Webster's, dignity is "the quality or condition of being esteemed, honored or worthy." We can never do enough to honor our wounded veterans. Studies have shown that 30 percent of troops deployed to Iraq suffer from depression, anxiety, or post-traumatic stress disorder (PTSD). However, when wounded troops return home, the treatment they receive is more befitting a second class citizen than a hero. This is a shame and a great stain on our nation.

How these problems could be overlooked or neglected by this Administration is unfathomable. The very leaders that these brave young men and women rely let them down. The message that incidents like Walter Reed Medical Center sends to our troops is

that we do not care enough. But that is not the message we wish to send. The Veterans Administration and Military Construction Appropriations Act of 2009, H.R. 6599, will go a long way toward correcting this misapprehension. All Members of the House are indebted to our colleague, Mr. EDWARDS of Texas, for his masterful leadership in shepherding this landmark legislation to the House floor. For the more than 29,000 brave men and women who have been wounded in Iraq and Afghanistan, help is on the way. And the over 4,000 heroes who have given the last full measure of devotion will always be in our hearts and prayers.

Mr. Chairman, my amendment requires the Secretary of Veterans Affairs to increase the number of medical facilities specializing in post-traumatic stress disorder located in underserved urban areas. Access to post-traumatic stress disorder treatment is especially important since veterans living in such areas are less likely to be diagnosed and treated for post-traumatic stress disorder.

Mr. Chairman, PTSD is one of the most prevalent and devastating psychological wounds suffered by the brave men and women fighting in far off lands to defend the values and freedom we hold dear.

For those of us whose daily existence is not lived in harm's way, it is difficult to imagine the horrific images that American servicemen and women deployed in Iraq, Afghanistan, and other theaters of war see on a daily basis. In an instant a suicide bomber, an IED, or an insurgent can obliterate your best friend and right in front of your face. Yet, you are trained and expected to continue on with the mission, and you do, even though you may not even have reached your 20th birthday.

But there always comes a reckoning. And it usually comes after the stress and trauma of battle is over and you are alone with your thoughts and memories. And the horror of those desperate and dangerous encounters with the enemy and your own mortality come flooding back.

PTSD was first brought to public attention in relation to war veterans, but it can result from a variety of traumatic incidents, such as mugging, rape, torture, being kidnapped or held captive, child abuse, car accidents, train wrecks, plane crashes, bombings, or natural disasters such as floods or earthquakes.

People with PTSD may startle easily, become emotionally numb (especially in relation to people with whom they used to be close), lose interest in things they used to enjoy, have trouble feeling affectionate, be irritable, become more aggressive, or even become violent. They avoid situations that remind them of the original incident, and anniversaries of the incident are often very difficult. PTSD symptoms seem to be worse if the event that triggered them was deliberately initiated by another person, as in a mugging or a kidnapping. Most people with PTSD repeatedly relive the trauma in their thoughts during the day and in nightmares when they sleep. These are called flashbacks. Flashbacks may consist of images, sounds, smells, or feelings, and are often triggered by ordinary occurrences, such as a door slamming or a car backfiring on the street. A person having a flashback may lose touch with reality and believe that the traumatic incident is happening all over again.

Mr. Chairman, the fact of the matter is that most veterans with PTSD also have other psychiatric disorders, which are a consequence of

PTSD. These veterans have co-occurring disorders, which include depression, alcohol and/or drug abuse problems, panic, and/or other anxiety disorders.

The current conflicts in Afghanistan and Iraq are the most continuous combat operations since Vietnam. Soldiers in Iraq are at risk for being killed or wounded themselves, are likely to have witnessed the suffering of others, and may have participated in killing or wounding others as part of combat operations. All of these activities have a demonstrated association with the development of PTSD. One study indicated that 94 percent of soldiers in Iraq reported receiving small-arms fire. In addition, 86 percent of soldiers in Iraq reported knowing someone who was seriously injured or killed, 68 percent reported seeing dead or seriously injured Americans, and 51 percent reported handling or uncovering human remains. The majority, 77 percent of soldiers deployed to Iraq reported shooting or directing fire at the enemy, 48 percent reported being responsible for the death of an enemy combatant, and 28 percent reported being responsible for the death of a noncombatant.

My amendment recognizes that these soldiers are first and foremost, human. They carry their experiences with them. Ask a Vietnam Veteran about the frequency of nightmares they experience, and one will realize that serving in the Armed Forces leaves a lasting impression, whether good or bad. My amendment ensures that "no soldier is left behind." By directing the Secretary of Veterans Affairs to increase the number of medical facilities specializing in PTSD that are located in underserved urban areas, and conducting a concurrent study on increasing access to PTSD treatment at these facilities those soldiers will never feel forgotten or taken for granted. These soldiers can be certain that Members of Congress will ensure that they receive the necessary treatment to guarantee that their adjustment back into society is a successful one.

As the war in Iraq continues to drag on, and with our country continuing to send military personnel to Afghanistan, the military has been overwhelmed with returning soldiers suffering from mental health problems. Earlier this month, Col. Elspeth Ritchie, psychiatry consultant to the Army surgeon general, stated "as the war has gone on, PTSD and other psychological effects of war have increased. The number of (mental health workers) that was adequate for a peacetime military is not adequate for a nation that's been at war."

Mr. Chairman, according to surveys conducted of troops in Iraq, 15–20 percent of Army soldiers have demonstrated signs of post-traumatic stress. Symptoms of this serious disorder include nightmares, flashbacks, emotional detachment, dissociation, insomnia, loss of appetite, memory loss, clinical depression, and anxiety. One year after returning from combat, approximately 35 percent of soldiers are seeking some kind of mental health treatment. Among soldiers still stationed in Iraq and Afghanistan, many incidents of abuse, including killings and rapes by U.S. soldiers, have been attributed to ethics lapses caused by the strain of combat.

Mr. Chairman, last Thursday, the Department of Defense released a report that stated "current efforts fall significantly short" in providing help for troops. Further, this report found that "[t]he psychological health needs of

America's military service members, their families and their survivors pose a daunting and growing challenge to the Department of Defense."

I urge adoption of my amendment. And I thank the Chairman for his fine work in bringing this exceptional legislation to the House floor where it should receive an overwhelmingly favorable vote.

Ms. JACKSON-LEE of Texas. I ask again, Mr. Chairman, unanimous consent at this time to withdraw the amendment, but keeping in mind that veterans and returning soldiers need service and they need to have the kind of service for PTSD. And I hope that we will be able to accomplish that.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENTS NO. 18 AND 19 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I ask unanimous consent to consider my amendments 18 and 19 en bloc for the purpose of debate.

The Acting CHAIRMAN. Without objection, the Clerk will designate the amendments.

There was no objection.

The text of the amendments is as follows:

Amendment No. 18 offered by Mr. FILNER:

At the end of title II of the bill, (page 51, after line 11), add the following new section:

SEC. 226. Appropriations made available in this title for "Medical services" shall be used by the Secretary of Veterans Affairs, in an amount not to exceed \$250,000,000, to establish a community grant program to provide rehabilitative services to veterans and servicemembers with post-traumatic stress disorder or traumatic brain injury. The Secretary of Veterans Affairs may enter into cooperative agreements with States and localities in order to inform veterans and servicemembers of programs and benefits under this grant program.

Amendment No. 19 offered by Mr. FILNER:

At the end of title II of the bill (page 51, after line 11), add the following new section:

SEC. 226. Appropriations made available in this title for "Medical services" shall be used by the Secretary of Veterans Affairs, in an amount not to exceed \$10,000,000, to establish, in cooperation with the Secretary of Defense, a heroes' homecoming pilot program to evaluate the effectiveness of offering compulsory screening, evaluation, and when indicated, treatment for mental health conditions such as post-traumatic stress disorder, and traumatic brain injury, to servicemembers (and immediate family members) returning from deployment and those recently discharged.

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The point of order is reserved.

The gentlemen from California is recognized for 5 minutes.

Mr. FILNER. Mr. Chairman, as the chairman of the Authorizing Committee, the House Veterans' Affairs Committee, I want to thank Chairman EDWARDS, Chairman OBEY, and his ranking members, for giving us this bill and a whole series of bills that preceded this since our party has taken over the majority of this body.

Not only have we for the first time with fiscal years 2008 and 2009 exceeded

the budget requests in the so-called independent budget, which is put together by veterans' groups for veterans, and for the first time we exceeded them 2 years in a row. Not only that, but with the fiscal year 2007, which we had to pick up, and several supplemental bills which we had to pass, we have added, in my calculation, over \$17 million worth of new money for the health care of our veterans, which is an unprecedented 40 percent increase since Chairman EDWARDS and Chairman OBEY have been chairmen of those committees. That is incredible.

We have put resources in place to do the job for our veterans, but the Veterans Administration doesn't always do what we intend, or do it with the efficiency that we would like. Many of you have heard the horror stories of young people going to medical centers, asking for PTSD help, post-traumatic stress disorder, being told that they can't get an appointment for 5 or 6 weeks, going home and committing suicide.

We have had the Secretary of the VA tell me, when I said, Aren't a thousand suicide attempts per month by our veterans a concern? He said, No. It's consistent with the literature. We have had a Secretary, Under Secretary of Defense say that 300,000 PTSD victims of our forces in Iraq and 320,000 victims of brain injury were not a problem because those were just symptoms of those injuries. They didn't really exhibit full-blown PTSD or full-blown traumatic brain injury and therefore they weren't concerned about it. So their concern, Mr. Chairman, has not always equaled our commitment here.

My two amendments would try to have dealt with that in a way that I hope and I know the chairman will work with me in the future.

Do you know that tens of thousands of our young people leave Iraq and Afghanistan, whether they are in the active duty or the Reserves or the National Guard, without any evaluation by medical personnel for either PTSD or brain injury?

We have to do something about that, Mr. Chairman. I have proposed, and we will work with you as we authorize what I am calling a Hero's Homecoming camp, to say that every soldier with his or her company, with his or her family, will be evaluated by medical personnel for brain injury and PTSD, and before they are discharged from the service. I had asked for \$10 million to cooperate with the DOD to do that.

In addition, one of the chief weaknesses of the Veterans Administration is they don't like outside help. They don't ask for community support. All over this country, people want to help our troops. So I have asked at some point for \$250 million for community grants to help our soldiers in their own communities who have mental health and other injuries for their treatment and rehabilitation.

This is something I think we have to do, Mr. Chairman. I know you agree

with me in principle. I know this is not the time and place to debate that or put that in the bill. Your commitment to our soldiers, sailors airmen, and marines is well known. Just putting that out there, that we have to do this community support, mandatory evaluations, that I know that we can work together.

I will withdraw the amendment.

Mr. EDWARDS of Texas. Will the gentleman yield first?

Mr. FILNER. I will yield to you first.

Mr. EDWARDS of Texas. Let me just take this opportunity, Mr. Chairman, to thank Mr. FILNER. While I chair the appropriations subcommittee for veterans, he is the chairman of the full Committee on Veterans' Affairs. He has been a leading voice in fighting for mental health care services for our veterans and a broad range of services and benefits for our veterans. Without his leadership, we would not have \$3.8 billion in specialty mental health care mandated in this bill, a \$900 million increase over the year before.

I certainly look forward to working with the chairman of the authorizing committee in the months ahead on the programs that he has fought so hard for.

Mr. FILNER. Mr. Chairman, I would ask unanimous consent to withdraw the amendments en bloc.

The Acting CHAIRMAN. Without objection, the gentleman's amendments en bloc are withdrawn.

There was no objection.

AMENDMENT NO. 22 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. FILNER:

At the end of title II (page 51, after line 11), add the following new section:

SEC. 226. (a) PAYMENTS TO VETERANS WHO SERVED IN PHILIPPINES DURING WORLD WAR II.—During the one-year period beginning on the date of the enactment of this Act, the Secretary of Veterans Affairs (in this section referred to as the "Secretary") shall make a payment to a person described in subsection (e) who, during such period, submits to the Secretary an application containing such information and assurances as the Secretary may require.

(b) PAYMENT AMOUNTS.—Each payment under this section shall be—

(1) in the case of a person described in subsection (e) who is not a citizen of the United States, in the amount of \$9,000; and

(2) in the case of a person described in subsection (e) who is a citizen of the United States, in the amount of \$15,000.

(c) LIMITATION.—The Secretary may not make more than one payment under this section for each person described in subsection (d).

(d) ELIGIBILITY OF INDIVIDUALS LIVING OUTSIDE THE UNITED STATES ENTITLED TO CERTAIN SOCIAL SECURITY BENEFITS.—Receipt of a payment under this section shall not affect the eligibility of an individual residing outside the United States to receive benefits under title VIII of the Social Security Act (42 U.S.C. 1001 et seq.) or the amount of such benefits.

(e) ELIGIBLE PERSONS.—A person covered by this section is any person who served—

(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

(f) OFFSETTING REDUCTION.—The amount otherwise provided by this title for "INFORMATION TECHNOLOGY SYSTEMS" is revised by reducing the amount by \$198,000,000.

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

The gentleman from California is recognized for 5 minutes.

Mr. FILNER. Mr. Chairman, I thank the chairman for allowing me to take a few minutes on this amendment. As we are very much concerned with our Iraqi and Afghanistan young men and women who are returning with grave injuries, we cannot forget our older veterans and the justices that we have to make up for.

We can go back to World War II where we have atomic veterans who have not yet received compensation for being in testing areas without being told. We have merchant mariners who never got benefits of our GI Bill, who are in their eighties and we need to say thank you to.

We have a group of veterans who were drafted into the Army in 1941, all the Filipinos who were in the Filipino army and various units and various irregular areas defending that territory. That was a territory of ours. And we drafted all the soldiers into our Army with the promise that they would have benefits later.

Those Filipino soldiers, over a quarter million of them, held up the Japanese advance for weeks and weeks and weeks beyond their scheduled advance. It allowed us back home to prepare better and for MacArthur to return. And though the Japanese overran the Philippines in the terrible battles of Corregidor and the famous death march of Bataan, the surviving soldiers were able to harass the Japanese through guerilla work, and they were not strong enough to resist MacArthur when he returned. In fact, it was the Filipinos, bravely alongside their American counterparts, who helped to win the war in the Pacific.

After the war was over, after we had won in both the Atlantic and Pacific, the Philippines were granted their independence, and the Congress of 1946 said, You got your independence. You take care of your veterans. Yes, you saved America, but that is your problem, not ours anymore.

Although President Truman signed the legislation which embodied that in law, he said, We must repair this important travesty. We promised those veterans full benefits. We have taken them away. We have to go and give them back. That was 62 years ago, Mr. Chairman, and that travesty still burns in the hearts of the Filipinos who are alive, and their family members.

The amendment I have in front of the body says that, basically, We are sorry, but thank you.

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It provides a pension for those brave Filipino veterans. This is a moral necessity for America to close the chapter on World War II. This is a moral necessity for this Congress to make up for a mistake that was made 62 years ago.

I know many Members of this body agree with remedying this moral disaster, and yet we have had problems of how we pay for that and how we somehow use the budget to make sure that we are helping these deserving veterans, while not taking away from our brave young men and women from either World War II, Vietnam, Korea, the Persian Gulf war 1 or the present conflicts.

So, Mr. Chairman, I am trying to figure out a way to do that. I know the vast majority of this body agrees with me, and I look forward to working with you to find a way to do that.

I know there are other speakers on this amendment. I would hope that we have a colloquy with the chairman on his time in a few minutes.

I yield back the balance of my time.

The Acting CHAIRMAN. Does the gentleman from Texas continue to reserve his point of order?

Mr. EDWARDS of Texas. Yes, I do, Mr. Chairman.

Mr. HONDA. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HONDA. Mr. Chairman, before I start, I want to thank the chairmen of the Appropriations Committee and the subcommittee, the ranking members on the other side, and Chairman FILNER for the underlying bill that we are looking at, and also I want to commend Chairman FILNER for his unceasing advocacy on behalf of the Filipino-American veterans.

Mr. Chairman, I am glad to have the opportunity today to speak about this important issue and to draw attention to the plight of the World War II Filipino veterans. I rise today to strongly urge my colleagues to support the Filipino veterans.

These brave men fought alongside American soldiers under our flag throughout the Pacific Theater in World War II, and the United States made a promise to grant them veterans benefits as they were drafted into the U.S. service under President Roosevelt. Subsequently, after the war, Congress

shamefully and unjustly legislated this promise away in two Rescissions Acts of 1946.

Nearly 1 million Filipinos who were conscripted into service by President Roosevelt were killed in action in defense of our country, and many of them died as they protected the POWs, who were our soldiers, against the Japanese brutality during the Bataan Death March.

I support legislation, S. 1315, which will expand benefits, such as life insurance, education and disability assistance for tens of thousands of current veterans and hundreds of thousands in the coming years. Senate 1315 also restores the promise in our words we made in 1942 to the Filipino World War II veterans who bled and died for our country. Today there are only 18,000 World War II Filipino veterans living, most of them in their eighties, and they are dying every day, and this cannot wait.

The Senate has already passed S. 1315 by a vote of 96-1 on April 24, 2008, and I urge my colleagues to follow in the Senate's footsteps. This is the right thing to do.

There has been some controversy and confusion about the offset to pay for the benefits in S. 1315. I would like to set the record straight today. This bill will close a loophole created by a case known as Hartness v. Nicholson which gave some veterans double benefits that Congress never intended for them to receive. The bill will return the law to what it was originally intended for all future veterans. It will not take any benefits away from veterans who are already receiving them under Hartness-Nicholson.

This all seems a bit technical. I know some Members are having a hard time supporting S. 1315. But what it boils down to is that this is the right thing to do, and we need to do it very quickly.

Each year I meet with the Filipino community, and each year I read the roll call of those who have passed away. These are men who are courageous and still loyal to the United States and to the flag, and they hold this wonderful spirit and expectation that we will finally keep our word. You know in your hearts that these veteran soldiers who fought under our flag deserve the promise we made them six decades ago.

America's greatness is in her strength of character. When Congress makes a mistake, we have the courage to correct that mistake. We have the guts to apologize and make it right. Let's do the right thing and give the Filipino veterans their due. Let's have a vote on this when we come back from recess this September.

I yield back my time.

The Acting CHAIRMAN. Does the gentleman from Texas continue to reserve his point of order?

Mr. EDWARDS of Texas. Yes, I do. I would also like to move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, my father was a naval aviator in World War II. My father passed away 4 months ago. Had it not been for the courage of Filipino veterans, my father might have been killed, because instead of the war ending before he was deployed, had it not been for their heroism in the Pacific, my father might have been deployed, and like so many other Americans in that war, he might have ended up giving his life to the country.

I have been deeply moved by Mr. HONDA and Mr. FILNER's passionate dedication on behalf of these great citizens of the world who sacrificed, many of them giving the ultimate sacrifice, on behalf of our country and our victory in World War II. Because of the legislative process, there are times when we simply, despite all of our intentions, cannot solve every problem on an appropriations bill, because the rules of this Congress require an authorization process as well.

We can't solve this problem tonight, but because of Mr. FILNER and because of Mr. HONDA, I think we are a giant step closer to addressing this injustice that has existed for so long.

My commitment to Mr. FILNER and Mr. HONDA is to work as the chairman of the appropriations subcommittee with the chairman of the authorizing committee and on a bipartisan basis to find appropriations available so that if we can get an authorization for those appropriations, we can finally bring about justice for these people who did so much for our country and for the world.

With that, I would like to yield, Mr. Chairman, to Chairman FILNER.

Mr. FILNER. I see our Speaker on the floor. The only one I think who knows more about this issue than me is Speaker PELOSI, who has dealt with this in the 20 years that she has been in the Congress. I would ask the chairman to yield to her.

Mr. EDWARDS of Texas. I will be honored to yield to the Speaker, who has been such an eloquent voice on this issue.

Ms. PELOSI. I thank the gentleman. I have watched with interest the debate this evening, and I am so proud of the work that you, Mr. EDWARDS, are doing on this issue to honor America's vets and, Congressman WAMP, you as well.

I thank the chairman of the Veterans' Committee for bringing up this important issue of our Filipino vets. For years we have been pleading our case. Mr. OBEY has listened patiently and tried to find a way for us to meet the needs of these people who served our country so well, who helped achieve the victory.

Promises were made; promises were not kept. And I know it is not possible to do something this evening, but I wanted to come to the floor to associate myself with the remarks of our

distinguished chairman, BOB FILNER, who has worked relentlessly, as we all know, persistently, on this important issue.

We recently had a visit from the President of the Philippines, where she was very interested in the progress of this issue.

So, again, I associate myself with Mr. FILNER's impassioned plea on this subject. Thank you for your leadership for our veterans on an ongoing basis. I am very proud of the leadership of this subcommittee. Under the chairman's leadership, we have been able to give the biggest increase in veterans' health funding in the 77-year history of the Veterans Administration, and just recently in the supplemental we were able to have the GI Bill for our veterans, thank you to our veterans, and when they come home we send them to college. Now this bill goes even further.

So I thank you and Mr. WAMP, both of you, for your leadership on this subject, and yield back the time to the distinguished chairman of the Veterans' Affairs Committee, and thank him for his leadership on behalf of our veterans, all of our veterans, and in this case at this moment our Filipino vets.

Mr. EDWARDS of Texas. If I could reclaim my time, let me just say, Mr. Chairman, in the presence of Speaker PELOSI, what I said earlier this evening. While she has been gracious in commending others for working for veterans over the last 2 years, she made a commitment to America's veterans 4 years ago and said if she became Speaker, we would have unprecedented increases in funding for veterans health care and veterans benefits. \$16.8 billion later and a 21st century bill of rights, we can all stand, and I say gratefully, Speaker PELOSI has kept her promise to those great Americans who have kept their promise to serve, and I thank her deeply for that.

With that, I yield to Mr. FILNER.

Mr. FILNER. I, too, want to thank the Speaker for her commitment over a long period of time to not only the Filipino veterans, but all veterans.

Your comments tonight, Mr. EDWARDS, were very moving. They show complete understanding of the issue. I have confidence that, working together and with the support of the Speaker, we will be able to deal with this issue.

Ms. HIRONO. Mr. Chairman, I rise today in support of amendment number 22, offered by Veterans' Affairs Committee Chairman BOB FILNER, which would provide a one time payment to the courageous Filipino veterans of World War II.

Filipino veterans are those that honorably answered the call of President Franklin D. Roosevelt and served alongside our armed forces during World War II. They fought shoulder to shoulder with American servicemen; they sacrificed for the same just cause. We made a promise to provide full veterans' benefits to those who served with our troops. And while we have made appreciable progress toward fulfilling that promise, we have not yet achieved the full equity that the Filipino veterans deserve.

I am proud to be an original cosponsor of H.R. 760, The Filipino Veterans Equity Act of 2007, which was introduced by the Chairman to provide the necessary reclassification of the service of Filipino veterans to make them eligible for all the veterans' benefits programs administered by the U.S. Department of Veterans' Affairs. In essence, H.R. 760 makes good on the promise our government made to these brave men over sixty years ago.

Today, out of the 250,000 Filipino World War II veterans, only 18,000 are left. Of that number some 2,000 reside in my home state of Hawaii. As Filipino veterans are entering the sunset years of their lives, Congress is running out of time to fulfill our obligations to them.

While there is no question in my mind that the appropriate action for Congress is to provide full veterans' benefits to the Filipino World War II veterans, this one time payment of \$15,000 to those veterans who are now American citizens and a \$9,000 payment to those veterans that remain Philippine nationals is a gesture that is a step forward in the little time we have left to thank and respect the promises made to these brave soldiers for their service to our country.

Mr. FILNER. Mr. Chairman, I would ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN (Mr. ALTMIRE). Without objection, the amendment is withdrawn.

There was no objection.

Mr. BUYER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BUYER. Part of the challenges that we have been dealing with, some have to do with fiction. The Speaker was just on the floor and referred to promises. If the Speaker would not leave the floor—Madam Speaker?

How fascinating. You see, the Speaker was just on the floor, Mr. Chairman, and spoke fiction. While there had been anecdotal accounts of such promises which she has referred to, there have been no official written accounts of these promises. CRS has done an extensive research of the papers and writings of both President Roosevelt and General MacArthur and have not found any written proof that these promises were made.

It is very unfortunate that the Speaker would not have stuck around to listen to that. Several requests for her to stay on the floor, she turns and just walked on out. Now, why would she do that? She doesn't want to hear the truth. It is better to stand on the floor and just say this.

Mr. OBEY. I ask that the gentleman's words be taken down.

The Acting CHAIRMAN. The gentleman will suspend.

The Clerk will report the words.

Mr. OBEY. Mr. Chairman, in the interest of the House finishing its work tonight, I withdraw my request that the gentleman's words be taken down.

The Acting CHAIRMAN. The request is withdrawn. The gentleman from Indiana is recognized.

Mr. BUYER. I appreciate the chairman having withdrawn the amendment

since the Parliamentarians were about to rule in my favor, so I appreciate that, that the comments were parliamentary and permissible on the floor.

Let me say, the challenge that we have had here in the committee is that when Mr. FILNER brought his bill he needed an offset, and the offset is that in order to come up with \$1 billion, he used the Hartness decision. And that would take \$1 billion from American veterans. Now, that is what got us all into this.

Now, the gentleman brings an amendment and tries to say, oh, no, I don't want to use the Hartness decision. The Hartness decision is extremely important, Mr. Chairman, and I want to address it here for a moment. Because in the committee itself, when I tried to strike the offset, I was defeated on a party-line vote. And there would be a tough vote here on the floor if we were going to vote to repeal Hartness.

The Hartness decision is that we give a pension to individuals who served during a period of war, are elderly, severely disabled, and indigent. It is bothersome to me that we would deny these individuals that pension to then give to someone else. Therein lies the challenge.

Chairman EDWARDS and I had a good conversation, and it is the offset with which many of us are uncomfortable about, and we are trying to figure out how best to navigate our way through this issue. And in the same spirit in which we are going to work on solar, we are going to work on this issue. But we are not going to repeal Hartness.

Hartness comes from a 2006 United States Court of Appeals veterans claims decision that overturned the Department of Veterans Affairs decision that denied an 86-year-old legally blind World War II veteran, Robert A. Hartness, a VA benefit called a special monthly pension. That is what they wanted to overturn.

The court reversed the VA's denial of benefits to Mr. Hartness, and required the VA to begin making those payments. The court held that the U.S. law requires an award of the special monthly pension to a veteran eligible for VA nonservice-connected disability pension if, in addition to being at least 65 years of age, he or she has a minimum disability rating of 60 percent or more, or is considered permanently housebound.

The VA determined Mr. Hartness to be 70 percent disabled due to loss of vision, and the VA has also determined that this offset would affect about 20,000 who would file for this type of decision.

So I am most hopeful, I know there is some agreement among myself and other members on both sides of the aisle that if we want to address the issue regarding the Filipino War Veterans of World War II issue, that should be addressed as a standalone. Let's do not repeal or overturn the

Hartness decision because you need \$1 billion and so we are going to take it from World War II elderly, disabled, housebound veterans. That is a little bizarre and disturbing to me.

I yield back the balance of my time.
Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I have just one observation to make about the remarks of the previous speaker when he indicated that the Speaker did not want to hear the truth.

I would simply observe that when the VA several years ago was insisting that the administration's budget for veterans' health care was insufficient to meet the needs, the Speaker heard the truth and acted on it. And as a result, even in the teeth of fierce opposition from the administration, she insisted that we provide another \$1 billion to the veterans' health care budget. And eventually, even the VA came to admit that that money was needed.

When veterans' organizations after our party took control of the Congress 1.5 years ago, when those veterans' organizations told us that we needed to provide at least \$3.5 billion more than the President's budget had provided for veterans' health care, she heard the truth and she acted on it.

The Speaker need never take a back seat to the gentleman from Indiana or anyone else in this chamber when it comes to hearing the truth and acting on it when it concerns America's veterans. She made quite clear that the welfare of American veterans was going to be her number one budget priority when she became Speaker, because she was objecting to the fact that the only families in America who ever had to make any sacrifice because of the Iraq war were military families. That was indeed a truth which she not only heard but saw and acted upon, and this House can be proud of that on both sides of the aisle.

I yield back the balance of my time.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$55,470,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monu-

ments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$73,975,000, of which \$1,700,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$31,230,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally-owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$63,010,000, of which \$8,025,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Such sums as may be necessary for fiscal year 2009 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

AMENDMENT NO. 33 OFFERED BY MR. TERRY

Mr. TERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. TERRY:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to carry out the construction of any new national veterans' cemetery, unless the Secretary of Veterans Affairs provides to Congress, within 180 days after the date of the enactment of this Act, a list of the six new locations for establishment of national cemeteries that includes Omaha, Nebraska, notwithstanding the current veteran population threshold for the appropriate service area standard of the Department of Veterans Affairs

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

The gentleman from Nebraska is recognized for 5 minutes.

Mr. TERRY. Mr. Chairman, in 2002, over 6 years ago, the U.S. Department of Veterans Affairs completed an independent study recommending that the Omaha, Nebraska general area of Eastern Nebraska be selected as the site for a new national veterans' cemetery. That cemetery was to be built no later than 2005. As we stand here today, there has been no decision or authorization for a national veterans' cemetery in Eastern Nebraska.

The State of Nebraska, the Governor and the legislature has determined a site in Sarpy County right next to Offutt Air Force Base as the site for this national veterans' cemetery. One of the issues supposedly that is delaying this cemetery is that, pursuant to the last census, we are a few thousand short of the requisite 170,000 that reside in a 75-mile radius, although Nebraska statistics differ with that census agreement, showing that we more than amply exceed that 170,000 within a 75-mile radius.

What this amendment does is allows us to include some contiguous counties, because what you have is a mass

populace within a small area around Offutt Air Force Base. But then, as you spread out, the population becomes far less dense.

So in order here to comply, this amendment includes contiguous counties to get within the U.S. Census that the Veterans Administration is using to block the building of this national cemetery. So I am here tonight to make sure that the promise is kept to the veterans of the Eastern Nebraska, Western Iowa, Northwest Missouri area.

As we know, our veterans population is aging. They are passing away. And I hear from their families quite often that they would prefer to be buried in a veterans' cemetery without having to travel 6 hours to the nearest Nebraska State veterans' cemetery.

So that is the purpose of this amendment, is to keep a promise by the VA and, frankly, the entire delegation, that we are going to fight for a veterans' cemetery that has been promised them. This has been the way that has been recommended. I think it is probably the best way, recognizing the geography of Nebraska.

□ 2330

At this point, I will ask unanimous consent to withdraw my amendment. But I would like to work with the people, the appropriations and the veterans' committee to make sure that this promise is kept.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I will be very brief. But let me just salute the gentleman for his focus on the importance of providing cemeteries of honor, hallowed ground for our servicemen and women who served in uniform.

For the record, let me say that for that very reason, in this bill we provided \$83 million for the expansion of existing national cemeteries. We increased by 41 percent funding for our State veterans cemetery program, from \$32 million to \$45 million, and based on appropriations from our subcommittee in recent years, the Arlington National Cemetery, the most hallowed of hallowed grounds is being expanded as well.

I thank the gentleman for withdrawing his amendment. I think the proper way to make these decisions is careful analysis, looking at the numbers of veterans, how far they have to go to various national and State cemeteries, and I look forward to working with him and other Members of this House in the months ahead to see how we can do this in a proper way so that we can honor our veterans.

I yield back the balance of my time.
AMENDMENT NO. 5 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HENSARLING:

At the end of the bill (before the short title), add the following new section:

SEC. 408. None of the funds provided by this Act shall be available to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, the amendment is a simple one. Earlier this year, in one of the occasionally non-energy energy bills that we see in the House, we had a section 526 added to something called the Energy Independence and Security Act of 2007. In part, this section of the bill says that no Federal agencies shall enter into a contract for procurement of an alternative fuel if the "life cycle greenhouse gas emissions," a phrase that has yet to be legally defined, that they must be less or equal to such emissions from an equivalent conventional fuel produced from conventional petroleum sources.

Mr. Chairman, that is very problematic language to our Defense Department. It is very problematic language to our veterans. And in specific, the author of that provision, the distinguished gentleman from California, who is the Chairman of the House Oversight and Government Reform Committee, told us what his purpose was by putting this section into the bill. And I have in my hand, Mr. Chairman, correspondence dated March 17 from the distinguished gentleman from California to the Chairman of the Senate Committee on Energy and Natural Resources.

It reads, in part, "It was developed," it, referring to section 526, "it was included in the legislation in response to proposals under consideration by the Air Force to develop coal-to-liquid fuels."

That was the purpose of this section. And so, Mr. Chairman, what we have is a portion of a bill that makes it more difficult for our Defense Department to become more energy independent, to rely more on North American and specifically, American fuels than Middle Eastern fuels. This is very problematic for our Defense Department.

I also, Mr. Chairman, have in my hand correspondence dated July 9 from the Defense Department, written to the Honorable JAMES INHOFE, ranking member of the Committee on Environment and Public Works.

In part, the letter reads, "it," referring to 526, "creates uncertainty about what fuels DOD can procure and will discourage the development of new sources, particularly reliable domestic sources of energy supplies for the Armed Forces."

This is the Pentagon, Mr. Chairman. It also goes on to say, "As written, section 526 could apply to alternative and synthetic fuels, including E85, fuel

that is 85 percent ethanol, and B20, diesel fuel that contains 20 percent bio fuels, that the department is encouraged or required to use under other statutes."

The letter from the Pentagon continues to say, "The provision opens the Department up to court or administrative challenges to every fuel purchase it makes." And this is a very important provision of this letter, Mr. Chairman.

"It could cause significant harm to the readiness of the Armed Forces because these fuels may be widely used and particularly important in certain geographic areas."

Now, Mr. Chairman, we have got an opportunity in this legislation, and my amendment is a very simple one. It simply says that none of the funds provided in this act that we are debating tonight, shall be available to enforce section 526, this problematic language that the Pentagon says can have an adverse effect on the readiness of our Armed Forces.

So, I would hope, Mr. Chairman, that we would pay very careful attention when we are dealing with a bill dealing with our Army, our veterans, our Nation's veterans, with military construction. I would hope that we would pay very, very careful attention and do everything we can to get rid of this section of this law that is hampering our national defense at this time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, March 17, 2008.

Hon. JEFF BINGAMAN,

Chairman, Senate Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I am writing regarding questions that have arisen with respect to the interpretation of section 526 of the Energy Independence and Security Act of 2007. Section 526 addresses government contracts to purchase alternative fuels. As the author of this provision and Chairman of the committee of jurisdiction in the House, I would like to share my views as to how the language should be interpreted.

Section 526 provides:

"No Federal agency shall enter into a contract for procurement of an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources, for any mobility-related use, other than for research or testing, unless the contract specifies that the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract must, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources."

This provision ensures that Federal agencies are not spending taxpayer dollars on new fuel sources that will exacerbate global warming. It was included in the legislation in response to proposals under consideration by the Air Force to develop coal-to-liquid fuels. As you may know, coal-to-liquid fuels are estimated to produce almost double the greenhouse gas emissions of the comparable conventional fuel. The provision is also applicable to fuels derived from tar sands, which produce significantly higher greenhouse gas emissions than are produced by comparable fuel from conventional petroleum sources.

The development and expanded use of these fuels could significantly exacerbate global warming, with highly dangerous effects. Thus, it is important to ensure that the Federal government does not subsidize or otherwise support the expanded use of these fuels through government purchasing decisions.

Section 526 applies specifically to contracts to purchase fuels, and it must be interpreted in a manner that makes sense in light of Federal contracting practices. The purpose of the provision is to bar federal agencies from spending taxpayer dollars to support the development and expansion of alternative fuels and fuels from unconventional sources, if those fuels have higher lifecycle greenhouse gas emissions than the comparable conventional fuels. It was not intended to bar federal agencies from entering into contracts to purchase fuels that are generally available in the market, such as diesel or jet fuel, that may contain incidental amounts of fuel produced from non-conventional petroleum sources.

Thus, section 526 would clearly apply to a contract that specifically requires the contractor to provide an alternative fuel, such as coal-to-liquids fuel, or a fuel produced from a nonconventional petroleum source, such as fuel from tar sands. The provision also would apply to such a contract where the purpose of the contract is to obtain such an alternative fuel or fuel from a nonconventional petroleum source, even if the source of the fuel is not explicitly identified in the contract. Similarly, a contract that supports or provides incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of tar sands oils would also be subject to section 526. This provision would not apply to contracts to purchase a generally available fuel, such as a specific diesel or jet fuel blend, if that fuel is not an alternative fuel or predominantly produced from an unconventional fuel source.

Questions have also been raised as to whether the implementation of this provision must await the development of specific lifecycle greenhouse gas emissions profiles for each fuel type. The language of section 526 requires only a determination of whether a fuel has higher lifecycle greenhouse gas emissions than the comparable conventional fuel, not a precise estimate of each fuel's specific greenhouse gas emissions. While there is a range of numeric estimates of the lifecycle greenhouse gas emissions of coal-to-liquids fuels produced without carbon capture and sequestration and fuels derived from tar sands, there is no debate over the fact that both of these fuels have substantially higher lifecycle greenhouse gas emissions than the comparable conventional fuels. There is no barrier to the immediate implementation of section 526 with respect to these fuels.

I hope this clarification of my understanding of section 526 is helpful as your Committee oversees federal agencies' implementation of the Energy Independence and Security Act of 2007.

Sincerely,

HENRY A. WAXMAN,
Chairman.

—
GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, July 9, 2008.

Hon. JAMES M. INHOFE,
Ranking Member, Committee on Environment & Public Works, U.S. Senate, Washington, DC.

DEAR SENATOR INHOFE: The Department of Defense (DoD) supports S. 2827, a bill "to repeal a requirement with respect to the procurement and acquisition of alternative fuels." The bill would repeal section 526 of the Energy Independence and Security Act of

2007. Section 526 has the potential to generate significant problems for DoD in its procurement of fuels for the national defense. It creates uncertainty about what fuels DoD can procure and will discourage the development of new sources, particularly reliable domestic sources, of energy supplies for the Armed Forces. The following is representative of the Department's concerns.

The Department believes section 526 is overly broad both in design and application. The law's terms are not defined and some may argue that it covers a very broad range of fuels commonly purchased by DoD. As written, section 526 could apply to alternative and synthetic fuels, including E85 (fuel that is 85 percent ethanol) and B20 (diesel fuel that contains 20 percent biofuels), that the Department is encouraged or required to use under other statutes.

Section 526 applies to "an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources." The provision opens the Department up to court or administrative challenges to every fuel purchase it makes, with the inherent potential for an adverse decision that would cover fuels the military already relies on as well as potential reliable sources of fuel that could be developed in the future. Such a decision could cause significant harm to the readiness of the Armed Forces because these fuels may be widely used and particularly important in certain geographic areas.

Section 526 applies worldwide, not just to purchases within the United States. There are no means to accurately and authoritatively determine the lifecycle greenhouse gas emissions from non-domestically produced fuels because we do not track all of the fuel inputs in other countries and many producing countries lack the infrastructure or institutional control necessary to reliably track these inputs. For example, our military aircraft used over 6 million gallons of Canadian jet fuel in 2007 while exercising with the Canadian Armed Forces, conducting joint operations along the Distant Early Warning Line, and refueling at Canadian commercial airports. Canadian fuels include a mix of fuels including those produced from tar sands crude at various percentages. If these fuels were subject to section 526, and fuel suppliers were unable to authoritatively certify the lifecycle greenhouse gas emissions associated with the fuel, our military aircraft may be required to stop refueling in Canada, potentially affecting our national security.

Section 526 requires an analysis that may never be possible. The source of a fuel informs the greenhouse gas emissions footprint. Fuels, including conventional petroleum, are produced from numerous sources and often mixed together. Current standards for determining emissions of fuels from various origins are determined on averages. However, section 526 could be interpreted to require an analysis of individual fuel purchases for lifecycle greenhouse gas emissions, even though determining the emissions footprint for any individual batch of fuel may be impossible. For example, conventional fuel derived from oil produced in Venezuela or Nigeria is more likely to have a larger footprint than domestic oil because of the energy used transporting the oil to the United States. Foreign and domestic oil may be mixed together at a refinery. Once foreign and domestic oils are mixed together, the oils cannot be differentiated from one another. Therefore, the footprint of the resulting fuel cannot be determined accurately or authoritatively.

Finally, even a narrow interpretation of section 526 in an effort to reduce the uncertainty and the scope of section 526 still could limit the Department's flexibility in making

emergency fuel purchases, overseas fuel purchases, and purchases at commercial stations and airports. Currently, there is no method for determining whether fuel purchased at these locations meets the requirements of section 526.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

(for Daniel J. Dell'Orto, Acting).

With whatever time I have remaining, I would be happy to yield to my friend from Texas, the chairman of the committee.

Mr. EDWARDS of Texas. I thank my colleague from Texas. I will not object to this amendment.

Mr. HENSARLING. I thank the chairman for agreeing to the amendment. I know how to take yes for an answer.

I am happy to yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The amendment was agreed to.

AMENDMENT NO. 30 OFFERED BY MR. TAYLOR

Mr. TAYLOR. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. TAYLOR: At the end of title IV of the bill, before the short title, insert the following:

SEC. 408. None of the funds made available in this Act may be used to implement section 2703 of Public Law 109-234.

The Acting CHAIRMAN. The gentleman from Mississippi is recognized for 5 minutes.

Mr. TAYLOR. Mr. Chairman, in the immediate aftermath of Hurricane Katrina, the Congress of the United States showed incredible generosity to the people of south Mississippi. One of those acts of generosity was the transfer of approximately 100 acres of very valuable waterfront property along Highway 90 in Gulfport, Mississippi, that had, and is still owned by the Veterans Administration to the City of Gulfport. We are very grateful for that. It had been my desire that that remain a veterans hospital, but because of the decision by the CARES Commission, the initial plan was for the Nation to sell that property and plow the proceeds of that sale into other Veterans Administration facilities in south Mississippi for upgrades.

In the aftermath of the storm, our very capable Senators drafted some legislation that allowed the city of Gulfport to receive this property free from our Nation. And again we are grateful for that.

What I regret is that there were no safeguards to ensure that this transfer, that this property continues to serve a public purpose. And this piece of property has been a public asset for over 80 years. For 80 years veterans with psychological, traumatic mental illnesses

have been treated there. And I think it would serve our Nation well to delay this process, go to conference and make sure that there are adequate safeguards so that the funds received from the lease of this property, any future use of this property, serves a public purpose.

And so I have brought this to the attention of Mr. FILNER. I brought this to the attention of Mr. EDWARDS.

I would hope that, given, again, we respect the fact that Congress acted very quickly in the aftermath of Katrina to do something to help the people of south Mississippi in their efforts to act quickly. I regret that I don't think there were adequate safeguards to protect the public. This is an effort to slow this down just long enough to put those safeguards in there. I believe I have the support of Chairman FILNER. I would hope I have the support of Chairman EDWARDS. I would hope Ranking Member WAMP would agree to this.

I yield back the remainder of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MCCAUL OF TEXAS

Mr. MCCAUL of Texas. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MCCAUL of Texas:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used for a project or program named for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MCCAUL of Texas. Mr. Chairman, my amendment is a simple one. It would prohibit any funds appropriated in this bill from going to any projects named after a sitting Member of Congress. The amendment is based on my bill, H.R. 5771, which I introduced earlier this year, and has been cosponsored by 27 other Members.

One of the most egregious examples of pure vanity and arrogance that we see in Washington is the practice of naming projects after current Members of Congress, or, as I call them, monuments to me.

According to the latest polls, only 12 percent of the American public approves of the job we are doing in the Congress, and that sentiment is due, in no small measure, to the fact that the American public thinks that we care less about them than we do ourselves. That is really what is wrong with Washington today.

And a few examples I think illustrate this problem that we have with ethics

today in the Congress. The Robert Byrd Center for Hospitality and Tourism, the Robert Byrd Lodge, office complex, the Ted Stevens International Airport, the Harkin Grants, the Harkin Wellness Grant Program, the Harkin Global Communication Center, the Arlen Specter Headquarters and Emergency Operations Center, the John Dingle Drive, the Cynthia McKinney Parkway, the Jack Murtha Highway, the James Clyburn Golf Center, the James Clyburn Pedestrian Overpass, the James Clyburn Intermodal Transportation Center, and the Charlie Rangel Center For Public Service.

I submit to you, Mr. Chairman, that this bill is not about us. This bill is about our military and our veterans, as it should be.

I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I won't take 5 minutes. Let me just clarify for the record, we have no projects or programs in this bill, the VA and military construction bill, named after anyone currently serving in Congress. And so for that reason, I am glad to accept the gentleman's amendment.

□ 2345

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. MCCAUL).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. MCCAUL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. STUPAK:

At the end of the bill (before the short title), insert the following:

SEC. 408. None of the funds made available in this Act may be used to carry out section 111(c)(5) of title 38, United States Code, during fiscal year 2009.

THE Acting CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. STUPAK. Thank you, Mr. Chairman.

Mr. Chairman, the Stupak/Barrow amendment No. 16 would prevent any funds appropriated or made available under this Act from being used to increase the deductible veterans must pay to receive their mileage reimbursement.

Currently, veterans driving to a Veterans Affairs facility for an examina-

tion, treatment, or other medical care receive a mileage reimbursement rate of 28.5 cents per mile. However, the 28.5 cents per mile benefit is subject to a \$7.77 deductible for each one-way trip and \$15.54 for a round trip with a maximum deductible of \$46.62 per calendar month.

Now, in a vast rural area where I live, many of my veterans drive more than 100 miles for an examination or treatment. So if a veteran lives 70 miles round trip from a VA facility, they would file a request for reimbursement for \$19.95 minus the \$15.54 deductible. This would mean a veteran would receive a mere \$4.41. Even today's most efficient vehicles cannot make a 17-mile round trip on \$4.41 when the national average price for a gallon of gasoline is \$3.96.

The Military Construction and Veterans Affairs bill, as it is currently written, would increase the mileage, and I'm appreciative of that. It would increase the reimbursement rate from 28.5 cents up to 41.5 cents per mile. And I support this increase, but the Act does not address the subsequent required increase in the deductible.

Under law, each time the mileage reimbursement rate is increased, the Secretary of Veterans Affairs is required to proportionately increase the deductible veterans must pay to receive this benefit. The amendment offered by myself and the gentleman from Georgia would freeze the deductible and prevent the secretary from increasing it when mileage reimbursement is increased.

In these times of rising gas prices, it's hard to justify an increase in the deductible veterans are required to pay for mileage reimbursement they receive. While I support the mileage reimbursement included in the bill, we need to make sure that the required increase in the deductible doesn't eliminate the benefit the veteran would receive from this policy.

Mr. Chairman, I would like to give the balance of my time to the gentleman from Georgia (Mr. BARROW), the co-author of this amendment.

Mr. BARROW. I thank the gentleman for yielding.

Mr. Chairman, first of all, I want to commend Mr. STUPAK for his work on this issue over the years. Like Mr. STUPAK, I have been working to restore the full veteran mileage reimbursement benefits since I got to Congress, and the deductible is a big part of the problem. I won't be satisfied until we get rid of the deductible altogether, and this is a big step in the right direction.

Last year the House adopted my bill, the Disabled Veterans Fairness Act, as an amendment to the Wounded Warriors Assistance Act. My bill would completely eliminate the deductible and fully restore the reimbursement rate to the level paid to Federal civil servants. But the other body wouldn't go along. As a result, the reimbursement rate was raised from 11 cents per

mile to 28.5 cents per mile, the first increase in 30 years. However, the secretary of the VA increased the deductible from \$6 a round trip to \$15 a round trip.

Under this bill, all veterans who currently get a travel expense reimbursement will get an increase from 28.5 cents per mile to 41.5 cents per mile. This amendment will prevent the secretary of the VA from taking any of that back by increasing the deductible. We ought to do a better job taking care of those who gave us the best years of their lives taking care of us.

This change won't completely close the gap between what has been promised and what has been delivered, but it will definitely help. That's what our amendment will do, that's why it's a good idea, and that's why I urge all of my colleagues to vote for it.

Mr. STUPAK. With that, I would yield back the balance of our time.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I want to thank Mr. STUPAK and Mr. BARROW. This is a glitch in the writing of the law done in years past that causes a problem when we increase the miles reimbursement rate for veterans who need to travel, in some cases, hundreds of miles to get to a VA hospital. It actually increases the deductible. That is not the intention of the VA. That is not the intention of the Congress. This amendment corrects that.

I hope we can take this principle and talk about it as we go into conference committee, and I have even had some brief conversations with the VA. My hope is that we could actually address this issue, fix it, so that we don't have veterans who, in effect, even though we have a 41.5 cent reimbursement rate, after deductible is considered, some of them might have a 10 cent-per-mile rate or a 20 cent-per-mile rate.

The reason we need to fix that completely is that for many veterans—while this may not sound like a lot of money to others, for veterans this is a difference truly between being able to afford to drive to a clinic or drive to a hospital and get the health care they desperately need and deserve.

So I know Mr. WAMP, who takes a back seat to no one in his caring for veterans, and anyone who's heard him speak tonight on the floor knows why I have such great respect for his commitment to our veterans, I know that he and I can work closely together with Mr. STUPAK, with Mr. BARROW, with the VA and see if we can't take the principle embodied in this amendment and move it even further.

The gentlemen have done a great benefit for hundreds of thousands of veterans out there.

Mr. WAMP. Will the gentleman yield?

Mr. EDWARDS of Texas. I'd be glad to.

Mr. WAMP. I, too, want to commend Mr. STUPAK and Mr. BARROW, two of the finest Members in this House, outstanding, a perfect example of how Members that aren't on our committee can bring improvements to the floor for the bill. Certainly we'll work with you the whole way. We'll support your amendment subject to the chairman and his call tonight. But we will work together with you either way.

Mr. EDWARDS of Texas. Thank you, Mr. STUPAK. Thank you, Mr. BARROW.

I yield back.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT 36 OFFERED BY MR. WAMP

Mr. WAMP. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment 36 offered by Mr. WAMP:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available in this Act may be used to modify the standards applicable to the determination of the entitlement of veterans to special monthly pensions under sections 1513(a) and 1521(e) of title 38, United States Code, as in effect pursuant to the opinion of the United States Court of Appeals for Veterans Claims in the case of *Hartness v. Nicholson* (No. 04-0888, July 21, 2006).

The Acting CHAIRMAN. The gentleman from Tennessee is recognized for 5 minutes.

Mr. WAMP. Mr. Chairman, I will be very brief.

My amendment is very simple. It says that the VA can not modify current standards that are used to make special monthly benefit payments and therefore protects that benefit payment for U.S. veterans who are eligible for it.

Earlier tonight the chairman of the House Veterans' Affairs Committee offered and withdrew two amendments that would have decimated the information technology budget at the VA to fund a new entitlement program for Filipino veterans. Had those amendments passed, it would have stopped key VA initiatives dead in their tracks.

We're trying to get the VA to streamline operations, reduce the time it takes to process claims, and increase interoperability between VA and DOD medical records, not to mention that the VA is going to need all of the \$2.4 billion that the President requested to help it roll out or new GI Bill.

Earlier in the year the chairman of the authorizing committee tried to pay for this bill by proposing to cut special monthly pension benefits to U.S. veterans currently receiving these benefits. Now, let's be clear here. We support those Filipino veterans who fell alongside U.S. forces in World War II. But to provide them with a new benefit to be paid for out of an account that our veterans will immediately feel the impact of is wrong.

An "aye" vote on my amendment will tell our veterans that their benefits will not be cut and let them know we are trying to do everything we can to get their claims processed as quickly as possible.

I yield back.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS of Texas. I'm glad to support this amendment and thank Mr. WAMP for bringing it to the floor.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. WAMP).

The amendment was agreed to.

AMENDMENT NO. 37 OFFERED BY MR. MURPHY OF CONNECTICUT

Mr. MURPHY of Connecticut. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment 37 offered by Mr. MURPHY of Connecticut:

Add at the end of the bill (before the short title) the following:

SEC. ____ . None of the funds made available in this Act may be used to enforce section 3, Policy of VHA Directive 2008-25.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Thank you, Mr. Chairman.

I rise to offer this amendment along with my good friend from Pennsylvania (Mr. MURPHY) that will help restore access to voter registration for America's veterans.

You see, Mr. Chairman, on April 25, 2008, the Veterans Health Administration issued a directive stating the VA's clear policy to assist veterans, patients of VA facilities who seek to exercise their right to register and vote. And I believe all of us would agree here that such a policy is extraordinarily appropriate given that these men and women served by the VA are the very people who put their lives on the line to protect that right to vote.

Inexplicably though, on May 5, 2008, the VA withdrew this directive and issued a contrary directive. This new instruction made a similar commitment regarding voter assistance but it included a policy statement which prohibits nonpartisan voter registration drives on VA property.

Mr. Chairman, the mission of the VA is, in its own words, to "care for him who shall have borne the battle and for his widow and orphan" by functioning "as a single, comprehensive provider of seamless service to the men and women who have served our nation."

It's disappointing that the VA would not consider assistance with voter registration as one of the fundamental components of offering this seamless service to veterans. Many of these soldiers have been wounded in combat and

have disabilities that make traditional voting difficult. The VA should be ready to provide these men and women with any and all assistance that they might need to make their voices heard in this democracy, whether that be delivering an absentee ballot to an amputee or filling out a ballot for a soldier who has lost his sight.

Secretaries of States and election officials all over the country will tell you that the registration drives that historically have been a critical portion of this outreach for veterans in these facilities has done a great service for our veterans. Over 20 bipartisan secretaries of State have joined us in expressing their disappointment over this policy.

We're not here today, of course, to restrict the VA's ability to manage their facilities and the care of their patients. On the contrary, they need that ability, and nothing in this amendment would diminish it. However, we believe it's the duty of the VA to work closely with nonpartisan veterans groups and elections officials to ensure that veterans have the ability to exercise that basic fundamental right to vote.

So our amendment is simple. It would not allow the VA to use any funds appropriated through this legislation to carry out that policy section of the May Directive. And while we hope the VA will still reverse this decision on its own, with this congressional action today we are sending a clear sig-

nal that this House believes that all veterans should have access to and the right the vote.

Mr. Chairman, I would like to thank the chairman for his assistance in putting this amendment before the House. I would also like to thank ROBERT BRADY and Congresswoman WATSON for their persistence and advocacy on this issue which has brought it to the floor today.

Mr. Chairman, I urge the amendment's adoption, and I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS of Texas. Thank you, Mr. Chairman.

I want to express gratitude to Mr. MURPHY and also to Mr. MURPHY of Pennsylvania.

I think what he just said was so important. Our veterans have given their lives to protect our right to vote as citizens of this country. Many others have made sacrifices, have physical and mental wounds that they will pay for to the last days of their lives. And I just don't think it is right or proper for the VA to be making it more difficult for veterans who've done so much to protect our right to vote to make it more difficult for them to vote.

Many of our veterans in our VA hospitals are long-term patients there with significant disabilities. Our country ought to be doing outreach to make it possible for them to cast the vote that they fought for in combat.

So for all of those reasons, I salute the gentleman for this amendment. I strongly support it.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. MURPHY).

The amendment was agreed to.

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AMENDMENT NO. 4 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ (a) ELIMINATION OF MILITARY CONSTRUCTION CONGRESSIONAL EARMARKS.—None of the funds provided in this Act shall be available from the following Department of Defense military construction accounts for the following projects, and the amount otherwise provided in this Act for each such account is hereby reduced by the sum of the amounts specified for such projects from such account:

Account	State	Location	Project Title	Amount (in thousands)
Army	Alabama	Anniston Army Depot	Lake Yard Railroad Interchange.	\$1,400
Army	Alabama	Fort Rucker	Chapel Center	\$6,800
Air Force	Arizona	Luke AFB	Repair Runway Pavement	\$1,755
Army	Arizona	Fort Huachuca	ATC Radar Operations Building.	\$2,000
Army NG	Arkansas	Cabot	Readiness Center	\$10,868
Air NG	Arkansas	Little Rock AFB	Replace Engine Shop	\$4,000
Navy	California	Monterey	Education Facility	\$9,990
Air Force	California	Edwards AFB	Main Base Runway Ph 4	\$6,000
Navy	California	North Island	Training Pool Replacement	\$6,890
Navy	California	Twentynine Palms	Lifelong Learning Center Ph 1	\$9,760
Air NG	Connecticut	Bradley IAP	TFI Upgrade Engine Shop	\$7,200
Air Force	Florida	Tyndall AFB	325 ACS Ops Training Complex	\$11,600
Army NG	Florida	Camp Blanding	Regional Training Institute Ph 4.	\$20,907
Air Force	Florida	MacDill AFB	Combat Training Facility	\$5,000
Navy	Florida	Mayport	Aircraft Refueling	\$3,380
Air NG	Georgia	Savannah CRTC	Troop Training Quarters	\$7,500
Navy	Georgia	Kings Bay	Add to Limited Area Reaction Force Facility.	\$6,130
Air Force	Georgia	Robins AFB	Avionics Facility	\$5,250
Army	Hawaii	Pohakuloa TA	Access Road, Ph 1	\$9,000
Air NG	Illinois	Greater Peoria RAP	C-130 Squadron Operations Center.	\$400
Army NG	Indiana	Muscatatuck	Combined Arms Collective Training Facility Ph 1.	\$6,000
Air NG	Indiana	Fort Wayne IAP	Aircraft Ready Shelters/Fuel Fill Stands.	\$5,600
Army NG	Iowa	Camp Dodge	MOUT Site Add/Alt	\$1,500
Army NG	Iowa	Davenport	Readiness Center Add/Alt	\$1,550
Air NG	Iowa	Fort Dodge	Vehicle Maintenance & Comm. Training Complex.	\$5,600
Army NG	Iowa	Mount Pleasant	Readiness Center Add/Alt	\$1,500
Army	Kansas	Fort Leavenworth	Chapel Complex Ph 2	\$4,200
Army	Kansas	Fort Riley	Fire Station	\$3,000
Air Force	Kansas	McConnell AFB	MXG Consolidation & Forward Logistics Center Ph 2.	\$6,800
Army NG	Kentucky	London	Aviation Operations Facility Ph III.	\$7,191
Navy	Maine	Portsmouth NSY	Dry Dock 3 Waterfront Support Facility.	\$1,450

Account	State	Location	Project Title	Amount (in thousands)
Navy	Maine	Portsmouth NSY	Consolidated Global Sub Component Ph 1.	\$9,980
Navy	Maryland	Carderock	RDTE Support Facility Ph 1 ..	\$6,980
Army NG	Maryland	Dundalk	Readiness Center	\$579
Navy	Maryland	Indian Head	Energetics Systems & Tech Lab Complex Ph 1.	\$12,050
Air NG	Maryland	Martin State Airport	Replace Fire Station	\$7,900
Air NG	Massachusetts	Otis ANGB	TFI Digital Ground Station FOC Beddown.	\$1,700
Air Reserve	Massachusetts	Westover ARB	Joint Service Lodging Facility.	\$943
Army NG	Michigan	Camp Grayling	Live Fire Shoot House	\$2,000
Army NG	Michigan	Camp Grayling	Urban Assault Course	\$2,000
Army NG	Minnesota	Arden Hills	Infrastructure Improvements	\$1,005
Air NG	Minnesota	Duluth	Replace Fuel Cell Hangar	\$4,500
Air NG	Minnesota	Minneapolis-St. Paul IAP	Aircraft Deicing Apron	\$1,500
Navy	Mississippi	Gulfport	Battalion Maintenance Facility.	\$5,870
Army	Missouri	Fort Leonard Wood	Vehicle Maintenance Shop	\$9,500
Air Force	Missouri	Whiteman AFB	Security Forces Animal Clinic	\$4,200
Army	Missouri	Fort Leonard Wood	Chapel Complex	\$3,500
Air NG	New Jersey	Atlantic City IAP	Operations and Training Facility.	\$8,400
Air Force	New Jersey	McGuire AFB	Security Forces Operations Facility Ph 1.	\$7,200
Army	New Jersey	Picatinny Arsenal	Ballistic Evaluation Facility Ph 1.	\$9,900
Air Force	New Mexico	Cannon AFB	CV-22 Flight Simulator Facility.	\$8,300
Air NG	New York	Gabreski Airport	Replace Pararescue Ops Facility Ph 2.	\$7,500
Army	New York	Fort Drum	Replace Fire Station	\$6,900
Air Reserve	New York	Niagara Falls ARS	Dining Facility/Community Center.	\$9,000
Air NG	New York	Hancock Field	Upgrade ASOS Facilities	\$5,400
Army	North Carolina	Fort Bragg	Access Roads Ph 1 (Additional Funds).	\$8,600
Army NG	North Carolina	Camp Butner	Training Complex	\$1,376
Army	North Carolina	Fort Bragg	Mass Casualty Facility	\$1,300
Army	North Carolina	Fort Bragg	Chapel	\$11,600
Army NG	Ohio	Camp Perry	Barracks	\$2,000
Army NG	Ohio	Ravenna	Barracks	\$2,000
Air NG	Ohio	Springfield ANGB	Combat Communications Training Complex.	\$12,800
Air Force	Ohio	Wright-Patterson AFB	Security Forces Operations Facility.	\$14,000
Army	Oklahoma	McAlester AAP	AP3 Connecting Rail	\$5,800
Air Force	Oklahoma	Tinker AFB	Realign Air Depot Street	\$5,400
Army NG	Pennsylvania	Honesdale	Readiness Center Add/Alt	\$6,117
Army NG	Pennsylvania	Honesdale	Readiness Center Add/Alt	\$504
Army NG	Pennsylvania	Pittsburgh	Combined Support Maintenance Shop.	\$3,250
Army	Pennsylvania	Letterkenny Depot	Upgrade Munition Igloos Phase 2.	\$7,500
Navy	Rhode Island	Newport	Unmanned ASW Support Facility.	\$9,900
Air NG	Rhode Island	Quonset State Airport	Replace Control Tower	\$600
Army NG	South Carolina	Hemingway	Field Maintenance Shop Ph 1	\$4,600
Army NG	South Carolina	Sumter	Readiness Center	\$382
Air Force	South Carolina	Shaw AFB	Physical Fitness Center	\$9,900
Air NG	South Dakota	Joe Foss Field	Aircraft Ready Shelters/AMU	\$4,500
Army NG	Tennessee	Tullahoma	Readiness Center	\$10,372
Army Reserve	Texas	Bryan	Army Reserve Center	\$920
Army	Texas	Camp Bullis	Live Fire Shoot House	\$4,200
Air NG	Texas	Ellington Field	ASOS Facility	\$7,600
Army	Texas	Fort Hood	Chapel with Education Center	\$17,500
Air Force	Texas	Lackland AFB	Security Forces Building Ph 1	\$900
Air Force	Texas	Laughlin AFB	Student Officer Quarters Ph 2	\$1,440
Air Force	Texas	Randolph AFB	Fire and Rescue Station	\$972
Navy	Texas	Corpus Christi	Parking Apron Recapitalization Ph 1.	\$3,500
Army	Texas	Fort Bliss	Medical Parking Garage Ph 1	\$12,500
Air NG	Texas	Fort Worth NAS JRB	Security Forces Training Facility.	\$5,000
Navy	Texas	Kingsville	Fitness Center	\$11,580
Air Force	Utah	Hill AFB	Three-Bay Fire Station	\$5,400
Army NG	Vermont	Ethan Allen Range	Readiness Center	\$323
Army NG	Virginia	Fort Belvoir	Readiness Center and NGB Conference Center.	\$1,085
Army	Virginia	Fort Myer	Hatfield Gate Expansion	\$300
Army	Virginia	Fort Eustis	Vehicle Paint Facility	\$3,900
Navy	Virginia	Norfolk NS	Fire and Emergency Services Station.	\$9,960
Navy	Virginia	Norfolk NSY	Industrial Access Improvements, Main Gate 15.	\$9,990

Account	State	Location	Project Title	Amount (in thousands)
Navy	Virginia	Quantico	OCS Headquarters Facility	\$5,980
Navy	Washington	Kitsap NB	Saltwater Cooling & Fire Protection Improvements.	\$5,110
Air NG	Washington	McChord AFB	262 Info Warfare Aggressor Squadron Facility.	\$8,600
Navy	Washington	Whidbey Island	Firefighting Facility	\$6,160
Army NG	West Virginia	Camp Dawson	Shoot House	\$2,000
Army NG	West Virginia	Camp Dawson	Access Control Point	\$2,000
Army NG	West Virginia	Camp Dawson	Multi-Purpose Building Ph 2 ..	\$5,000
Air Force	Guam	Andersen AFB	ISR/STF Realign Arc Light Boulevard.	\$5,400

(b) ELIMINATION OF VA CONGRESSIONAL EARMARK.—None of the funds provided in this Act shall be available from the following Department of Veterans Affairs account for the following project, and the amount otherwise provided in this Act for such account is hereby reduced by the amount specified for such project from such account:

Account	State	Location	Project Title	Amount (in thousands)
Major Construction	Kentucky	Louisville	Site Acquisition and Prep	\$45,000

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, this is really a simple amendment. It simply says that all earmarks in this bill will be taken out. This is consistent with the Republican budget that was passed. So I'd remind my colleagues on this side of the aisle that you have already voted, in essence, for this amendment. We passed a budget which said that we should have a moratorium on earmarks this year. That's what this amendment would do with regard to this bill. It would simply say that there would be no earmarks, Republican or Democratic, for this legislation. Now, supporters of earmarks will often say that this will lead to a more Democratic allocation of Federal resources and funds, but I'd like to draw your attention to a chart here.

This is the MilCon bill that we're looking at right here. If you took the dollar amount of the earmarks in this legislation, which is just north of \$600 million, and spread it evenly across all House districts, it would mean about \$1.4 million across each district in this country, but that, obviously, is not what we have in this legislation.

If you'll look, the majority leadership is associated with an average of \$6.2 million in earmarks in this legislation. That's about four times the average of rank-and-file Members in the House. Vulnerable Members, so-called vulnerables, identified by each party receive \$7.7 million, or associated with that much, in earmarks. That is, I think, four or five times more than the rank-and-file Member. If you're on the Appropriations Committee, you get about \$10.5 million. Now, that's about, I think, seven times as much as a rank-and-file Member in this body will get.

So I guess you could make the argument or try to make the argument that those military installations or those facilities across this country that happen to be in districts represented by an appropriator are more needy or are somehow in greater need

of Federal funds than those facilities located in rank-and-file Members' districts. I don't think you could make that argument with a straight face. You simply can't. This is consistent with bill after bill after bill.

Unfortunately, this is likely to be the only appropriations bill that we have this session. We're not likely to get to the others, so this is our only chance to actually speak up and say that we know that this process isn't working very well and that we have to fix it.

There has been a lot of talk about earmark reform over the last couple of years, as well there should have been, both when we have controlled this body and when those across the aisle have controlled it, but very little has changed, and this chart shows it. Very little has changed. It is very much a spoil system. It's not a system where—I'm sure we'll be told in just a few minutes—these earmarks were vetted by the Pentagon and that this is a different process than we have for other bills, but let me tell you:

Did the Pentagon vet this process and say, "You know, we think that those who are in appropriators' districts deserve seven times more than those who are in a rank-and-file district"? I don't think the Pentagon went through that vetting process.

Now, if we don't like the way that the administration and the Pentagon award Federal grants—and I agree there may be problems with it—let's exercise the oversight that we're supposed to exercise in this body. Under article I, we have the power of the purse, and we should conduct oversight, but simply saying "we don't like the way the administration allocates funds, so we're going to pile on 130 earmarks in this bill, as skewed as the allocation will be, and somehow we'll fix it" is not an appropriate way to do it, and we know it. We know that this process is broken. Yet we're continuing this year, just like in other years, and we can't continue to go on.

Let me just bring that chart out again. Again, what we have is, if the

money were to be spread out among districts, it would be about an allocation of \$1.4 million. Instead, we have up here those facilities in appropriators' districts that receive seven times more than others. That's simply not right. There is no way you can make with a straight face an argument that those districts, that those facilities in those districts, somehow need more Federal funds. There is no way with a straight face you can make the argument that this hasn't become a spoil system where we're doling out by favor to just those who are in a powerful position. That's what this process has become, and we should stand up today and say, by golly, we're going to fix it, that we're going to do something different for a change, that we're going to vote until we can fix this process, until we can say we have a sound process where these earmarks are vetted either in the Appropriations Committee or elsewhere, and that we're just not going to continue with this anymore.

Let me tell you that this institution has had as its hallmark over the centuries the process of authorization, appropriation and oversight. We have short-circuited that process with earmarking, the contemporary practice of earmarking in particular. So we do too little authorizing, very little oversight and simply too much appropriating. When you deal with, as the Appropriations Committee did last year, I think, 36,000 earmark requests, there is absolutely no way that this body can adequately vet those earmark requests, let alone exercise oversight over the rest of the Federal budget as is our purview and as we should be doing.

So I would appeal to the Members both on this side and on the other side of the aisle. Let's fix this system before we go on. A great way to do it is to say let's adopt this amendment and say we'll have no earmarks in this bill this year until we can come up with a better process.

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

Mr. OBEY. Mr. Chairman, I rise to oppose the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, the gentleman said that projects in this bill are allocated on the basis of one's power and influence. Well, I think, when it comes to the appropriations process and since I'm the chairman of the committee—and I'm a fairly powerful or influential person except when I'm at home with my wife—I would, nonetheless, say that I have no projects whatsoever in this bill—none, zip. I would also say that, whether you like the reforms that have been instituted in the last 2 years or not, just about the only reforms that have been instituted on the earmarking process have been sponsored by me, and I think the House knows what they are. We wouldn't even be on the floor tonight, dealing with these in this way, had it not been for those reforms.

I want to make a point: Regardless of what individual Members think about earmarking, there are certain appropriations which by their very nature require earmarking. There are other bills that by their very nature do not. This is one of the three that does. You've got the Military Construction bill; you've got the energy and water bill, and you've got the interior bill. Large portions, if not all of those bills, are simply construction accounts. When it comes to construction accounts, those projects are in the main, requested and defined by the administration. The overwhelming majority of projects in this bill are selected by the executive branch.

This bill includes 518 total earmarks: 408 earmarks, 79 percent of them, were included at the request of the administration. Of the 110 other earmarks, on its own initiative, the committee added seven earmarks to improve better training barracks and medical facilities for soldiers, marines and their families. They were not added at the request of particular Members, but they are in this bill, nonetheless, and the committee makes no apology for them.

I would also point out that 103 of these projects were added at the request of a Member. One hundred two of them are military construction projects, and one is a VA project. All of the military construction earmarks, including the quality of life projects, were also included in the authorization bill, and the VA earmark is included subject to authorization.

There is no difference between what the Congress does in earmarking military construction and what the White House does when it requests earmarks for military construction. For example, five different Members, Democrats and Republicans alike, asked the committee to provide the second phase of a facility, \$7.5 million, to support a facility for a pararescue unit at the Gabreski Air National Guard base in New York. Now, the sponsors of this amendment, evidently, are going to

crow about cutting 103 earmarks. Let's look at what they will actually be cutting.

They will be cutting Air Force runways, aircraft refueling stations, training facilities, maintenance facilities, fire stations, chapels, barracks, control towers, firing ranges, and so on. You would be hard-pressed to find a substantive difference between these projects and the other 408 contained in the bill. The only difference is that they have not been blessed by the White House.

Now, apparently, the sponsors of this amendment believe that the only spending that is legitimate is that which is blessed by the executive branch. Well, this document, the Constitution, reads as follows: "No money shall be drawn from the Treasury but in consequence of appropriations made by law." It doesn't say, "only in consequence of funds requested by the executive." It doesn't say, "Only spending by the executive is sacrosanct." It says that Congress has the responsibility of making these decisions.

Now, Congress may make some wise choices. It may make some bad choices. So may the executive branch. I would submit that, regardless of your attitude about earmarks in general, it is ludicrous to say that you cannot have the Congress using its judgment on occasion to decide where money ought to go in the development of facilities on military bases, just as it would be ludicrous to say that, for the Army Corps of Engineers in the energy and water bill, the only projects that are worthwhile proceeding with are those which are requested by the executive branch.

I invite you to take a look at the way a number of accounts in the executive branch have been turned into political slush funds. Take the Reading First program. Look at the major job training program in the Department of Labor. There are ample examples of abuse of the earmarking process in the executive branch and in the legislative branch. Our obligation, in my view, is not within the process of trying to dig those out to throw the baby out with the bath water.

I think this committee has done a responsible job in making its judgments about what those projects ought to be. If the gentleman is concerned about members of the Appropriations Committee who he feels have an inordinate number of earmarks, well, I have none. Yet I stand here tonight, defending this process, because at least, on this bill, I think there is very little to be said for the idea that only the executive branch may make choices about whether barracks or hospitals or daycare centers are built to facilitate the convenience of military families. This bill is an example of Congress' meeting its responsibilities and controlling the power of the purse.

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Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I strongly oppose this amendment for one fundamental reason, it would do harm to America's service men and women and our military families during a time of war.

I would not, at any time, question the motives of the gentleman from Arizona. He is a person of integrity, he has been consistent in his principled position on the issue of earmarks, but the best of intentions can't stop the worst of results. And the worst of the worst would be to undermine our military readiness and the quality of life for our troops and their families at any time, but especially so during a time of war.

Let me list some of the harm that would be done. And this isn't a full list, but just some:

Nine quality of life facilities, such as chapels and community centers in our military bases, bases from which forces are being deployed for the second and third time to Iraq and Afghanistan, those would be eliminated.

Fifteen Guard and Reserve training facilities would be eliminated.

Seven active duty training facilities would be eliminated. These are facilities that, on a bipartisan basis, after careful thought, this subcommittee worked with the Department of Defense to say that, you know what, we have been dishonoring our 18- and 19-year-old military recruits. Because when they come in, instead of thanking them, we put them in barracks that we would be ashamed to have our sons and daughters living in. This amendment would stop those new barracks from being built.

Seven fire stations would be eliminated. Isn't it enough that our men and women have to be in harm's way in Iraq and Afghanistan? Must they and their families also be put in greater harm's way back at home because we can't build fire stations that are desperately needed?

And I know something about this because at one time I represented the largest Army installation in the world, Fort Hood, Texas. It has had one division continually in Iraq since this war began. And their base commander came to me and said, you know what, the bureaucratic process at the Pentagon and OMB killed our desperate need for a new fire station. I'm glad Congress, in that case, exercised its constitutional authority to do what was right to protect those great Americans and their families.

Let me give you some more specifics of what harm this amendment would do.

It would kill a new communications facility at a naval base for a security force unit that is in charge of safeguarding nuclear weapons.

It would kill funds to expand and upgrade a readiness center for a National Guard engineer battalion that has deployed soldiers to Iraq to disarm IEDs.

It would kill new housing for an Air and National Guard unit. The current

housing has mold, leaking roofs, poor ventilation, and numerous code violations.

I reject the notion outright that some unelected, unaccountable bureaucrat sitting in an office in the basement of the White House Budget Office has a monopoly on wisdom because they do not. And many times, even despite their good efforts, the fact is administration budgets, Mr. Chairman, are often started and put together a year or year and a half before we come to this floor. I think it would be wrong to deny us, this Congress, with our constitutional duty to fund appropriations bills, to say that we can't benefit from the judgment of time and changing needs during a time of war to provide for training facilities and quality of life facilities for our troops.

This is a bad amendment. But worse than that, it is an amendment that would do great harm to our service men and women, the quality of their housing, the quality of their training. And for that reason, I ask my colleagues on both sides of the aisle—in all due respect to the author of this amendment, who is a decent and honorable man who cares about our military and our armed forces—I ask Members on both sides of the aisle to soundly reject this ill-advised, dangerous amendment.

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

Mr. CAMPBELL of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. CAMPBELL of California. Mr. Chairman, I've heard the distinguished chairman of the Appropriations Committee talk about that the appropriations process is about allocation of resources. Because resources, even in the United States Federal Government, are not unlimited, and so we always have to make choices of where money goes and where money doesn't go. And that's what this discussion and that's what this particular amendment are about.

There are, in the United States, excluding the territories, excluding overseas, there are 4,402 military sites, 4,402. Here we have, in this bill, Member earmarks that picked 103 of these sites—excluding the other, roughly, 4,300—and send those \$622 million of taxpayers' money. And the question before us really is, why those 103? Why not the other 4,300?

Now, as much as the speakers before me have criticized the executive branch or the Department of Defense or, in fact, military leaders, Department of Defense and the Department of the Army, Department of the Navy, Department of the Air Force have a responsibility for their share of all of these. Department of the Army has 1,768 sites. So they have responsibility for all of those.

When left the construction budget for them, they will, we presume, try and

put the money where they believe it is most needed, where they believe it is the greatest warranted use. You might disagree with that, but they have a perspective over the entire country.

We are each elected to represent our individual districts. And although all of us are here and care about the entire country, clearly, our first responsibility is often to our individual districts.

So I would argue that those who have a perspective of the entire country are perhaps in a better position to look at the proper allocation than this. And if these 103 were fairly allocated, then I would ask, why does Mr. FLAKE's chart come out the way it is? Is that simply coincidence that the greatest need of these facilities happens to be in districts that are represented by appropriators? Is that purely coincidence? I think not.

And when we examine how and where all this money will go, the other thing is, what does the Defense Department think? Well, we didn't call all 103, but we did call a few. We called up the Defense Department and asked them about a few of these; did you request this? Did you think this was a need? Did you think this was important for the military to spend this on this particular site, this particular facility, this particular area? And the answer we got was no in all the cases in which we asked.

So I think, Mr. Chairman, what we have before us is a process that does not work, that is not fair, that is not the best allocation of what are always limited resources. And that is why, Mr. Chairman—I am a cosponsor with Mr. FLAKE of this amendment—and that is why I hope our colleagues will look at this and remember, as he said, this is likely the only chance anyone in this Chamber is going to have to express their opinion on earmarks. And if you think the earmark process is broken, if you think there are problems with it, if you think there are abuses, if you think we need to reform it, this is your opportunity; this is the opportunity for Members to send a message and vote for this amendment.

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

Mr. FARR. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, I want to yield some time to my chair, Mr. EDWARDS. But I just want to say how bothered I am by the attacks on this particular bill.

This is about military construction. And there are construction projects in here—and not many—but when you're dealing with a lot of construction, there's a lot of slippage. And what happens, if you have an opportunity to move one project ahead of another, it makes a lot of sense. And these aren't projects that are invented by Members of Congress that come here and know

the specifics, these are projects that come from the military itself.

For example, Mr. FLAKE's amendment would cut out, in Arizona, the State that he comes from, in Fort Huachuca, the Air Tactical Command Radar Operations Building. Now, I don't think a Member of Congress thought that we have to go and add this in here. What happens is the opportunity, Fort Huachuca that's seeking this, comes and says if there is an opportunity buy, let's be able to use it. That's what strikes me, that there's some kind of devious action going on here, and it's just not true.

And the other gentleman's discussion in California alone, Edwards Air Force Base near his district, to strike out a main base runway repair that's in this bill. And that wasn't some legislator coming along and thinking about, we've got to add this in as an earmark. No, this came out of the Air Force saying, we need this; if it's possible, can we put it in the bill? That's how we discuss these things in committee.

These are priority opportunity buys. And I resent the fact that this amendment is a reckless amendment and just strikes it across the board, regardless of the impact.

And so as Mr. EDWARDS so eloquently said, it does a lot of havoc to the men and women who are serving our country in uniform and to the bases that they operate out of.

I would like to yield the remainder of my time to my chairman, Mr. EDWARDS.

Mr. EDWARDS of Texas. I thank the gentleman.

I heard a few minutes ago a description of an ideal world where every decision made by the executive branch is perfectly motivated. I wish that were the real world, but I certainly wouldn't want to bet the family nest egg on it.

Let me explain, Mr. Chairman, some of my colleagues, how the real world works. And I did represent the largest Army installation for 14 years; I worked closely with them. And what would happen is some bureaucrat at OMB would turn down a high-priority project requested by the top military commander—at Fort Hood, that was a Three Star General. So when I would meet with that Three Star General at Fort Hood, I would say, what are your greatest unmet needs? One year it was a fire station. This year it was a chapel that Congressman CARTER and I worked on. We responded to the highest priority needs of the military commanders with their boots on the ground. I put a lot more faith in that commander's judgment than in some unaccountable, unnamed bureaucrat. I would like to hear the names of these bureaucrats at OMB that are so perfect in their knowledge, in their wisdom, in their homework.

Let me give you a specific real world example where this committee, on a bipartisan basis, took an initiative. We hear in our hearings each year from the top noncommissioned officers. We

ask, what are your top quality of life needs? For 3 years in a row our top noncommissioned officers testified before Mr. WAMP and me and said, it is day care centers. We have spouses who are deployed one, two, three times to Iraq and Afghanistan. The remaining spouse is left at home with small children and desperately needs affordable, accessible day care for their kids.

But you know what? There weren't a lot of lobbyists over there at OMB fighting for young mothers that are, in effect, single mothers while their husbands are in Iraq, or young, single dads while their wives were serving in Afghanistan. And our committee exercised its authority under the Constitution to say that that's not right, we're going to support these military families.

I reject this amendment, again, as I said, as being harmful to our military families. In this case, you know what happened on day care centers? After we added \$134 million in a congressional initiative in the FY08 supplemental bill, the Pentagon came back and said, you're right, we made a mistake, we want to add to that.

We should reject this amendment and support our troops.

Mr. WAMP. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Tennessee is recognized for 5 minutes.

Mr. WAMP. I, too, rise in opposition to this amendment. And Mr. Chairman, now it is late. It's 12:30, we've got two more amendments. I will speak, and then I assume Mr. HENSARLING will speak.

But let me say briefly why three senior members of the Appropriations Committee from our side—Mr. WOLF, Mr. KINGSTON and myself, people I believe have very high integrity—offered a proposal to have a 6-month moratorium, no earmarks from either side, while we establish a select committee to reform the way that earmarks are carried out because the earmark system is broken, and there have been abuses on both sides. And I do think that job one is to define what is an earmark. Because under article I, section 9 of the United States Constitution, the Congress does have the authority and the responsibility to direct the funding on behalf of the taxpayers, not the unelected bureaucrats in the executive branch. And this is now way out of kilter, but there have been abuses and it needs to be cleaned up. So we said we should have a time out, let's redo this.

I'm hopeful that this still happens because both major Presidential candidates have indicated they would like to see sweeping reforms in this process. But you've got to define what is it and then go from there, and then change the rules for everybody—authorization committee, tax, trade, earmarks from the executive branch, anywhere would all come under the same rules, both bodies, bicameral, sweeping reforms. Let's start over and define what is a

congressional direction that's acceptable.

□ 0030

But I think these gentlemen tonight have picked the wrong bill to come and attack on earmarks. Let me tell you why. One of the problems with earmarks out there is there's a cottage industry of lobbyists bringing requests to the Congress on behalf of clients. Are there lobbyists on MilCon earmarks? There is no lobbyist for a National Guard or a Reserve or a military base asking for money from the Congress. Are there campaign contributions flowing based on earmark requests from the National Guard, the Reserve, or military bases? No.

Now, I don't know where you get your numbers, but let me tell you that there's not a request in this bill in my district, but there's one in my State, and it's in a Democratic Member's district, Mr. DAVIS. He may be on that vulnerable list, but he ain't vulnerable. I would say at 9 percent approval we are all vulnerable. What kind of a rating is that, vulnerable?

Now, my name was also on that request because it was my State and protocol is we put our names on it. But it's not in my district. So facts are whatever you present them to be, but the military construction bill is a perfect example of where the Congress has the right and the responsibility to say this needs to be done.

We are the ones who had the 19 hearings about quality of life in child care centers, not the executive branch. They don't have any hearings. Why do we even exist to have hearings if we're not going to say these need to be funded?

Let me tell you I was born at Fort Benning. My dad was on active duty. They needed a new hospital. Mr. BISHOP is going to get nailed for getting an earmark because he represents Fort Benning, and he probably went to this subcommittee of Appropriations because he represented Fort Benning, Mr. FLAKE. Duh. That's how the numbers work that way. Good gracious.

Defeat this, but then reform the process. Clean up the mess. But coming through here with a chainsaw on everything, treating them all like they're the same thing is no way to run a train.

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

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I have listened very carefully to all the speakers on both sides of the aisle, and I have no doubt that those who may still be viewing this at 12:30 a.m. east coast time may be a little bit confused.

We have heard a couple of speakers say that bureaucrats have no monopoly on wisdom and that we as Members ought to be exercising our preroga-

tives, and, certainly, Mr. Chairman, we have that right.

But at the same time, we have heard other speakers say, well, Members of that same bureaucracy are actually requesting these particular earmarks. So I could see how some might be confused. On the one hand, if they're requesting it, I am kind of curious why it wasn't in their budget in the first place.

So I am not really sure who has the monopoly on wisdom. My assumption is that each and every one of these earmarks is probably a very good expenditure of the taxpayers' money. I don't necessarily know if it's the best expenditure of the taxpayers' money. But I know the Members who serve. They're very serious. They're very diligent. I have no doubt that they have done very good work.

I also heard my friend the gentleman from Texas say that this particular amendment would harm our troops or military readiness, harm our veterans, families, and a very long laundry list of others who might be harmed. The underlying assumption is that I believe that this money would somehow disappear. Well, I find that interesting because usually when we debate somebody on the point of earmarks, they tell us don't you realize you're not saving any money? That money stays in the bill, and it's going to get used for some other purpose. So, again, I could see, Mr. Chairman, how people who are watching this debate might be a little bit confused. Which is it? Does the money disappear or does the money stay and maybe fund other readiness centers, other barracks, other military projects? Which is it? We seemingly hear speakers on both sides or several sides on that issue.

But if the money does disappear, I would say to my friends on the other side of the aisle you had an opportunity to support the Republican budget on which, last I looked, had a billion extra dollars more to help our veterans than the Democrat budget did. I know that in the Budget Committee there were amendments to strike earmarks and add to the veterans funding. So if you spent less money, maybe the gentlemen on the other side of the aisle harmed our veterans or their families or their military readiness.

I think at some point, Mr. Chairman, you have to lead by example. And although I have no doubt, again, that these earmarks are good expenditures of the taxpayers' funds, the system is broken. It's not just that there are a few bad apples in the barrel. The barrel is full of rotten apples. And all too often—and maybe not in this bill, and I certainly accept the passion with which the gentleman from Tennessee spoke, and I know his sincerity in wanting to reform this process, and I regret the fact that under the Democrat majority this appears to be the only bill that we can debate earmarks. But what I know about the system and what the American people know about

the system is that it's broken and that all too often it represents the triumph of secrecy over transparency. All too often it represents a triumph of the special interests over the national interests. All too often it represents the triumph of seniority and privilege over merit.

Mr. Chairman, when my party was in the majority, there were a lot of abuses in earmarks. But when the Democrats took over, they said they would do it different. They said they would cut the earmarks in half, and yet last year we had the second highest number of earmarks we've ever had. They claimed there would be no more secrecy in the process, but if we look to the New York Times recently, if I can quote from an August, 2007, news clip: "Despite promises by Congress to end the secrecy of earmarks and other pet projects, the House of Representatives has quietly funneled hundreds of millions of dollars to specific hospitals and health care providers."

The Democrats said that there would be across-the-board reform, and yet we had bills initially come to the floor that we were expected to vote on and the earmarks were to come later. The Speaker of the House said she would just as soon do without them, and yet she is on the top 20 list of those who request them.

The American people want something different. It is time to join the Republican proposal that the gentleman from Tennessee spoke about and have a moratorium on earmarks, reform this process, start it tonight.

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

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, in deference to the passion and conviction that the gentleman from Arizona brings to the floor, I would yield to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the words that have been spoken. I appreciate the passion of those who are defending the bill as it is.

And let me just say this is not my favorite bill to come and propose earmark amendments to. Not at all. But this is the only chance we have got. I'd love to come here with Labor-HHS. I'm glad that the chairman of the Appropriations Committee mentioned that there are a couple of bills where earmarks are legitimate, but maybe for the rest they're not. I have heard him say before that when he left as chairman in 1994, there were no earmarks in the Labor-HHS bill; yet today I think last year there were close to 2,000. There were a couple of years, I know, and we are not breaking that trend very much. And we are likely to see that again later this year, but we won't have an opportunity to come to the floor and debate that. It's likely to be

stuffed into an omnibus bill and we take it or leave it with no vetting whatsoever. At least here we have a chance on one bill to point out the flaws in the system, and the flaws I pointed out.

The gentleman from Texas made a great point. He said that not all wisdom resides with the executive, that somebody in a basement somewhere in some Federal office hasn't had some epiphany about how to spend money. I accept that completely. But it stands to reason as well that some lowly rank-and-file Member who is getting an average of \$1.4 million in this bill doesn't have any less knowledge than a vulnerable Member, a Member who is in a swing district, in a tough district, in a tough race. Does that somehow imbue you with some knowledge about how much money would be spent in the MilCon bill or if you're on the Appropriations Committee? And it may not be. These numbers may be off a little. I accept that. It's not perfect. But how in the world with a straight face can you say this is not a spoils system, this has not become a spoils system?

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman.

Mr. EDWARDS of Texas. Does the gentleman know that less than one-half of 1 percent of this bill is made up of earmarks, less than one-half of 1 percent of the funding in this bill is made up of earmarks?

Mr. FLAKE. I am so glad he mentioned that. That may be the case. I'm not sure. That may well be.

Mr. EDWARDS of Texas. For the record, that is correct.

Mr. FLAKE. My largest complaint with the earmark process is not what we spent in the waste in some bills, maybe not in this one, maybe in others, a lot in others. My biggest complaint has always been with the earmark process; that we, as Members of Congress, give up our authority under article I because we ignore, with our zeal to earmark 2 percent or 1 percent of the Federal budget, we have basically called a truce with the administration saying we will ignore your willy-nilly spending if you ignore ours.

So we let bills like the Department of Homeland Security bill, \$32 billion, very little of it earmarked, but so much of it wasted because we are so intent on earmarking our little portion that we just don't do the oversight that we're supposed to do under article I, and you can look at empirically, anecdotally, any way you look at it.

I commissioned the GAO awhile ago to look at the Appropriations Committee, since 1994, since the contemporary practice of earmarking really got started, under Republicans. I concede that. And if you look at the number of witnesses called, the number of hearings held, any way you slice it or dice it, we aren't doing the oversight that we once did, since the contemporary practice of earmarking started.

And I would submit that that's true across the board. But if you look specifically at this bill, there is no way that you can say that this isn't a spoils system.

When facilities residing in appropriators' districts get about seven times as much. Maybe it's six. Maybe it's five. Maybe it's eight. But with that kind of average, something is wrong. And that's what we are saying here. We have got to fix this system. We should fix it before we move on.

I appreciate the gentleman from California (Mr. CAMPBELL) for the work that he has done and for cosponsoring this amendment and for those who have spoken on it. And I would just say again this is our only chance. This looks like this is it for the year to actually have a voice on earmarks and to say enough is enough, it's time to change the process.

So I urge my colleagues to accept the amendment, and I appreciate the gentleman for yielding.

Mr. KING of Iowa. I thank the gentleman for his commitment to fiscal responsibility of this Congress.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. GINGREY

Mr. GINGREY. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. GINGREY: At the end of the bill (before the short title), add the following new section:

SEC. 408. None of the funds appropriated or otherwise made available in this Act may be used to take private property for public use without just compensation.

The Acting CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. GINGREY. Mr. Chairman, I rise tonight to offer an amendment to H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for fiscal year 2009, and to ask my colleagues to support the amendment.

A little over a month ago, property rights advocates across the country spoke out on the third anniversary of the now infamous Kelo decision by the Supreme Court.

□ 0045

I, along with Representative MAXINE WATERS of California, JIM SENSENBRENNER of Wisconsin, mark the date

by introducing a resolution that expresses congressional support for the private property rights protections guaranteed by the fifth amendment to the Constitution.

Today, we in the Congress have an opportunity to demonstrate our commitment to the preservation of these rights. My amendment would ensure that none of the Federal funds appropriated by this act can be used in the taking of private property without just compensation.

Ideally, Mr. Chairman, eminent domain should never have to be used, but even the Constitution provides for its application in instances involving public use, such as construction of a road or a public school. Public use also includes the common defense, which is a central focus of the Military Construction and Veterans' Affairs Appropriations bill. Accordingly, from time to time the needs of our military may require the use of eminent domain. However, even when the Federal Government exercises the power of eminent domain on behalf of the military, private property owners must always receive just compensation.

The taking of private property is among the toughest decisions a government should ever have to make. A government should only make that decision when it is absolutely necessary and only after working with property owners to try to reach a mutual agreement.

The sanctity of private property rights and the security they afford are among the greatest blessings this country offers its citizens. Individual liberty and freedom are at the very root of our property rights and therefore we must ensure that these rights are never abused and they are always protected.

Unfortunately, Mr. Chairman, it seems the protections of the fifth amendment do not apply to the wallets of hardworking Americans who are now struggling at the gas pump. The inaction of this Congress to address in a real way these historically high gas prices, I believe, also constitutes unjustified taking, but it seems that this Congress has little interest in justly compensating the American consumer by increasing domestic energy production, creating new American jobs, and lowering the price of gasoline. In fact, it seems to me the fear of even a vote on domestic energy production has led the Democratic majority to essentially shut down the appropriations process, the process with which we fund the entirety of our Federal Government, from the Pentagon to the schoolhouses across the country.

With only 17 legislative days left until the next fiscal year, seven of the 12 appropriations bills have not even been considered by the full Appropriations Committee, and this is the first appropriations bill considered on the House floor. So while Speaker PELOSI and the Democratic leadership continue to refuse pleas for at least a vote on increasing domestic supply and low-

ering the price of gasoline, House Republicans will continue to fight to open up American energy and to prevent the unjust taking occurring every day at the gas pump.

From wallets to homesteads to family businesses, this Congress has an obligation to protect the property rights of all Americans. So I again call upon my colleagues to support this amendment.

Mr. Chairman, I yield back my time. Mr. EDWARDS of Texas. I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, let me just say I support this amendment. It does state the obvious: We should not take private property for private use without just compensation.

Also, Mr. Chairman, because we had no other Members on our side to finish our discussion on the previous debate, let me just say briefly in response to my colleague from Texas (Mr. HENSARLING), his comments, there was no confusion about that amendment. It was very clear that the direct impact of that amendment would have been to hurt our troops. It would have killed fire stations designed to protect our soldiers, our sailors, our airmen, and marines and their families.

It would have cut out training facilities, it would have cut out daycare centers, it would have cut out all sorts of important facilities to help our troops have a better quality of life and to train effectively during a time of war, and it's because of that and because of the responsible process that our subcommittee has gone through to vet these projects carefully, that I am confident that later this morning when the House votes on that amendment, that that amendment will be soundly defeated for all the right reasons.

This process in this subcommittee has been a good one, a solid one, and I think the protest to the contrary will be made clear tomorrow when Republicans and Democrats alike join to overwhelmingly reject the Flake amendment.

I yield back the balance of my time. The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. KING of Iowa:

Insert after section 407 the following:
SEC. 408. None of the funds made available in this Act may be used to enforce subchapter IV of Chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, my amendment is an amendment that has come to this floor in different fashions in the past, and it deals with the Davis-Bacon federally mandated wage scale. The amendment simply says none of the funds made available in this act may be used to enforce the Davis-Bacon Act.

Davis-Bacon is a federally mandated wage scale that was established in about 1932, and the motivation for it was New York contractors that wanted to keep black American workers out of the trade unions as they began to bid projects such as Federal buildings in New York and reach down to places like Alabama to get cheaper labor, bring that labor in, and undercut the trade unions in New York. Congressman Davis and I believe it was Senator Bacon, or vice versa, came forward with this legislation.

It is, Mr. Chairman, the last vestige of the Jim Crow laws we have had in this country designed to keep African Americans out of this work. That is the legacy of it. The fact of it is that it's a federally mandated union wage scale. It is not prevailing wage. I worked under it all of my life, and the people that report these wage scales to the survey are people that report union scale. Merit shop employers do not report those wage scales very often because they know that the union will show up to organize them, and there is a penalty for filing those report that has to do with fight off union organizations.

The effect of it is a high cost to taxpayers, Mr. Chairman. A high cost to the taxpayers, by my calculations of being 28 years in construction business and dealing with these wage scales on a regular basis, that ranges, depending on how much of your project is labor versus how much is material, my own calculations range between 8 percent on the low side of inflated price, to 35 percent on the higher side.

It inflates wages by about the 22 percent, according to a Beacon Hill study of 2008. Their studies shows a 9.91 percent increase in the overall cost of the projects that is anchored to this federally mandated union scale.

It raises public constructions costs by about \$8.6 billion a year. According to a CBO estimate, the Federal Government could save \$10.5 billion in construction costs if Davis-Bacon were repealed. I am committed to the overall repeal of Davis-Bacon, and taking a bite at it every chance I get.

The small business burden is another component. Small employers avoid Davis-Bacon wage scale jobs, and I know and those of us in the business know that if there are federally mandated wage scales on projects, there are fewer bidders. Larger contractors that are union contractors bid those jobs without much competition from smaller contractors because the bureaucracy is so heavy, the reporting is so heavy. In fact, I myself have sat in there hours and hours, way into the night,

filling out minute paperwork so that it can go gather dust in some bureaucrat's desk until something comes wrong and then they come back and bring charges against you. I put it all on an Excel spreadsheet and track every motion of every man, every machine that operates or maintain or moves the machine so that we can file a report that will be full and complete. In fact, that strategy was adopted by the regulators.

The small business burden is too great, the taxpayer burden is too great. This is a union-mandated scale. We don't need to be building less projects or less work on our bases for military. We need to build more. We don't need less bang for the taxpayers' buck, we need more, Mr. Chairman.

So imposing a Davis-Bacon wage scale in the MilCon appropriations bill here moves us backwards from a progress standpoint. It will make sure that we produce fewer projects and it will mean that it will inflate the cost of the projects that we do some place between 8 and 35 percent. My number that I use is 20 percent, to pick an average. The number that Beacon Hill uses 9.91 percent increase in prices. Why would anybody buy into that?

By the way, their measurements measure a calculation compared to today's merit shop employers, but today's merit shop employers, and the union scale employers, but those wages do not reflect the actual supply and demand, like labor is a commodity like any other commodity. They reflect already the impact of federally imposed wage scales in the neighborhood. So there is no real measure of those wages from a competitive standpoint.

I want to get back to free market. I want the merit shop employees, who do a great job, to receive their reward for the work they do. It also is an impediment to an employer, like I have been for most of my adult life, because under the scale that you pay in the merit shop, you can put people on payroll for all 12 months of the year, and I put them in the shop when I need them, hand them a shovel, or put them on a crane or excavator when I need them there and I don't have to dance through all this paperwork. It's an impediment to bring people in that are low skilled because you can't afford to pay them those imposed wage scales it.

It keeps us from bringing people up through the process. It is inflationary. It's unjust, it's un-American, and it's the last vestige of Jim Crow.

I urge adoption of my amendment and I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I'd like to move to strike the last word.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS of Texas. I rise in opposition to this amendment. In my opinion, the gentleman's amendment would weaken the protections that the

Davis-Bacon Act provides to American workers. For myself, I'd like to ensure that construction workers who are building barracks for our troops or hospitals for our veterans are there because they are motivated and skilled at their trade, not because they were the cheapest workers that a contractor could find somewhere.

I heard the gentleman offer some estimates that he came up with. I don't know the source of all of those. I am sure there are differences of opinion, but I do know the Economic Policy Institute has done a study that found a growing body of evidence suggesting that ending Davis-Bacon will not reduce costs on government contracts.

I guess one could make the argument that if we could mandate this is government money—we mandate that these jobs all be paying minimum wage, perhaps we could save some money. I don't think that would be very good policy for our Veterans Administration, for our Department of Defense, or for our country.

Finally, on I think a broader point, there may be some that think that our country's present day economic problems are that the middle class is just making too much money. I couldn't disagree more. The problem with our economy today is that men and women who are willing to get up and go work hard every single day are struggling to just make enough money to help educate their children, buy clothes for their family, and put food on the family table.

I don't see an amendment that would take money out of the pockets of a lot of these hardworking middle class families that are the backbone and heart and soul of our American economy and our private market system. I don't see taking money out of their pockets helping them or our economy.

So, with great respect for the gentleman, who has been consistent in this arena, I must strongly oppose this amendment.

Mr. KING of Iowa. Would the gentleman yield?

Mr. EDWARDS of Texas. Briefly.

Mr. KING of Iowa. Just one point, and not to belabor this at all. But a thought occurred on the study, the Economic Policy Institute. If Davis-Bacon didn't increase the cost of projects, then what would be the point in Davis-Bacon?

Mr. EDWARDS of Texas. Well, the point of Davis-Bacon, reclaiming my time, is to see that the workers, American workers, who build our VA hospitals, renovate our Department of Defense facilities, build new barracks and housing for our troops that are serving in Iraq and Afghanistan today, that they are paid a fair wage, a livable wage.

We can have honest differences on this. I tend to believe from my vantage point that providing that kind of honest wage brings in better workers and more quality work.

□ 0100

The gentleman might disagree with that, but we will agree to disagree on that.

The bottom line is I think the middle class is the strength of our Nation's economy, and the sooner we put dollars back into the pockets of those families willing to work hard for that living, the sooner we will get this economy off the wrong track and back on the right track.

For all of those reasons, I again oppose this amendment.

I yield back the balance of my time. Mr. FARR. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FARR. I rise in opposition to this amendment. I am not going to take the 5 minutes, but I just want to point out that Davis-Bacon has been part of Federal law for almost 80 years, and what that law has done is every public project, all the roads in America, schools, courthouses, buildings, harbors, airports, train stations, libraries, Smithsonian buildings, you look around America, the entire infrastructure in this country built in the last 80 years has been built under the provisions of a prevailing wage paid to the employees, prevailing for the area in which the buildings are being constructed.

What is wrong? What is broken that needs fixing? I have never had a constituent in the 32 years that I have been in elective office come up and say, you know what? This library or this road or this school was built wrong because it was built under Davis-Bacon.

This is an annual thing, people coming up and complaining about it, because the prevailing wage oftentimes is what the unions pay, and that can get the union contract. And what is wrong with union labor? This effort to amend this is essentially just another strike against organized labor in America, against a fair, decent wage, at a time when the cost of living is almost at an all-time high. It is always tried, it always fails, because there is no need to fix it, because it ain't broken.

Reject this amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, it is late at night, now early in the morning actually, so I am going to

be brief. But I want to end as I began, by thanking Mr. WAMP, the ranking member of this VA Appropriations and Military Construction Subcommittee.

There are a lot of people in Washington and a lot of people in America who think that bipartisanship is not only an endangered species, but an extinct species in Washington. I think this process, over 100 hours of hearings, 19 different hearings, the product tonight, a good product, is perfect proof that bipartisanship for the most important of causes is still alive and well in Washington, D.C.

I want to again salute Speaker PELOSI and Mr. OBEY and Mr. SPRATT, as well as the second ranking Democrat on our subcommittee, Mr. FARR of California, who has been there every step of the way for our veterans, our troops and their families. He has made a great contribution to this bill.

Finally, I would just finish by saying my hope and prayer is that what we have before this House is a bill that is worthy of the sacrifice of our service men and women and their families.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FARR) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year end-

ing September 30, 2009, and for other purposes, had come to no resolution thereon.

REAPPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 USC 6431 note), amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 USC 2651 note), and the order of the House of January 4, 2007, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Commission on International Religious Freedom for a 2-year term ending May 14, 2010:

Ms. Elizabeth H. Prodromou of Boston, Massachusetts, to succeed herself.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 8, 2008

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

WASHINGTON, DC,

July 31, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 8, 2008.

NANCY PELOSI,

Speaker of the House of Representatives.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal years—		
	2008 ¹	2009 ^{1,2}	2009–2013
Current Aggregates:			
Budget Authority	2,456,198	2,462,553	(3)
Outlays	2,437,784	2,497,436	(3)
Revenues	1,875,401	2,029,653	11,780,263
Change in the Higher Education Opportunity Act (H.R. 4137):			
Budget Authority	–10	–9	(3)
Outlays	0	–114	(3)
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	2,456,188	2,462,544	(3)
Outlays	2,437,784	2,497,322	(3)
Revenues	1,875,401	2,029,653	11,780,263

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 Appropriation 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)).

³ Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

House Committee	2008		2009		2009–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Education and Labor	0	0	0	0	0	0
Change in the Higher Education Opportunity Act (H.R. 4137):						
Education and Labor	–10	0	–9	–114	36	–60
Revised allocation:						
Education and Labor	–10	0	–9	–114	36	–60

REQUESTING THAT THE PRESIDENT FOCUS APPROPRIATE ATTENTION ON NEIGHBORHOOD CRIME PREVENTION AND COMMUNITY POLICING, AND COORDINATE CERTAIN FEDERAL EFFORTS TO PARTICIPATE IN NATIONAL NIGHT OUT

The SPEAKER pro tempore. Under a previous order of the House, the gentlelady from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in National Night Out, which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security. This important resolution will work to make America a safer place by recognizing the importance of community policing and crime prevention.

National Night Out, "America's Night Out Against Crime," is a program designed to heighten crime prevention and drug prevention awareness; generate support for, and participation in, anti-crime programs; strengthen neighborhood spirit and police community relations; and send a message to criminals that neighborhoods are organized and fighting back. This is an opportunity to bring citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials together to fight crime where we live. Last year, over 35 million people celebrated the National Night Out with activities such as traditional "lights on" and front porch vigils, block parties, cookouts, parades, contests, youth programs, and visits from local police and sheriff departments. This event is celebrating its 25th anniversary on Tuesday, August 5, 2008.

National Night Out supports the Department of Homeland Security's Ready campaign by handing out materials and educating and empowering the public on how to prepare for, and respond to, potential terrorist attacks or other emergencies. Additionally, this event supports the National Child Identification Program, a joint partnership between the American Football Coaches Association and the Federal Bureau of Investigation, to provide identification kits to parents to help locate missing children. The National Sheriffs Association, the United States Conference of Mayors, and the National League of Cities have all officially expressed support for National Night Out.

Neighborhood crime watch groups, such as National Night Out, contribute to the Nation's war on drugs by helping to prevent communities from becoming markets for drug dealers. They play an integral role in combating domestic terrorism by increasing vigilance and awareness and encouraging citizen participation in community safety and homeland security. Additionally, community-based programs involving law enforcement, school administrators, teachers, parents, and local communities work effectively to reduce school violence and crime and promote the safety of children.

The neighborhoods we once knew as places of peace and harmony are now engaged in the fight against the rising tide of

crime and violence. One of the saddest results of this increasing crime is that neighbors fear for their safety and become alienated from one another. Through this National Night Out celebration, people in the neighborhood are brought closer together, overcoming the atmosphere of fear and mistrust that comes with changing times. National Night Out gives people a sense of neighborhood pride and positive community spirit.

This is why I strongly support the goals and ideals of National Night Out and request that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for National Night Out; focus appropriate attention on neighborhood crime prevention, community policing, and reduction of school crime by delivering speeches, convening meetings, and directing the Administration to make crime reduction an important priority; and coordinate the efforts of the Federal Emergency Management Agency, the USA Freedom Corps, the Citizen Corps, the National Senior Service Corps, and AmeriCorps to participate in National Night Out by supporting local efforts and neighborhood watches and by supporting local officials, including law enforcement personnel, to provide homeland security and combat terrorism in the United States. I urge my colleagues to support the National Night Out, which effectively works to protect Americans from crime across the nation.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is July 31, 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 12,974 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 happi-

ness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,974 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 American that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is July 31, 2008, 12,974 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.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, JULY 30, 2008 AT PAGE H7517

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. GEORGE MILLER of California. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 398

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Thursday, July 31, 2008, Friday, August 1, 2008, or Saturday, August 2, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, September 8, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, August 1, 2008, through Friday, September 5, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, September 8, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

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

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

Mr. PETRI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on House Concurrent Resolution 398 will be followed by 5-minute votes on motions to suspend the rules on H.R. 5892 and on House Resolution 1370.

The vote was taken by electronic device, and there were—yeas 213, nays 212, not voting 10, as follows:

[Roll No. 537]

YEAS—213

Abercrombie	Capuano	Davis (IL)
Ackerman	Cardoza	Davis, Lincoln
Allen	Carnahan	DeFazio
Andrews	Carson	DeGette
Baca	Castor	Delahunt
Baird	Cazayoux	DeLauro
Baldwin	Chandler	Dicks
Bean	Clarke	Dingell
Becerra	Clay	Doggett
Berkley	Cleaver	Doyle
Berman	Clyburn	Edwards (MD)
Berry	Cohen	Edwards (TX)
Bishop (GA)	Conyers	Ellison
Bishop (NY)	Cooper	Emanuel
Blumenauer	Costa	Engel
Boren	Costello	Eshoo
Boucher	Courtney	Etheridge
Boyd (FL)	Cramer	Farr
Boyd (KS)	Crowley	Fattah
Brady (PA)	Cuellar	Filner
Brown, Corrine	Cummings	Foster
Butterfield	Davis (AL)	Frank (MA)
Capps	Davis (CA)	Giffords

Gonzalez	Maloney (NY)
Gordon	Markey
Green, Al	Matheson
Green, Gene	Matsui
Grijalva	McCarthy (NY)
Gutierrez	McCollum (MN)
Hall (NY)	McDermott
Hare	McGovern
Harman	McIntyre
Hastings (FL)	McNerney
Higgins	McNulty
Hill	Meek (FL)
Hinches	Melancon
Hinojosa	Michaud
Hirono	Miller (NC)
Hodes	Miller, George
Holden	Mollohan
Holt	Moore (KS)
Honda	Moore (WI)
Hooley	Moran (VA)
Hoyer	Murphy (CT)
Inslie	Murtha
Israel	Nadler
Jackson (IL)	Napolitano
Jackson-Lee	Neal (MA)
(TX)	Oberstar
Jefferson	Obey
Johnson (GA)	Oliver
Johnson, E. B.	Ortiz
Jones (OH)	Pallone
Kagen	Pascrell
Kanjorski	Pastor
Kaptur	Payne
Kennedy	Pelosi
Kildee	Perlmutter
Kilpatrick	Peterson (MN)
Kind	Pomeroy
Klein (FL)	Price (NC)
Kucinich	Rahall
Langevin	Rangel
Larsen (WA)	Reyes
Larson (CT)	Richardson
Lee	Rodriguez
Lewis (GA)	Ross
Lipinski	Rothman
Lofgren, Zoe	Roybal-Allard
Lowe	Ruppersberger
Lynch	Ryan (OH)
Mahoney (FL)	Salazar

NAYS—212

Aderholt	Deal (GA)
Akin	Dent
Alexander	Diaz-Balart, L.
Altmire	Diaz-Balart, M.
Arcuri	Donnelly
Bachmann	Doolittle
Bachus	Drake
Barrett (SC)	Dreier
Bartlett (MD)	Duncan
Barton (TX)	Ehlers
Biggart	Ellsworth
Bilbray	Emerson
Bilirakis	English (PA)
Bishop (UT)	Everett
Blackburn	Fallin
Boehner	Feeney
Bonner	Ferguson
Bono Mack	Flake
Boozman	Forbes
Boswell	Portenberry
Boustany	Fossella
Brady (TX)	Fox
Braley (IA)	Franks (AZ)
Brown (GA)	Frelinghuysen
Brown (SC)	Gallegly
Buchanan	Garrett (NJ)
Burgess	Gerlach
Burton (IN)	Gilchrest
Buyer	Gillibrand
Calvert	Gingrey
Camp (MI)	Gohmert
Campbell (CA)	Goode
Cannon	Goodlatte
Cantor	Granger
Capito	Graves
Carney	Hall (TX)
Carter	Hastings (WA)
Castle	Hayes
Chabot	Heller
Childers	Hensarling
Coble	Herger
Cole (OK)	Herseth Sandlin
Conaway	Hobson
Crenshaw	Hoekstra
Culberson	Hunter
Davis (KY)	Inglis (SC)
Davis, David	Issa
Davis, Tom	Johnson (IL)

Sánchez, Linda	Neugebauer
T.	Nunes
Sanchez, Loretta	Paul
Sarbanes	Pearce
Schakowsky	Pence
Schiff	Peterson (PA)
Schwartz	Petri
Scott (GA)	Pickering
Scott (VA)	Pitts
Serrano	Platts
Shea-Porter	Poe
Sherman	Porter
Shuler	Price (GA)
Sires	Pryce (OH)
Skelton	Putnam
Slaughter	Radanovich
Smith (WA)	Ramstad
Snyder	Regula
Solis	Rehberg
Space	Reichert
Speier	Renzi
Spratt	Reynolds
Stark	Rogers (AL)
Stupak	Rogers (KY)
Sutton	
Tanner	
Tauscher	
Taylor	
Thompson (CA)	
Thompson (MS)	
Tierney	
Towns	
Tsongas	
Van Hollen	
Velázquez	
Visclosky	
Walz (MN)	
Wasserman	
Rahall	Schultz
Watson	Watt
Waxman	Weiner
Welch (VT)	Wexler
Wilson (OH)	Woolsey
Yarmuth	Wu

NOT VOTING—10

Barrow	Cubin	Rush
Blunt	Hulshof	Udall (CO)
Brown-Waite,	Levin	Waters
Ginny	Meeks (NY)	

□ 1304

Mr. SESTAK changed his vote from “yea” to “nay.”

Messrs. FOSTER, HARE, PASTOR and SHULER and Ms. HOOLEY changed their vote from “nay” to “yes.”

So the concurrent resolution was agreed to. The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK (at the request of Mr. HOYER) for today after 7 p.m. on account of personal business.

Mr. YOUNG of Alaska (at the request of Mr. BOEHNER) for today and the balance of the week on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EDWARDS of Texas) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.
 Ms. WOOLSEY, for 5 minutes, today.
 Mr. SPRATT, for 5 minutes, today.
 Mr. PERLMUTTER, for 5 minutes, today.
 Ms. JACKSON-LEE of Texas, for 5 minutes, today.

A JOINT RESOLUTION AND BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on July 28, 2008 she presented to the President of the United States, for his approval, the following joint resolution.

H.J. Res 93. Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

Lorraine C. Miller, Clerk of the House reports that on July 29, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 3221. To provide needed housing reform and for other purposes.

ADJOURNMENT

Mr. EDWARDS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 8 minutes a.m.), the House adjourned until today, Friday, August 1, 2008, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7891. A letter from the Executive Director, Commodities Futures Trading Commission, transmitting the Commission's final rule — Amendments Pertinent to Registered Entities and Exempt Commercial Markets (RIN: 3038-AC39) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7892. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation to amend the Agricultural Marketing Act of 1946 to require the Department of Agriculture (USDA) to collect and retain user fees for enforcement activities related to mandatory country of origin labeling (COOL); to the Committee on Agriculture.

7893. A letter from the Secretary, Department of Agriculture, transmitting a copy of a draft bill entitled, "to remove the prohibition against the rescission of certain unadvanced telecommunications loan balances"; to the Committee on Agriculture.

7894. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Altrazine; Pesticide Tolerance [EPA-HQ-OPP-2006-0192; FRL-8364-1] received July 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7895. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flumioxazin; Pesticide Tolerance [EPA-HQ-OPP-2007-0871; FRL-8370-2] received July 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7896. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Methylcyclopropene; Pesticide Tolerance; Technical Correction [EPA-HQ-OPP-2008-0511; FRL-8372-9] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7897. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyfluthrin; Pesticide Tolerance [EPA-HQ-OPP-2006-0857; FRL-8370-7] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7898. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Gentamicin; Pesticide Tolerance for Emergency Exemptions [EPA-HQ-

OPP-2006-0234; FRL-8370-8] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7899. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients; Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment [EPA-HQ-OPP-2006-0230; FRL-837207] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7900. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerances [EPA-HQ-OPP-2007-0214; FRL-8373-2] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7901. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ammonium Soap Salts of Higher Fatty Acids (C8-C18 saturated; C8-C12) unsaturated; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0571; FRL-8372-2] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7902. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2007-0416; FRL-8371-9] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7903. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Gamma-cyhalothrin; Pesticide Tolerances [EPA-HQ-OPP-2007-0096; FRL-8372-6] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7904. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sethoxydim; Pesticide Tolerances [EPA-HQ-OPP-2007-0893; FRL-8370-9] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7905. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirotetramat; Pesticide Tolerances [EPA-HQ-OPP-2007-0475; FRL-8367-1] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7906. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Bacillus thuringiensis* Modified Cry1Ab Protein; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-1204; FRL-8371-6] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7907. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oxirane, 2-methyl-, polymer with oxirane, mono [2-[2-(2-butoxymethylethoxy)methylethoxy]methylethyl] ether; Tolerance Exemption [EPA-HQ-OPP-2008-0254; FRL-8371-7] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7908. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dichlorvos (DDVP); Order Denying NRDC's Objections and Requests for

Hearing [EPA-HQ-OPP-2002-0302; FRL-8372-5] received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7909. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Bacillus thuringiensis* Cry2Ab2 protein; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0346; FRL-8369-4] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7910. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Residues of Quaternary Ammonium Compounds, Didecyl Dimethyl Ammonium Carbonate and Didecyl Dimethyl Ammonium Bicarbonate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-1024; FRL-8368-1] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7911. A letter from the Secretary of the Navy, Department of Defense, transmitting the Secretary's determination and findings that it is in the public interest to use other than competitive procedures for a specific procurement, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

7912. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John F. Goodman, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7913. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral John G. Cotton, United States Navy Reserve, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

7914. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Charles E. Croom, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7915. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John W. Bergman, United States Marine Corps Reserve, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7916. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral (lower half) Garland P. Wright, Jr., United States Navy Reserve, to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7917. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, Department of Defense, transmitting Notice of the decision to conduct a single function standard competition of the Civil Engineer Function at Buckley Air Force Base, Colorado, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

7918. A letter from the Deputy Under Secretary for Logistics and Material Readiness, Department of Defense, transmitting the National Defense Stockpile (NDS) Annual Materials Plan for Fiscal Year 2009, along with proposed plans for FY 2010 through 2013, pursuant to 50 U.S.C. 98h-2(b); to the Committee on Armed Services.

7919. A letter from the Chief Counsel, FEMA, Department of Homeland Security,

transmitting the Department's final rule — Changes in Flood Elevation Determinations — received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7920. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8031] received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7921. A letter from the Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development, transmitting the Department's third annual Homeless Assessment Report for 2007; to the Committee on Financial Services.

7922. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Republic of Ghana pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7923. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Rehabilitation Engineering Research Centers (RERCs) — Technologies for Successful Aging With Disabilities — received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7924. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 202 Base-Year Inventory for the Susquehanna County Area [EPA-R03-OAR-2008-0182; FRL-8687-1] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7925. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnaces and Boilers [Docket No. EE-RM/STD-01-350] (RIN: 1904-AA78) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7926. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2007 annual performance report to Congress required by the Medical Device User Fee and Modernization Act of 2002; to the Committee on Energy and Commerce.

7927. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — New Animal Drugs; Cephalosporin Drugs; Extralabel Animal Drug Use; Order of Prohibition [Docket No. FDA-2008-N-0326] received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7928. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Revisions to Emission Reduction Market System [EPA-R05-OAR-2007-0183; FRL-8575-3] received July 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7929. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agen-

cy's final rule — Direct Final Approval of Revised Municipal Waste Combustor State Plan for Designated Facilities and Pollutants: Indiana [EPA-R05-OAR-2008-0952; FRL-8688] received July 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7930. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — US Filter Recovery Services, Inc. Under Project XL [FRL-8687-6] (RIN: 2090-AA15) received July 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7931. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana — Air Quality, Incinerators [EPA-R08-OAR-2006-0806, FRL-8683-5] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7932. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [RPA-R09-OAR-2008-0237; FRL-8695-7] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7933. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Petroleum Refineries [EPA-HQ-OAR-2007-0011; FRL-8698-3] (RIN: 2060-AN72) received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7934. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Virginia: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R03-RCRA-2008-0256; FR-8698-9] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7935. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Northern Sierra Air Quality Management District, Including Nevada County Air Pollution Control District Portion, Plumas County Air Pollution Control District Portion, and Sierra County Air Pollution Control District Portion [EPA-R09-OAR-2006-0186, FRL-8569-6] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7936. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Air Pollution from Volatile Organic Compounds [EPA-R06-OAR-2006-1029; FRL-8689-7] received, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7937. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Colorado; Affirmative Defense Provisions for Malfunctions; Common Provisions Regulation [EPA-R08-OAR-2007-1030; FRL-8573-5] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7938. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology Requirements for Marine Vessel and Barge Loading [EPA-R03-OAR-2007-1120; FRL-8693-5] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7939. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Juniata County Area [EPA-R03-OAR-2008-0184; FRL-8693-4] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7940. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Lawrence County Area [EPA-R03-OAR-2008-0185; FRL-8693-1] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7941. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Northumberland County Area [EPA-R03-OAR-2008-0186; FRL-8693-3] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7942. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Snyder County Area [EPA-R03-OAR-2008-0188; FRL-8692-9] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7943. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) [EPA-HQ-OAR-2003-0138; FRL-8693-9] (RIN: 2060-AO99) received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7944. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Pike County Area [EPA-R03-OAR-2008-0187; FRL-8694-7] received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7945. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment for the Ozone National Ambient Air Quality Standards for Nonattainment Areas in Delaware, District of Columbia, Maryland, Pennsylvania, and Virginia [EPA-R03-OAR-2008-0109; FRL-8694-8] received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7946. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan; Pesticide Element; Ventura County [EPA-R09-OAR-2008-0313, FRL-8694-1] received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7947. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 2007 Superfund Five-Year Review Report to Congress, in accordance with the requirements in Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Energy and Commerce.

7948. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 202 Base-Year Inventory for the Somerset County Area [EPA-R03-OAR-2008-0181; FRL-8686-9] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7949. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 202 Base-Year Inventory for the Warren County Area [EPA-R03-OAR-2008-0183; FRL-8685-5] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7950. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans: Washington; Vancouver Air Quality Maintenance Area Second 10-Year Carbon Monoxide Maintenance Plan [EPA-R10-OAR-2007-0998; FRL-8684-1] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7951. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Nevada; Wintertime Oxygenated Gasoline Rule; Vehicle Inspection and Maintenance Program; Redesignation of Truckee Meadows to Attainment for the Carbon Monoxide Standard [EPA-R09-OAR-2007-0561; FRL-8555-1] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7952. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2008-0337; FRL-8565-2] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7953. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 202 Base-Year Inventory for the Crawford County Area [EPA-R03-OAR-2008-0180; FRL-8687-3] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7954. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation

of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 202 Base-Year Inventory for the Columbia County Area [EPA-R03-OAR-2008-0178; FRL-8687-2] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7955. A letter from the Deputy Division Chief, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of The Commercial Mobile Alert System [PS Docket No. 07-287] received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7956. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 8, 2007, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

7957. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

7958. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

7959. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

7960. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

7961. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-67 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Kingdom Saudi Arabia for defense articles and services; to the Committee on Foreign Affairs.

7962. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-98 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on Foreign Affairs.

7963. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-35 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on Foreign Affairs.

7964. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-37 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Morocco for defense articles and

services; to the Committee on Foreign Affairs.

7965. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-76 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services; to the Committee on Foreign Affairs.

7966. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-91 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on Foreign Affairs.

7967. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-95 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on Foreign Affairs.

7968. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding a proposed license agreement for the manufacture of military equipment abroad and the export of defense services, and defense articles to the Government of Turkey (Transmittal No. DDTC 016-08); to the Committee on Foreign Affairs.

7969. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Canada (Transmittal No. RSAT-03-08); to the Committee on Foreign Affairs.

7970. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the sale of major defense equipment to the Government of Singapore (Transmittal No. DDTC 050-08); to the Committee on Foreign Affairs.

7971. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of an application for a license for the export of defense articles and services to the Government of Germany (Transmittal No. DDTC 036-08); to the Committee on Foreign Affairs.

7972. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed manufacturing license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 031-08); to the Committee on Foreign Affairs.

7973. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding a proposed technical assistance agreement for the export of defense services, technical data, and defense articles to the Government of the United Kingdom (Transmittal No. DDTC 078-08); to the Committee on Foreign Affairs.

7974. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act,

certification of a proposed agreement for the export of defense articles or defense services to the Government of Romania (Transmittal No. DDTC 084-08); to the Committee on Foreign Affairs.

7975. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the 2007 Annual Report on United Nations voting practices, pursuant to Public Law 101-246, section 406; to the Committee on Foreign Affairs.

7976. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Inspector General's semi-annual report for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7977. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Sufficiency Certification for the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2009," pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7978. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports/Financial Statements for the Third Quarter of FY 2008 ended June 30, 2008, as prepared by the U.S. General Services Administration; to the Committee on Oversight and Government Reform.

7979. A letter from the Director, Office of Civil Rights, Department of Commerce, transmitting the Department's annual report for FY 2008 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7980. A letter from the Acting Director, Grants Management Division, Department of Commerce, transmitting the Department's final rule — Department of Commerce Implementation of OMB Guidance on Nonprocurement Debarment and Suspension [Docket No. 060830228-6311-02] (RIN: 0605-AA23) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7981. A letter from the Assistant Inspector General, Communications and Congressional Liaison, Department of Defense, transmitting the Department's 2007 inventory of activities that are not inherently governmental functions as required by Section 2 of the Federal Activities Inventory Reform (FAIR) Act of 1998, Public Law 105-270; to the Committee on Oversight and Government Reform.

7982. A letter from the Assistant Inspector General, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7983. A letter from the Director, Office of Management, Department of Energy, transmitting the Department's Year 2007 Inventory of Commercial Activities, as required by the Federal Activities Reform Act of 1997, Pub. L. 105-270; to the Committee on Oversight and Government Reform.

7984. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7985. A letter from the Acting Associate General Counsel for General Law, Depart-

ment of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7986. A letter from the Director, Holocaust Memorial Museum, transmitting the Museum's 2006 through 2007 Annual Report; to the Committee on Oversight and Government Reform.

7987. A letter from the Deputy General Counsel, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7988. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS) (RIN: 3206-AL67) received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7989. A letter from the Secretary and Director, Postal Regulatory Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7990. A letter from the Chief, Division of Management Authority, Department of the Interior, transmitting the Department's final rule — Revisions of Regulations Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Import and Export of Sturgeon Caviar [FWS-R9-IA-2008-0003][96000-1671-0000-P5] (RIN: 1018-AV70) received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7991. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Addresses for Applications for Eagle and Migratory Bird Permit Applications (RIN: 1018-AV63) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7992. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Adjustment to the Total Allowable Catch of Georges Bank Yellowtail Flounder from the United States/Canada Management Area for Fishing Year 2008 [Docket No. 071004577-8124-02] (RIN: 0648-XI64) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7993. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XI93) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7994. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Suspension of the Primary Pacific Whiting Season for the Shore-based Sector South of 42 degrees North Latitude [Docket No. 080408542-8615-01] (RIN: 0648-XI87) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7995. A letter from the Deputy Assistant Administrator for Operations, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 19; Announcing OMB Approval of Information Collection [Docket No. 070817467-8744-03] (RIN: 0648-AV90) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7996. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 071011590-7591-01] (RIN: 0648-XD38) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7997. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 030221039-7043-42; I.D. 022707B] received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7998. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 030221039-7044-43; I.D. 022707C] received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7999. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 071220869-7871-01] (RIN: 0648-XE62) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8000. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 0612242865-7168-01; I.D. 092506A] (RIN: 0648-AU90) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8001. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 0612242977-7216-01; I.D. 120304D] (RIN: 0648-AS01) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8002. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 071221883-7885-01] (RIN: 0648-XE66) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8003. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 071018614-7615-01] (RIN: 0648-XD56) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8004. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 071030629-7630-01] (RIN: 0648-XD72) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8005. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 030221039-7038-41; I.D. 021407E] received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8006. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 070703251-7261-01] (RIN: 0648-XB28) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8007. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Observer Requirement for Fisheries [Docket No. 070712318-7318-01; I.D. 110306A] (RIN: 0648-AU81) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8008. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Allowance of New Gear (Haddock Rope Trawl, Previously Referred to as the Eliminator Trawl) in Specific Special Management Programs [Docket No. 080306389-8810-02] (RIN: 0648-AW53) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8009. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XJ02) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8010. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ07) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8011. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ09) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8012. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ10) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8013. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Trimester II Fishery for Loligo Squid [Docket No. 070717340-8451-02] (RIN: 0648-XJ06) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8014. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish; Permit and Reporting Requirements in the Main Hawaiian Islands [Docket No. 071211828-8826-03] (RIN: 0648-AU22) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8015. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Sandia National Laboratory, Livermore, California to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8016. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule — Intensive Confinement Center Program [BOP-1141-F] (RIN: 1120-AB39) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8017. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule — Inmate Work and Performance Pay Program: Reduction in Pay for Drug- and Alcohol-Related Disciplinary Offenses [BOP Docket No. BOP 1132-F] (RIN: 1120-AB33) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8018. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting two legislative proposals relating to the implementation of treaties concerning maritime terrorism and the maritime transportation of weapons of mass destruction; to the Committee on the Judiciary.

8019. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for FEMA-3287-EM in the State of California, pursuant to 42 U.S.C. 5193; to the

Committee on Transportation and Infrastructure.

8020. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility study undertaken to evaluate hurricane and storm damage reduction opportunities for Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey; to the Committee on Transportation and Infrastructure.

8021. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, Oxon Hill, MD and Alexandria, VA [USCG-2008-0207] (RIN: 1625-AA09) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8022. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area and Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No. USCG-2008-0470] (RIN: 1625-AA11) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8023. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Stonington Maine, Deer Island Thorofare, Penobscot Bay, ME [Docket No. USCG-2007-0198] (RIN: 1625-AA01) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8024. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Weymouth, Massachusetts, Weymouth Fore River [Docket No. USCG-2007-0199] (RIN: 1625-AA01) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8025. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 100th Anniversary Chicago to Mackinac Race Fireworks, Lake Huron, Mackinac Island, MI. [Docket No. USCG-2008-0631] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8026. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mackinac Bridge Birthday Fireworks, Lake Huron, St. Ignace, MI. [Docket No. USCG-2008-0630] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8027. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks Displays within the Sector Delaware Bay Captain of the Port Zone [Docket No. USCG-2008-0590] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8028. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tahoe City Fourth of July Fireworks Display, Tahoe City, CA. [Docket No. USCG-2008-0516] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8029. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red, White, and Blue Fireworks, Incline Village, NV. [Docket No. USCG-2008-0511] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8030. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pittsburg Chamber of Commerce Fourth of July Fireworks Display, Pittsburg, CA. [Docket No. USCG-2008-0509] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8031. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Peninsula Celebration Association Annual Fireworks Spectacular, Redwood City, CA. [Docket No. USCG-2008-0504] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8032. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Martinez Fourth of July Fireworks Display, Martinez, CA [Docket No. USCG-2008-0502] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8033. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Berkeley Fourth of July Fireworks Display, Berkeley, CA. [Docket No. USCG-2008-0494] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8034. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Northeast Gateway Deepwater Port, Atlantic Ocean, MA and Security Zone; Liquefied Natural Gas Carriers, Massachusetts Bay, MA [Docket Nos. USCG-2008-0372 and USCG-2008-0301] (RIN: 1625-AA00 and RIN: 1625-AA87) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8035. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regattas and Marine Parades; Great Lake annual marine events. [Docket No. USCG-2008-0031] (RIN: 1625-AA08) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8036. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regattas and Marine Parades; Great Lakes Annual Marine Events. [USCG-2008-0220] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8037. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; USCGC EAGLE, Elliott Bay, Seattle, Washington [Docket No. USCG-2008-0558] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8038. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Thea Foss Waterway, Tacoma, Washington [Docket No. USCG-2008-0539] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8039. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Escorted Vessels, Savannah, Georgia, Captain of the Port Zone [Docket No. USCG-2007-0157] (RIN: 1625-AA87) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8040. A letter from the Secretary, Department of Transportation, transmitting the Department's report on the National Tribal Transportation Facility Inventory, pursuant to Public Law 109-59, section 1119(f); to the Committee on Transportation and Infrastructure.

8041. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Safety Zone; Olcott, NY Fireworks, Lake Ontario, Olcott, NY. [Docket No. USCG-2008-0589] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8042. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amendment to the Guidelines for the Award of Monitoring Initiative Funds under Section 106 Grants to States, Interstate Agencies, and Tribes [FRL-8693-8] received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8043. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — UNITED STATES-BAHRAIN FREE TRADE AGREEMENT [Docket No. USCBP-2007-0063 CBP Dec. 08-28] (RIN: 1505-AB81) received July 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

8044. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Supplemental Statement of the Case (RIN: 2900-AM49) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8045. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

8046. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Child Support Enforcement Program; Medical Support (RIN: 0970-AC22) received July 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8047. A letter from the Acting SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Technical Changes to the Title II Regulations [Docket No. SSA-206-0086] (RIN: 0960-AG43) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8048. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart-

ment of State, transmitting the 2007 annual report on the operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act; jointly to the Committees on Agriculture and Foreign Affairs.

8049. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare and State Health Care Programs: Fraud and Abuse; Issuance of Advisory Opinions by the OIG — received July 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8050. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2009 [CMS-1554-F] (RIN: 0938-AP19) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8051. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the July 2008 Quarterly Report pursuant to Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106) as amended by Pub. L. 108-375, Pub. L. 109-102, Pub. L. 109-364, Pub. L. 109-440, Pub. L. 110-28, and Pub. L. 110-181; jointly to the Committees on Foreign Affairs and Appropriations.

8052. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's 2008 report for the fiscal year ended September 30, 2007, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(l) of the Railroad Unemployment Insurance Act; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

8053. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of a draft bill entitled, the "Multilateral Child Support Convention Implementation Act of 2008"; jointly to the Committees on Ways and Means and the Judiciary.

8054. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Hospice Wage Index for Fiscal Year 2009 [CMS-1548-F] (RIN: 0938-AP14) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

8055. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the annual report on the National Security Education Program (NESP) for 2007, pursuant to 50 U.S.C. 1906; jointly to the Committees on Intelligence (Permanent Select) and Education and Labor.

8056. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; jointly to the Committees on Oversight and Government Reform, Education and Labor, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 or rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 1907. A bill to authorize the acquisition of land and interests in land from

willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities, and for other purposes; with an amendment (Rept. 110-811). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2535. A bill to direct the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes (Rept. 110-812). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3437. A bill to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado; with an amendment (Rept. 110-813). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 6041. A bill to redesignate the Rio Grande American Canal in El Paso, Texas, as the "Travis C. Johnson Canal" (Rept. 110-814). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5293. A bill to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes; with an amendment (Rept. 110-815). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 1399. A resolution providing for proceedings during the period from August 1, 2008, through September 4, 2008 (Rept. 110-816). 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. ELLSWORTH:

H.R. 6684. A bill to amend part D of title XVIII of the Social Security Act to apply the exceptions process for tiered formulary drugs to specialty tier drugs and to limit to 25 percent the Medicare cost-sharing for specialty tier drugs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 6685. A bill to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans; to the Committee on Natural Resources.

By Mr. MCNERNEY (for himself, Mr. BRADY of Pennsylvania, Mr. HALL of New York, and Mr. BISHOP of New York):

H.R. 6686. A bill to amend title 37, United States Code, to increase the maximum monthly rate for the military special pay known as hostile fire pay, imminent danger pay, or hazardous duty pay, to increase the maximum monthly rate for the family separation allowance paid to deployed members of the Armed Forces, and to increase other

special and incentive pays to recognize the service of members of the Armed Forces and encourage recruitment and retention; to the Committee on Armed Services.

By Mr. MITCHELL (for himself, Mr. SHULER, and Mr. SHAYS):

H.R. 6687. A bill to require the Secretary of Homeland Security to calculate the cost of fuel expenses for vehicles of United States Immigration and Customs Enforcement according to gasoline prices reported by the Energy Information Administration Gasoline and Diesel Fuel Update; to the Committee on Homeland Security.

By Mr. FOSTER (for himself, Mr. FRANK of Massachusetts, and Mr. MOORE of Kansas):

H.R. 6688. A bill to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes; to the Committee on Financial Services.

By Mr. BAIRD:

H.R. 6689. A bill to restore Federal recognition to the Chinook Nation, and for other purposes; to the Committee on Natural Resources.

By Mr. POE:

H.R. 6690. A bill to stimulate the economy and provide for a sound United States dollar by defining a value for the dollar, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and the Budget, 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. CHILDERS (for himself, Mr. ALTMIRE, Mr. CAZAYOUX, Mr. DINGELL, Mr. ROSS, Mr. TANNER, Mr. STUPAK, Ms. HERSETH SANDLIN, Mr. ELLSWORTH, Mr. MELANCON, Mr. CHANDLER, Mr. LINCOLN DAVIS of Tennessee, Mr. BOYD of Florida, Mr. MATHESON, Mr. CARDOZA, Mr. CARNEY, Mr. KAGEN, Mr. HOLDEN, Mr. SHULER, Mr. LAMPSON, Mr. HILL, Mr. CRAMER, Mr. SPACE, Mr. BARROW, Mr. MCINTYRE, Mr. BISHOP of Georgia, Mr. GENE GREEN of Texas, Mr. GORDON, Mr. PETERSON of Minnesota, Mr. BOREN, Mr. DONNELLY, Mr. WALZ of Minnesota, Mrs. BOYDA of Kansas, Mrs. GILLIBRAND, Mr. SOUDER, Mr. HAYES, Mr. SALI, Mr. WALBERG, Mr. PATRICK MURPHY of Pennsylvania, Mr. COOPER, Mr. BOUCHER, Mr. MURTHA, Mr. BOSWELL, Mr. BERRY, Mr. DAVIS of Alabama, Mr. KANJORSKI, Mr. SALAZAR, Mr. MAHONEY of Florida, Mr. MARSHALL, Mr. MCNERNEY, Mr. HODES, Mr. SESSIONS, and Ms. SHEA-PORTER):

H.R. 6691. A bill to restore Second Amendment rights in the District of Columbia; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, 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. BOSWELL (for himself and Mr. TERRY):

H.R. 6692. A bill to amend the Energy Policy Act of 2005 to provide loan guarantees for projects to construct renewable fuel pipelines, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCURI (for himself, Ms. EDWARDS of Maryland, and Mr. VAN HOLLEN):

H.R. 6693. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Natural Resources.

By Mr. AL GREEN of Texas (for himself, Mr. GARY G. MILLER of California, Ms. WATERS, and Mr. SHAYS):

H.R. 6694. A bill to revise the requirements for seller-financed downpayments for mortgages for single-family housing insured by the Secretary of Housing and Urban Development under title II of the National Housing Act and to authorize risk-based insurance premiums for certain mortgagors under such mortgages; to the Committee on Financial Services.

By Mr. WALZ of Minnesota (for himself, Mr. COURTNEY, Ms. BORDALLO, Mr. HALL of New York, Mr. HAYES, Mr. HILL, Mr. KAGEN, Mr. KLINE of Minnesota, Mr. KUHL of New York, Mr. LOBIONDO, Mr. RODRIGUEZ, Mr. SPACE, Ms. SUTTON, and Mr. PETERSON of Minnesota):

H.R. 6695. A bill to amend title 38, United States Code, to conform the mileage reimbursement rates used under the beneficiary travel program administered by the Secretary of Veterans Affairs to the mileage reimbursement rates for Government employees on official business who use privately owned vehicles, to eliminate all deductibles under the beneficiary travel program, to ensure that all veterans can participate in the beneficiary travel program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. POE:

H.R. 6696. A bill to authorize the American Battle Monuments Commission to establish a memorial, in the District of Columbia or its environs, to honor members of the Armed Forces who served in World War I, and for other purposes; to the Committee on Natural Resources.

By Mr. BOREN (for himself and Mr. CONAWAY):

H.R. 6697. A bill to provide for marginal well production preservation and enhancement; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD:

H.R. 6698. A bill to provide for non-discrimination by eligible lenders in the Robert T. Stafford Federal Student Loan Program; to the Committee on Education and Labor.

By Mr. LATHAM:

H.R. 6699. A bill to amend title XVIII of the Social Security Act to reform Medicare payments to physicians and certain other providers and improve Medicare benefits, to encourage the offering of health coverage by small businesses, to provide tax incentives for the purchase of health insurance by individuals, to increase access to health care for veterans, to address the nursing shortage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, Veterans' Affairs, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of Texas (for himself and Mr. SAM JOHNSON of Texas):

H.R. 6700. A bill to recognize those astronauts who participated in missions to the

moon in the Apollo program of the National Aeronautics and Space Administration by authorizing their appointment to the grade of major general or rear admiral on the retired list, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATT (for himself, Mr. GUTIERREZ, Mr. FRANK of Massachusetts, Mr. HONDA, and Ms. WATERS):

H.R. 6701. A bill to provide for a program for circulating quarter dollar coins that are emblematic of prominent civil rights leaders and important events that have advanced civil rights in America; to the Committee on Financial Services.

By Mr. ENGEL (for himself and Mr. PAUL):

H.R. 6702. A bill to impose requirements with regard to border searches of digital electronic devices and digital storage media, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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. DENT:

H.R. 6703. A bill to assist in the establishment of an interpretive center and museum in Bethlehem, Pennsylvania, to protect and interpret the history of the industrialization of the United States; to the Committee on Natural Resources.

By Ms. SCHAKOWSKY (for herself and Mr. LATOURETTE):

H.R. 6704. A bill to amend the National Voter Registration Act of 1993 to provide for the treatment of institutions of higher education as voter registration agencies; to the Committee on House Administration, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. BOEHNER, Mr. BLUNT, and Mr. HUNTER):

H.R. 6705. A bill to provide for habeas corpus review for terror suspects held at Guantanamo Bay, Cuba, and for other purposes; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself, Mr. SHAYS, Mr. GORDON, Mr. GOODE, Mr. DAVIS of Illinois, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. ANDREWS, Mr. HASTINGS of Florida, Mr. BUTTERFIELD, and Mr. CUMMINGS):

H.R. 6706. A bill to provide for enhanced retirement benefits for administrative law judges; to the Committee on Oversight and Government Reform.

By Mr. OBERSTAR (for himself, Ms. BEAN, Mrs. BIGGERT, Mr. VISCLOSKEY, Mr. FOSTER, Mr. MANZULLO, Mr. ROSKAM, Mr. HOBSON, Mr. NEAL of Massachusetts, Mr. THOMPSON of California, Mr. KAGEN, Mr. KIND, Ms. WASSERMAN SCHULTZ, Ms. CASTOR, Ms. BERKLEY, Ms. HOOLEY, Mr. BRALEY of Iowa, Ms. PRYCE of Ohio, Mr. GILCHREST, Mr. LAHOOD, and Mr. CRAMER):

H.R. 6707. A bill to require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FOSTER (for himself and Mr. POMEROY):

H.R. 6708. A bill to amend the Internal Revenue Code of 1986 to provide that no loan

may be made from a qualified employer plan using revolving credit arrangements and to limit the number of loans that may be made from a qualified employer plan to a participant or beneficiary; to the Committee on Ways and Means.

By Mr. PETERSON of Pennsylvania (for himself, Mr. ABERCROMBIE, Mr. COSTA, Mr. BURTON of Indiana, Mr. GENE GREEN of Texas, Mr. BROWN of South Carolina, Mr. LAMPSON, Mr. BISHOP of Utah, Mr. WALZ of Minnesota, Mr. HAYES, Mr. FOSTER, Mrs. CAPITO, Mr. BOREN, Mrs. DRAKE, Mr. CUELLAR, Mr. TIM MURPHY of Pennsylvania, Mr. ALTMIRE, Mr. SMITH of Nebraska, Mr. MCINTYRE, Mr. SALLI, Mrs. BOYDA of Kansas, Mr. LAMBORN, Mr. ORTIZ, Mr. ROGERS of Kentucky, Ms. HERSETH SANDLIN, Mr. KINGSTON, Mr. HOLDEN, Mr. MILLER of Florida, Mr. CAZAYOUX, Mr. LEWIS of California, Mr. BARROW, Mr. WILSON of South Carolina, Mr. KANJORSKI, Mr. KLINE of Minnesota, Mr. MARSHALL, Mr. MICA, Mr. DONNELLY, Mr. MCCARTHY of California, Mr. LINCOLN DAVIS of Tennessee, Mr. TERRY, Mr. PATRICK MURPHY of Pennsylvania, Mr. SOUDER, Mr. BISHOP of Georgia, Mr. PENCE, Mr. MELANCON, Mr. BROUN of Georgia, Mr. BARTLETT of Maryland, and Mr. TAYLOR):

H.R. 6709. A bill to greatly enhance the Nation's path toward energy independence and environmental, energy, economic, and national security, by amending Federal policy to increase the production of domestic energy sources, to dedicate fixed percentages of the royalties received for conservation programs, environmental restoration projects, renewable energy research and development, clean energy technology research and development, increased development of existing energy sources, and energy assistance for those in need, and to share a portion of such royalties with producing States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Ways and Means, Science and Technology, Education and Labor, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Ms. LEE, and Ms. WOOLSEY):

H.R. 6710. A bill to prohibit certain activities relating to the petroleum resources of Iraq, and for other purposes; to the Committee on the Judiciary.

By Mr. HENSARLING:

H.R. 6711. A bill to provide for increased funding for veterans health care for fiscal year 2009 by transferring amounts from the National Endowment for the Humanities and the National Endowment for the Arts, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING:

H.R. 6712. A bill to provide for increased funding for veterans health care for fiscal year 2009 by transferring funds from the Legal Services Corporation and certain title X family planning funds, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consider-

ation of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself and Mr. DAVIS of Alabama):

H.R. 6713. A bill to amend title 18, United States Code, to provide for more effective enforcement of the Federal prohibition on the interstate shipment of stolen property, and for other purposes; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 6714. A bill to establish the National Commission on State Workers' Compensation Laws; to the Committee on Education and Labor.

By Mrs. BACHMANN:

H.R. 6715. A bill to open Federal Bureau of Land Management and National Forest lands to leasing for exploration, development, and production of oil shale resources, and for other purposes; to the Committee on Natural Resources.

By Mrs. BACHMANN (for herself, Mr. BARTLETT of Maryland, Mr. PITTS, Mr. PENCE, Mrs. SCHMIDT, Mr. MANZULLO, Mr. PAUL, and Mr. ISSA):

H.R. 6716. A bill to amend the Internal Revenue Code of 1986 to reduce the recovery periods for certain energy production and distribution facilities; to the Committee on Ways and Means.

By Mrs. BACHMANN (for herself, Mr. AKIN, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. FRANKS of Arizona, Mr. KINGSTON, Mr. LAMBORN, Mr. LATTI, Mr. MCHENRY, Mr. GARY G. MILLER of California, Mrs. MUSGRAVE, Mr. PITTS, Mrs. SCHMIDT, Mr. SHIMKUS, and Mr. WESTMORELAND):

H.R. 6717. A bill to terminate or provide for suspension of the application of Federal laws that restrict exploration, development, or production of oil, gas, or oil shale, to facilitate the construction of new crude oil refineries, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BEAN:

H.R. 6718. A bill to amend the Internal Revenue Code of 1986 to provide accelerated depreciation for computer equipment placed in service by small businesses; to the Committee on Ways and Means.

By Ms. BEAN:

H.R. 6719. A bill to amend the Internal Revenue Code of 1986 to allow hardship distributions from 401(k) plans to prevent the insolvency of a trade or business of the employee; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself, Mr. CUMMINGS, Mr. HARE, Mr. HILL, Mr. ISRAEL, Mr. MURPHY of Connecticut, Mr. MCGOVERN, Mr. RUPPERSBERGER, Mr. BAIRD, Mr. INSLEE, and Mr. FRANK of Massachusetts):

H.R. 6720. A bill to establish the Commission on Comprehensive Strategies for the Placement of Natural Gas Infrastructure, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BISHOP of New York:

H.R. 6721. A bill to amend the Internal Revenue Code of 1986 to allow an unlimited exclusion from transfer taxes for certain farmland and land of conservation value, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mr. MURTHA, Mr. SAM JOHNSON of Texas, and Ms. WATERS):

H.R. 6722. A bill to amend the Internal Revenue Code of 1986 to limit the application of

tax exempt bond financing relating to newly included counties in the Gulf Opportunity Zone to property, neither the acquisition of which occurred, nor the construction, reconstruction, or renovations began, prior to the enactment of the Housing Assistance Tax Act of 2008; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. KLINE of Minnesota, Mr. BOSWELL, Mr. LOEBACK, Mr. LATHAM, Mr. KING of Iowa, Mr. OBERSTAR, Ms. MCCOLLUM of Minnesota, Mr. WALZ of Minnesota, Mr. PETERSON of Minnesota, Mr. ELLISON, Mr. RAMSTAD, and Mrs. BACHMANN):

H.R. 6723. A bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for certain periods before the implementation of the program; to the Committee on Armed Services.

By Mr. CANTOR (for himself, Mrs. DRAKE, and Mr. WITTMAN of Virginia):

H.R. 6724. A bill to terminate prohibitions on expenditures for, and withdrawals from, offshore oil and gas leasing off the coast of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY (for himself, Mr. ROGERS of Michigan, Mr. ENGLISH of Pennsylvania, Mrs. CAPPS, Mr. KENNEDY, Mr. THOMPSON of California, Ms. SCHWARTZ, and Ms. BERKLEY):

H.R. 6725. A bill to establish budget neutral demonstration projects to study and improve the quality and cost effectiveness of cancer care services provided to Medicare beneficiaries; 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. DEFAZIO:

H.R. 6726. A bill to amend the Wild and Scenic Rivers Act to make technical corrections to the segment designations for the Chetco River, Oregon; to the Committee on Natural Resources.

By Mr. DELAHUNT:

H.R. 6727. A bill to amend the Internal Revenue Code of 1986 to promote charitable donations of qualified vehicles; to the Committee on Ways and Means.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 6728. A bill to provide for the resolution of several land ownership and related issues with respect to parcels of land located within the Everglades National Park; to the Committee on Natural Resources.

By Mr. DINGELL (for himself and Mr. BOUCHER):

H.R. 6729. A bill to encourage greater energy efficiency in building codes; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. ALTMIRE, Mr. PETERSON of Pennsylvania, Mr. GERLACH, Mr. SESTAK, Mr. PATRICK MURPHY of Pennsylvania, Mr. SHUSTER, Mr. CARNEY, Mr. KANJORSKI, Mr. MURTHA, Ms. SCHWARTZ, Mr. DOYLE, Mr. DENT, Mr. PITTS, Mr. HOLDEN, Mr. TIM MURPHY of Pennsylvania, Mr. PLATTS, and Mr. WALSH of New York):

H.R. 6730. A bill to establish the Fort Presque Isle National Historic Site in the

Commonwealth of Pennsylvania; to the Committee on Natural Resources.

By Mr. FILNER (for himself, Mr. BUYER, Ms. HERSETH SANDLIN, and Mr. BOOZMAN):

H.R. 6731. A bill to amend title 38, United States Code, to extend certain home loan guaranty demonstration programs administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HALL of New York (for himself, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. FILNER, Mr. ELLISON, Mr. HARE, Mr. COURTNEY, Ms. ZOE LOFGREN of California, Mr. ALLEN, Mr. VAN HOLLEN, Mr. DONNELLY, and Mr. RODRIGUEZ):

H.R. 6732. A bill to amend title 38, United States Code, to clarify the meaning of "combat with the enemy" for purposes of service-connection of disabilities; to the Committee on Veterans' Affairs.

By Mr. HARE (for himself, Mr. LOEBACK, Mr. DAVIS of Illinois, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. LATHAM, Mr. JACKSON of Illinois, Mr. SHIMKUS, and Ms. SCHAKOWSKY):

H.R. 6733. A bill to provide assistance to local educational agencies in areas of the Midwest adversely affected by storms and severe flooding that occurred in May and June, 2008, and for other purposes; to the Committee on Education and Labor.

By Ms. HERSETH SANDLIN (for herself and Mr. SHIMKUS):

H.R. 6734. A bill to amend the Internal Revenue Code of 1986 to encourage increased access to alternative fuels; to the Committee on Ways and Means.

By Mr. HOBSON:

H.R. 6735. A bill to terminate the application of restrictions on exploration, development, and production of oil and gas in areas of the outer Continental Shelf adjacent to Cuba; to the Committee on Natural Resources.

By Mr. HOEKSTRA:

H.R. 6736. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the installation of residential wind systems; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself, Mr. MILLER of Florida, Mr. WALBERG, Mr. TIBERI, Mr. FEENEY, and Mr. SHAD-EGG):

H.R. 6737. A bill to amend the Internal Revenue Code of 1986 to allow individuals with children attending an elementary or secondary school a deduction for each child attending a public school equal to 25 percent of the State's average per pupil public education spending and, for each child attending a private or home school, a deduction equal to 100 percent of such average; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. WHITFIELD of Kentucky, Mr. DELAHUNT, Mr. SCOTT of Georgia, Mr. CARNAHAN, Mr. SMITH of Washington, Mr. BAIRD, Mrs. McMORRIS RODGERS, Mr. LARSEN of Washington, Mr. BISHOP of New York, and Mr. PERLMUTTER):

H.R. 6738. A bill to establish a National Bioenergy Partnership; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. BISHOP of New York, Mr. HINCHEY, Ms. BALDWIN, and Mr. WELCH of Vermont):

H.R. 6739. A bill to encourage stronger building energy efficiency codes, promote renewable energy technology deployment, and protect the United States from the effects of climate change, and for other purposes; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. DICKS, Mr. LARSEN of Washington, Mr.

MCDERMOTT, and Mr. SMITH of Washington):

H.R. 6740. A bill to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; to the Committee on Natural Resources.

By Mr. ISRAEL:

H.R. 6741. A bill to amend the Internal Revenue Code of 1986 to modify and extend certain energy-related tax credits; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. WATSON, and Ms. LEE):

H.R. 6742. A bill to amend the Foreign Service Act of 1980 to prescribe certain qualifications to be eligible to serve as an ambassador; to the Committee on Foreign Affairs.

By Mr. JONES of North Carolina:

H.R. 6743. A bill to require the Secretary of Defense to establish a pilot program under which the Secretary may furnish a service dog to any member of the Armed Forces with a qualifying disability; to the Committee on Armed Services.

By Mr. KAGEN (for himself and Mr. PETRI):

H.R. 6744. A bill to amend the Tariff Act of 1930 to require that certain laminated woven bags be marked with the country of origin; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. RYAN of Wisconsin, and Mr. PETRI):

H.R. 6745. A bill to amend title II of the Social Security Act reestablish the Social Security Administration's experiment and demonstration project authority regarding the Social Security Disability Insurance Program, and for other purposes; to the Committee on Ways and Means.

By Mr. LARSEN of Washington (for himself, Mr. DICKS, and Mr. INSLEE):

H.R. 6746. A bill to reauthorize and expand the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes; to the Committee on Natural Resources.

By Mr. LEWIS of Georgia:

H.R. 6747. A bill to improve the safety of motorcoaches, to allow a credit against income tax for the cost of motorcoaches complying with Federal safety requirements, for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr.

SERRANO, Mr. UDALL of Colorado, Ms. CORRINE BROWN of Florida, Mr. ENGEL, and Mr. SMITH of New Jersey):

H.R. 6748. A bill to amend the Homeland Security Act of 2002 to limit the number of Urban Area Security Initiative grants awarded and to clarify the risk assessment formula to be used when making such grants, and for other purposes; to the Committee on Homeland Security.

By Mrs. LOWEY:

H.R. 6749. A bill to amend the Internal Revenue Code of 1986 to allow retail businesses a credit against income tax for a portion of the cost of recycling plastic carry-out bags and certain other types of plastic; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 6750. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MELANCON (for himself, Mr. TAYLOR, and Mr. JEFFERSON):

H.R. 6751. A bill to provide additional funds for affordable housing for low-income seniors, disabled persons, and others who lost their homes as a result of Hurricanes Katrina and Rita; to the Committee on Financial Services.

By Mr. PALLONE (for himself and Mr. WAXMAN):

H.R. 6752. A bill to amend the Public Health Service Act to provide grants or contracts for prescription drug education and outreach for healthcare providers and their patients; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 6753. A bill to provide for the issuance of a commemorative postage stamp on the subject of inflammatory bowel disease; to the Committee on Oversight and Government Reform.

By Mr. PASTOR:

H.R. 6754. A bill to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project; to the Committee on Natural Resources.

By Mr. POMEROY (for himself and Mr. RYAN of Wisconsin):

H.R. 6755. A bill to amend the Internal Revenue Code of 1986 to increase the alternative tax liability limitation for small property and casualty insurance companies; to the Committee on Ways and Means.

By Mr. POMEROY (for himself and Mr. LEWIS of Kentucky):

H.R. 6756. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for clean coal technology, and for other purposes; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. SHUSTER, and Ms. CORRINE BROWN of Florida):

H.R. 6757. A bill to direct the Secretary of Transportation to carry out programs and activities to improve highway safety; to the Committee on Transportation and Infrastructure.

By Mr. ROGERS of Alabama (for himself, Mr. BONNER, Mr. EVERETT, Mr. ADERHOLT, Mr. BACHUS, Mr. MARSHALL, Mr. HAYES, Mr. KNOLLENBERG, Mr. WAMP, Mr. WESTMORELAND, Mrs. SCHMIDT, Mr. MCCRERY, Mr. REBERG, Mr. ALEXANDER, Mr. SHAD-EGG, Mr. BOUSTANY, Mr. PRICE of Georgia, Mr. BISHOP of Utah, Mr. PEARCE, Mr. DEAL of Georgia, Mr. BROWN of Georgia, Mr. CONAWAY, Mrs. MUSGRAVE, Mr. GOODE, Mr. NUNES, Mr. TURNER, Mr. RADANOVICH, Mr. DENT, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 6758. A bill to direct the Secretary of the Interior to promptly commence an oil and gas leasing program for public lands within the Coastal Plain of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE:

H.R. 6759. A bill to amend the Internal Revenue Code of 1986 to extend the renewable electricity production credit and to require the Secretary of Labor to establish a program to provide for workforce training and education, at institutions of higher education, in the fields of renewable energy and efficiency, green technology, and sustainable environmental practices; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of

such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 6760. A bill to pay a one-time bonus to members of the Armed Forces who serve in a combat zone designated for Operation Iraqi Freedom or Operation Enduring Freedom, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. BURGESS):

H.R. 6761. A bill to require the Secretary of Health and Human Services to enter into negotiated rulemaking to modernize the Medicare part B fee schedule for clinical diagnostic laboratory tests; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 6762. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for increased homeowners insurance premiums suffered by certain coastal homeowners subject to increased risk from hurricane events, and for homeowner mitigation expenditures for natural catastrophic events; to the Committee on Ways and Means.

By Mr. TIBERI (for himself, Mr. SHAYS, Mr. COSTELLO, and Mr. EHLERS):

H.R. 6763. A bill to amend the Digital Television Transition and Public Safety Act of 2005 to extend the expiration date of digital-to-analog converter box coupons from 3 months to 6 months; to the Committee on Energy and Commerce.

By Ms. TSONGAS (for herself, Mr. MICHAUD, and Mr. MILLER of Florida):

H.R. 6764. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to submit to Congress quarterly reports on vacancies in mental health professional positions in Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Ms. TSONGAS (for herself, Mr. MICHAUD, and Mr. MILLER of Florida):

H.R. 6765. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide outreach and training to certain college and university mental health centers relating to the mental health of veterans of Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. UDALL of Colorado (for himself and Mr. PERLMUTTER):

H.R. 6766. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to expand the category of individuals eligible for compensation, to improve the procedures for providing compensation, and to improve transparency, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 6767. A bill to facilitate the establishment of additional or expanded public target ranges in certain States; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provi-

sions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 6768. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos; to the Committee on Natural Resources.

By Mr. WEINER:

H.R. 6769. A bill to amend title XIX of the Social Security Act to strengthen State and local government efforts to investigate and prosecute fraud and abuse in the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. WEINER (for himself, Mrs. MALONEY of New York, and Mr. KING of New York):

H.R. 6770. A bill to amend title 31, United States Code, to provide Federal aid and economic stimulus through a one-time revenue grant to the States and their local governments; to the Committee on Oversight and Government Reform.

By Mr. WITTMAN of Virginia (for himself and Mrs. DRAKE):

H.R. 6771. A bill to require the Office of Management and Budget to prepare a cross-cut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. HODES, Mrs. JONES of Ohio, Mrs. CAPPAS, Ms. SCHWARTZ, Ms. LINDA T. SANCHEZ of California, Mr. WAXMAN, Ms. DELAURO, Ms. SOLIS, Mr. ROTHMAN, Mrs. CHRISTENSEN, Ms. NORTON, Ms. CASTOR, Ms. MCCOLLUM of Minnesota, Ms. SLAUGHTER, Mr. HINCHEY, Ms. BORDALLO, Ms. EDWARDS of Maryland, Ms. SHEA-PORTER, Ms. SUTTON, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. BISHOP of Georgia, Ms. BALDWIN, and Mr. STARK):

H. Con. Res. 400. Concurrent resolution expressing the support of the Congress regarding the need to ensure health care for women and health care for all in national health care reform; to the Committee on Energy and Commerce.

By Mr. ADERHOLT (for himself, Mr. CANTOR, Mr. THORNBERRY, Mr. PENCE, and Mr. PITTS):

H. Con. Res. 401. Concurrent resolution expressing the support of Congress for enhancing energy independence through the usage of existing resources and technology; to the Committee on Natural Resources, 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. PETERSON of Pennsylvania:

H. Con. Res. 402. Concurrent resolution recognizing the historical significance of the discovery of oil and the birth of the petroleum and natural gas industries on the banks of Oil Creek, Venango County, near Titusville, Pennsylvania on August 27, 1859, and designating the year 2009 as the "Sesquicentennial of Oil"; to the Committee on Natural Resources.

By Mr. BUTTERFIELD (for himself, Mrs. CHRISTENSEN, Ms. LEE, Ms. CLARKE, Ms. EDWARDS of Maryland,

Mr. AL GREEN of Texas, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mrs. JONES of Ohio, Mr. HASTINGS of Florida, Mr. CARSON, Ms. RICHARDSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. CLEAVER, Ms. KILPATRICK, Mr. WATT, Mr. SCOTT of Virginia, Mr. ELLISON, Mr. CLAY, Mr. PAYNE, Mr. CLYBURN, Ms. WATERS, Ms. MOORE of Wisconsin, Mr. CUMMINGS, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Mr. DAVIS of Alabama, Mr. CONYERS, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. RUSH, Mr. MEEKS of New York, Mr. COHEN, Mr. MEEK of Florida, Ms. WATSON, Mr. FATTAH, Mr. PALLONE, Mr. JACKSON of Illinois, Mr. SCOTT of Georgia, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. MCGOVERN, Mr. SNYDER, Ms. DELAURO, Ms. SOLIS, Mr. GRIJALVA, Ms. HOOLEY, Mr. BRADY of Pennsylvania, Mr. WEINER, Ms. ESHOO, Mrs. CAPPAS, Mr. STARK, Mr. MORAN of Virginia, Mr. KENNEDY, Ms. BALDWIN, Mr. HONDA, Mr. MILLER of North Carolina, Mr. GENE GREEN of Texas, Ms. NORTON, Mr. SPRATT, Mr. RANGEL, Mr. WAMP, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. MELANCON, Mr. CAPUANO, Ms. CORRINE BROWN of Florida, Mr. WAXMAN, Ms. BERKLEY, and Ms. DEGLETTE):

H. Con. Res. 403. Concurrent resolution recognizing the important contributions of African-American doctors on the event of the apology of the American Medical Association to the National Medical Association, an association of African-American doctors, for over a century of racial prejudices and wrongdoings, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRAVES:

H. Con. Res. 404. Concurrent resolution supporting the goals and ideals of Complaint Free Wednesday; to the Committee on Oversight and Government Reform.

By Ms. HERSETH SANDLIN (for herself and Mr. BOUSTANY):

H. Con. Res. 405. Concurrent resolution recognizing the first full week of April as "National Workplace Wellness Week"; to the Committee on Education and Labor.

By Mr. LANGEVIN:

H. Con. Res. 406. Concurrent resolution expressing the sense of Congress that any effort to reengineer the health care system in the United States should incorporate sustainable wellness programs that address the underlying causal factors associated with chronic disease; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself, Mr. MICA, Mr. COBLE, Mr. PLATTS, Mr. SAXTON, Mr. PALLONE, Mrs. MCCARTHY of New York, Mr. HARE, Mr. LYNCH, Mr. ROTHMAN, Mr. ARCURI, Mr. RYAN of Ohio, Mr. ALTMIRE, Mr. DOYLE, Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, Mr. PATRICK MURPHY of Pennsylvania, Mr. SHUSTER, Mr. CAPUANO, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Mr. COSTELLO, Mr. GUTIERREZ, Mr. HOLT, Mrs. MALONEY of New York, and Ms. DELAURO):

H. Con. Res. 407. Concurrent resolution commemorating the 500th anniversary of the birth of Italian architect Andrea Palladio; to the Committee on Foreign Affairs.

By Mr. SMITH of Nebraska (for himself, Mr. BONNER, Mr. MORAN of Kansas, Mr. CRENSHAW, Mr. PICKERING, Mr. MCCARTHY of California, Mr. ROSKAM, Mr. MELANCON, Mr. LINCOLN

DAVIS of Tennessee, Mr. ROSS, Mr. MARCHANT, Mr. SHUSTER, Mr. PRICE of Georgia, Mr. NEUGEBAUER, Ms. GRANGER, Mr. THORNBERRY, Mr. MICA, Mr. FORTENBERRY, Mr. TERRY, Mrs. MCMORRIS RODGERS, Ms. FOX, Mr. WALZ of Minnesota, Ms. FALLIN, Mr. EHLERS, Mr. KNOLLENBERG, Mr. BAIRD, Mr. WALDEN of Oregon, Mrs. MUSGRAVE, Mr. MCHENRY, and Mr. SESSIONS):

H. Con. Res. 408. Concurrent resolution recognizing North Platte, Nebraska, as "Rail Town USA"; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS (for himself, Mr. MEEKS of New York, Ms. CLARKE, Mr. WEINER, Mrs. MALONEY of New York, Mr. NADLER, Ms. VELÁZQUEZ, and Ms. SOLIS):

H. Res. 1394. A resolution applauding organizations that engage in the prevention of domestic violence and provide outreach and support services for victims; to the Committee on Education and Labor.

By Mr. GENE GREEN of Texas (for himself, Mr. THOMPSON of California, Mr. HONDA, and Mr. BUTTERFIELD):

H. Res. 1395. A resolution expressing concern over the current Federal policy that allows the exportation of toxic electronic waste to developing Nations, and expressing the sense of the House of Representatives that the United States should join other developed Nations and ban the exportation of toxic electronic waste to developing Nations; to the Committee on Energy and Commerce.

By Mr. BOEHNER:

H. Res. 1396. A resolution raising a question of the privileges of the House; which was laid on the table.

By Mr. POE (for himself and Mr. COSTA):

H. Res. 1397. A resolution commending the important achievements of the National Coalition Against Domestic Violence as it celebrates 30 years of service to local domestic violence shelter and service programs and the victims of domestic violence; to the Committee on Education and Labor.

By Mr. ACKERMAN:

H. Res. 1398. A resolution expressing the grave concern of Congress regarding the continued gross violations of political, civil, and human rights of the Syrian people by the Government of the Syrian Arab Republic, calling on the Government of Syria to immediately and unconditionally release prisoners of conscience and other political prisoners, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ISSA (for himself, Mr. FILNER, and Mr. WILSON of South Carolina):

H. Res. 1400. A resolution expressing the Nation's sincerest appreciation for the service of the World War II Filipino veterans who fought in the Armed Forces on the 67th anniversary of President Franklin D. Roosevelt's military order; to the Committee on Foreign Affairs.

By Mr. COSTA (for himself, Mr. NUNES, Mr. CARDOZA, Mr. KENNEDY, Mr. FRANK of Massachusetts, and Mr. MCGOVERN):

H. Res. 1401. A resolution commemorating the 50th anniversary of the Azorean Refugee Act of 1958 and celebrating the extensive contributions of Portuguese-American communities to the United States; to the Committee on the Judiciary.

By Mr. CROWLEY (for himself, Mr. KING of New York, Mr. WEINER, Mr. MEEKS of New York, Mr. PAYNE, Ms. WATSON, Mr. SMITH of Washington, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. WALZ of Minnesota, Mr. SERRANO, Mr. MILLER of North Carolina, Mr. HODES, Mr. CHANDLER, Mr.

NADLER, Mr. ENGEL, Mr. ROHR-ABACHER, Mr. GORDON, Mr. DELAHUNT, Mr. INSLEE, Mr. TOWNS, Mr. HINCHEY, Mr. McNULTY, Mr. HONDA, Mr. CARNEY, Mr. TANNER, Mr. SHULER, Ms. CLARKE, Mr. SIRES, Mr. BURTON of Indiana, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. ROS-LEHTINEN, Mrs. BOYDA of Kansas, Ms. BORDALLO, Mr. BERMAN, Mr. DAVIS of Illinois, Mr. SCOTT of Georgia, and Mr. BLUMENAUER):

H. Res. 1402. A resolution supporting a transition to democracy through free, fair, credible, peaceful, and transparent elections in Bangladesh; to the Committee on Foreign Affairs.

By Mr. LATOURETTE (for himself, Mrs. JONES of Ohio, Mr. REGULA, Mrs. LOWEY, and Mr. HOBSON):

H. Res. 1403. A resolution recognizing the 65th anniversary of the Bolton Act of 1943, creating the Cadet Nurse Corps; to the Committee on Energy and Commerce.

By Mr. POE:

H. Res. 1404. A resolution recognizing the 50th Anniversary of the Country Music Association and its contributions to music, culture, history, and patriotism; to the Committee on Education and Labor.

By Mr. SHIMKUS (for himself, Mr. KUCINICH, Mr. GALLEGLY, and Mr. WEXLER):

H. Res. 1405. A resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence; to the Committee on Foreign Affairs.

By Ms. SOLIS (for herself, Mr. GRIJALVA, Mr. REYES, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Ms. BORDALLO, Ms. MATSUI, Ms. SCHAKOWSKY, Mr. WAXMAN, Ms. ROS-LEHTINEN, Mr. DOGGETT, Mr. MCGOVERN, Ms. SCHWARTZ, Ms. WASSERMAN SCHULTZ, and Mr. TOWNS):

H. Res. 1406. A resolution recognizing and supporting the work of Community Health Workers; to the Committee on Energy and Commerce.

By Mr. TERRY (for himself and Mr. INSLEE):

H. Res. 1407. A resolution recognizing the importance of increasing renewable and alternative fuel use in reducing imports of foreign oil; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado:

H. Res. 1408. A resolution recognizing the benefits of bus rapid transit and the transportation improvements along the United States Route 36 Corridor to communities, individuals, and businesses in Colorado; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

358. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Senate Resolution No. 181 memorializing the Congress of the United States to take such actions as are necessary to recognize the need for support of the spouses of deceased veterans and the need for housing for homeless veterans; to the Committee on Appropriations.

359. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 08-014 concerning the state implementation plan credits for remote vehicle emissions testing programs; to the Committee on Energy and Commerce.

360. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 08-005 memorializing the Congress of the United States to enact legislation preventing the Centers for Medicare and Medicaid Services from enforcing rules that would adversely affect Colorado's health care safety net; to the Committee on Energy and Commerce.

361. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 08-020 supporting the membership of the Republic of China in the United Nations; to the Committee on Foreign Affairs.

362. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Resolution No. 1046 supporting the designation of a "National Day of the Cowboy"; to the Committee on Oversight and Government Reform.

363. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial No. 1454 urging the Congress of the United States to make forms for the United States Decennial Census of 2010 available in the Creole language for the Haitian population of Florida; to the Committee on Oversight and Government Reform.

364. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 08-001 memorializing the Congress of the United States to restore funding for the Federal Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

365. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 97 requesting that the federal government establish funding program for local communities establishing "quiet zones" along certain light rail lines; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mr. PITTS.
 H.R. 197: Mr. INGLIS of South Carolina.
 H.R. 219: Mr. WELDON of Florida and Mr. POE.
 H.R. 333: Mr. HINCHEY.
 H.R. 539: Mr. PITTS.
 H.R. 688: Mrs. BACHMANN and Mr. PATRICK MURPHY of Pennsylvania.
 H.R. 840: Mr. PALLONE.
 H.R. 962: Ms. BORDALLO.
 H.R. 1153: Mr. LATTI.
 H.R. 1157: Mr. TURNER.
 H.R. 1229: Mr. McCOTTER.
 H.R. 1331: Mr. PITTS.
 H.R. 1419: Mr. WALZ of Minnesota.
 H.R. 1527: Mr. SHUSTER.
 H.R. 1540: Mr. LARSEN of Washington.
 H.R. 1552: Ms. DELAURO.
 H.R. 1606: Mr. BOSWELL.
 H.R. 1665: Mr. BLUMENAUER and Mr. AL GREEN of Texas.
 H.R. 1671: Mrs. BOYDA of Kansas and Mr. ABERCROMBIE.
 H.R. 1673: Mr. BOREN.
 H.R. 1688: Mr. WEXLER.
 H.R. 1783: Ms. ROYBAL-ALLARD.
 H.R. 1820: Mr. UDALL of Colorado, Ms. WOOLSEY, Mr. TOWNS, and Ms. ROYBAL-ALLARD.
 H.R. 1927: Mr. HINCHEY.
 H.R. 1929: Mr. RODRIGUEZ.
 H.R. 1940: Mr. WALBERG.
 H.R. 1956: Mr. KAGEN.
 H.R. 2032: Mr. GOODE.
 H.R. 2066: Ms. ROYBAL-ALLARD.

H.R. 2074: Mr. SMITH of New Jersey.
 H.R. 2092: Ms. ROYBAL-ALLARD.
 H.R. 2123: Ms. ESHOO, Ms. WOOLSEY, and Mr. CONYERS.
 H.R. 2188: Mr. MEEK of Florida.
 H.R. 2216: Mr. ELLISON and Ms. ROSELEHTINEN.
 H.R. 2279: Mr. MICA and Mr. FLAKE.
 H.R. 2289: Mr. BISHOP of Georgia.
 H.R. 2332: Mr. BARROW, Mr. JEFFERSON, Mr. BOSWELL, Mr. RADANOVICH, and Mrs. CUBIN.
 H.R. 2371: Mr. COURTNEY.
 H.R. 2380: Ms. GINNY BROWN-WAITE of Florida.
 H.R. 2533: Mr. GORDON.
 H.R. 2694: Mr. ALTMIRE.
 H.R. 2702: Mrs. EMERSON.
 H.R. 2905: Mr. MCINTYRE.
 H.R. 2915: Mr. DAVIS of Illinois.
 H.R. 2941: Mr. SMITH of New Jersey.
 H.R. 2993: Mr. WEXLER and Mr. JONES of North Carolina.
 H.R. 3008: Mr. HOLDEN and Mr. ROSS.
 H.R. 3045: Mr. JOHNSON of Georgia.
 H.R. 3089: Mr. KELLER.
 H.R. 3175: Ms. KAPTUR and Mr. MCNERNEY.
 H.R. 3212: Mr. WEXLER.
 H.R. 3232: Mr. CAZAYOUX, Mr. GUTIERREZ, and Mr. ROGERS of Michigan.
 H.R. 3334: Mr. CARNEY.
 H.R. 3484: Mr. SERRANO.
 H.R. 3485: Mr. HINCHEY.
 H.R. 3544: Mr. ISRAEL and Ms. WASSERMAN SCHULTZ.
 H.R. 3663: Mr. FRELINGHUYSEN.
 H.R. 3666: Ms. NORTON.
 H.R. 3689: Mr. POE.
 H.R. 3697: Ms. BORDALLO.
 H.R. 3749: Mr. WU and Mr. HILL.
 H.R. 3834: Ms. SUTTON and Mr. GUTIERREZ.
 H.R. 3926: Mr. CUPELLAR.
 H.R. 3934: Mr. FEENEY.
 H.R. 3944: Mr. McDERMOTT.
 H.R. 3990: Mr. CUMMINGS and Mr. JOHNSON of Georgia.
 H.R. 4054: Ms. VELÁZQUEZ and Ms. SPEIER.
 H.R. 4059: Mr. UPTON.
 H.R. 4131: Mr. WALZ of Minnesota, Ms. MATSUI, and Mrs. NAPOLITANO.
 H.R. 4236: Mr. SERRANO, Mrs. CAPPS, and Mr. HINCHEY.
 H.R. 4280: Mr. HASTINGS of Florida, Mr. GRIJALVA, and Mr. SALAZAR.
 H.R. 4304: Mr. BONNER and Mr. EVERETT.
 H.R. 4318: Mr. GOODLATTE.
 H.R. 4450: Mrs. EMERSON.
 H.R. 4544: Ms. GRANGER, Mr. SHUSTER, Mr. SALLI, Ms. BALDWIN, Mr. CARTER, Mr. CAMPBELL of California, Mr. LEVIN, Mr. PRICE of Georgia, Mr. KINGSTON, Mr. FATTAH, Mr. HUNTER, Mr. LATHAM, and Mr. LIPINSKI.
 H.R. 5032: Mr. POE and Mr. PUTNAM.
 H.R. 5435: Mr. GENE GREEN of Texas.
 H.R. 5454: Mr. WEXLER.
 H.R. 5463: Mr. SAM JOHNSON of Texas.
 H.R. 5513: Mr. CARTER and Mr. PENCE.
 H.R. 5536: Mr. KUCINICH.
 H.R. 5564: Mr. TURNER.
 H.R. 5573: Ms. MCCOLLUM of Minnesota.
 H.R. 5577: Mr. FRANK of Massachusetts and Mr. MCGOVERN.
 H.R. 5591: Mr. WITTMAN of Virginia.
 H.R. 5605: Mr. BLUMENAUER.
 H.R. 5608: Ms. RICHARDSON, Mr. STUPAK, and Mr. BOREN.
 H.R. 5629: Mr. PETRI.
 H.R. 5632: Mr. LIPINSKI, Mr. CONYERS, Mr. WEINER, and Mr. PITTS.
 H.R. 5636: Mr. BLUMENAUER.
 H.R. 5646: Mr. HALL of Texas and Mr. PLATTS.
 H.R. 5656: Mr. KELLER.
 H.R. 5734: Mr. GENE GREEN of Texas.
 H.R. 5793: Mr. LATTI.
 H.R. 5808: Ms. WOOLSEY.
 H.R. 5809: Ms. WOOLSEY.
 H.R. 5823: Mr. RUPPERSBERGER, Ms. KAPTUR, and Mr. DELAHUNT.
 H.R. 5825: Mrs. BIGGERT.
 H.R. 5842: Mr. CLAY.
 H.R. 5854: Mr. PRICE of Georgia.
 H.R. 5884: Mr. BOUCHER.
 H.R. 5887: Mr. CALVERT, Mr. ISSA, Mr. DREIER, Mr. RADANOVICH, Mr. MCCARTHY of California, Mr. NUNES, Mr. ROHRBACHER, Mr. GARY G. MILLER of California, and Mr. SHERMAN.
 H.R. 5924: Mr. COOPER.
 H.R. 5951: Mr. GRIJALVA.
 H.R. 5977: Mr. WEXLER.
 H.R. 5977: Mr. HINCHEY and Mr. CAPUANO.
 H.R. 6029: Ms. MCCOLLUM of Minnesota and Ms. SUTTON.
 H.R. 6032: Mr. WEXLER.
 H.R. 6045: Mr. KLEIN of Florida, Mr. MARSHALL, Mr. FEENEY, Mr. KENNEDY, Mr. ROSS, and Mr. SHIMKUS.
 H.R. 6066: Mr. ROTHMAN.
 H.R. 6078: Mrs. BIGGERT.
 H.R. 6100: Mr. ROTHMAN.
 H.R. 6108: Mr. AKIN.
 H.R. 6127: Mr. WEXLER.
 H.R. 6138: Mrs. CUBIN.
 H.R. 6156: Mr. SHERMAN and Mr. BERMAN.
 H.R. 6163: Ms. SHEA-PORTER, Mr. BISHOP of Georgia, and Mr. PRICE of North Carolina.
 H.R. 6178: Mr. CRENSHAW.
 H.R. 6180: Mr. WALZ of Minnesota and Mr. WELCH of Vermont.
 H.R. 6185: Mr. CARNEY.
 H.R. 6210: Ms. SCHWARTZ and Mr. TIM MURPHY of Pennsylvania.
 H.R. 6234: Ms. SUTTON and Mr. ARCURI.
 H.R. 6268: Mrs. EMERSON.
 H.R. 6282: Mrs. EMERSON.
 H.R. 6283: Mr. PAUL.
 H.R. 6297: Mr. McDERMOTT.
 H.R. 6311: Mr. GRIJALVA.
 H.R. 6313: Mrs. CUBIN.
 H.R. 6330: Mr. DICKS.
 H.R. 6337: Mr. KLEIN of Florida and Ms. WALTERS.
 H.R. 6367: Mr. BONNER.
 H.R. 6379: Mr. POE, Mr. GOODLATTE, Mr. CANTOR, and Mr. COLE of Oklahoma.
 H.R. 6411: Mr. DEFazio.
 H.R. 6453: Mr. SCALISE.
 H.R. 6460: Mr. WILSON of Ohio.
 H.R. 6461: Mr. MCHUGH.
 H.R. 6479: Mr. MCNERNEY.
 H.R. 6483: Mr. HINCHEY.
 H.R. 6485: Mr. SKELTON, Mr. WEXLER, Mrs. MALONEY of New York, Mr. BISHOP of New York, Mr. COURTNEY, Mr. ENGLISH of Pennsylvania, Mr. FARR, and Mr. JEFFERSON.
 H.R. 6491: Mr. JOHNSON of Georgia.
 H.R. 6503: Mr. BISHOP of Georgia.
 H.R. 6508: Mr. JOHNSON of Georgia and Mr. WEXLER.
 H.R. 6530: Mr. ALTMIRE, Mr. BECERRA, Ms. BERKLEY, Mr. DAVIS of Alabama, Mr. TIM MURPHY of Pennsylvania, and Ms. SCHWARTZ.
 H.R. 6534: Mr. KINGSTON.
 H.R. 6537: Mr. GRIJALVA.
 H.R. 6539: Mr. POE and Mr. SMITH of New Jersey.
 H.R. 6549: Mr. SMITH of New Jersey.
 H.R. 6559: Mr. BISHOP of Georgia.
 H.R. 6561: Mrs. CHRISTENSEN.
 H.R. 6563: Mr. McCOTTER.
 H.R. 6566: Mr. HERGER.
 H.R. 6567: Mr. WEXLER.
 H.R. 6568: Mr. MCGOVERN, Mr. INSLEE, and Mr. SHAYS.
 H.R. 6570: Mr. SIREN, Mr. LARSON of Connecticut, Mr. MCCHERY, Mr. CLEAVER, Mr. SULLIVAN, Mr. KAGEN, Mr. RYAN of Ohio, and Mr. AL GREEN of Texas.
 H.R. 6573: Mr. CARNAHAN, Mr. MILLER of North Carolina, and Mr. KUCINICH.
 H.R. 6577: Mr. MCHUGH, Mr. DONNELLY, Mr. RYAN of Wisconsin, Mr. WALSH of New York, Mr. HINCHEY, Mr. ARCURI, and Mr. WALBERG.
 H.R. 6579: Mr. REHBERG and Mr. PEARCE.
 H.R. 6581: Mr. MARIO DIAZ-BALART of Florida and Mr. BARROW.

H.R. 6594: Mr. BISHOP of New York, Mr. LARSON of Connecticut, Mr. GENE GREEN of Texas, Mr. FORTUÑO, and Ms. SHEA-PORTER.

H.R. 6596: Ms. GIFFORDS and Mr. MAHONEY of Florida.

H.R. 6597: Ms. LEE, Mrs. DAVIS of California, Ms. SUTTON, Ms. SCHAKOWSKY, Mr. DELAHUNT, and Mr. MCGOVERN.

H.R. 6598: Mr. GALLEGLEY, Mr. ENGEL, Mr. PATRICK MURPHY of Pennsylvania, Mr. DELAHUNT, Mr. GEORGE MILLER of California, Mr. MCGOVERN, Ms. WOOLSEY, Mr. KLEIN of Florida, Mrs. MALONEY of New York, and Ms. GIFFORDS.

H.R. 6600: Ms. WOOLSEY.

H.R. 6605: Mr. GRIJALVA and Ms. SUTTON.

H.R. 6616: Mrs. SCHMIDT, Ms. KAPTUR, and Mr. SPACE.

H.R. 6617: Ms. SOLIS and Mr. STARK.

H.R. 6622: Mr. UDALL of Colorado.

H.R. 6630: Mr. RAHALL, Mr. GILCHREST, Mr. FILNER, Mr. LOBIONDO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Kansas, Mr. CUMMINGS, Mr. GARY G. MILLER of California, Mrs. TAUSCHER, Mr. HAYES, Mr. BOSWELL, Mr. BROWN of South Carolina, Mr. HOLDEN, Mrs. CAPITO, Mr. CAPUANO, Mr. POE, Mr. HIGGINS, Mrs. MILLER of Michigan, Mrs. NAPOLITANO, Mr. SPACE, Mr. MITCHELL, Mr. CARNEY, Mr. KAGEN, Mr. COHEN, Ms. RICHARDSON, Mr. SIRES, Ms. EDWARDS of Maryland, Mr. HULSHOF, Mrs. BOYDA of Kansas, Mr. DAVID DAVIS of Tennessee, Mr. MOLLOHAN, and Mr. BACA.

H.R. 6632: Mr. PETRI.

H.R. 6638: Mr. BROUN of Georgia, Mr. FEENEY, Mr. CANTOR, Mr. LAMBORN, Mr. WALBERG, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mr. BURTON of Indiana, Mr. DAVIS of Kentucky, Mr. GOODE, Mr. SHADEGG, Mr. WILSON of South Carolina, Mr. PENCE, Mr. PITTS, Mr. BARTLETT of Maryland, Mrs. BACHMANN, and Ms. FOXX.

H.R. 6652: Mr. SHUSTER and Mr. BISHOP of Georgia.

H.R. 6664: Mr. SHAYS, Mr. RANGEL, Mr. CASTLE, and Mr. MORAN of Virginia.

H.R. 6666: Mr. BROUN of Georgia, Mr. HENSARLING, Mr. SHADEGG, and Mr. SENSENBRENNER.

H.R. 6670: Mr. ROSS.

H.R. 6680: Mr. ELLISON, Mr. CUMMINGS, Mr. GRIJALVA, Ms. SCHAKOWSKY, and Mrs. JONES of Ohio.

H. J. Res. 89: Mr. ROHRBACHER.

H. Con. Res. 70: Mr. FOSTER.

H. Con. Res. 81: Mr. BISHOP of Georgia.

H. Con. Res. 137: Ms. WASSERMAN SCHULTZ.

H. Con. Res. 223: Mrs. MILLER of Michigan.

H. Con. Res. 244: Mr. UPTON.

H. Con. Res. 276: Mr. PITTS.

H. Con. Res. 284: Mr. BISHOP of Georgia.

H. Con. Res. 341: Mr. DAVIS of Alabama and Mrs. CUBIN.

H. Con. Res. 342: Mrs. BIGGERT, Mr. POE, and Mr. SMITH of Texas.

H. Con. Res. 345: Ms. BORDALLO and Mr. PENCE.

H. Con. Res. 357: Mr. MCCOTTER and Mr. UPTON.

H. Con. Res. 360: Ms. JACKSON-LEE of Texas, Mr. ETHERIDGE, Ms. NORTON, Mr. WU, Mr. OBEY, Mr. WATT, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 362: Mr. BLUNT and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 383: Ms. SUTTON and Mr. SIRES.

H. Con. Res. 388: Mr. DENT.

H. Con. Res. 393: Mr. GENE GREEN of Texas, Mr. PAYNE, Mr. PAUL, Mr. HONDA, Mr. BISHOP of Georgia, Mr. GRIJALVA, and Mr. JEFFERSON.

H. Res. 671: Mr. BISHOP of Georgia.

H. Res. 672: Mr. ADERHOLT.

H. Res. 758: Mr. SHUSTER.

H. Res. 988: Mr. BOUCHER.

H. Res. 995: Mr. BACA.

H. Res. 1042: Mr. POE and Mr. GENE GREEN of Texas.

H. Res. 1056: Mr. LEWIS of Georgia, Mr. KENNEDY, Ms. SCHAKOWSKY, and Mr. CONYERS.

H. Res. 1179: Mr. WOLF, Mr. SMITH of Washington, and Mr. MARCHANT.

H. Res. 1200: Mr. DONNELLY.

H. Res. 1227: Mr. MCNERNEY.

H. Res. 1244: Ms. LEE, Mr. SCOTT of Virginia, Ms. SCHAKOWSKY, and Ms. WATSON.

H. Res. 1255: Mr. BRADY of Pennsylvania, Mr. BOOZMAN, and Mr. CARNEY.

H. Res. 1268: Mr. PRICE of North Carolina, Ms. JACKSON-LEE of Texas, Mr. SMITH of Washington, Mr. FILNER, Mr. SNYDER, and Mr. BRADY of Pennsylvania.

H. Res. 1273: Mr. MORAN of Virginia.

H. Res. 1290: Ms. BERKLEY and Ms. CORRINE BROWN of Florida.

H. Res. 1302: Mr. PITTS.

H. Res. 1303: Ms. LINDA T. SÁNCHEZ of California and Mr. GALLEGLEY.

H. Res. 1314: Mr. PENCE.

H. Res. 1326: Mr. CAPUANO, Mr. MCDERMOTT, Ms. LINDA T. SÁNCHEZ of California, Mr. FATTAH, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Ms. HIRONO, and Mr. KUCINICH.

H. Res. 1329: Mr. KUCINICH.

H. Res. 1333: Mr. BAIRD.

H. Res. 1336: Mr. WOLF.

H. Res. 1338: Ms. ZOE LOFGREN of California.

H. Res. 1346: Ms. SCHWARTZ.

H. Res. 1352: Mr. HOEKSTRA, Mr. POMEROY, and Mr. SOUDER.

H. Res. 1364: Mr. BACHUS, Mr. WHITFIELD of Kentucky, Mr. SMITH of Washington, Mr. YOUNG of Alaska, Mrs. BLACKBURN, and Mr. HAYES.

H. Res. 1369: Mr. MORAN of Virginia and Mr. BLUMENAUER.

H. Res. 1377: Ms. BERKLEY, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. VISCLOSKEY, Mrs. CHRISTENSEN, and Mr. ROTHMAN.

H. Res. 1379: Ms. MOORE of Wisconsin, Mr. RANGEL, Mr. PAYNE, Mr. FARR, and Ms. BORDALLO.

H. Res. 1383: Mr. WOLF and Mr. FRANKS of Arizona.

H. Res. 1390: Mr. ENGLISH of Pennsylvania.

H. Res. 1391: Mr. HALL of Texas, Mr. PLATTS, Mr. BURGESS, Ms. FALLIN, Mrs. BACHMANN, Mr. PICKERING, Mr. SULLIVAN, Ms. FOXX, Mr. KNOLLENBERG, Mr. WALDEN of Oregon, Mr. KUHL of New York, Mr. KING of Iowa, Mr. RADANOVICH, Mr. MORAN of Kansas, Mrs. MUSGRAVE, Mr. BURTON of Indiana, and Mr. ISSA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5843: Ms. ZOE LOFGREN of California.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

301. The SPEAKER presented a petition of the United States Federation of Korea Veterans Organizations, relative to a Resolution urging the Congress of the United States to support the Korea-U.S. Free Trade Agreement (KORUS FTA); to the Committee on Ways and Means.

302. Also, a petition of the California State Lands Commission, relative to a Resolution supporting the enactment of the Ocean Conservation, Education, and National Strategy for the 21st Century Act, H.R. 21; jointly to the Committees on Natural Resources and Science and Technology.

Daily Digest

HIGHLIGHTS

- Senate agreed to the conference report to accompany H.R. 4040, Consumer Product Safety Improvement Act.
- Senate agreed to the conference report to accompany H.R. 4137, College Opportunity and Affordability Act.
- Senate agreed to H. Con. Res. 398, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S7805–S7982

Measures Introduced: Forty eight bills and seven resolutions were introduced, as follows: S. 3370–3417, and S. Res. 636–642. **Pages S7903–05**

Measures Reported:

S. 1193, to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico. (S. Rept. No. 110–434)

H.J. Res. 62, to honor the achievements and contributions of Native Americans to the United States, with an amendment in the nature of a substitute. (S. Rept. No. 110–435)

S. Res. 620, designating the week of September 14–20, 2008, as National Polycystic Kidney Disease Awareness Week, to raise public awareness and understanding of polycystic kidney disease, and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families.

S. Res. 622, designating the week beginning September 7, 2008, as “National Historically Black Colleges and Universities Week”.

S. Res. 624, designating August 2008 as “National Truancy Prevention Month”. **Page S7903**

Measures Passed:

Pending Claims Against Libya: Senate passed S. 3370, to resolve pending claims against Libya by United States nationals. **Pages S7979–81**

Adjournment Resolution: By 48 yeas to 40 nays (Vote No. 196), Senate agreed to H. Con. Res. 398, providing for a conditional adjournment of the

House of Representatives and a conditional recess or adjournment of the Senate. **Page S7880**

Production of Records: Senate agreed to S. Res. 642, to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs. **Page S7981**

Measures Considered:

National Defense Authorization Act: Senate continued consideration of S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. **Pages S7811–45, S7878–80**

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 39 nays (Vote No. 195), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Pages S7879–80**

Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill. **Page S7880**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 9:30 a.m., on Friday, August 1, 2008, with Senators permitted to speak for up to 10 minutes each. **Page S7981**

Conference Reports:

CPSC Reform Act: By 89 yeas to 3 nays (Vote No. 193), Senate agreed to the conference report to accompany 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, clearing the measure for the President. **Pages S7867–78**

College Opportunity and Affordability Act: By 83 yeas to 8 nays, 1 responding present (Vote No. 194), Senate agreed to the conference report to accompany H.R. 4137, to amend and extend the Higher Education Act of 1965, clearing the measure for the President. **Pages S7845–67, S7878**

Appointments:

Commission on Wartime Contracting: The Chair, on behalf of the Vice President, pursuant to Public Law 110–181, appointed the following individual to the Commission on Wartime Contracting: Robert J. Henke of Virginia. **Page S7981**

Nominations Received: Senate received the following nominations:

Deborah Hersman, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2013.

Sung Y. Kim, of California, a Foreign Service Officer of Class One, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks.

Anthony W. Ryan, of Massachusetts, to be an Under Secretary of the Treasury.

John J. Tharp, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois.

J. Richard Barry, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Thomas Marcelle, of New York, to be United States District Judge for the Northern District of New York.

Gineen Bresso Beach, of Florida, to be a Member of the Election Assistance Commission for the remainder of the term expiring December 12, 2009.

Pages S7903 S7982

Messages from the House: **Pages S7900–01**

Measures Referred: **Page S7901**

Measures Read the First Time: **Pages S7901–02 S7981**

Executive Communications: **Pages S7902–03**

Petitions and Memorials: **Page S7903**

Executive Reports of Committees: **Page S7903**

Additional Cosponsors: **Pages S7905–08**

Statements on Introduced Bills/Resolutions:

Pages S7908–78

Additional Statements: **Pages S7897–S7900**

Amendments Submitted: **Page S7978**

Authorities for Committees to Meet: **Page S7978**

Privileges of the Floor: **Pages S7978–79**

Record Votes: Four record votes were taken today. (Total–196) **Pages S7778–80**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 10:20 p.m., until 9:30 a.m. on Friday, August 1, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7981.)

Committee Meetings

(Committees not listed did not meet)

NORTH KOREAN SIX-PARTY TALKS

Committee on Armed Services: Committee concluded open and closed hearings to examine the North Korean Six-Party Talks and implementation activities, after receiving testimony from Christopher R. Hill, Assistant Secretary of State for the Bureau of East Asian and Pacific Affairs; William H. Tobey, Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration, Department of Energy; and Joseph R. DeTrani, Mission Manager for North Korea, and Vann H. Van Diepen, National Intelligence Officer for Weapons of Mass Destruction and Proliferation, both of the Office of the Director of National Intelligence.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of General Norton A. Schwartz, USAF for reappointment to the grade of general and, to be Chief of Staff, United States Air Force, and General Duncan J. McNabb, USAF for reappointment to the grade of general and, to be Commander, United States Transportation Command, and 519 nominations in the Army, Navy, Air Force, and Marine Corps, all of the Department of Defense.

NATION'S TRANSMISSION GRID

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the state of the nation's transmission grid, focusing on the implementation of the transmission provisions of the Energy Policy Act (Public Law 109–58), including reliability, siting, and infrastructure investment, after receiving testimony from Joseph T. Kelliher, Chairman, Federal Energy Regulatory Commission; Kevin

M. Kolevar, Assistant Secretary of Energy for Electricity Delivery and Energy Reliability; Marsha H. Smith, Idaho Public Utilities Commission, Boise, on behalf of the National Association of Regulatory Utility Commissioners; James J. Hoecker, Working Group on Investment in Reliable and Economic Electric Systems (WIRES), Washington, D.C.; Colin Whitley, American Public Power Association, Wichita, Kansas; George C. Loehr, eLucem, Albuquerque, New Mexico; Terry Boston, PJM Interconnection, Norristown, Pennsylvania; and Susan Tomasky, American Electric Power, Columbus, Ohio.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following:

S. 906, to prohibit the sale, distribution, transfer, and export of elemental mercury, with an amendment in the nature of a substitute;

S. 3109, to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system;

S. 24, to amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate, with an amendment in the nature of a substitute;

S. 150, to amend the Safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate, with an amendment in the nature of a substitute;

S. 1911, to amend the Safe Drinking Water Act to protect the health of susceptible populations, including pregnant women, infants, and children, by requiring a health advisory, drinking water standard, and reference concentration for trichloroethylene vapor intrusion;

S. 1933, to amend the Safe Drinking Water Act to provide grants to small public drinking water systems;

S. 2549, to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

S. 642, to codify Executive Order 12898, relating to environmental justice, to require the Administrator of the Environmental Protection Agency to fully implement the recommendations of the Inspector General of the Agency and the Comptroller General of the United States;

S. 199, to amend the Safe Drinking Water Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska;

S. 2994, to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern.

HEALTH BENEFITS

Committee on Finance: Committee concluded a hearing to examine health benefits in the tax code, focusing on government health expenditures and the increasing costs of health care plans, after receiving testimony from Edward D. Kleinbard, Chief of Staff, Joint Committee on Taxation, United States Congress; Jonathan Gruber, Massachusetts Institute of Technology, Cambridge; and Katherine Baicker, Harvard University School of Public Health, Boston, Massachusetts.

MILITARY ROLE IN FOREIGN POLICY

Committee on Foreign Relations: Committee concluded a hearing to examine ways to define the military's role relative to foreign policy, after receiving testimony from John D. Negroponte, Deputy Secretary of State; Eric Edelman, Under Secretary of Defense for Policy; George Rupp, International Rescue Committee, New York, New York; and Reuben E. Brigety, II, Center for American Progress, Robert M. Perito, United States Institute of Peace, and Mary Locke, all of Washington, D.C.

INFORMATION TECHNOLOGY

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine the state of information technology planning in the federal government, after receiving testimony from Karen S. Evans, Administrator, Office of E-Government and Information Technology, and Paul A. Denett, Administrator, Office of Federal Procurement Policy, both of the Office of Management and Budget; David A. Powner, Director, Information Technology Management Issues, Government Accountability Office; Tom Jarrett, Delaware Department of Technology and Information, Dover; Al Grasso, MITRE Corporation, McLean, Virginia; and Norm Brown, Center for Program Transformation, Arlington, Virginia.

FOREIGN ASSISTANCE BUREAUCRACY

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine the structures of the State Department responsible

for coordinating U.S. foreign assistance, processes in place for implementing foreign assistance policy, the responsiveness of the organizational structures to the executive branch's foreign assistance policies, human capital issues, and any recommendations for improving the foreign assistance bureaucracy, after receiving testimony from Richard L. Greene, Deputy Director of U.S. Foreign Assistance, Department of State; Leo Hindery, Jr., Commission on Helping to Enhance the Livelihood of People Around the Globe, New York, New York; and Gordon Adams, American University School of International Service, Anne C. Richards, International Rescue Committee, Samuel A. Worthington, InterAction, and Gerald F. Hyman, Center for Strategic and International Studies, all of Washington, D.C.

SURVIVORS OF CATASTROPHES

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Disaster Recovery concluded a joint hearing with the House Committee on Homeland Security Subcommittee on Emergency Communications, Preparedness to examine ways to ensure the delivery of donated goods to survivors of catastrophes, after receiving testimony from William Eric Smith, Assistant Administrator, Logistics Management Directorate, and Carlos J. Castillo, Assistant Administrator, Disaster Assistance Directorate, both of the Federal Emergency Management Agency, Department of Homeland Security; Barney L. Brasseux, Deputy Commissioner, Federal Acquisition Service, General Services Administration; Paul Rainwater, Louisiana Recovery Authorization, Baton Rouge; Bill Stallworth, East Biloxi Coordination and Relief Center, Biloxi, Mississippi; Valerie Keller, Outreach Center, Lafayette, Louisiana; and Oliver R. Davidson, Humane Society of the United States, Arlington, Virginia.

INDIAN HEALTH SERVICE MANAGEMENT

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the management of the Indian Health Service, focusing on lost property, wasteful spending and document fabrication, after receiving testimony from Gregory D. Kutz, Managing Director, Forensic Audits and Special Investigations, Government Accountability Office; and Robert G. McSwain, Director, and Fernand R. Verrier, former Deputy Director of the Office of Finance and Accounting, and Chief Financial Officer, both of the Indian Health Service, Department of Health and Human Services.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following:

S. 952, to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to provide funds for training in tribal leadership, management, and policy; and

S. 3192, 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, with an amendment in the nature of a substitute.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

S. 3155, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, with amendments;

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, with an amendment;

S. Res. 620, designating the week of September 14–20, 2008, as National Polycystic Kidney Disease Awareness Week, to raise public awareness and understanding of polycystic kidney disease, and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families;

S. Res. 622, designating the week beginning September 7, 2008, as “National Historically Black Colleges and Universities Week”; and

S. Res. 624, designating August 2008 as “National Truancy Prevention Month”.

PENNSYLVANIA HEALTH INSURANCE INDUSTRY

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded a hearing to examine consolidation in the Pennsylvania health insurance industry, after receiving testimony from Joseph A. Frick, Independence Blue Cross, and Sam Marshall, Insurance Federation of Pennsylvania, both of Philadelphia, Pennsylvania; Kenneth R. Melani, Highmark Inc., Pittsburgh, Pennsylvania; Carolyn F. Scanlan, Hospital and Healthsystem Association of Pennsylvania, Harrisburg; David Balto, Center for American Progress, Washington, D.C.; Henry S. Allen, American Medical Association, Chicago, Illinois; Michael B. Laign, Holy Redeemer Health System, Huntingdon Valley, Pennsylvania; and Henry Miller, Navigant Consulting, Inc., Baltimore, Maryland, on behalf of the University of Pennsylvania Medical Center Health Plan.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

HEALTH CARE

Special Committee on Aging: Committee concluded a hearing to examine aging in rural areas of the United States, focusing on preserving elderly citizens' access to health care, after receiving testimony from John Hammarlund, Regional Administrator, Seattle and Chicago Regional Offices, Centers for

Medicare and Medicaid, and Tom Morris, Associate Administrator, Office of Rural Health Policy, Health Resources and Services Administration, both of the Department of Health and Human Services; Margaret Davidson, National Association of Area Agencies on Aging (n4a), LeGrande, Oregon; Bill Finerfrock, National Association of Rural Health Clinics, Washington, D.C.; Scott Ekblad, Oregon Health and Science University, Portland; Dennis E. Burke, Good Shepherd Health Care System, Hermiston, Oregon; and Tim Size, Rural Wisconsin Health Cooperative, Sauk City.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 87 public bills, H.R. 6684–6771; and 23 resolutions, H. Con. Res. 400–408; and H. Res. 1394–1398, 1400–1408, were introduced. **Pages H7784–88**

Additional Cosponsors: **Pages H7789–90**

Reports Filed: Reports were filed today as follows:

H.R. 1907, to authorize the acquisition of land and interests in land from willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities, with an amendment (H. Rept. 110–811);

H.R. 2535, to direct the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes (H. Rept. 110–812);

H.R. 3437, to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado, with an amendment (H. Rept. 110–813);

H.R. 6041, to redesignate the Rio Grande American Canal in El Paso, Texas, as the “Travis C. Johnson Canal” (H. Rept. 110–814);

H.R. 5293, to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, with an amendment (H. Rept. 110–815); and

H. Res. 1399, providing for proceedings during the period from August 1, 2008, through September 4, 2008 (H. Rept. 110–816). **Pages H7783–84**

Chaplain: The prayer was offered by the guest Chaplain, Rev. William H. Hild, Jr., First Baptist Church, Sarasota, Florida. **Page H7633**

Journal: The House agreed to the Speaker's approval of the Journal by a recorded vote of 223 ayes to 203 noes, Roll No. 545. **Pages H7673–74**

College Opportunity and Affordability Act of 2008—Conference Report: The House agreed to the conference report to accompany H.R. 4137, to amend and extend the Higher Education Act of 1965, by a yea-and-nay vote of 380 yeas to 49 nays, Roll No. 544. **Pages H7643–49, H7658–73**

H. Res. 1389, the rule providing for consideration of the conference report, was agreed to by voice vote after agreeing to order the previous question. **Page H7643**

Point of Personal Privilege: Representative Rangel rose to a point of personal privilege and was recognized. **Page H7674**

Privileged Resolution: The House agreed to table H. Res. 1396, raising a question of the privileges of the House, by a recorded vote of 254 ayes to 138 noes with 34 voting “present”, Roll No. 546. **Pages H7674–76**

Order of Procedure: Agreed by unanimous consent that, during further proceedings today in the House and the Committee of the Whole, the Chair is authorized to reduce to two minutes the minimum time for electronic voting on any question that otherwise could be subjected to five-minute voting

under clause 8 or 9 of rule 20 or under clause 6 of rule 18. **Page H7681**

Paycheck Fairness Act: The House passed H.R. 1338, to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, by a recorded vote of 247 ayes to 178 noes, Roll No. 556. **Pages H7637-42, H7676-77, H7678-H7704**

Rejected the Price (GA) motion to recommit the bill to the Committee on Education and Labor with instructions to report the same back to the House promptly with amendments, by a recorded vote of 189 ayes to 236 noes, Roll No. 555. **Pages H7701-03**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H7691**

Accepted:

Bean amendment (No. 1 printed in H. Rept. 110-807) that strikes Section 3(b), "Application of Provisions," from the bill; **Page H7693**

Flake amendment (No. 6 printed in H. Rept. 110-807) that prohibits the grant program created by the Paycheck Fairness Act from being used for Congressional earmarks; **Pages H7697-98**

Altmire amendment (No. 3 printed in H. Rept. 110-807) that delays the effective date of the bill by six months from the time of enactment. The amendment requires the Department of Labor to educate small businesses about what is required under law and assist them with compliance (by a recorded vote of 426 ayes to 1 no, Roll No. 552); **Pages H7695-96, H7699-H7700**

Giffords amendment (No. 4 printed in H. Rept. 110-807) that clarifies that a plaintiff must show intent (malice or reckless indifference) to recover punitive damages (by a recorded vote of 397 ayes to 29 noes, Roll No. 553); and **Pages H7696-97, H7700**

Cazayoux amendment (No. 5 printed in H. Rept. 110-807) that clarifies that nothing in the Paycheck Fairness Act would affect the obligation of employers and employees to fully comply with all the applicable immigration laws (by a recorded vote of 410 ayes to 16 noes with 1 voting "present", Roll No. 554). **Pages H7697, H7700-01**

Rejected:

Price (GA) amendment (No. 2 printed in H. Rept. 110-807) that would have directed the Secretary of Labor to study and report back to Congress within 90 days the effect of the Equal Pay Act amendments contained in the bill (section 3) on employers' ability to recruit and hire employees regardless of gender; the effective date of these amendments would be delayed pending the Secretary's re-

port. If the Secretary found that these amendments are likely to significantly hinder employers' ability to hire and recruit employees regardless of gender, they would not go into effect (by a recorded vote of 188 ayes to 240 noes, Roll No. 551). **Pages H7693-95, H7698-99**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H7705**

H. Res. 1388, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 229 yeas to 194 nays, Roll No. 548, after agreeing to order the previous question by a yea-and-nay vote of 232 yeas to 191 nays, Roll No. 547. **Pages H7676-77**

Resolving pending claims against Libya by United States nationals: The House agreed by unanimous consent to S. 3370, to resolve pending claims against Libya by United States nationals—clearing the measure for the President. **Pages H7705-06**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Wednesday, July 30th:

Employee Verification Amendment Act of 2008: H.R. 6633, to evaluate and extend the basic pilot program for employment eligibility confirmation and to ensure the protection of Social Security beneficiaries, by a 2/3 yea-and-nay vote of 407 yeas to 2 nays with 4 voting "present", Roll No. 557. **Pages H7704-05**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, July 29th:

Lead-Safe Housing for Kids Act of 2008: H.R. 6309, amended, to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level and establish additional requirements for certain lead hazard screens; **Page H7706**

Agreed to amend the title so as to read: "To amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level, and for other purposes." **Page H7706**

Supporting the goals and ideals of the Apple Crunch and the Nation's domestic apple industry: H. Res. 1143, to support the goals and ideals of the Apple Crunch and the Nation's domestic apple industry; **Page H7706**

Lance Corporal Matthew P. Pathenos Post Office Building Designation Act: H.R. 6208, to designate

the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the “Lance Corporal Matthew P. Pathenos Post Office Building”; **Page H7706**

Corporal Alfred Mac Wilson Post Office Designation Act: H.R. 6437, to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the “Corporal Alfred Mac Wilson Post Office”; **Pages H7706–07**

Recognizing the significance of the 20th anniversary of the signing of the Civil Liberties Act of 1988 by President Ronald Reagan and the greatness of America in her ability to admit and remedy past mistakes: H. Res. 1357, amended, to recognize the significance of the 20th anniversary of the signing of the Civil Liberties Act of 1988 by President Ronald Reagan and the greatness of America in her ability to admit and remedy past mistakes; **Page H7707**

Agreed to amend the title so as to read: “Recognizing the significance of the 20th anniversary of the signing of the Civil Liberties Act of 1988 and the greatness of America in her ability to admit and remedy past mistakes and to recognize that there are other communities who may have suffered the mistakes of our government but have not received an apology and reparations.”. **Page H7707**

Authorizing funding for the National Advocacy Center: H.R. 6083, amended, to authorize funding for the National Advocacy Center; **Page H7707**

Agreed to amend the title so as to read: “To authorize funding to conduct a national training program for State and local prosecutors. **Page H7707**

Amending 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: S. 3295, 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—clearing the measure for the President; **Page H7707**

Requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in National Night Out, which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials,

to promote community safety and help provide homeland security: H. Res. 1324, to request that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in National Night Out, which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; **Page H7707**

United States Parole Commission Extension Act of 2008: S. 3294, to provide for the continued performance of the functions of the United States Parole Commission—clearing the measure for the President; **Page H7707**

United States Olympic Committee Paralympic Program Act of 2008: H.R. 4255, amended, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide assistance to the Paralympic Program of the United States Olympic Committee; **Page H7707**

Injunctive Relief for Veterans Act of 2008: H.R. 6225, amended, to amend title 38, United States Code, relating to equitable relief with respect to a State or private employer; **Page H7707**

Agreed to amend the title so as to read: “To amend title 38, United States Code, relating to equitable relief with respect to a State or private employer, and for other purposes.”. **Page H7707**

Veteran-Owned Small Business Protection and Clarification Act of 2008: H.R. 6221, amended, to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans; **Page H7707**

Amending title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009: H.R. 674, to amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009; **Page H7709**

Supporting the goals and ideals of National Campus Safety Awareness Month: H. Res. 1288, amended, to support the goals and ideals of National Campus Safety Awareness Month; **Page H7709**

Congratulating the University of Tennessee women’s basketball team for winning the 2008 National Collegiate Athletic Association Division I

Women's Basketball Championship: H. Res. 1151, to congratulate the University of Tennessee women's basketball team for winning the 2008 National Collegiate Athletic Association Division I Women's Basketball Championship; and **Page H7709**

Recognizing the importance of connecting foster youth to the workforce through internship programs, and encouraging employers to increase employment of former foster youth: H. Res. 1332, to recognize the importance of connecting foster youth to the workforce through internship programs, and to encourage employers to increase employment of former foster youth. **Page H7709**

Military Construction and Veterans Affairs Appropriations Act, 2009: The House began consideration of H.R. 6599, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009. Further consideration is expected to resume tomorrow, August 1st.

Pages H7649–58, H7677–78, H7709–75.

Accepted:

Buyer amendment (No. 28 printed in the Congressional Record of July 30, 2008) that provides that \$7,000,000 of the amount appropriated shall be for the installation of alternative fueling stations at 35 medical facility campuses; **Pages H7751–52**

Hensarling amendment (No. 5 printed in the Congressional Record of July 29, 2008) that prohibits the use of funds to enforce section 526 of the Energy Independence Act and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142); **Pages H7762–63**

Taylor amendment (No. 30 printed in the Congressional Record of July 30, 2008) that prohibits the use of funds to implement section 2703 of Public Law 109–234; **Pages H7763–64**

Stupak amendment (No. 16 printed in the Congressional Record of July 29, 2008) that prohibits the use of funds to carry out section 111(c)(5) of title 38, United States Code, during fiscal year 2009; **Pages H7764–65**

Wamp amendment (No. 36 printed in the Congressional Record of July 30, 2008) that prohibits the use of funds to modify the standards applicable to the determination of the entitlement of veterans to special monthly pensions; **Page H7765**

Murphy (CT) amendment (No. 37 printed in the Congressional Record of July 30, 2008) that prohibits the use of funds to enforce section 3, Policy of VHA Directive 2008–25; and **Pages H7765–76**

Gingrey amendment (No. 20 printed in the Congressional Record of July 29, 2008) that prohibits

the use of funds for the taking of private property for public use without just compensation. **Pages H7772–73**

Withdrawn:

Burgess amendment (No. 35 printed in the Congressional Record of July 30, 2008) that was offered and subsequently withdrawn that sought to increase funding by \$400,000,000, by offset, for design and construction of petroleum refineries for the Army, Navy, Marine Corps, and Air Force; **Pages H7742–44**

Jackson-Lee (TX) amendment (No. 9 printed in the Congressional Record of July 29, 2008) that was offered and subsequently withdrawn that sought to insert a new section under title II for the Secretary of Veterans Affairs to increase the number of medical centers specializing in post-traumatic stress disorder in underserved urban areas; **Pages H7755–57**

Filner en bloc amendment (consisting of amendments No. 18 and No. 19 printed in the Congressional Record of July 29, 2008) that was offered and subsequently withdrawn relating to rehabilitative services for veterans and servicemembers with post-traumatic stress disorder or traumatic brain injury; **Pages H7757–58**

Filner amendment (No. 22 printed in the Congressional Record of July 29, 2008) that was offered and subsequently withdrawn that sought to insert a new section under title II for the payment to veterans who served in the Philippines during World War II; and **Pages H7758–61**

Terry amendment (No. 33 printed in the Congressional Record of July 30, 2008) that was offered and subsequently withdrawn that sought to prohibit the use of funds to carry out the construction of any new national veterans' cemetery, unless the Secretary of Veterans Affairs provides to Congress a list of six new locations for establishment of national cemeteries that includes Omaha, Nebraska. **Pages H7761–62**

Point of Order sustained against:

Bishop (UT) amendment (No. 24 printed in the Congressional Record of July 29, 2008) that sought to add a new Division B entitled "American Energy Act" and **Pages H7724–42**

Buyer amendment (No. 29 printed in the Congressional Record of July 30, 2008) that sought to provide that \$150,000,000 of the amount appropriated shall be for the installation of appropriate solar electric energy roof applications. **Pages H7752–55**

Proceedings Postponed:

Garrett amendment (No. 11 printed in the Congressional Record of July 29, 2008) that seeks to increase funding, by offset, for the grants for construction of state extended care facilities account by \$18,018,000; **Pages H7749–51**

McCaul amendment (No. 6 printed in the Congressional Record of July 29, 2008) that seeks to

prohibit the use of funds for a project or program named for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress; **Page H7764**

Flake amendment (No. 4 printed in the Congressional Record of July 29, 2008) that seeks to a new section at the end of the bill for the elimination of military construction congressional earmarks; and

Pages H7766–72

King (IA) amendment (No. 3 printed in the Congressional Record of July 29, 2008) that seeks to prohibit the use of funds to enforce subchapter IV of Chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

Pages H7773–75

H. Res. 1384, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 230 yeas to 186 nays, Roll No. 550, after agreeing to order the previous question by a yea-and-nay vote of 243 yeas to 181 nays, Roll No. 549.

Pages H7677–78

Commission on International Religious Freedom—Reappointment: The Chair announced the Speaker's reappointment of Ms. Elizabeth H. Prodromou of Boston, Massachusetts, to the Commission on International Religious Freedom for a two-year term ending May 14, 2010. **Page H7775**

Speaker Pro Tempore: Read a letter from the Speaker wherein she appointed Representative Hoyer and Representative Van Hollen to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 8, 2008. **Page H7775**

Senate Messages: Messages received from the Senate today appear on pages H7633, H7658 H7723–24 and H7749.

Senate Referrals: S. 2617 and S. 3370 were held at the desk. **Pages H7633, H7658**

Quorum Calls—Votes: Six yea-and-nay votes and eight recorded votes developed during the proceedings of today and appear on pages H7673, H7673–74, H7675–76, H7676, H7676–77, H7677–78, H7678, H7698–99, H7699–7700, H7700, H7700–01, H7703, H7704 and H7705. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 1:08 a.m. on Friday, August 1st.

Committee Meetings

SUPREME COURT—GUANTANAMO DECISION

Committee on Armed Services: Continued hearings on Implications of the Supreme Court's Boumediene Decision for Detainees at Guantanamo Bay, Cuba:

Administration Perspectives. Testimony was heard from the following officials of the Department of Defense: Daniel Dell'Orto, Acting General Counsel; COL Steve David, USA, Chef Defense Counsel, Office of Military Commissions, Department of the Army; and Sandra Hodgkinson, Deputy Assistant Secretary, Detainee Affairs; and Greg Katsas, Assistant Attorney General, Department of Justice.

U.S. GRAND STRATEGY

Committee on Armed Services: Subcommittee on Oversight and Investigations continued hearings on A New U.S. Grand Strategy (Part 2). Testimony was heard from public witnesses.

NAVY DESTROYER ACQUISITION PROGRAMS

Committee on Armed Services: Subcommittee on Seapower and Expeditionary Forces held a hearing on Navy Destroyer Acquisition Programs. Testimony was heard from the following officials of the Department of the Navy: Allison Stiller, Deputy Assistant Secretary, Ship Programs; and VADM Barry McCullough, USN, Deputy Chief of Naval Operations for Integration of Resources and Capabilities; Eric Labs, Senior Analyst, CBO; Paul Francis, Director, Acquisition and Sourcing Management, GAO; and Ron O'Rourke, Specialist in National Security, CRS, Library of Congress.

MIDDLE CLASS INCOME GAP

Committee on Education and Labor: Subcommittee on Workforce Projects held a hearing on The Growing Income Gap in the American Middle Class. Testimony was heard from public witnesses.

9/11 HEALTH AND COMPENSATION ACT

Committee on Energy and Commerce: Subcommittee on Health held a hearing on H.R. 6594, James Zadroga 9/11 Health and Compensation Act of 2008. Testimony was heard from Representatives Maloney of New York; Nadler, and King of New York; Julie L. Gerberding, M.D., Director for Disease Control and Prevention, Department of Health and Human Services; Michael R. Bloomberg, Mayor, City of New York; and public witnesses.

RECENT SALMONELLA OUTBREAK

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "The Recent Salmonella Outbreak: Lessons Learned and Consequences to Industry and Public Health." Testimony was heard from the following officials of the Department of Health and Human Services: Lonnie J. King, D.V.M., Director, National Center for Zoonotic, Bacter-Borne, and Enteric Diseases, Centers for Disease Control and Prevention; and David

W. K. Acheson, M.D., Assistant Commissioner, Food Protection, FDA; A. G. Kawamura, Secretary, Department of Food and Agriculture, State of California; Charles H. Bronson, Commissioner of Agriculture, Department of Agriculture and Consumer Services, State of Florida; Timothy Jones, M.D., State Epidemiologist, Communicable and Environmental Disease Services, Department of Health, State of Tennessee; Kirk Smith, D.V.M., Supervisor, Foodborne, Vectorborne, and Zoonotic Disease Unit, Acute Disease Investigation and Control Section, Department of Health, State of Minnesota; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported, as amended, the following bills: H.R. 6078, Green Resources for Energy Efficient Neighborhoods Act of 2008; H.R. 840, Homeless Emergency Assistance and Rapid Transition to Housing Act of 2007; and H.R. 5244, Credit Cardholders' Bill of Rights Act of 2008.

LEVERAGING FOREIGN AID FOR POLICY GOALS

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation and Trade held a hearing on Foreign Aid and the Fight Against Terrorism and Proliferation: Leveraging Foreign Aid to Achieve U.S. Policy Goals. Testimony was heard from the following officials of the Department of State: Dell L. Dailey, Ambassador-at-Large, Coordinator for Counterterrorism; and Patrica McNerney, Principal Deputy Assistant Secretary, Bureau of International Security and Nonproliferation; and public witnesses.

ENERGY IN THE AMERICAS

Committee on Foreign Affairs: Subcommittee on Western Hemisphere held a hearing on Energy in the Americas. Testimony was heard from Daniel S. Sullivan, Assistant Secretary, Bureau of Economic, Energy and Business Affairs, Department of State; and public witnesses.

SUNSHINE IN LITIGATION ACT OF 2008

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 5884, Sunshine in Litigation Act of 2008. Testimony was heard from Joseph F. Anderson, Jr., U.S. District Court for the District of South Carolina; Mark R. Kravitz, U.S. District Court for the District of Columbia; and public witnesses.

SUBPOENA—FOR TESTIMONY OF CHRISTOPHER COATES; STATE SECRET PROTECTION ACT OF 2008

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Civil Liberties approved a resolution authorizing the Chairman to issue a subpoena to compel the testimony of Christopher Coates, Chief, Voting Section, Civil Rights Division, Department of Justice.

The Subcommittee also held a hearing on H.R. 5607, State Secret Protection Act of 2008. Testimony was heard from public witnesses.

ANIMAL CRUELTY PREVENTION MEASURES

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on the following bills: H.R. 6598, Prevention of Equine Cruelty Act of 2008; and H.R. 6597, Animal Cruelty Statistics Act of 2008. Testimony was heard from former Representative Charlie H. Stenholm of Texas; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law approved for full Committee action H.R. 6020, amended, To amend the Immigration and Nationality Act to protect the well-being of soldiers and their families, and for other purposes.

The Subcommittee also began consideration of the following bills: H.R. 5882, To recapture employment-based immigrant visas lost to bureaucratic delays and to prevent losses of family- and employment-based immigrant visas in the future; and H.R. 5924, Emergency Nursing Supply Relief Act.

OVERSIGHT—SEXUAL ASSAULT IN THE MILITARY

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held an oversight hearing on Sexual Assault in the Military. Testimony was heard from the following officials of the Department of Defense: Michael Dominguez, Principal Deputy Under Secretary (Personnel and Readiness); Kaye Whitley, Director, Sexual Assault Prevention and Response Office; LTG Michael D. Rochelle, USA, Deputy Chief of Staff G-1, Department of the Army; Brenda S. Farrell, Director, Defense Capabilities and Management, GAO; and public witnesses.

PROVIDING FOR PROCEEDINGS DURING PERIOD FROM AUGUST 1—SEPTEMBER 4

Committee on Rules: Granted, by a vote of 8 to 4, a rule providing that when the House adjourns on any

legislative day from August 1, 2008, through September 4, 2008, it shall stand adjourned until 11 a.m. on the third day thereafter. The rule provides that the Speaker may appoint Members to perform the duties of the Chair for that time period as though under clause 8(a) of rule I. It provides that the Speaker may dispense with legislative business on each legislative day during that time period (other than proceedings under clause 6 of rule XV). It provides that on each legislative day during that time period the Journal of the proceedings of each previous legislative day shall be considered as approved. It provides that on each legislative day of that period, unless the Speaker determines otherwise under section 3 of this rule, after the third daily order of business under clause 1 of rule XIV, the House shall stand adjourned pursuant to the first section of this rule.

OVERSIGHT—FEDERAL IT DEVELOPMENT PROGRAM

Committee on Science and Technology: Held a hearing on Oversight of the Federal Networking and Information Technology Research and Development (NITRD) Program. Testimony was heard from public witnesses.

ELECTRONIC HEALTH RECORD CONFIDENTIALITY

Committee on Small Business: Held a hearing entitled “Cost and Confidentiality: The Unforeseen Challenges of Electronic Health Records in Small Specialty Practices”. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following measures: H.R. 6658, Disaster Response, Recovery, and Mitigation Enhancement Act of 2008; H.R. 6460, amended, Great Lakes Legacy Reauthorization Act of 2008; H.R. 6630, To prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress; H.R. 5788, amended, Halting Airplane Noise to Give Us Peace Act of 2008; H.R. 6627, Smithsonian Institution Facilities Authorization Act of 2008; S.J. Res. 35, To amend Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona; H.R. 6524, To authorize the Administrator of General Services to take certain actions with respect to parcels of real property located in Eastlake, Ohio, and Koochiching County, Minnesota, and for other

purposes; H.R. 6370, Oregon Surplus Federal Land Act of 2008; S. 2837, To designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the “Theodore Roosevelt United States Courthouse;” S. 3009, To designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the “J. James Exon Federal Bureau of Investigation Building;” S. 2403, amended, 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;” H.R. 4131, To designate a portion of California State Route 91 located in Los Angeles County, California, as the “Juanita Millender-McDonald Highway”; H. Res. 1382, Honoring the heritage of the United States Coast Guard; H. Res. 1224, Commending the Tennessee Valley Authority on its 75th anniversary; and H. Res. 1376, amended, Commemorating the 80th anniversary of the Okeechobee Hurricane of September 1928 and its associated tragic loss of life.

VA’S MISCELLANEOUS EXPENDITURES

Committee on Veterans Affairs: Subcommittee on Oversight and Investigations held a hearing on Billions Spent on “Miscellaneous” Expenditures: Inadequate Controls at the VA. Testimony was heard from Kay L. Daly, Acting Director, Financial Management and Assurance, GAO; and Edward J. Murray, Deputy Assistant Secretary, Finance, Deputy Chief Financial Officer, Department of Veterans Affairs.

FOSTER CARE RACIAL DISPROPORTIONALITY

Committee on Ways and Means: Subcommittee on Income Security and Family Support held a hearing on Racial Disproportionality in Foster Care. Testimony was heard from Kay E. Brown, Assistant Director of Education, Workforce, and Income Security, GAO; and public witnesses.

BRIEFING—REVISIONS TO EXECUTIVE ORDER 12333

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Revisions to Executive Order 12333. The Committee was briefed by departmental witnesses.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Hot Spots. The Subcommittee was briefed by departmental witnesses.

RENEWING AMERICA'S FUTURE: ENERGY'S VISIONS

Select Committee on Energy Independence and Global Warming: Held a hearing entitled "Renewing America's Future: Energy Visions of Tomorrow, Today." Testimony was heard from public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D991)

H.R. 3564, to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011. Signed on July 30, 2008. (Public Law 110-290)

H.R. 3985, to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements. Signed on July 30, 2008. (Public Law 110-291)

H.R. 4289, to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the "Euripides Rubio Department of Veterans Affairs Outpatient Clinic". Signed on July 30, 2008. (Public Law 110-292)

H.R. 5501, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria. Signed on July 30, 2008. (Public Law 110-293)

S. 231, to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012. Signed on July 30, 2008. (Public Law 110-294)

S. 2607, to make a technical correction to section 3009 of the Deficit Reduction Act of 2005. Signed on July 30, 2008. (Public Law 110-295)

S. 3218, to extend the pilot program for volunteer groups to obtain criminal history background checks. Signed on July 30, 2008. (Public Law 110-296)

COMMITTEE MEETINGS FOR FRIDAY, AUGUST 1, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Finance: business meeting to consider S. 3038, 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, S. 1070, to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and S. 1577, to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers, 9 a.m., SD-215.

House

Permanent Select Committee on Intelligence, executive, briefing on Notification Update, 11 a.m., H-405 Capitol.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the employment-unemployment situation for July 2008, 9:30 a.m., SD-562.

Next Meeting of the SENATE

9:30 a.m., Friday, August 1

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, August 1

Senate Chamber

Program for Friday: Senate will continue consideration of the motion to proceed to consideration of S. 3001, National Defense Authorization Act.

House Chamber

Program for Friday: Complete consideration of H.R. 6599—Military Construction and Veterans Affairs Appropriations Act, 2009.



Congressional Record

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